

SECOND REGULAR SESSION

SENATE BILL NO. 480

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR STOFFER.

Pre-filed December 1, 2011, and ordered printed.

TERRY L. SPIELER, Secretary.

4472S.011

AN ACT

To repeal sections 144.030 and 390.020, RSMo, and to enact in lieu thereof two new sections relating to regulation of motor carriers.

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

Section A. Sections 144.030 and 390.020, RSMo, are repealed and two new
2 sections enacted in lieu thereof, to be known as sections 144.030 and 390.020, to
3 read as follows:

144.030. 1. There is hereby specifically exempted from the provisions of
2 sections 144.010 to 144.525 and from the computation of the tax levied, assessed
3 or payable pursuant to sections 144.010 to 144.525 such retail sales as may be
4 made in commerce between this state and any other state of the United States,
5 or between this state and any foreign country, and any retail sale which the state
6 of Missouri is prohibited from taxing pursuant to the Constitution or laws of the
7 United States of America, and such retail sales of tangible personal property
8 which the general assembly of the state of Missouri is prohibited from taxing or
9 further taxing by the constitution of this state.

10 2. There are also specifically exempted from the provisions of the local
11 sales tax law as defined in section 32.085, section 238.235, and sections 144.010
12 to 144.525 and 144.600 to 144.761 and from the computation of the tax levied,
13 assessed or payable pursuant to the local sales tax law as defined in section
14 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.745:

15 (1) Motor fuel or special fuel subject to an excise tax of this state, unless
16 all or part of such excise tax is refunded pursuant to section 142.824; or upon the
17 sale at retail of fuel to be consumed in manufacturing or creating gas, power,

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

18 steam, electrical current or in furnishing water to be sold ultimately at retail; or
19 feed for livestock or poultry; or grain to be converted into foodstuffs which are to
20 be sold ultimately in processed form at retail; or seed, limestone or fertilizer
21 which is to be used for seeding, liming or fertilizing crops which when harvested
22 will be sold at retail or will be fed to livestock or poultry to be sold ultimately in
23 processed form at retail; economic poisons registered pursuant to the provisions
24 of the Missouri pesticide registration law (sections 281.220 to 281.310) which are
25 to be used in connection with the growth or production of crops, fruit trees or
26 orchards applied before, during, or after planting, the crop of which when
27 harvested will be sold at retail or will be converted into foodstuffs which are to
28 be sold ultimately in processed form at retail;

29 (2) Materials, manufactured goods, machinery and parts which when used
30 in manufacturing, processing, compounding, mining, producing or fabricating
31 become a component part or ingredient of the new personal property resulting
32 from such manufacturing, processing, compounding, mining, producing or
33 fabricating and which new personal property is intended to be sold ultimately for
34 final use or consumption; and materials, including without limitation, gases and
35 manufactured goods, including without limitation slagging materials and
36 firebrick, which are ultimately consumed in the manufacturing process by
37 blending, reacting or interacting with or by becoming, in whole or in part,
38 component parts or ingredients of steel products intended to be sold ultimately
39 for final use or consumption;

40 (3) Materials, replacement parts and equipment purchased for use directly
41 upon, and for the repair and maintenance or manufacture of, motor vehicles,
42 watercraft, railroad rolling stock or aircraft engaged as common carriers of
43 persons or property;

44 (4) Replacement machinery, equipment, and parts and the materials and
45 supplies solely required for the installation or construction of such replacement
46 machinery, equipment, and parts, used directly in manufacturing, mining,
47 fabricating or producing a product which is intended to be sold ultimately for
48 final use or consumption; and machinery and equipment, and the materials and
49 supplies required solely for the operation, installation or construction of such
50 machinery and equipment, purchased and used to establish new, or to replace or
51 expand existing, material recovery processing plants in this state. For the
52 purposes of this subdivision, a "material recovery processing plant" means a
53 facility that has as its primary purpose the recovery of materials into a useable

