

FIRST REGULAR SESSION

SENATE BILL NO. 95

91ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR KENNEY.

Pre-filed December 1, 2000, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

0526S.011

AN ACT

To repeal section 304.200, RSMo 2000, relating to the regulation of housemovers, and to enact in lieu thereof sixteen new sections relating to the same subject, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 304.200, RSMo 2000, is repealed and sixteen new sections enacted in lieu thereof, to be known as sections 304.200, 324.700, 324.703, 324.706, 324.709, 324.712, 324.715, 324.718, 324.721, 324.724, 324.727, 324.730, 324.733, 324.736, 324.739 and 324.742, to read as follows:

304.200. 1. The [chief engineer] **director** of the state department of transportation, for good cause shown and when the public safety or public interest so justifies, shall issue special permits for vehicles or equipment exceeding the limitations on width, length, height and weight herein specified, or which are unable to maintain minimum speed limits. Such permits shall be issued only for a single trip or for a definite period, not beyond the date of expiration of the vehicle registration, and shall designate the highways and bridges which may be used pursuant to the authority of such permit.

2. The [chief engineer] **director** of the state department of transportation shall upon proper application and at no charge issue a special permit to any person allowing the movement on state and federal highways of farm products between sunset and sunrise not in excess of fourteen feet in width. Special permits allowing movement of oversize loads of farm products shall allow for movement between sunset and sunrise, subject to appropriate requirements for safety lighting on the load, appropriate limits on load dimensions and appropriate consideration of high traffic density between sunset and sunrise on the route to be traveled. The [chief engineer]

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

director may also issue upon proper application a special permit to any person allowing the movement on the state and federal highways of vehicles hauling lumber products and earth-moving equipment not in excess of fourteen feet in width. The [chief engineer] **director** may also issue upon proper application a special permit to any person allowing the movement on the state and federal highways of concrete pump trucks or well-drillers equipment. For the purposes of this section, "farm products" shall have the same meaning as provided in section 400.9-109, RSMo.

3. Rules and regulations for the issuance of special permits shall be prescribed by the state highways and transportation commission and filed with the secretary of state. [No rule or portion of a rule promulgated pursuant to the authority of section 304.010 and this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.] **Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void.**

4. The officer in charge of the maintenance of the streets of any municipality may issue such permits for the use of the streets by such vehicles within the limits of such municipalities.

5. In order to transport manufactured homes, as defined in section 700.010, RSMo, on the roads, highways, bridges and other thoroughfares within this state, only the applicable permits required by this section shall be obtained.

6. In order to transport houses, as defined in section 324.700, RSMo, on the roads, highways, bridges and other thoroughfares within this state, only the applicable permits required by this section shall be obtained.

324.700. As used in sections 324.700 to 324.742, unless the context provides otherwise, the following terms shall mean:

- (1) "Division", the division of motor carriers and railroad safety;**
- (2) "House", a dwelling, building, or other structure in excess of fourteen feet in width. A house does not include a manufactured home as defined in section 700.010, RSMo;**
- (3) "Housemoving experience", extensive and responsible training gained by the applicant while engaged actively and directly on a full-time basis in the moving of houses and structures on public roads and highways with at least twenty-four months experience;**

(4) "Person", an individual, corporation, partnership, association or any other business entity.

324.703. All persons who engage in the profession of housemoving on the roads and highways of this state shall be licensed by the division of motor carriers and railroad safety.

324.706. The division shall issue licenses to applicants meeting the following conditions:

(1) The applicant must be at least eighteen years of age;

(2) The applicant must furnish proof that all of the vehicles to be used in the movement of buildings, structures, or other extraordinary objects wider than fourteen feet have met the requirements of sections 307.350 to 307.400, RSMo, pertaining to the inspection of motor vehicles;

(3) The applicant must exhibit his federal employer's identification number; and

(4) The applicant must pay an annual license fee of one hundred dollars. All moneys received for housemover licenses shall be paid to and collected by the division of motor carriers and railroad safety and transmitted to the director of revenue and deposited in the state treasury to the credit of the state highways and transportation fund as established in section 226.200, RSMo.

324.709. A license issued pursuant to this section shall be effective for a period of one year from the date of issuance and shall be renewable on an annual basis.

324.712. 1. No license shall be issued or renewed unless the applicant files with the division a certificate or certificates of insurance from an insurance company or companies authorized to do business in this state. The applicant must demonstrate that he or she has:

(1) Motor vehicle insurance for bodily injury to or death of one or more persons in any one accident and for injury or destruction of property of others in any one accident with minimum coverage of five hundred thousand dollars;

(2) Comprehensive general liability insurance with a minimum coverage of two million dollars, including coverage of operations on state streets and highways that are not covered by motor vehicle insurance; and

(3) Workers' compensation insurance that complies with chapter 287, RSMo, for all employees.

