

SS#2 HB 661 -- TRANSPORTATION
(Vetoed by Governor)

COMMERCIAL VEHICLE TOWING COMMITTEE (Section 21.795, RSMo)

This bill requires the Joint Committee on Transportation Oversight to promulgate rules regarding the towing of commercial motor vehicles. The Committee must ensure towing companies charge fair, equitable, and reasonable rates for services rendered in connection with the towing of commercial motor vehicles, and shall promulgate rules that:

- (1) Establish a process for complaints against a towing company regarding the towing of a commercial vehicle;
- (2) Establish factors used in determining whether a rate charged in connection with the towing of a commercial motor vehicle is fair, equitable, and reasonable;
- (3) Establish a process for suspending or removing a towing company from a tow list with regard to the towing of commercial motor vehicles; and
- (4) Establish information required to be included on invoices or notices associated with the towing of a commercial motor vehicle.

The Committee will meet as necessary for the implementation of these provisions, and the meetings may be held concurrently with existing meetings required of the Committee.

If the Committee determines a violation may have occurred, the complaint must be referred to the "Commercial Motor Vehicle Towing Adjudicative Board", established in the bill. If the Board determines a violation has occurred, the towing company that committed the violation will be removed from the Highway Patrol's tow list for six months for a first violation, 12 months for a second violation, and permanently for a third violation.

The Committee may make recommendations to the Governor and General Assembly regarding statutes governing the nonconsensual towing of commercial motor vehicles.

FEEES FOR RECORDS REQUESTS (Section 43.253)

Where there are allowable fees of less than \$5 for records requests under Chapter 43 or Chapter 610, RSMo, the State Highway Patrol is authorized to charge a minimum fee of \$5. The superintendent of the Highway Patrol may increase the minimum fee by \$1 every other year, but the minimum fee must not exceed \$10. If a person

requesting records fails to remit all fees within 30 days of the Highway Patrol requesting payment of the fees for the records, the records request will be considered withdrawn.

ALTERNATIVE FUEL DECALS (Section 142.869)

The bill provides owners of vehicles required to purchase alternative fuel decals the option of purchasing a biennial alternative fuel decal for twice the annual fee.

ELECTRIC VEHICLE TASK FORCE (Section 142.1000)

The bill establishes within the Department of Revenue the "Electric Vehicle Task Force", with membership as specified in the bill, including three members of the Senate, two appointed by the President Pro Tem and one by the Minority Leader and three members of the House of Representatives with two appointed by the Speaker of the House of Representatives and one appointed by the Minority Leader. As detailed in the bill, the Task Force must analyze and make recommendations regarding the impact of electric vehicle adoption on transportation funding. The Task Force must deliver a written report to the General Assembly and the Governor no later than December 31, 2022.

JOINT TASK FORCE ON SCHOOL BUS SAFETY (Section 162.066)

This bill establishes the "Joint Task Force on School Bus Safety" to study school bus transportation safety in public schools. The Task Force is comprised of seven members, including two members from the House of Representatives appointed by the Speaker of the House of Representatives and two member appointed by the President Pro Tem of the Senate, as specified in the bill.

Starting in 2022, the Task Force must meet at least three times annually to develop an annual report analyzing school bus transportation safety in public schools, including analyzing entrance and exit safety, the effectiveness of seatbelts, and other related topics determined by the Task Force chair. The Task Force must submit its report to the Governor and General Assembly by December 31st each year.

DEPARTMENT OF TRANSPORTATION'S COST ESTIMATES AND PROJECT COMPLETION DATES (Section 227.101)

This bill specifies that the Highways and Transportation Commission must publish on the Department of Transportation's official website its cost estimate and project completion date for any construction, maintenance, or repair work on the state highway system at the time bidding on a contract for the work first closes.

ELECTRIC BICYCLES (Sections 300.010, 301.010, 302.010, 303.020, 304.001, 307.025, 307.180, 307.188, 307.193, 307.194, 365.020, 407.560, 407.815, 407.1025, and 578.120)

As used in Chapters 300 and 301, the bill defines "electric bicycle" as a bicycle with fully operable pedals, a seat for the rider, and an electric motor of less than 750 watts that meets the requirements of one of three classes described in the bill.