54 product or a different form which is used in producing a new product and shall
55 include a facility or equipment which are used exclusively for the collection of
56 recovered materials for delivery to a material recovery processing plant but shall
57 not include motor vehicles used on highways. For purposes of this section, the
58 terms motor vehicle and highway shall have the same meaning pursuant to
59 section 301.010. Material recovery is not the reuse of materials within a
60 manufacturing process or the use of a product previously recovered. The material
61 recovery processing plant shall qualify under the provisions of this section
62 regardless of ownership of the material being recovered;

63 (5) Machinery and equipment, and parts and the materials and supplies
64 solely required for the installation or construction of such machinery and
65 equipment, purchased and used to establish new or to expand existing
66 manufacturing, mining or fabricating plants in the state if such machinery and
67 equipment is used directly in manufacturing, mining or fabricating a product
68 which is intended to be sold ultimately for final use or consumption;

69 (6) Tangible personal property which is used exclusively in the
70 manufacturing, processing, modification or assembling of products sold to the
71 United States government or to any agency of the United States government;

72 (7) Animals or poultry used for breeding or feeding purposes, or captive
73 wildlife;

74 (8) Newsprint, ink, computers, photosensitive paper and film, toner,
75 printing plates and other machinery, equipment, replacement parts and supplies
76 used in producing newspapers published for dissemination of news to the general
77 public;

78 (9) The rentals of films, records or any type of sound or picture
79 transcriptions for public commercial display;

80 (10) Pumping machinery and equipment used to propel products delivered
81 by pipelines engaged as common carriers;

82 (11) Railroad rolling stock for use in transporting persons or property in
83 interstate commerce and motor vehicles licensed for a gross weight of twenty-four
84 thousand pounds or more or trailers used by [common] **motor** carriers, as defined
85 in section 390.020, in the transportation of persons or property;

86 (12) Electrical energy used in the actual primary manufacture, processing,
87 compounding, mining or producing of a product, or electrical energy used in the
88 actual secondary processing or fabricating of the product, or a material recovery
89 processing plant as defined in subdivision (4) of this subsection, in facilities

90 owned or leased by the taxpayer, if the total cost of electrical energy so used
91 exceeds ten percent of the total cost of production, either primary or secondary,
92 exclusive of the cost of electrical energy so used or if the raw materials used in
93 such processing contain at least twenty-five percent recovered materials as
94 defined in section 260.200. There shall be a rebuttable presumption that the raw
95 materials used in the primary manufacture of automobiles contain at least
96 twenty-five percent recovered materials. For purposes of this subdivision,
97 "processing" means any mode of treatment, act or series of acts performed upon
98 materials to transform and reduce them to a different state or thing, including
99 treatment necessary to maintain or preserve such processing by the producer at
100 the production facility;

101 (13) Anodes which are used or consumed in manufacturing, processing,
102 compounding, mining, producing or fabricating and which have a useful life of
103 less than one year;

104 (14) Machinery, equipment, appliances and devices purchased or leased
105 and used solely for the purpose of preventing, abating or monitoring air pollution,
106 and materials and supplies solely required for the installation, construction or
107 reconstruction of such machinery, equipment, appliances and devices;

108 (15) Machinery, equipment, appliances and devices purchased or leased
109 and used solely for the purpose of preventing, abating or monitoring water
110 pollution, and materials and supplies solely required for the installation,
111 construction or reconstruction of such machinery, equipment, appliances and
112 devices;

113 (16) Tangible personal property purchased by a rural water district;

114 (17) All amounts paid or charged for admission or participation or other
115 fees paid by or other charges to individuals in or for any place of amusement,
116 entertainment or recreation, games or athletic events, including museums, fairs,
117 zoos and planetariums, owned or operated by a municipality or other political
118 subdivision where all the proceeds derived therefrom benefit the municipality or
119 other political subdivision and do not inure to any private person, firm, or
120 corporation;

121 (18) All sales of insulin and prosthetic or orthopedic devices as defined on
122 January 1, 1980, by the federal Medicare program pursuant to Title XVIII of the
123 Social Security Act of 1965, including the items specified in Section 1862(a)(12)
124 of that act, and also specifically including hearing aids and hearing aid supplies
125 and all sales of drugs which may be legally dispensed by a licensed pharmacist

