

SECOND REGULAR SESSION

SENATE BILL NO. 946

91ST GENERAL ASSEMBLY

INTRODUCED BY SENATORS JACOB AND WIGGINS.

Read 1st time January 16, 2002, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

3515S.031

AN ACT

To repeal sections 142.803, 301.057, 301.265, 302.735, 304.010 and 622.030, RSMo, relating to transportation, and to enact in lieu thereof six new sections relating to the same subject.

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

Section A. Sections 142.803, 301.057, 301.265, 302.735, 304.010 and 622.030, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 142.803, 301.057, 301.265, 302.735, 304.010 and 622.030, to read as follows:

142.803. 1. A tax is levied and imposed on all motor fuel used or consumed in this state as follows:

(1) Motor fuel, seventeen cents per gallon. [Beginning April 1, 2008, the tax rate shall become eleven cents per gallon] **In addition to the tax levied pursuant to this section, there is levied an additional tax of three cents per gallon upon diesel fuel;**

(2) Alternative fuels, not subject to the decal fees as provided in section 142.869, with a power potential equivalent of motor fuel. In the event alternative fuel, which is not commonly sold or measured by the gallon, is used in motor vehicles on the highways of this state, the director is authorized to assess and collect a tax upon such alternative fuel measured by the nearest power potential equivalent to that of one gallon of regular grade gasoline. The determination by the director of the power potential equivalent of such alternative fuel shall be prima facie correct;

(3) Aviation fuel used in propelling aircraft with reciprocating engines, nine cents per gallon as levied and imposed by section 155.080, RSMo, to be collected as required under this chapter.

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

2. All taxes, surcharges and fees are imposed upon the ultimate consumer, but are to be precollected as described in this chapter, for the facility and convenience of the consumer. The levy and assessment on other persons as specified in this chapter shall be as agents of this state for the precollection of the tax.

301.057. The annual registration fee for property-carrying commercial motor vehicles, not including property-carrying local commercial motor vehicles, or land improvement contractors' commercial motor vehicles, based on gross weight is:

6,000 pounds and under	\$ [25.50] 33.00
6,001 pounds to 9,000 pounds	[38.00] 49.50
9,001 pounds to 12,000 pounds	[38.00] 49.50
12,001 pounds to 18,000 pounds	[63.00] 82.00
18,001 pounds to 24,000 pounds	[100.50] 131.00
24,001 pounds to 26,000 pounds	[127.00] 165.00
26,001 pounds to 30,000 pounds	[180.00] 234.00
30,001 pounds to 36,000 pounds	[275.50] 357.50
36,001 pounds to 42,000 pounds	[413.00] 537.00
42,001 pounds to 48,000 pounds	[550.50] 716.00
48,001 pounds to 54,000 pounds	[688.00] 894.00
54,001 pounds to 60,010 pounds	[825.50] 1,073.00
60,011 pounds to 66,000 pounds	[1,100.50] 1,431.00
66,001 pounds to 73,280 pounds	[1,375.50] 1,788.00
73,281 pounds to 78,000 pounds	[1,650.50] 2,146.00
Over 78,000 pounds	[1,719.50] 2,235.00

301.265. 1. The owner of any motor vehicle or, in the event the motor vehicle is legally operated by someone other than the owner, then the operator thereof, which is duly and legally registered in some other jurisdiction but which cannot legally be operated on Missouri highways under the provisions of section 301.271, or under the provisions of any applicable agreement duly entered into by the Missouri highway reciprocity commission, which is operated on the highways of this state only occasionally by such owner or operator, may in lieu of the payment of the registration fee for such vehicle, obtain a trip permit from the department of revenue authorizing the operation of such vehicle on the highways of this state for a period of not to exceed seventy-two hours. The trip permit is valid for use by any owner or operator who uses the vehicle during the seventy-two hour period. The fee for such trip permit shall be [ten] **fourteen dollars and fifty cents** and shall be collected by the department of revenue and deposited with the state treasurer to the credit of the state highway department fund except when an agreement has been negotiated with another jurisdiction whereby prepayment is not required. In such cases, the terms of the agreement shall prevail. When such trip permit fee has been paid

on a motor vehicle, no registration or fee shall be required for a trailer or semitrailer duly and legally registered in any jurisdiction and propelled by such motor vehicle. The director of revenue shall prescribe rules and regulations to effectuate the purpose of this section. Application for such trip permits shall be made on a form prescribed by and shall contain such information as may be required by the director of revenue.

2. The requirements of Missouri law as to title of motor vehicles shall not be applicable to vehicles operated under such trip permits.