Other definitions within those two chapters are changed to either specifically include or exclude "electric bicycle".

As used in Chapters 302, 303, 307, 365 and 407 "electric bicycle" is defined in reference to its definition in Chapter 301, and other definitions within those five chapters are changed to either specifically include or exclude "electric bicycle".

In Section 578.120, "electric bicycle" is specifically excepted from the prohibition on Sunday sales.

The bill also provides that every person riding an electric bicycle upon a street or highway shall be granted all of the rights and shall be subject to all of the duties applicable to the operator of a bicycle, or the driver of a vehicle as provided by Chapter 304, except as to special regulations in Sections 307.180 to 307.193 and except as to those provisions of Chapter 304 which by their nature can have no application.

Operation of an electric bicycle is not subject to provisions of law that are applicable to motor vehicles, all-terrain vehicles, off-road vehicles, off-highway vehicles, motor vehicle rentals, motor vehicle dealers or franchises, or motorcycle dealers or franchises, including vehicle registration, certificates of title, drivers' licenses, and financial responsibility.

Beginning August 28, 2021, manufacturers and distributors of electric bicycles are required to apply in a prominent location, a permanent label to each electric bicycle which must contain the classification number, top assisted speed, and motor wattage of the electric bicycle.

An electric bicycle must comply with the equipment and manufacturing requirements for bicycles adopted by the United States Consumer Product Safety Commission, 16 CFR 1512. An electric bicycle must be operated so that the electric motor is disengaged or ceases to function when the rider stops pedaling or when the brakes are applied.

Electric bicycles can be ridden where bicycles are permitted, subject to certain provisions set out in the bill. The use of a class 3 electric bicycle is subject to certain provisions set out in the bill, including the operator must be 16 years old, and be equipped with a speedometer.

FARM VEHICLES REGISTRATION (Section 301.033)

This bill requires the Department of Revenue to establish a system in which persons who own multiple farm vehicles can elect to have the vehicles placed on the same registration renewal schedule.

All farm vehicles included in the fleet of a registered farm vehicle fleet owner shall be registered during April or on a prorated basis, as specified in the bill. The bill allows the owner of a farm vehicle fleet to add a farm vehicle or transfer plates to a fleet vehicle. The owner must pay a transfer fee of \$2 for each vehicle transferred.

Farm vehicles registered under this provision shall be issued a special license plate with the phrase "Farm Fleet Vehicle" and be issued multiyear license plates that do not require a renewal tab. The Director of Revenue shall issue a registration certificate or other proof of payment of the annual or biennial fee that must be carried in the vehicle for which it is issued.

LOCAL LOG TRUCKS (Sections 301.010, 301.062, 304.180, 304.240)

This bill modifies the definition of "local log truck" and "local log truck tractor" to specify weight distribution and a total maximum weight for each truck, and updates weight and distance limits. In addition, the bill also sets fines for load-limit violations involving a local log truck or a local log truck tractor.

HISTORIC MOTOR VEHICLES (Section 301.131)

This bill repeals a 1,000 miles per year driving restriction imposed on historic motor vehicles.

MOTOR VEHICLE BIENNIAL REGISTRATION (Sections 301.147, 307.350)

This bill repeals the provision of law which requires that vehicles manufactured as an even-numbered model year must be renewed each even-numbered calendar year and that vehicles manufactured as an odd-numbered model year must be renewed each odd-numbered calendar year.

MOTOR VEHICLE ODOMETER READINGS (Section 301.192, 301.280, 407.526,

407.536, 407.556)

This bill changes various laws in which a motor vehicle odometer reading certification is or is not required.

Currently, the first time a certificate of ownership is sought for a vehicle that is at least seven years old at the time of application and the value of which is less than \$3,000, the certificate may be issued if the application is accompanied by certain documents, including an odometer reading certification if the vehicle is less than 10 years old. The bill changes the requirement for the odometer reading certification from 10 to 20 years old.

Motor vehicle dealers are required to make a monthly report to the Department of Revenue regarding vehicles or trailers sold, taxes collected, etc., which includes an odometer reading for vehicles that are less than 10 years old. This bill changes this provision to require an odometer reading for any vehicle that is less than 20 years old.