126 only upon a lawful prescription of a practitioner licensed to administer those
127 items, including samples and materials used to manufacture samples which may
128 be dispensed by a practitioner authorized to dispense such samples and all sales
129 or rental of medical oxygen, home respiratory equipment and accessories, hospital
130 beds and accessories and ambulatory aids, all sales or rental of manual and
131 powered wheelchairs, stairway lifts, Braille writers, electronic Braille equipment
132 and, if purchased or rented by or on behalf of a person with one or more physical
133 or mental disabilities to enable them to function more independently, all sales or
134 rental of scooters, reading machines, electronic print enlargers and magnifiers,
135 electronic alternative and augmentative communication devices, and items used
136 solely to modify motor vehicles to permit the use of such motor vehicles by
137 individuals with disabilities or sales of over-the-counter or nonprescription drugs
138 to individuals with disabilities, and drugs required by the Food and Drug
139 Administration to meet the over-the-counter drug product labeling requirements
140 in 21 CFR 201.66, or its successor, as prescribed by a health care practitioner
141 licensed to prescribe;

142 (19) All sales made by or to religious and charitable organizations and
143 institutions in their religious, charitable or educational functions and activities
144 and all sales made by or to all elementary and secondary schools operated at
145 public expense in their educational functions and activities;

146 (20) All sales of aircraft to common carriers for storage or for use in
147 interstate commerce and all sales made by or to not-for-profit civic, social, service
148 or fraternal organizations, including fraternal organizations which have been
149 declared tax-exempt organizations pursuant to Section 501(c)(8) or (10) of the
150 1986 Internal Revenue Code, as amended, in their civic or charitable functions
151 and activities and all sales made to eleemosynary and penal institutions and
152 industries of the state, and all sales made to any private not-for-profit institution
153 of higher education not otherwise excluded pursuant to subdivision (19) of this
154 subsection or any institution of higher education supported by public funds, and
155 all sales made to a state relief agency in the exercise of relief functions and
156 activities;

157 (21) All ticket sales made by benevolent, scientific and educational
158 associations which are formed to foster, encourage, and promote progress and
159 improvement in the science of agriculture and in the raising and breeding of
160 animals, and by nonprofit summer theater organizations if such organizations are
161 exempt from federal tax pursuant to the provisions of the Internal Revenue Code

162 and all admission charges and entry fees to the Missouri state fair or any fair
163 conducted by a county agricultural and mechanical society organized and
164 operated pursuant to sections 262.290 to 262.530;

165 (22) All sales made to any private not-for-profit elementary or secondary
166 school, all sales of feed additives, medications or vaccines administered to
167 livestock or poultry in the production of food or fiber, all sales of pesticides used
168 in the production of crops, livestock or poultry for food or fiber, all sales of
169 bedding used in the production of livestock or poultry for food or fiber, all sales
170 of propane or natural gas, electricity or diesel fuel used exclusively for drying
171 agricultural crops, natural gas used in the primary manufacture or processing of
172 fuel ethanol as defined in section 142.028, natural gas, propane, and electricity
173 used by an eligible new generation cooperative or an eligible new generation
174 processing entity as defined in section 348.432, and all sales of farm machinery
175 and equipment, other than airplanes, motor vehicles and trailers, and any freight
176 charges on any exempt item. As used in this subdivision, the term "feed
177 additives" means tangible personal property which, when mixed with feed for
178 livestock or poultry, is to be used in the feeding of livestock or poultry. As used
179 in this subdivision, the term "pesticides" includes adjuvants such as crop oils,
180 surfactants, wetting agents and other assorted pesticide carriers used to improve
181 or enhance the effect of a pesticide and the foam used to mark the application of
182 pesticides and herbicides for the production of crops, livestock or poultry. As
183 used in this subdivision, the term "farm machinery and equipment" means new
184 or used farm tractors and such other new or used farm machinery and equipment
185 and repair or replacement parts thereon and any accessories for and upgrades to
186 such farm machinery and equipment, rotary mowers used exclusively for
187 agricultural purposes, and supplies and lubricants used exclusively, solely, and
188 directly for producing crops, raising and feeding livestock, fish, poultry,
189 pheasants, chukar, quail, or for producing milk for ultimate sale at retail,
190 including field drain tile, and one-half of each purchaser's purchase of diesel fuel
191 therefor which is:

192 (a) Used exclusively for agricultural purposes;

193 (b) Used on land owned or leased for the purpose of producing farm
194 products; and

195 (c) Used directly in producing farm products to be sold ultimately in
196 processed form or otherwise at retail or in producing farm products to be fed to
197 livestock or poultry to be sold ultimately in processed form at retail;

198 (23) Except as otherwise provided in section 144.032, all sales of metered
199 water service, electricity, electrical current, natural, artificial or propane gas,
200 wood, coal or home heating oil for domestic use and in any city not within a
201 county, all sales of metered or unmetered water service for domestic use:

202 (a) "Domestic use" means that portion of metered water service,
203 electricity, electrical current, natural, artificial or propane gas, wood, coal or
204 home heating oil, and in any city not within a county, metered or unmetered
205 water service, which an individual occupant of a residential premises uses for
206 nonbusiness, noncommercial or nonindustrial purposes. Utility service through
207 a single or master meter for residential apartments or condominiums, including
208 service for common areas and facilities and vacant units, shall be deemed to be
209 for domestic use. Each seller shall establish and maintain a system whereby
210 individual purchases are determined as exempt or nonexempt;

211 (b) Regulated utility sellers shall determine whether individual purchases
212 are exempt or nonexempt based upon the seller's utility service rate
213 classifications as contained in tariffs on file with and approved by the Missouri
214 public service commission. Sales and purchases made pursuant to the rate
215 classification "residential" and sales to and purchases made by or on behalf of the
216 occupants of residential apartments or condominiums through a single or master
217 meter, including service for common areas and facilities and vacant units, shall
218 be considered as sales made for domestic use and such sales shall be exempt from
219 sales tax. Sellers shall charge sales tax upon the entire amount of purchases
220 classified as nondomestic use. The seller's utility service rate classification and
221 the provision of service thereunder shall be conclusive as to whether or not the
222 utility must charge sales tax;

223 (c) Each person making domestic use purchases of services or property
224 and who uses any portion of the services or property so purchased for a
225 nondomestic use shall, by the fifteenth day of the fourth month following the year
226 of purchase, and without assessment, notice or demand, file a return and pay
227 sales tax on that portion of nondomestic purchases. Each person making
228 nondomestic purchases of services or property and who uses any portion of the
229 services or property so purchased for domestic use, and each person making
230 domestic purchases on behalf of occupants of residential apartments or
231 condominiums through a single or master meter, including service for common
232 areas and facilities and vacant units, under a nonresidential utility service rate
233 classification may, between the first day of the first month and the fifteenth day

234 of the fourth month following the year of purchase, apply for credit or refund to
235 the director of revenue and the director shall give credit or make refund for taxes
236 paid on the domestic use portion of the purchase. The person making such
237 purchases on behalf of occupants of residential apartments or condominiums shall
238 have standing to apply to the director of revenue for such credit or refund;

239 (24) All sales of handicraft items made by the seller or the seller's spouse
240 if the seller or the seller's spouse is at least sixty-five years of age, and if the total
241 gross proceeds from such sales do not constitute a majority of the annual gross
242 income of the seller;

243 (25) Excise taxes, collected on sales at retail, imposed by Sections 4041,
244 4061, 4071, 4081, 4091, 4161, 4181, 4251, 4261 and 4271 of Title 26, United
245 States Code. The director of revenue shall promulgate rules pursuant to chapter
246 536 to eliminate all state and local sales taxes on such excise taxes;

247 (26) Sales of fuel consumed or used in the operation of ships, barges, or
248 waterborne vessels which are used primarily in or for the transportation of
249 property or cargo, or the conveyance of persons for hire, on navigable rivers
250 bordering on or located in part in this state, if such fuel is delivered by the seller
251 to the purchaser's barge, ship, or waterborne vessel while it is afloat upon such
252 river;