3. Any owner or operator who desires to use a trip permit for the operation of his vehicle shall secure such permit and the same must be in full force and effect before the vehicle enters or commences its trip in the state of Missouri.

4. Operators who fail to obtain such permit before the vehicle enters or commences its trip in this state are subject to arrest and must obtain such permit before proceeding. The permits shall be made available at official highway weight stations.

5. The purchase of a [ten] **fourteen dollar and fifty cents** trip permit shall allow such operator to haul the maximum weight allowed by statute.

6. Such permits may be sold in advance of the date of their use in such quantities as the director of revenue shall determine.

302.735. 1. The application for a commercial driver's license shall include, but not be limited to, the legal name, mailing and residence address, if different, a physical description of the person, including sex, height, weight and eye color, the person's Social Security number, date of birth and any other information deemed appropriate by the director.

2. The application for a commercial driver's license or renewal shall be accompanied by the payment of a fee of [forty] **sixty** dollars. The fee for a duplicate commercial driver's license shall be [twenty] **thirty** dollars. A commercial driver's license shall expire on the applicant's birthday in the sixth year after issuance and must be renewed on or before the date of expiration. The director shall have the authority to stagger the issuance or renewal of commercial driver's license applicants over a six-year period. When a person changes such person's name an application for a duplicate license shall be made to the director of revenue. When a person changes such person's mailing address or residence the applicant shall notify the director of revenue of said change, however, no application for a duplicate license is required. To all applicants for a commercial license or renewal who are between eighteen and twenty-one years of age and seventy years of age and older, the application shall be accompanied by a fee of twenty dollars. A commercial license issued pursuant to an applicant less than twenty-one years of age and seventy years of age and older shall expire on the applicant's birthday in the third year after issuance.

3. Within thirty days after moving to this state, the holder of a commercial driver's license shall apply for a commercial driver's license in this state. The applicant shall meet all

other requirements of sections 302.700 to 302.780, except that the director may waive the driving test for a commercial driver's license as required in section 302.720 if the applicant for a commercial driver's license has a valid commercial driver's license from a state which has requirements for issuance of such license comparable to those in this state.

4. Any person who falsifies any information in an application or test for a commercial driver's license shall not be licensed to operate a commercial motor vehicle, or the person's commercial driver's license shall be canceled, for a period of one year after the director discovers such falsification.

304.010. 1. As used in this section, the following terms mean:

(1) "Expressway", a divided highway of at least ten miles in length with four or more lanes which is not part of the federal interstate system of highways which has crossovers or accesses from streets, roads or other highways at the same grade level as such divided highway;

(2) "Freeway", a limited access divided highway of at least ten miles in length with four or more lanes which is not part of the federal interstate system of highways which does not have any crossovers or accesses from streets, roads or other highways at the same grade level as such divided highway within such ten miles of divided highway;

(3) "Rural interstate", that part of the federal interstate highway system that is not located in an urban area;

(4) "Urbanized area", an area of fifty thousand population at a density at or greater than one thousand persons per square mile.

2. Except as otherwise provided in this section, the uniform maximum speed limits are and no vehicle shall be operated in excess of the speed limits established pursuant to this section:

(1) Upon the rural interstates and freeways of this state, seventy miles per hour, **except that no truck registered for a gross weight of more than forty-eight thousand pounds shall be operated in excess of sixty-five miles per hour upon the rural interstates and freeways of this state;**

(2) Upon the rural expressways of this state, sixty-five miles per hour;

(3) Upon the interstate highways, freeways or expressways within the urbanized areas of this state, sixty miles per hour;

(4) All other roads and highways in this state not located in an urbanized area and not provided for in subdivisions (1) to (3) of this subsection, sixty miles per hour;

(5) All other roads provided for in subdivision (4) of this subsection shall not include any state two-lane road which is identified by letter. Such lettered roads shall not exceed fifty-five miles per hour unless set at a higher speed as established by the department of transportation, except that no speed limit shall be set higher than sixty miles per hour;

(6) For the purposes of enforcing the speed limit laws of this state, it is a rebuttable presumption that the posted speed limit is the legal speed limit.

3. On any state road or highway where the speed limit is not set pursuant to a local ordinance, the highways and transportation commission may set a speed limit higher or lower than the uniform maximum speed limit provided in subsection 2 of this section, if a higher or lower speed limit is recommended by the department of transportation. The department of public safety, where it believes for safety reasons, or to expedite the flow of traffic a higher or lower speed limit is warranted, may request the department of transportation to raise or lower such speed limit, except that no speed limit shall be set higher than seventy miles per hour.