2. The certificate or certificates shall provide for continuous coverage during the effective period of the license issued pursuant to this section. At the time the certificate is filed, the applicant shall also file with the division a current list of all motor vehicles covered by the certificate. The applicant shall file amendments to the list within fifteen days of any changes.

3. An insurance company issuing any insurance policy required by this section shall notify the division of any of the following events at least thirty days before its occurrence:

- (1) Cancellation of the policy;**
- (2) Nonrenewal of the policy by the company; or**
- (3) Any change in the policy.**

4. In addition to all coverages required by this section, the applicant shall file with the division a copy of either:

(1) A bond or other acceptable surety providing coverage in the amount of fifty thousand dollars for the benefit of a person contracting with the housemover to move that person's structure for all claims for property damage arising from the movement of a structure; or

(2) A policy of cargo insurance in the amount of one hundred thousand dollars.

324.715. 1. Persons licensed as professional housemovers shall also be required to secure a special permit, as provided for in subsection 6 of section 304.200, RSMo, from the director of the department of highways and transportation for every move undertaken on the state highway system. The permit shall be issued by the director if the director determines that the applicant:

- (1) Is properly licensed;**
- (2) Has furnished the surety bond or policy of cargo insurance required by subsection 4 of section 324.712; and**
- (3) Is complying with such other regulations as required by the division of motor carriers and railroad safety.**

2. A license shall not be required for individuals moving their own buildings from or to property owned individually by those persons; however, a special permit will be required for all moves.

3. Licensed housemovers shall furnish one rear escort vehicle on interstate and other divided highways. Licensed housemovers shall provide two escorts on all multi-lane and two-lane highways, one in front and one rear.

324.718. 1. Application for a special permit to move a structure must be made to the director of the department of highways and transportation at least two days prior to the date of the move. For good cause shown, this time may be waived by the director.

2. A travel plan shall accompany the application for the special permit. The travel plan will show the proposed route, the time estimated for each segment of the move, a plan to handle traffic so that no one delay to other highway users shall exceed twenty minutes. The director shall review the travel plan and if the route cannot accommodate the move due to roadway weight limits, bridge size or weight limits, or will

cause undue interruption of traffic flow, the special permit shall not be issued.

3. The applicant may submit alternate plans if desired until an acceptable route is determined. If the width of the building or structure to be relocated is more than thirty-six feet, or if no acceptable travel plan has been filed, and the denial of the permit would cause a hardship, the application and travel plan may be submitted to the director on appeal. After reviewing the route and travel plan, the director may in his or her discretion issue the permit after considering the practical physical limitations of the route, the nature and purpose of the move, the size and weight of the structure, the distance the structure is to be moved, and the safety and convenience of the traveling public. A surety bond in the amount to cover the cost of any damage to the pavement, structures, bridges, roadway or other damages that may occur can be required if deemed necessary by the director.

324.721. All obstructions, including traffic signals, signs, and utility lines will be removed immediately prior to and replaced immediately after the move at the expense of the mover, provided that arrangements for and approval from the owner is obtained.

324.724. Irrespective of the route shown on the special permit, an alternate route will be followed:

- (1) If directed by a peace officer;
- (2) If directed by a uniformed officer assigned to a weighing station to follow a route to a weighing device; or
- (3) If the specified route is officially detoured. Should a detour be encountered, the driver shall check with the division prior to proceeding.

324.727. The object to be transported will not be loaded, unloaded, nor parked, day or night, on a highway right-of-way without specific permission from the director.

324.730. No move will be made when atmospheric conditions render visibility lower than safe for travel. Moves will not be made when highways are covered with snow or ice, or at any time travel conditions are considered unsafe by the director or highway patrol or other law enforcement officers having jurisdiction.

324.733. The permit may be voided if any conditions of the permit are violated. Upon any violation, the permit must be surrendered and a new permit obtained before proceeding. Misrepresentation of information on an application to obtain a license, fraudulently obtaining a permit, alteration or a permit, or unauthorized use of a permit will render the permit void.

324.736. All moves on streets on the municipal system of streets shall comply with local ordinances. The officer in charge of the maintenance of streets of any municipality may issue permits for the use of the streets by housemovers within the limits of such municipalities.

324.739. The speed of moves will be that which is reasonable and prudent for the load, considering weight and bulk, under conditions existing at the time.

324.742. Any person violating sections 324.700 to 324.742 or the regulations of the governing housemoving shall be guilty of a class A misdemeanor.

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