253 (27) All sales made to an interstate compact agency created pursuant to
254 sections 70.370 to 70.441 or sections 238.010 to 238.100 in the exercise of the
255 functions and activities of such agency as provided pursuant to the compact;

256 (28) Computers, computer software and computer security systems
257 purchased for use by architectural or engineering firms headquartered in this
258 state. For the purposes of this subdivision, "headquartered in this state" means
259 the office for the administrative management of at least four integrated facilities
260 operated by the taxpayer is located in the state of Missouri;

261 (29) All livestock sales when either the seller is engaged in the growing,
262 producing or feeding of such livestock, or the seller is engaged in the business of
263 buying and selling, bartering or leasing of such livestock;

264 (30) All sales of barges which are to be used primarily in the
265 transportation of property or cargo on interstate waterways;

266 (31) Electrical energy or gas, whether natural, artificial or propane, water,
267 or other utilities which are ultimately consumed in connection with the
268 manufacturing of cellular glass products or in any material recovery processing
269 plant as defined in subdivision (4) of this subsection;

270 (32) Notwithstanding other provisions of law to the contrary, all sales of
271 pesticides or herbicides used in the production of crops, aquaculture, livestock or
272 poultry;

273 (33) Tangible personal property and utilities purchased for use or
274 consumption directly or exclusively in the research and development of
275 agricultural/biotechnology and plant genomics products and prescription
276 pharmaceuticals consumed by humans or animals;

277 (34) All sales of grain bins for storage of grain for resale;

278 (35) All sales of feed which are developed for and used in the feeding of
279 pets owned by a commercial breeder when such sales are made to a commercial
280 breeder, as defined in section 273.325, and licensed pursuant to sections 273.325
281 to 273.357;

282 (36) All purchases by a contractor on behalf of an entity located in another
283 state, provided that the entity is authorized to issue a certificate of exemption for
284 purchases to a contractor under the provisions of that state's laws. For purposes
285 of this subdivision, the term "certificate of exemption" shall mean any document
286 evidencing that the entity is exempt from sales and use taxes on purchases
287 pursuant to the laws of the state in which the entity is located. Any contractor
288 making purchases on behalf of such entity shall maintain a copy of the entity's
289 exemption certificate as evidence of the exemption. If the exemption certificate
290 issued by the exempt entity to the contractor is later determined by the director
291 of revenue to be invalid for any reason and the contractor has accepted the
292 certificate in good faith, neither the contractor or the exempt entity shall be liable
293 for the payment of any taxes, interest and penalty due as the result of use of the
294 invalid exemption certificate. Materials shall be exempt from all state and local
295 sales and use taxes when purchased by a contractor for the purpose of fabricating
296 tangible personal property which is used in fulfilling a contract for the purpose
297 of constructing, repairing or remodeling facilities for the following:

298 (a) An exempt entity located in this state, if the entity is one of those
299 entities able to issue project exemption certificates in accordance with the
300 provisions of section 144.062; or

301 (b) An exempt entity located outside the state if the exempt entity is
302 authorized to issue an exemption certificate to contractors in accordance with the
303 provisions of that state's law and the applicable provisions of this section;

304 (37) All sales or other transfers of tangible personal property to a lessor
305 who leases the property under a lease of one year or longer executed or in effect

306 at the time of the sale or other transfer to an interstate compact agency created
307 pursuant to sections 70.370 to 70.441 or sections 238.010 to 238.100;

308 (38) Sales of tickets to any collegiate athletic championship event that is
309 held in a facility owned or operated by a governmental authority or commission,
310 a quasi-governmental agency, a state university or college or by the state or any
311 political subdivision thereof, including a municipality, and that is played on a
312 neutral site and may reasonably be played at a site located outside the state of
313 Missouri. For purposes of this subdivision, "neutral site" means any site that is
314 not located on the campus of a conference member institution participating in the
315 event;