The crime of odometer fraud in the third degree is changed to occur upon the operation of a motor vehicle less than 20 years old, increased from 10 years old.

The provisions of Sections 407.511 to 407.556, RSMo, regarding odometer fraud, currently do not apply to a motor vehicle that is 10 or more years old. The bill now limits that exception to motor vehicles that are 20 or more years old.

MOTOR VEHICLE ADMINISTRATION TECHNOLOGY FUND (Section 301.558)

This bill creates the "Motor Vehicle Administration Technology Fund", to which 10% of administrative fees charged by motor vehicle dealers shall be remitted for purposes of developing a modernized, integrated system for the titling of vehicles, the issuance and renewal of vehicle registrations, driver's licenses, and identification cards, and the perfection and release of liens and encumbrances on vehicles. Following establishment of the system, the percentage of the fees required to be remitted is reduced to 1%. These provisions shall expire on January 1, 2037.

The bill provides that the same administrative fee need not be charged to all retail customers if the dealer's franchise agreement limits the fee to certain classes of customers.

OPERATION OF A COMMERCIAL MOTOR VEHICLE (Section 302.755)

This bill disqualifies any person from driving a commercial motor

vehicle for life if they are convicted of using a commercial motor vehicle in the commission of a felony involving severe forms of trafficking in persons.

MOTOR VEHICLE FINANCIAL RESPONSIBILITY (Sections 303.025, 303.420, 303.422, 303.425, 303.430, and 303.440)

The bill provides that the Department of Revenue may verify motor vehicle financial responsibility as provided by law, but shall not otherwise take enforcement action unless the Director determines a violation has occurred as described in the bill.

Currently, a first violation of The Motor Vehicle Financial Responsibility Law is punishable as a class D misdemeanor, meaning a fine may be imposed of up to \$500; a second or subsequent offense is punishable by up to 15 days in jail and/or a fine not to exceed \$500. Under the bill, a second or subsequent offense may be punished by up to 15 days in jail and shall be punished by a fine not less than \$200 but not to exceed \$500. Fines owed to the state for violations of the Motor Vehicle Financial Responsibility Law may be eligible for payment in installments. Rules for the application of payment plans shall take into account individuals' ability to pay.

The provisions in Section 303.025 shall take effect on January 1, 2023.

This bill establishes the "Motor Vehicle Financial Responsibility Verification and Enforcement Fund" to be used by the Department of Revenue for the administration of the "Motor Vehicle Financial Responsibility Enforcement and Compliance Incentive Program (program) established in the bill.

The Department has the authority to contract with third-party vendors to facilitate the program. The Department or its third-party vendor shall utilize technology to compare vehicle registration information with the information accessible through the motor vehicle financial responsibility verification system established in the bill and the Department shall use this information to identify motorists who are in violation of The Motor Vehicle Financial Responsibility Law. All fees paid to the third-party vendors may come from violator diversion fees generated by the pretrial diversion option, specified in the bill, as an alternative to statutory fines and reinstatement fees prescribed under The Motor Vehicle Financial Responsibility Law.

The Department of Revenue may authorize law enforcement agencies or third-party vendors to use technology to collect data for purposes of these provisions. The Department may authorize traffic

enforcement officers or third-party vendors to administer the processing and issuance of notices of violation and the collection of fees under the program. Access to the verification system shall be restricted to authorized parties as provided in the bill. For purposes of the program, certain data specified in the bill may be used to identify vehicles as being in violation of The Motor Vehicle Financial Responsibility Law, and shall constitute evidence of the violation.

Except as otherwise specified in the bill, the Department of Revenue shall suspend, as provided by law, the registration of any motor vehicle that is determined under the program to be in violation of The Motor Vehicle Financial Responsibility Law.

The Department shall send to an owner whose vehicle is identified under the program as being in violation of The Motor Vehicle Financial Responsibility Law a notice that the vehicle's registration may be suspended unless the owner, within 30 days, provides proof of financial responsibility or proof of a pending criminal charge for a violation of The Motor Vehicle Financial Responsibility Law. The notice shall include information on obtaining proof of financial responsibility, as provided in the bill. If proof of financial responsibility or a pending criminal charge is not provided within the time allotted, the Department shall suspend the vehicle's registration in accordance with current law, or shall send a notice of vehicle registration suspension, clearly specifying the grounds for and effective date of the suspension, the right to and procedure for requesting a hearing, and the date by which the request for hearing must be made, as well as informing the owner that the matter will be referred for prosecution, informing the owner that the minimum penalty for the violation is \$300 and four license points, and offering the owner participation in a pretrial diversion option to preclude referral for prosecution and registration suspension under the bill. The notice of vehicle registration suspension shall give a period of three days from mailing for the vehicle owner to respond, and shall be deemed received three days after mailing.