4. Notwithstanding the provisions of section 304.120 or any other provision of law to the contrary, cities, towns and villages may regulate the speed of vehicles on state roads and highways within such cities', towns' or villages' corporate limits by ordinance with the approval of the state highways and transportation commission. Any reduction of speed in cities, towns or villages shall be designed to expedite the flow of traffic on such state roads and highways to the extent consistent with public safety. The commission may declare any ordinance void if it finds that such ordinance is:

(1) Not primarily designed to expedite traffic flow; and

(2) Primarily designed to produce revenue for the city, town or village which enacted such ordinance.

If an ordinance is declared void, the city, town or village shall have any future proposed ordinance approved by the highways and transportation commission before such ordinance may take effect.

5. The county commission of any county of the second, third or fourth classification may set the speed limit or the weight limit or both the speed limit and the weight limit on roads or bridges on any county, township or road district road in the county and, with the approval of the state highways and transportation commission, on any state road or highway not within the limits of any incorporated city, town or village, lower than the uniform maximum speed limit as provided in subsection 2 of this section where the condition of the road or the nature of the area requires a lower speed. The commission shall send copies of any order establishing a speed limit or weight limit on roads and bridges on a county, township or road district road in the county to the chief engineer of the state department of transportation, the superintendent of the state highway patrol and to any township or road district maintaining roads in the county. After the roads have been properly marked by signs indicating the speed limits and weight limits set by the county commission, the speed limits and weight limits shall be of the same effect as the speed limits provided for in subsection [1] 2 of this section and shall be enforced by the state highway patrol and the county sheriff as if such speed limits and weight limits were established by state law.

6. All road signs indicating speed limits or weight limits shall be uniform in size, shape, lettering and coloring and shall conform to standards established by the department of

transportation.

7. The provisions of this section shall not be construed to alter any speed limit set below fifty-five miles per hour by any ordinance of any county, city, town or village of the state adopted before March 13, 1996.

8. The speed limits established pursuant to this section shall not apply to the operation of any emergency vehicle as defined in section 304.022.

9. A violation of the provisions of this section shall not be construed to relieve the parties in any civil action on any claim or counterclaim from the burden of proving negligence or contributory negligence as the proximate cause of any accident or as the defense to a negligence action.

10. Any person violating the provisions of this section is guilty of a class C misdemeanor, unless such person was exceeding the posted speed limit by twenty miles per hour or more then it is a class B misdemeanor.

11. As used in this section, the word "truck" means any vehicle, machine, tractor, trailer or semitrailer, or any combination thereof, propelled or drawn by mechanical power and designed for or used in the transportation of property upon the highways. The term "truck" also includes a commercial motor vehicle as defined in section 301.010, RSMo.

12. (1) The operator of any truck registered for a gross weight of more than forty-eight thousand pounds operating such vehicle at a speed in excess of sixty-five miles per hour shall be fined one hundred dollars for every five-mile increment in which the operator exceeds sixty-five miles per hour.

(2) The fine provided for in this subsection is in addition to all other fines and court costs imposed for the speeding violation.

622.030. 1. The administrative law judges shall assume all the duties concerning transportation activities heretofore imposed upon the commissioners of the public service commission in their quasi-judicial capacity and function. All ministerial duties shall be performed by the division, and the administrative law judges shall not be responsible for those activities. The administrative law judges shall hear and decide all matters concerning transportation activities which the public service commission or public service commissioners would have been required to hear and decide in a quasi-judicial capacity.

2. Each administrative law judge may exercise all powers granted to the division without the concurrence of any other administrative law judge, except with respect to the rulemaking powers, in which all administrative law judges must concur. The method of assignment of petitions, appeals or other cases may be determined by rule or other agreement between the administrative law judges. Except as provided in section 622.035, all hearings before the administrative law judges shall be governed by rules adopted by them. In all investigations,

inquiries or hearings before the division or the administrative law judges, neither the administrative law judges nor the division shall be bound by technical rules of evidence. No formality in any proceeding nor in the manner of taking testimony before the division or an administrative law judge shall invalidate any order, decision, rule or regulation made, approved or confirmed by the division or administrative law judge.

3. The division [may] **shall** charge a [reasonable] docket fee [as may be set by rule] **of two hundred dollars** to be paid upon the filing of any petition, application, complaint, or other request for relief or authority by any party other than the division staff. All such docket fees shall be paid to the state director of revenue at the time of the filing of any such petition, application, complaint or other request for relief or authority, and the same shall be deposited by the state director of revenue in the highway fund of the state of Missouri.

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