316 (39) All purchases by a sports complex authority created under section
317 64.920, and all sales of utilities by such authority at the authority's cost that are
318 consumed in connection with the operation of a sports complex leased to a
319 professional sports team;

320 (40) Beginning January 1, 2009, but not after January 1, 2015, materials,
321 replacement parts, and equipment purchased for use directly upon, and for the
322 modification, replacement, repair, and maintenance of aircraft, aircraft power
323 plants, and aircraft accessories;

324 (41) Sales of sporting clays, wobble, skeet, and trap targets to any
325 shooting range or similar places of business for use in the normal course of
326 business and money received by a shooting range or similar places of business
327 from patrons and held by a shooting range or similar place of business for
328 redistribution to patrons at the conclusion of a shooting event.

390.020. As used in this chapter, unless the context clearly requires
2 otherwise, the words and terms mean:

3 (1) "Agricultural commodities in bulk", commodities conforming to the
4 meaning of "commodities in bulk" as defined in this section, which are
5 agricultural, horticultural, viticultural or forest products or any other products
6 which are grown or produced on a farm or in a forest, and which have not
7 undergone processing at any time since movement from the farm or forest, or
8 processed or unprocessed grain, feed, feed ingredients, or forest products;

9 (2) "Certificate", a written document authorizing a common carrier to
10 engage in intrastate commerce and issued under the provisions of this chapter;

11 (3) "Charter service", the transportation of a group of persons who,
12 pursuant to a common purpose and at a fixed charge for the vehicle, have
13 acquired the exclusive use of a passenger-carrying motor vehicle to travel

14 together as a group from a point of origin to a specified destination or for a
15 particular itinerary, either agreed upon in advance or modified by the chartering
16 group after having left the place of origin;

17 (4) "Commercial zone", unless otherwise increased pursuant to the
18 provisions of subdivision (4) of section 390.041, any municipality within this state
19 together with that territory either within or without the state of Missouri,
20 extending one mile beyond the corporate limits of such municipality and one
21 additional mile for each fifty thousand inhabitants or portion thereof; however,
22 any commercial zone of a city not within a county shall extend eighteen miles
23 beyond that city's corporate limits and shall also extend throughout any first
24 class charter county which adjoins that zone;

25 (5) "Commodities in bulk", commodities, which are fungible, flowable,
26 capable of being poured or dumped, tendered for transportation unpackaged,
27 incapable of being counted, but are weighed or measured by volume and which
28 conform to the shape of the vehicle transporting them;

29 (6) "Common carrier", any person [which holds itself out to the general
30 public to engage] **who engages** in the transportation by motor vehicle of
31 passengers or property for hire or compensation upon the public highways and
32 airlines engaged in intrastate commerce;

33 (7) "Contract carrier", any person under individual contracts or
34 agreements which engage in transportation by motor vehicles of passenger or
35 property for hire or compensation upon the public highways;

36 (8) "Corporate family", a group of corporations consisting of a parent
37 corporation and all subsidiaries in which the parent corporation owns directly or
38 indirectly a one hundred percent interest;

39 (9) "Division", the division of motor carrier and railroad safety of the
40 department of transportation;

41 (10) "Driveaway operator":

42 (a) Any motor carrier who moves any commercial motor vehicle or
43 assembled automobile singly under its own power or in any other combination of
44 two or more vehicles under the power of one of said vehicles upon any public
45 highway for the purpose of delivery for sale or for delivery either before or after
46 sale;

47 (b) A person engaged in the business of furnishing drivers and operators
48 for the purpose of transporting vehicles in transit from one place to another by
49 the driveaway or towaway methods; or

50 (c) A person who is lawfully engaged in the business of transporting or
51 delivering vehicles that are not the person's own and vehicles of a type otherwise
52 required to be registered, by the driveaway or towaway methods, from a point of
53 manufacture, assembly or distribution or from the owner of the vehicles to a
54 dealer or sales agent of a manufacturer or to any consignee designated by the
55 shipper or consignor;