If no request for hearing or agreement to participate in the diversion option is received prior to the date of suspension, the Director shall suspend the registration immediately and refer the case for prosecution.

If an agreement to participate in the diversion option is received prior to the date of suspension, then upon payment of a diversion participation fee not to exceed \$200, and agreement to obtain and retain financial responsibility for a period of two years, then no points shall be assessed to the owner's driver's license, and the Department shall not take further action against the owner, subject

to compliance with the terms of the pretrial diversion option. The Department shall suspend the registration of, and refer cases for prosecution of, participating vehicle owners who violate the terms of the pretrial diversion option.

If a request for hearing is received prior to the date of suspension, then for all purposes other than eligibility for the diversion option, the effective date of suspension shall be stayed until a final order is entered following the hearing. The Department shall suspend the registration of vehicles determined under the final order to have been in violation of The Motor Vehicle Financial Responsibility Law, and shall refer the case for prosecution.

The Department or its third-party vendor shall issue receipts for the collection of diversion option participation fees, and the fees shall be paid into the Motor Vehicle Financial Responsibility Verification and Enforcement Fund, established in the bill. A vehicle owner whose registration is suspended may obtain reinstatement upon providing proof of financial responsibility and payment to the Department of a nonrefundable reinstatement fee.

Data collected or retained under the program shall not be used by any entity for purposes other than enforcement of The Motor Vehicle Financial Responsibility Law. Data collected and stored by law enforcement under the program shall be considered evidence if a violation is confirmed. The evidence and a corresponding affidavit as provided in the bill shall constitute probable cause for prosecution, and shall be forwarded to the appropriate prosecuting attorney as provided in the bill.

Owners of vehicles identified as being in violation of The Motor Vehicle Financial Responsibility Law shall be provided with options for disputing claims which do not require appearance at any court of law or administrative facility. Any person who provides timely proof that he or she was in compliance with The Motor Vehicle Financial Responsibility Law at the time of the alleged violation shall be entitled to dismissal of the charge with no assessment of fees or fines. Any proof provided that a vehicle was in compliance at the time of the alleged offense shall be recorded in the system established by the Department in these provisions.

The collection of data or use of technology shall be done in a manner that prohibits bias towards a specific community, race, gender, or socioeconomic status of vehicle owner. Law enforcement agencies, third-party vendors, or other entities authorized to operate under the program shall not sell data collected or retained under the program for any purpose or share it for any purpose not expressly authorized by law. All data shall be secured and any

third-party vendor may be liable for any data security breach.

The Department shall not take action against fleet vehicles, or against vehicles known to the Department of Revenue to be insured under a policy of commercial auto insurance, as defined in the bill.

Following one year after the implementation of the program, and annually thereafter, the Department of Revenue shall provide a report on the program's operations as specified in the bill. The Department may, by rule, require the state, counties, and municipalities to provide information in order to complete the report.

This bill requires the Department to establish a web-based system for the verification of motor vehicle financial responsibility, and to provide access to insurance reporting data and vehicle registration and financial responsibility data. The Department shall require motor vehicle insurers to establish functionality for it as provided in the bill, and the system shall be the sole system used in the state for online verification of financial responsibility.

