

FIRST REGULAR SESSION

SENATE BILL NO. 58

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR STOUFFER.

Pre-filed December 15, 2010, and ordered printed.

TERRY L. SPIELER, Secretary.

0108S.03I

AN ACT

To repeal sections 387.040, 387.050, 387.080, 387.110, 390.051, 390.061, 390.081, 390.101, 390.116, 390.136, and 390.280, RSMo, and to enact in lieu thereof eighteen new sections relating to motor carrier transportation regulated by the state highways and transportation commission, with penalty provisions.

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

Section A. Sections 387.040, 387.050, 387.080, 387.110, 390.051, 390.061, 2 390.081, 390.101, 390.116, 390.136, and 390.280, RSMo, are repealed and 3 eighteen new sections enacted in lieu thereof, to be known as sections 387.040, 4 387.050, 387.080, 387.110, 387.135, 387.137, 387.355, 387.365, 390.051, 390.054, 5 390.061, 390.081, 390.101, 390.116, 390.136, 390.205, 390.280, and 622.560, to 6 read as follows:

387.040. 1. No motor carrier subject to the provisions of this chapter shall 2 engage or participate in the transportation of passengers [or household goods], 3 between points within this state, until its schedules of rates, fares and charges 4 shall have been filed **with the state highways and transportation** 5 **commission** and published in accordance with the provisions of this 6 chapter. Any motor carrier, which shall undertake to perform any service or 7 furnish any product or commodity unless or until the rates, tolls, fares, charges, 8 classifications and rules and regulations relating thereto, applicable to such 9 service, product or commodity, have been filed with the highways and 10 transportation commission and published in accordance with the provisions of 11 this chapter, shall be subject to forfeiture to the state pursuant to the provisions 12 of sections 390.156 to 390.176.

13 2. [Notwithstanding subsection 1 of this section, a motor carrier shall not

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

14 be required to file its schedules of rates, fares, and charges for shipments of
15 household goods that are transported wholly or exclusively within a commercial
16 zone as defined in 390.020 or within a commercial zone established by the
17 highways and transportation commission pursuant to the provisions of
18 subdivision (4) of section 390.041.] **Notwithstanding any provision of this**
19 **chapter or chapter 390 to the contrary, a motor carrier transporting**
20 **household goods in intrastate commerce shall not be required to file its**
21 **schedule of rates, fares, and charges as part of its tariff with the state**
22 **highways and transportation commission. Such carrier, however, shall**
23 **still be required to file a tariff or schedule with the state highways and**
24 **transportation commission that includes the classifications, rules, and**
25 **other terms and conditions unrelated to rates that govern the**
26 **transportation of household goods within Missouri. In lieu of filing its**
27 **rates, fares, charges, or tolls with the state highways and**
28 **transportation commission, a motor carrier transporting household**
29 **goods in intrastate commerce shall maintain and publish its schedules**
30 **of rates, fares, charges, and tolls in every station or office as described**
31 **in subsection 3 of section 387.050 and such rates shall be available for**
32 **inspection by the state highways and transportation commission,**
33 **shippers, and the public upon request. Any motor carrier transporting**
34 **household goods in intrastate commerce that fails to comply with the**
35 **provisions of this subsection shall be subject to forfeiture to the state**
36 **pursuant to the provisions of sections 390.156 to 390.176.**

387.050. 1. Every motor carrier shall file with the [division of motor
2 carrier and railroad safety] **state highways and transportation commission**
3 and shall print and keep open to public inspection schedules showing the rates,
4 fares and charges for the transportation of passengers and household goods
5 within this state between each point upon its route and all other points thereon
6 and between each point upon its route and all points upon every route leased,
7 operated or controlled by it and between each point on its route or upon any route
8 leased, operated or controlled by it and all points upon the route of any other
9 motor carrier, whenever a through route and joint rate shall have been
10 established or ordered between any two such points. If no joint rate over a
11 through route has been established, the several carriers in such through route
12 shall file, print and keep open to public inspection, as aforesaid, the separately
13 established rates, fares and charges applied to the through transportation.

