

SECOND REGULAR SESSION
[P E R F E C T E D]
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 480
96TH GENERAL ASSEMBLY

Reported from the Committee on Transportation, February 16, 2012, with recommendation that the Senate Committee Substitute do pass.

Senate Committee Substitute for Senate Bill No. 480, adopted March 5, 2012.

Taken up for Perfection March 5, 2012. Bill declared Perfected and Ordered Printed.

TERRY L. SPIELER, Secretary.

4472S.02P

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Section A. Sections 144.030 and 390.020, RSMo, are repealed and two new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

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

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,
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) **Materials, replacement parts, and equipment purchased for**
45 **use directly upon, and for the repair and maintenance or manufacture**
46 **of motor vehicles used by motor carriers in the transportation of**
47 **persons or property. For purposes of this subdivision, the terms "motor**
48 **vehicles" and "motor carriers" shall have the meanings ascribed to them**
49 **in section 390.020;**

50 (5) Replacement machinery, equipment, and parts and the materials and
51 supplies solely required for the installation or construction of such replacement

52 machinery, equipment, and parts, used directly in manufacturing, mining,
53 fabricating or producing a product which is intended to be sold ultimately for
54 final use or consumption; and machinery and equipment, and the materials and
55 supplies required solely for the operation, installation or construction of such
56 machinery and equipment, purchased and used to establish new, or to replace or
57 expand existing, material recovery processing plants in this state. For the
58 purposes of this subdivision, a "material recovery processing plant" means a
59 facility that has as its primary purpose the recovery of materials into a useable
60 product or a different form which is used in producing a new product and shall
61 include a facility or equipment which are used exclusively for the collection of
62 recovered materials for delivery to a material recovery processing plant but shall
63 not include motor vehicles used on highways. For purposes of this section, the
64 terms motor vehicle and highway shall have the same meaning pursuant to
65 section 301.010. Material recovery is not the reuse of materials within a
66 manufacturing process or the use of a product previously recovered. The material
67 recovery processing plant shall qualify under the provisions of this section
68 regardless of ownership of the material being recovered;

69 **[(5)] (6)** Machinery and equipment, and parts and the materials and
70 supplies solely required for the installation or construction of such machinery and
71 equipment, purchased and used to establish new or to expand existing
72 manufacturing, mining or fabricating plants in the state if such machinery and
73 equipment is used directly in manufacturing, mining or fabricating a product
74 which is intended to be sold ultimately for final use or consumption;

75 **[(6)] (7)** Tangible personal property which is used exclusively in the
76 manufacturing, processing, modification or assembling of products sold to the
77 United States government or to any agency of the United States government;

78 **[(7)] (8)** Animals or poultry used for breeding or feeding purposes, or
79 captive wildlife;

80 **[(8)] (9)** Newsprint, ink, computers, photosensitive paper and film, toner,
81 printing plates and other machinery, equipment, replacement parts and supplies
82 used in producing newspapers published for dissemination of news to the general
83 public;

84 **[(9)] (10)** The rentals of films, records or any type of sound or picture
85 transcriptions for public commercial display;

86 **[(10)] (11)** Pumping machinery and equipment used to propel products
87 delivered by pipelines engaged as common carriers;

88 [(11)] **(12)** Railroad rolling stock for use in transporting persons or
89 property in interstate commerce and motor vehicles licensed for a gross weight
90 of twenty-four thousand pounds or more or trailers used by [common] **motor**
91 carriers, as defined in section 390.020, in the transportation of persons or
92 property;

93 [(12)] **(13)** Electrical energy used in the actual primary manufacture,
94 processing, compounding, mining or producing of a product, or electrical energy
95 used in the actual secondary processing or fabricating of the product, or a
96 material recovery processing plant as defined in subdivision (4) of this subsection,
97 in facilities owned or leased by the taxpayer, if the total cost of electrical energy
98 so used exceeds ten percent of the total cost of production, either primary or
99 secondary, exclusive of the cost of electrical energy so used or if the raw materials
100 used in such processing contain at least twenty-five percent recovered materials
101 as defined in section 260.200. There shall be a rebuttable presumption that the
102 raw materials used in the primary manufacture of automobiles contain at least
103 twenty-five percent recovered materials. For purposes of this subdivision,
104 "processing" means any mode of treatment, act or series of acts performed upon
105 materials to transform and reduce them to a different state or thing, including
106 treatment necessary to maintain or preserve such processing by the producer at
107 the production facility;

108 [(13)] **(14)** Anodes which are used or consumed in manufacturing,
109 processing, compounding, mining, producing or fabricating and which have a
110 useful life of less than one year;

111 [(14)] **(15)** Machinery, equipment, appliances and devices purchased or
112 leased and used solely for the purpose of preventing, abating or monitoring air
113 pollution, and materials and supplies solely required for the installation,
114 construction or reconstruction of such machinery, equipment, appliances and
115 devices;

116 [(15)] **(16)** Machinery, equipment, appliances and devices purchased or
117 leased and used solely for the purpose of preventing, abating or monitoring water
118 pollution, and materials and supplies solely required for the installation,
119 construction or reconstruction of such machinery, equipment, appliances and
120 devices;

121 [(16)] **(17)** Tangible personal property purchased by a rural water
122 district;

123 [(17)] **(18)** All amounts paid or charged for admission or participation or