The verification system shall transmit requests to insurers for verification of insurance coverage via web services established in accordance with Insurance Industry Committee on Motor Vehicle Administration (IICMVA) specifications, and the insurance company system shall respond with a prescribed response upon evaluating the data provided in the request. The system shall include appropriate data security protections, and the Department shall maintain a historical record of the system data for up to 12 months from the date of the requests and responses. The system shall be used to verify financial responsibility required by law, and shall be accessible by authorized employees of the Department, the courts, law enforcement, and other entities as authorized by law, and shall be interfaced, wherever appropriate, with existing state systems. The system shall include information enabling the Department to submit inquiries to insurers regarding motor vehicle insurance which are consistent with insurance industry and IICMVA standards by using the insurer's National Association of Insurance Commissioners (NAIC) company code, vehicle identification number, policy number, verification date, or as otherwise described in IICMVA standards. The Department shall promulgate rules to offer insurers of 1,000 or fewer vehicles an alternative method for verifying coverage in lieu of web services, and to provide for the verification of financial responsibility when proof of financial responsibility is provided to the Department by means other than a policy of insurance. Insurers are not required to verify insurance coverage for vehicles registered in other jurisdictions.

The verification system shall respond within a time period established by the Department. An insurer's system shall respond within the time period prescribed by the IICMVA's specifications and standards. Insurer systems shall be permitted reasonable system downtime for maintenance and other work with advance notice to the Department. Insurers shall not be subject to enforcement fees or other sanctions under such circumstances, or when their systems are not available because of emergency, outside attack, or other unexpected outages not planned by the insurer and reasonably outside of its control.

The verification system shall assist in the identification of motorists operating in violation of The Motor Vehicle Financial Responsibility Law in the most effective way possible. System responses shall have no effect on the determination of coverage under a claim. Nothing in these provisions shall prohibit the Department from contracting with a third-party vendor or vendors who have successfully implemented similar systems in other states.

The Department shall consult with insurance industry representatives and may consult with third-party vendors to determine the objectives, details, and deadlines related to the system by establishing an advisory council with membership as specified in the bill.

The Department shall publish for comment, and then issue, a detailed implementation guide for its online verification system.

The Department and its third-party vendors, if any, shall each maintain a contact person for insurers during the establishment, implementation, and operation of the system.

If the Department has reason to believe a vehicle owner does not maintain financial responsibility as required by law, it may also request for the insurer to verify the existence of financial responsibility in a form approved by the Department. Insurers shall cooperate with the Department in establishing and maintaining the verification system, and shall provide motor vehicle insurance policy status information in accordance with rules promulgated by the Department.

Every property and casualty insurer licensed to issue motor vehicle insurance or authorized to do business in this state shall comply with these provisions for the verification of any vehicle for which the insurer issues a policy in this state.

For purposes of historical verification inquiries, insurers shall maintain a historical record of insurance data for a minimum period

of six months from the date of a policy's inception or modification.

The bill shall not apply with regard to "commercial auto coverage", as defined in the bill. However, such insurers may participate on a voluntary basis, and vehicle owners may provide the Department with proof of commercial auto coverage to be recorded in the verification system. Individuals covered by commercial or fleet automobile policies shall be provided with proof of coverage as described in the bill.

Insurers shall be immune from civil and administrative liability for good faith efforts to comply. Nothing in this bill shall prohibit an insurer from using the services of a third-party vendor for facilitating the verification system as required under the bill.

The verification system shall be in operation by January 1, 2023, following a testing period of not less than nine months. No enforcement action shall be taken based on the system until successful completion of the testing period.

HEAD START SCHOOL BUSES (Section 304.050)

This bill provides that a certified Head Start school bus is subject to all provisions that a certified school bus is subject, except for the requirement of a crossing control arm.

MOTOR CLUBS (Section 304.153, 385.220, 385.320, 385.450)

This bill modifies the existing definition of "motor club" in Section 304.153, which relates to tow companies or tow lists utilized by law enforcement and state transportation employees, to a legal entity that, in consideration of dues, assessments, or periodic payments of money, promises to provide motor club services to its members or subscribers. Motor club services include services relating to motor travel, which may include but are not limited to towing services, emergency road services, bail bond services, discount services, theft services, map services, touring services, legal fee reimbursement services in the defense of traffic offenses, and participation in an accident and sickness or accidental death insurance benefit program.

The bill also specifies that fees collected from the sale of motor club contracts are not subject to premium tax, and provides that motor clubs complying with the provisions of the bill will not be subject to provisions governing insurance companies in this state.

PERSONAL DELIVERY DEVICES (Section 304.900)

This bill sets out the requirements for and prohibitions against the operation and use of a personal delivery device.