14 2. The schedules printed as aforesaid shall plainly state the places
15 between which household goods and passengers will be carried, and shall also
16 contain the classification of passengers or household goods in force, and shall also
17 state separately all terminal charges, storage charges, icing charges and all other
18 charges which the [division] **state highways and transportation commission**
19 may require to be stated, all privileges or facilities granted or allowed, and any
20 rules or regulations which may in any way change, affect or determine any part
21 or the aggregate of such aforesaid rates, fares and charges, or the value of the
22 service rendered to the passenger, shipper or consignee.

23 3. Such schedules shall be plainly printed in large type, and a copy
24 thereof shall be kept by every such carrier readily accessible to and for convenient
25 inspection by the public in every station or office of such carrier where passengers
26 or household goods are respectively received for transportation, when such station
27 or office is in charge of an agent, and in every station or office of such carrier
28 where passenger tickets for transportation or tickets covering bills of lading or
29 receipts for household goods are issued. All or any of such schedules kept as
30 aforesaid shall be immediately produced by such carrier for inspection upon the
31 demand of any person.

32 4. A notice printed in bold type and stating that such schedules are on file
33 with the agent and open to inspection by any person and that the agent will
34 assist any such person to determine from such schedules any transportation rates
35 or fares or rules or regulations which are in force shall be kept posted by the
36 carrier in two public and conspicuous places in every such station or office.

37 5. The form of every such schedule shall be prescribed by the [division]
38 **state highways and transportation commission**.

39 6. The [division] **state highways and transportation commission**
40 shall have power, from time to time, in its discretion, to determine and prescribe
41 by order such changes in the form of such schedules as may be found expedient,
42 and to modify the requirements of this section in respect to publishing, posting
43 and filing of schedules either in particular instances or by general order
44 applicable to special or peculiar circumstances or conditions.

387.080. 1. The names of the several carriers which are parties to any
2 joint tariff, **except those carriers prohibited in subsection 3 of this**
3 **section**, shall be specified therein, and each of the parties thereto, other than the
4 one filing the same, shall file with the [division of motor carrier and railroad
5 safety] **state highways and transportation commission** such evidence of

6 concurrence therein or acceptance thereof as may be required or approved by the
7 **[division] state highways and transportation commission**; and where such
8 evidence of concurrence or acceptance is filed, it shall not be necessary for the
9 carriers filing the same also to file copies of the tariffs in which they are named
10 as parties.

11 2. Every motor carrier shall file with the **[division] state highways and**
12 **transportation commission** sworn copies of every contract, agreement or
13 arrangement with any other motor carrier or motor carriers relating in any way
14 to the transportation of passengers or **[property] household goods**.

15 3. **Motor carriers of household goods are prohibited from**
16 **participation in any joint tariff pursuant to the provisions of this**
17 **chapter, except that this subsection shall not prohibit joint tariffs**
18 **relating to joint rates for household goods transportation over any**
19 **through routes or by interline service performed by two or more**
20 **separate motor carriers.**

387.110. 1. No motor carrier shall make or give any undue or
2 unreasonable preference or advantage to any person or corporation or to any
3 locality or to any particular description of traffic in any respect whatsoever, or
4 subject any particular person or corporation or locality or any particular
5 description of traffic, to any undue or unreasonable prejudice or disadvantage in
6 any respect whatsoever.

7 2. [Notwithstanding any other provision of law to the contrary, no
8 common carrier of household goods shall use any schedule of rates or charges, or
9 both, for the transportation of household goods within this state which divides
10 this state into territorial rate areas. Any schedule of rates or charges, or both,
11 which divides, or attempts to divide, this state into territorial rate areas is
12 unjust, unreasonable, and invalid.] **Subject to other applicable**
13 **requirements of this chapter, a common carrier may reasonably apply**
14 **specific rates for the transportation of household goods between points**
15 **located wholly within a commercial zone, as that term is defined in**
16 **section 390.020, or as defined by an order issued pursuant to subsection**
17 **4 of section 390.041, or between points located wholly within another**
18 **contiguous geographic area defined in the carrier's tariff schedules,**
19 **which differ from the rates the carrier applies to similar transportation**
20 **of household goods between points that are not located wholly within**
21 **that commercial zone or defined contiguous area, if the carrier has**

22 incurred or reasonably expects to incur different costs of providing
23 such transportation exclusively within that commercial zone or other
24 defined contiguous area, as compared to the relevant costs that the
25 carrier has incurred or reasonably expects to incur in providing similar
26 transportation in other geographic areas, and this cost difference
27 reasonably justifies the carrier's application of such differing rates to
28 such similar transportation.

