

SECOND REGULAR SESSION
[P E R F E C T E D]
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1027
93RD GENERAL ASSEMBLY

Reported from the Committee on Transportation, March 9, 2006, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

Removed from the Consent Calendar March 15, 2006.

Re-reported from the Committee on Transportation, April 3, 2006, with recommendation that the Senate Committee Substitute do pass.

Senate Committee Substitute for Senate Bill No. 1027, adopted April 12, 2006.

Taken up for Perfection April 12, 2006. Bill declared Perfected and Ordered Printed.

TERRY L. SPIELER, Secretary.

4721S.02P

AN ACT

To repeal section 390.030, RSMo, and to enact in lieu thereof two new sections relating to carriers of household goods.

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

Section A. Section 390.030, RSMo, is repealed and two new sections
2 enacted in lieu thereof, to be known as sections 387.075 and 390.030, to read as
3 follows:

387.075. 1. Notwithstanding any provision of chapter 390, RSMo,
2 chapter 622, RSMo, or this chapter to the contrary, any common carrier
3 that is authorized to transport household goods by a certificate issued
4 under section 390.051, RSMo, may file one or more applications to the
5 state highways and transportation commission for approval of rate
6 schedules, applicable to that carrier's intrastate transportation of
7 household goods, that authorize periodic rate adjustments outside of
8 general rate proceedings to reflect increases and decreases in the
9 carrier's prudently incurred costs of providing transportation of
10 property by motor vehicle. The filing of applications by common
11 carriers under this section shall be authorized upon the same terms
12 and conditions as provided in section 386.266, RSMo, with reference to
13 the filing of applications to the public service commission by an
14 electrical, gas, or water corporation. These applications shall be made
15 in such form, and shall contain such information, as the state highways
16 and transportation commission reasonably may require.

17 **2. Notwithstanding any provision of chapter 390, RSMo, chapter**
18 **622, RSMo, or this chapter to the contrary, the state highways and**
19 **transportation commission shall consider and determine every**
20 **application filed under subsection 1 of this section, upon the same**
21 **terms and conditions as provided in section 386.266, RSMo, with**
22 **reference to the public service commission's consideration and**
23 **determination of applications by an electrical, gas, or water**
24 **corporation under that section.**

25 **3. In proceedings under this section, common carriers and the**
26 **state highways and transportation commission shall be governed by the**
27 **statutes and rules of practice and procedure that are applicable in**
28 **motor carrier proceedings under chapters 387, 390, and 622, RSMo,**
29 **except to the extent they are inconsistent with the requirements of this**
30 **section. The statutes and rules that generally govern public service**
31 **commission proceedings relating to electrical, gas, and water**
32 **corporations shall not apply in proceedings under this section.**

390.030. 1. The provisions of this chapter shall not apply to:

- 2 (1) School buses;
- 3 (2) Taxicabs;
- 4 (3) Motor vehicles while being used exclusively to transport;
- 5 (a) Stocker and feeder livestock from farm to farm, or from market to
- 6 farm,
- 7 (b) Farm or dairy products including livestock from a farm or dairy,
- 8 (c) Agricultural limestone or fertilizer to farms,
- 9 (d) Property from farm to farm,
- 10 (e) Raw forest products from farm, or
- 11 (f) Cotton, cottonseed, and cottonseed hulls;
- 12 (4) Motor vehicles when operated under contract with the federal
- 13 government for carrying the United States mail and when on a trip provided in
- 14 the contract;
- 15 (5) Motor vehicles used solely in the distribution of newspapers from the
- 16 publisher to subscribers or distributors;
- 17 (6) The transportation of passengers or property performed by a carrier
- 18 pursuant to a contract between the carrier and the state of Missouri or any civil
- 19 subdivision thereof, where the transportation services are paid directly to the
- 20 carrier by the state of Missouri or civil subdivision;

21 (7) Freight-carrying motor vehicles duly registered and licensed in
22 conformity with the provisions of chapter 301, RSMo, for a gross weight of six
23 thousand pounds or less;

24 (8) The transportation of passengers or property wholly within a
25 municipality, or between contiguous municipalities, or within a commercial zone
26 as defined in section 390.020, or within a commercial zone established by the
27 division of motor carrier and railroad safety pursuant to the provisions of
28 subdivision (4) of section 390.041; provided, the exemption in this subdivision
29 shall not apply to motor carriers of persons operating to, from or between points
30 located wholly or in part in counties now or hereafter having a population of more
31 than three hundred thousand persons, where such points are not within the same
32 municipality and to motor carriers of commodities in bulk to include liquids, in
33 tank or hopper type vehicles, and in a commercial zone as defined herein or by
34 the division;

35 (9) Street railroads and public utilities other than common carriers as
36 defined in section 386.020, RSMo;

37 (10) Motor vehicles whose operations in the state of Missouri are
38 interstate in character and are limited exclusively to a municipality and its
39 commercial zone;

40 (11) Motor vehicles, commonly known as tow trucks or wreckers, designed
41 and exclusively used in the business of towing or otherwise rendering assistance
42 to abandoned, disabled or wrecked vehicles;

43 (12) Motor vehicles while being used solely by a group of employees to
44 commute to and from their place or places of employment, except that the motor
45 vehicle must be driven by a member of the group.

46 2. Nothing contained in this section shall be deemed to exempt the
47 vehicles of driveaway operators.

48 3. Except for the provisions of subdivision (5) of section 390.041, the
49 provisions of this chapter shall not apply to private carriers.

50 4. No agency of state government nor any county or municipality or their
51 agencies shall discriminate against any motor carrier or private carrier or deny
52 any such carrier operating a motor vehicle public access to any building, facility
53 or area owned by or operated for the public unless such discrimination or denial
54 is based solely on reasonable vehicle size or weight considerations. The
55 provisions of this subsection shall only apply in cities not within a county and
56 first class counties with a charter form of government which adjoin any city not

57 within a county.

58 **5. Beginning January 1, 2007, the exemptions in subdivisions (8)**
59 **and (10) of subsection 1 of this section shall not apply to motor carriers**
60 **that transport household goods.**

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Bill

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