A "personal delivery device" is defined as a powered device operated primarily on sidewalks and crosswalks and intended primarily for the transport of property on public rights-of-way, and is capable of navigating with or without the active control or monitoring of a natural person.

The bill allows a personal delivery device to operate on any county or municipal sidewalk, crosswalk or roadway as long as the device does not interfere with motor vehicles, traffic, or block a public right-of-way. A personal delivery device shall have all of the rights and responsibilities as a pedestrian, must display a unique identifying number, and be equipped to identify the personal delivery device operator. When operating on a sidewalk or crosswalk the device's maximum speed is 10 miles per hour and must be equipped with front and rear lighting.

The bill requires each personal delivery device operator to maintain a general liability coverage insurance policy of at least \$100,000 for damages arising from the combined operations of personal delivery devices under a personal delivery device operator's control.

A personal delivery device shall not transport hazardous material as specified in the bill.

The bill does not restrict a local government from regulating the use of personal delivery devices on highways or pedestrian areas.

The bill also prevents a personal delivery device operator from selling or disclosing a personally identifiable likeness, as defined in the bill, to a third party for monetary compensation. However, the operator may use a personally identifiable likeness to improve products or services. The likeness may also be disclosed to law enforcement with a lawful subpoena.

AUXILIARY LIGHTING FOR MOTORCYCLES (Section 307.128)

This bill authorizes the use of any color illumination for auxiliary lighting on a motorcycle. Currently, only amber and white illumination is authorized.

VEHICLE SAFETY AND EMISSIONS INSPECTIONS (Sections 307.350 and 643.315)

The bill modifies certain vehicle safety and emissions inspection

statutes to refer to biennial registration generally;

MOTOR VEHICLE INSPECTIONS (Section 307.380)

This bill exempts new motor vehicles from the requirement that motor vehicles receive a safety inspection immediately prior to their sale regardless of any current certificate of inspection and approval.

DIGITAL ELECTRONIC EQUIPMENT (Section 407.005)

Defines "digital electronic equipment" for the purposes of Chapter 407 as any product that depends for its functioning on digital electronics embedded in or attached to the product. However, it shall not include any motor vehicle manufacturer, manufacturer of motor vehicle, or motor vehicle dealer, or any product or service of a motor vehicle manufacturer, manufacturer of motor vehicle equipment, or motor vehicle dealer acting in that capacity.

DETACHED CATALYTIC CONVERTERS (Sections 407.300, and 570.030)

This bill requires records of sales of certain metals and metal items, including detached catalytic converters, to be maintained for three years rather than two years. A transaction that includes a detached catalytic converter must occur at the fixed place of business of the purchaser. A detached catalytic converter must be maintained for five business days before it is altered, modified, disassembled, or destroyed.

Anyone licensed for selling motor vehicle parts as set forth in statute who knowingly purchases a stolen detached catalytic converter shall be subject to penalties as specified in the bill.

Currently, every purchaser or collector of, or dealer in, junk, scrap metal, or any second hand property is required to maintain written or electronic records for each purchase or trade in which certain types of material are obtained for value, with exceptions. This bill repeals the exception to the records requirement for any transaction for which the total amount paid for all regulated material purchased or sold does not exceed \$50, unless the material is a catalytic converter.

The records requirement of the bill does not apply to transactions for which the seller has an existing business relationship with the purchaser and for which the seller is paid by check or by electronic funds transfer, or the seller produces an acceptable identification, which shall be a copy of the driver's license or photo identification issued by the state or by the U.S. government or agency thereof, and a copy is retained by the purchaser.

The offense of stealing shall be a class E felony if the property is a catalytic converter.

MOTOR VEHICLE EMISSIONS INSPECTION PROGRAM (Section 643.310)

The bill exempts St. Charles County, Franklin County, and Jefferson County from the Motor Vehicle Emissions Inspection Program established by the Air Conservation Commission.

COMMERCIAL MOTOR VEHICLE PARKING (Section 1)

This bill prevents businesses located within 500 feet of real property owned or leased by a hospital from offering overnight parking for commercial motor vehicles, as defined in Section 301.010, unless a public hearing is held by the city council of the municipality in which the business is located and all owners and lessors of real property located within 500 feet of the business property have been timely notified of the public hearing and have been given an opportunity to be heard at such public hearing.