387.135. 1. Every owner, officer, agent, or employee of any motor
2 carrier, and every other person who violates or fails to comply with or
3 who procures, aids, or abets in the violation of any provision of this
4 chapter, or who fails to obey, observe, or comply with any order,
5 decision, rule or regulation, direction, demand, or requirement of the
6 state highways and transportation commission, or who procures, aids,
7 or abets any person in his or her failure to obey, observe, or comply
8 with any such order, decisions, rule, direction, demand, or regulation
9 thereof is guilty of a misdemeanor.

10 2. This section shall not authorize, prohibit, or otherwise affect
11 any damage claims resulting from a motor carrier's accidental or
12 negligent damage to or destruction of a claimant's household goods
13 while the carrier had lawful possession of the damaged or destroyed
14 goods for purposes of transportation or storage.

387.137. The state highways and transportation commission shall
2 establish consumer protection requirements for motor carriers
3 transporting household goods in intrastate commerce and establish a
4 system for filing, logging, and responding to consumer complaints.

387.355. On May 1, 2012, all rate orders issued by the state
2 highways and transportation commission or its predecessors affecting
3 the transportation of household goods by common carriers in intrastate
4 commerce, pursuant to the authority of any of the provisions in chapter
5 387 or chapter 390, shall be vacated and set aside, but only to the extent
6 that those rate orders require or prescribe any minimum rates,
7 maximum rates, or minimum-and-maximum rates for the transportation
8 of household goods by common carriers in intrastate commerce. This
9 section shall not vacate or set aside any other requirements or
10 provisions contained in those rate orders, and shall not prohibit or
11 affect the authority of the commission to issue any future rate orders,
12 after a hearing or other proceedings in accordance with applicable

13 laws, that require or prescribe any minimum rates, maximum rates, or
14 minimum-and-maximum rates for the intrastate transportation of
15 household goods by common carriers.

387.365. Notwithstanding any provision of law to the contrary,
2 no complaint, hearing, adjudication, or any other proceedings of the
3 state highways and transportation commission or of the administrative
4 hearing commission shall be required as a prerequisite to the
5 commencement of any action in court relating to the transportation of
6 household goods by motor vehicle pursuant to section 390.156, section
7 622.290, or section 622.510.

390.051. 1. Except as otherwise provided in section 390.030, no person
2 shall engage in the business of a common carrier **of household goods or**
3 **passengers** in intrastate commerce on any public highway in this state unless
4 there is in force with respect to such carrier a certificate issued by the [division]
5 **state highways and transportation commission** authorizing such operations.

6 2. Application for a certificate shall be made in writing to the [division]
7 **state highways and transportation commission** and shall contain such
8 information as the [division] **state highways and transportation**
9 **commission** shall, by rule, require and shall include:

10 (1) Full information concerning the ownership, financial [condition]
11 **status** of applicant **through the submission of documentation describing**
12 **assets, liabilities, and capital**, equipment to be used and a statement listing
13 the physical equipment of applicant and the reasonable value thereof;

14 (2) The complete route or routes over which the applicant desires to
15 operate, or territory to be served; **except that the state highways and**
16 **transportation commission shall not restrict any certificate or permit**
17 **authorizing the transportation of household goods or passengers in**
18 **charter service with reference to any route or routes; except that the**
19 **state highways and transportation commission shall restrict the**
20 **applicant's registration against the transportation of any hazardous**
21 **material as designated in Title 49, Code of Federal Regulations, if the**
22 **state highways and transportation commission finds that the applicant**
23 **has not shown it is qualified to safely transport that hazardous**
24 **material in compliance with all registration, liability insurance, and**
25 **safety requirements applicable to the transportation of that hazardous**
26 **material pursuant to Title 49, Code of Federal Regulations;**

27 (3) The proposed rates, schedule or schedules, or timetable of the
28 applicant.

29 3. [Except as provided for in subsection 4 of this section, if the division]
30 **If the state highways and transportation commission** finds that an
31 applicant seeking to transport [general and specialized commodities in truckload
32 lots, agricultural commodities in bulk in dump trucks] **household goods** or
33 passengers in charter service is fit, willing and able to properly perform the
34 service proposed and to conform to the provisions of this chapter and the
35 requirements, rules and regulations of the [division] **state highways and**
36 **transportation commission** established thereunder, a certificate therefor shall
37 be issued.