56 (11) "Dump truck", any open-top vehicle, including dump trailers, and
57 those trailers commonly referred to as hopper trailers and/or belly dump trailers,
58 that discharges its load by tipping or opening the body in such a manner that the
59 load is ejected or dumped by gravity but does not include tank or other closed-top
60 vehicles, or vehicles that discharge cargo by means of an auger, conveyor belt, air
61 pressure, pump or other mechanical means;

62 (12) "Household goods", personal effects and property used or to be used
63 in a dwelling when a part of the equipment or supply of such dwelling; new or
64 used furniture; store or office furniture or fixtures; equipment of museums,
65 institutions, hospitals and other establishments; and articles, which because of
66 their unusual nature or value require specialized handling and equipment usually
67 employed in moving household goods;

68 (13) "Interstate commerce", commerce between a point in this state and
69 a point outside this state, or between points outside this state when such
70 commerce moves through this state whether such commerce moves wholly by
71 motor vehicle or partly by motor vehicle and partly by any other regulated means
72 of transportation where the commodity does not come to rest or change its
73 identity during the movement;

74 (14) "Intrastate commerce", commerce moving wholly between points
75 within this state, whether such commerce moves wholly by motor vehicle or partly
76 by motor vehicle and partly by any other means of transportation;

77 (15) "Irregular route", the course or line of travel to be used by a motor
78 carrier's vehicle when not restricted to any specific route or routes within the
79 area the motor carrier is authorized to serve;

80 (16) "Less-than-truckload lots", lots of freight, other than a truckload lot,
81 being transported on the motor vehicle at one time;

82 (17) "Mobile home", house trailers, cabin trailers, bungalow trailers,
83 mobile homes and any other transportable building unit designed to be used for
84 residential, commercial, industrial or recreational purposes, including special
85 equipment, wheels, tires, axles, springs, racks, undercarriages and undersupports

86 used or useful in connection with the transportation of mobile homes when
87 transported as part of the transportation of mobile homes;

88 (18) "Motor carrier", any person engaged in the transportation of property
89 or passengers, or both, for compensation or hire, over the public roads of this
90 state by motor vehicle. The term includes both common and contract carriers;

91 (19) "Motor vehicle", any vehicle, truck, truck-tractor, trailer, or
92 semitrailer, motor bus or any self-propelled vehicle used upon the highways of the
93 state in the transportation of property or passengers;

94 (20) "Party", any person admitted as a party to a division proceeding or
95 seeking and entitled as a matter of right to admission to a division proceeding;

96 (21) "Permit", a permit issued under the provisions of this chapter to a
97 contract carrier to engage in intrastate or interstate commerce or to a common
98 carrier to engage in interstate commerce;

99 (22) "Person", any individual or other legal entity, whether such entity is
100 a proprietorship, partnership, corporation, company, association or joint-stock
101 association, including the partners, officers, employees, and agents of the person,
102 as well as any trustees, assignees, receivers, or personal representatives of the
103 person;

104 (23) "Private carrier", any person engaged in the transportation of
105 property or passengers by motor vehicle upon public highways, but not as a
106 common or contract carrier by motor vehicle; and includes any person who
107 transports property by motor vehicle where such transportation is incidental to
108 or in furtherance of his commercial enterprises;

109 (24) "Public highway", every public street, road, highway or thoroughfare
110 of any kind used by the public, whether actually dedicated to the public;

111 (25) "Regular route", a specific and determined course to be traveled by
112 a motor carrier's vehicle rendering service to, from or between various points or
113 localities in this state;

114 (26) "School bus", any motor vehicle while being used solely to transport
115 students to or from school or to transport students to or from any place for
116 educational purposes or school purposes;

117 (27) "Taxicab", any motor vehicle performing a bona fide for-hire taxicab
118 service having a capacity of not more than five passengers, exclusive of the driver,
119 and not operated on a regular route or between fixed termini;

120 (28) "Truckload lot", a lot or lots of freight tendered to a carrier by one
121 consignor or one consignee for delivery at the direction of the consignor or

122 consignee with the lot or lots being the only lot or lots transported on the motor
123 vehicle at any one time.

✓

Unofficial

Bill

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