38 4. If the [division] **state highways and transportation commission**
39 finds that an applicant seeking to transport[:

- 40 (1) General and specialized commodities in less-than-truckload lots;
41 (2) Commodities in bulk in dump trucks, other than agricultural
42 commodities in bulk in dump trucks, as defined in section 390.020;
43 (3) Mobile homes;
44 (4) Household goods;
45 (5) Passengers other than in charter service;
46 (6) Gasoline, fuel oil or liquefied petroleum gas;
47 (7) Boats;] **passengers other than in charter service** is fit, willing

48 and able to properly perform the service proposed, and to conform to the
49 provisions of this chapter and the requirement, rules and regulations of the
50 [division] **state highways and transportation commission**, and that the
51 service proposed will serve a useful present or future public purpose, a certificate
52 therefor specifying the service authorized shall be issued, unless the [division]
53 **state highways and transportation commission** finds on the basis of
54 evidence presented by persons objecting to the issuance of a certificate that the
55 transportation to be authorized by the certificate will be inconsistent with the
56 public convenience and necessity.

57 5. In making findings under subsection 4 of this section, the [division]
58 **state highways and transportation commission** shall consider the testimony
59 of the applicant, the proposed users of the service contemplated by the applicant,
60 and any other relevant testimony or evidence, and the [division] **state highways**
61 **and transportation commission** shall consider, and to the extent applicable,
62 make findings on at least the following:

63 (1) The transportation policy of section 390.011; and

64 (2) The criteria set forth in this subsection. In cases where persons object
65 to the issuance of a certificate, the diversion of revenue or traffic from existing
66 carriers shall be considered.

67 6. The [division] **state highways and transportation commission**
68 shall streamline and simplify to the maximum extent practicable the process for
69 issuance of certificates to which the provisions of this section apply.

70 7. The [division] **state highways and transportation commission**
71 shall dismiss on its motion any application for substantially the same common [or
72 contract] authority that has been previously denied within six months of filing
73 the subsequent application.

390.054. 1. Beginning January 1, 2012, and continuing thereafter,
2 **every household goods carrier and every applicant seeking a certificate**
3 **or permit to transport household goods in intrastate commerce shall**
4 **file with the commission one of the following:**

5 (1) **A certificate of workers' compensation insurance coverage**
6 **that complies with chapter 287, for all employees;**

7 (2) **A certification issued by the division of workers'**
8 **compensation that the carrier or applicant is qualified to self-insure**
9 **under the applicable provisions of chapter 287; or**

10 (3) **A statement under penalty of perjury, stating that, in its**
11 **operations as a household goods carrier, it does not employ any person**
12 **in any manner so as to become subject to the workers' compensation**
13 **laws of this state.**

14 2. **The workers' compensation certified under subdivision (1) of**
15 **subsection 1 of this section shall be effective until canceled. The**
16 **household goods carrier shall provide thirty days notice to the**
17 **commission prior to canceling such coverage.**

18 3. **If, after filing the statement described in subdivision (3) of**
19 **subsection 1 of this section, the household goods carrier becomes**
20 **subject to the workers' compensation laws of this state, the carrier**
21 **shall promptly notify the commission that the carrier is withdrawing**
22 **its statement, and shall simultaneously file the certificate described in**
23 **either subdivision (1) or (2) of subsection 1 of this section.**

390.061. 1. Except as otherwise provided in section 390.030, no person
2 shall engage in the business of a contract carrier **of household goods or**

3 **passengers** in intrastate commerce on any public highway in this state unless
4 there is in force with respect to such carrier a permit issued by the [division of
5 motor carrier and railroad safety] **state highways and transportation**
6 **commission** authorizing such operations.

7 2. Applications for such permits shall be made to the [division] **state**
8 **highways and transportation commission** in writing and shall contain such
9 information as the [division] **state highways and transportation**
10 **commission** shall, by rule, require and shall include:

11 (1) Full information concerning the ownership, financial [condition]
12 **status** of applicant **through the submission of documentation describing**
13 **assets, liabilities, and capital**, equipment to be used and a statement listing
14 the physical equipment of applicant and the reasonable value thereof;

15 (2) The complete route or routes over which the applicant desires to
16 operate, or territory to be served; **except that the state highways and**
17 **transportation commission shall not restrict any certificate or permit**
18 **authorizing the transportation of household goods or passengers in**
19 **charter service with reference to any route or routes; except that the**
20 **state highways and transportation commission shall restrict the**
21 **applicant's registration against the transportation of any hazardous**
22 **material as designated in Title 49, Code of Federal Regulations, if the**
23 **state highways and transportation commission finds that the applicant**
24 **has not shown it is qualified to safely transport that hazardous**
25 **material in compliance with all registration, liability insurance, and**
26 **safety requirements applicable to the transportation of that hazardous**
27 **material pursuant to Title 49, Code of Federal Regulations.**

28 3. If the [division] **state highways and transportation commission**
29 shall find that the applicant is seeking to transport [general and specialized
30 commodities in truckload lots, agricultural commodities in bulk.] **household**
31 **goods** or passengers in charter service, and is fit, willing and able to properly
32 perform the service proposed and to conform to the provisions of this chapter and
33 the requirements, rules and regulations of the [division] **state highways and**
34 **transportation commission** thereunder, a permit therefor shall be issued.

35 4. If the [division] **state highways and transportation commission**
36 finds that an applicant seeking to transport [commodities or passengers as
37 described in subsection 4 of section 390.051] **passengers other than in**
38 **charter service** is fit, willing and able to properly perform the service proposed,

39 and to conform to the provisions of this chapter and the requirements, rules and
40 regulations of the [division] **state highways and transportation commission**,
41 and that the service proposed will serve a useful present or future purpose, a
42 permit therefor specifying the service authorized shall be issued, unless the
43 [division] **state highways and transportation commission** finds on the basis
44 of evidence presented by persons objecting to the issuance of a permit that the
45 transportation to be authorized by the permit will be inconsistent with the public
46 convenience and necessity.

47 5. Any permit issued under this section shall specify the service to be
48 rendered, the contracting parties, and the [points or] area to be served.

49 6. The [division] **state highways and transportation commission**
50 will not have jurisdiction over contract rates. A copy of the original contract must
51 be filed with the [division] **state highways and transportation commission**
52 prior to issuance of a permit. In the event the applicant chooses not to disclose
53 contract rates in the application, the contract shall contain in lieu of rates a
54 specific provision which incorporates by reference a schedule of rates, in writing,
55 to be effective between carrier and shipper. Current contracts and rate schedules
56 must be maintained by the carrier and contracting shippers. A contract permit,
57 authorizing the transportation of [commodities] **household goods** or passengers
58 [other than as described in subsection 4 of section 390.051] **in charter service**,
59 may be amended to include additional contracting parties by the filing of said
60 contracts with the [division] **state highways and transportation commission**
61 and acknowledgment by the [division] **state highways and transportation**
62 **commission**.

390.081. 1. In order to provide motor carrier service for which there is an
2 immediate and urgent need from, to or between a point or points or within a
3 territory having no carrier service deemed capable of meeting such need, the
4 [division of motor carrier and railroad safety] **state highways and**
5 **transportation commission** shall, pending the filing of an application for a
6 certificate under section 390.051 or **permit under section 390.061 for the**
7 **transportation of passengers other than in charter service**, without a
8 hearing or other proceeding, grant temporary authority for a period not exceeding
9 ninety days for such service by a common carrier or contract carrier, as the case
10 may be. The issuance of such temporary authority shall create no presumption
11 that corresponding permanent authority will be granted therefor.

12 2. Such temporary authority shall be granted only upon the payment of

13 such fees and compliance with such rules, regulations and requirements as the
14 **[division] state highways and transportation commission** shall, by general
15 order establish for the administration of this section, and transportation service
16 rendered under such authority shall be subject to all applicable provisions of this
17 chapter and to the rules, regulations and requirements of the **[division] state**
18 **highways and transportation commission** established thereunder, that are
19 not in conflict with this section.

390.101. No common carrier of **passengers other than in charter**
2 **service** authorized under the provisions of this chapter to operate within the
3 state of Missouri shall abandon, discontinue, or fail to provide any service
4 established or authorized to be established under the provisions of this chapter,
5 unless such action is authorized by the **[division of motor carrier and railroad**
6 **safety] state highways and transportation commission**.

390.116. 1. Common carriers of **[property] household goods** may
2 establish reasonable through routes **or interline service** and joint rates,
3 charges and classifications with other such carriers or with common carriers by
4 railroad or express; and common carriers of passengers may establish reasonable
5 through routes and joint rates, fares or charges with other such carriers or with
6 common carriers by railroad. In case of such joint rates, fares, charges or
7 classifications, it shall be the duty of the **participating** carriers[, parties
8 thereto,] to establish just and reasonable regulations and practices in connection
9 therewith, and just, reasonable and equitable divisions thereof as between the
10 carriers participating therein which shall not unduly prefer or prejudice any of
11 such participating carriers **and shall not result in any rate, fare, charge,**
12 **classification, regulation, or practice that is unjust or unreasonable to**
13 **the shipper or receiver of the household goods. Carriers of household**
14 **goods participating in through routes or interline service shall file and**
15 **publish joint tariffs and evidence of concurrence or acceptance thereof,**
16 **in accordance with section 387.080, or individual tariffs for each**
17 **participating carrier, which shall set forth the joint or individual rates,**
18 **fares, charges, classifications, regulations, practices, and division of**
19 **rates applicable to such through routes or interline service, all in**
20 **accordance with the applicable provisions in chapter 387.**

21 2. The **[division] state highways and transportation commission**
22 may, whenever deemed by it to be necessary or desirable in the public interest,
23 after hearing, upon complaint or upon its own motion, order the establishment

24 of just and reasonable through routes and joint rates, fares, charges, regulations
25 or practices, applicable to the transportation of passengers or [property]
26 **household goods** by common carriers.

390.136. 1. **Except as provided in subsection 8 of this section**, no
2 motor carrier, except as provided in section 390.030, shall operate any motor
3 vehicle unless such vehicle shall be accompanied by an annual or seventy-two-
4 hour regulatory license issued by the state highways and transportation
5 commission; provided that when a motor carrier uses a truck-tractor for pulling
6 trailers or semitrailers, such motor carrier may elect to license either the truck-
7 tractor, trailer or semitrailer. The fee for each such regulatory license shall be
8 ten dollars per year and shall be due and payable as provided in this
9 section. Such license shall be issued in such form and shall be used pursuant to
10 such reasonable rules and regulations as may be prescribed by the commission.

11 2. Any regulatory license issued to a motor carrier for use in driveaway
12 operations, as defined in this section, shall be issued to such motor carrier
13 without reference to any particular vehicle and may be used interchangeably by
14 the holder thereof on any motor vehicle or combinations thereof moving in
15 driveaway operations under such carrier's property carrier registration,
16 certificate, or permit.

17 3. In case of emergency, temporary, unusual or a peak demand for
18 transportation, additional vehicles as described in subsection 1 of this section
19 may be operated upon issuance of a seventy-two-hour license for each vehicle so
20 operated. The license fee for each such additional vehicle shall be the sum of five
21 dollars for each seventy-two consecutive hours, or any portion thereof. Such
22 licenses shall be issued, renewed, and staggered in such form and shall be used
23 pursuant to such reasonable rules and regulations as the commission may
24 prescribe. No such additional vehicle which has been licensed pursuant to this
25 subsection shall be operated without being accompanied by such license.

26 4. The commission shall collect the applicable license fee prior to the
27 issuance of such license or licenses provided for in this section, and shall receive
28 the license fee or fees and immediately deposit the same to the credit of the state
29 highways and transportation department fund except as otherwise provided in
30 section 622.095, or when an agreement has been negotiated with another
31 jurisdiction whereby prepayment is not required. In such cases, section 622.095,
32 if applicable, or the terms of the agreement shall prevail.

33 5. Any person operating as a motor carrier who violates or fails to comply

34 with any of the provisions of this section shall be adjudged guilty of a
35 misdemeanor and, upon conviction thereof, shall be punished by a fine of not
36 more than one hundred dollars.

37 6. The regulatory license fee provided in this section may be paid at any
38 state weigh station.

39 7. The commission shall prescribe, for every regulatory license issued
40 pursuant to this section, an effective date and an expiration
41 date. Notwithstanding any provision of law to the contrary, the commission may
42 stagger the issuance of licenses pursuant to this section to begin at quarterly
43 intervals during any calendar year. Not later than the expiration date of the
44 current license, or as otherwise prescribed, each motor carrier shall pay the
45 regulatory license fee for each vehicle that the carrier will operate during the
46 next yearly period. The commission may issue partial or over one-year licenses
47 during the transition from an annual license, to accommodate motor carriers in
48 adding vehicles to their operations during the year, to coordinate the dates for a
49 single carrier's licensing of multiple licenses, or for such other reasons as
50 approved by the commission.

51 **8. The provisions of this section do not apply to a motor carrier**
52 **who is also registered or performing operations in interstate commerce;**
53 **except with respect to intrastate service provided by motor carriers of**
54 **waste or recyclable materials.**

390.205. Notwithstanding any provision of law to the contrary,
2 **no complaint, hearing, adjudication, or other proceedings in the state**
3 **highways and transportation commission or in the administrative**
4 **hearing commission shall be required as a prerequisite to the**
5 **commencement of any action in court to recover a penalty or forfeiture,**
6 **or to enforce the powers of the state highways and transportation**
7 **commission pursuant to section 390.156.**

390.280. 1. Certificates or permits, or both, which were issued before
2 January 1, 1995, and which authorized a person to transport any property in
3 intrastate commerce by motor vehicle as a common carrier or contract carrier, or
4 both, are void, except that to the extent such certificates or permits, or portions
5 thereof, authorized a person to transport household goods over irregular routes
6 or passengers in intrastate commerce, or any property or passengers in interstate
7 commerce, those certificates or permits, or portions thereof, are exempt from the
8 provisions of this subsection.

9 2. Persons who owned certificates or permits, or both, that were in active
10 status with the division on December 31, 1994, and persons to whom the division
11 issued certificates and permits after December 31, 1994, pursuant to emergency
12 rules adopted by the division, are deemed to be qualified as registered property
13 carriers, unless the person's certificate or permit has been suspended, revoked or
14 transferred to another person as provided by law. A person deemed qualified
15 pursuant to this subsection is not required to file an application pursuant to
16 section 390.290 to continue providing intrastate transportation as a registered
17 property carrier, but rather, upon such person's compliance with the licensing and
18 insurance requirements of the division the person is deemed to have a property
19 carrier registration in force as required pursuant to section 390.270, authorizing
20 the person to transport property except household goods in intrastate commerce
21 on the public highways, unless the person's property carrier registration is
22 suspended, revoked or transferred to another person as provided by law. Within
23 a reasonable time after August 28, 1996, the division shall issue property carrier
24 registrations to all persons who are deemed to be qualified as registered property
25 carriers and deemed to have property carrier registrations in force pursuant to
26 this subsection.

27 3. Notwithstanding any provision of this section to the contrary, this
28 section shall not be construed as authorizing any person to transport any
29 hazardous material as designated in Title 49, Code of Federal Regulations, except
30 hazardous materials which that person was expressly authorized to transport in
31 intrastate commerce within this state on August 28, 1996. A person may file an
32 application for property carrier registration pursuant to section 390.290 to
33 transport additional hazardous materials. Nothing in this section shall be
34 construed to conflict with chapter 260, or of relieving an applicant of any duty to
35 obtain a license pursuant to chapter 260.

36 **4. Notwithstanding any provision of the law to the contrary, any**
37 **geographic restriction or provision limiting the carrier's scope of**
38 **authority to particular routes within this state contained in a**
39 **certificate or permit, or both, authorizing the transportation of**
40 **household goods in intrastate commerce, which was issued prior to**
41 **August 28, 2011, and any similar provision contained in a carrier's tariff**
42 **schedule filed prior to such date, shall be deemed void. In lieu of the**
43 **geographic restrictions expressed in such certificates, permits, or tariff**
44 **schedules, a motor carrier shall be authorized to provide intrastate**

45 transportation of household goods between all points and destinations
46 within the state until such time the certificates, permits, and tariff
47 schedules are reissued or amended to reflect the motor carrier's
48 statewide operating authority.

622.560. Notwithstanding any provision of law to the contrary,
2 no complaint, hearing, adjudication, or other proceedings in the state
3 highways and transportation commission or in the administrative
4 hearing commission shall be required as a prerequisite to the
5 commencement of any action in court to obtain relief by injunction or
6 mandamus, to recover a penalty or forfeiture, or to enforce the powers
7 of the state highways and transportation commission pursuant to
8 section 622.290 or 622.510.

✓

Bill

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