124 other fees paid by or other charges to individuals in or for any place of
125 amusement, entertainment or recreation, games or athletic events, including
126 museums, fairs, zoos and planetariums, owned or operated by a municipality or
127 other political subdivision where all the proceeds derived therefrom benefit the
128 municipality or other political subdivision and do not inure to any private person,
129 firm, or corporation;

130 **[(18)] (19)** All sales of insulin and prosthetic or orthopedic devices as
131 defined on January 1, 1980, by the federal Medicare program pursuant to Title
132 XVIII of the Social Security Act of 1965, including the items specified in Section
133 1862(a)(12) of that act, and also specifically including hearing aids and hearing
134 aid supplies and all sales of drugs which may be legally dispensed by a licensed
135 pharmacist only upon a lawful prescription of a practitioner licensed to
136 administer those items, including samples and materials used to manufacture
137 samples which may be dispensed by a practitioner authorized to dispense such
138 samples and all sales or rental of medical oxygen, home respiratory equipment
139 and accessories, hospital beds and accessories and ambulatory aids, all sales or
140 rental of manual and powered wheelchairs, stairway lifts, Braille writers,
141 electronic Braille equipment and, if purchased or rented by or on behalf of a
142 person with one or more physical or mental disabilities to enable them to function
143 more independently, all sales or rental of scooters, reading machines, electronic
144 print enlargers and magnifiers, electronic alternative and augmentative
145 communication devices, and items used solely to modify motor vehicles to permit
146 the use of such motor vehicles by individuals with disabilities or sales of
147 over-the-counter or nonprescription drugs to individuals with disabilities, and
148 drugs required by the Food and Drug Administration to meet the over-the-counter
149 drug product labeling requirements in 21 CFR 201.66, or its successor, as
150 prescribed by a health care practitioner licensed to prescribe;

151 **[(19)] (20)** All sales made by or to religious and charitable organizations
152 and institutions in their religious, charitable or educational functions and
153 activities and all sales made by or to all elementary and secondary schools
154 operated at public expense in their educational functions and activities;

155 **[(20)] (21)** All sales of aircraft to common carriers for storage or for use
156 in interstate commerce and all sales made by or to not-for-profit civic, social,
157 service or fraternal organizations, including fraternal organizations which have
158 been declared tax-exempt organizations pursuant to Section 501(c)(8) or (10) of
159 the 1986 Internal Revenue Code, as amended, in their civic or charitable

160 functions and activities and all sales made to eleemosynary and penal institutions
161 and industries of the state, and all sales made to any private not-for-profit
162 institution of higher education not otherwise excluded pursuant to subdivision
163 (19) of this subsection or any institution of higher education supported by public
164 funds, and all sales made to a state relief agency in the exercise of relief functions
165 and activities;

166 [(21)] **(22)** All ticket sales made by benevolent, scientific and educational
167 associations which are formed to foster, encourage, and promote progress and
168 improvement in the science of agriculture and in the raising and breeding of
169 animals, and by nonprofit theater organizations if such organizations are
170 exempt from federal tax pursuant to the provisions of the Internal Revenue Code
171 and all admission charges and entry fees to the Missouri state fair or any fair
172 conducted by a county agricultural and mechanical society organized and
173 operated pursuant to sections 262.290 to 262.530;

174 [(22)] **(23)** All sales made to any private not-for-profit elementary or
175 secondary school, all sales of feed additives, medications or vaccines administered
176 to livestock or poultry in the production of food or fiber, all sales of pesticides
177 used in the production of crops, livestock or poultry for food or fiber, all sales of
178 bedding used in the production of livestock or poultry for food or fiber, all sales
179 of propane or natural gas, electricity or diesel fuel used exclusively for drying
180 agricultural crops, natural gas used in the primary manufacture or processing of
181 fuel ethanol as defined in section 142.028, natural gas, propane, and electricity
182 used by an eligible new generation cooperative or an eligible new generation
183 processing entity as defined in section 348.432, and all sales of farm machinery
184 and equipment, other than airplanes, motor vehicles and trailers, and any freight
185 charges on any exempt item. As used in this subdivision, the term "feed
186 additives" means tangible personal property which, when mixed with feed for
187 livestock or poultry, is to be used in the feeding of livestock or poultry. As used
188 in this subdivision, the term "pesticides" includes adjuvants such as crop oils,
189 surfactants, wetting agents and other assorted pesticide carriers used to improve
190 or enhance the effect of a pesticide and the foam used to mark the application of
191 pesticides and herbicides for the production of crops, livestock or poultry. As
192 used in this subdivision, the term "farm machinery and equipment" means new
193 or used farm tractors and such other new or used farm machinery and equipment
194 and repair or replacement parts thereon and any accessories for and upgrades to
195 such farm machinery and equipment, rotary mowers used exclusively for

196 agricultural purposes, and supplies and lubricants used exclusively, solely, and
197 directly for producing crops, raising and feeding livestock, fish, poultry,
198 pheasants, chukar, quail, or for producing milk for ultimate sale at retail,
199 including field drain tile, and one-half of each purchaser's purchase of diesel fuel
200 therefor which is:

201 (a) Used exclusively for agricultural purposes;

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

204 (c) Used directly in producing farm products to be sold ultimately in
205 processed form or otherwise at retail or in producing farm products to be fed to
206 livestock or poultry to be sold ultimately in processed form at retail;

207 ~~[(23)]~~ **(24)** Except as otherwise provided in section 144.032, all sales of
208 metered water service, electricity, electrical current, natural, artificial or propane
209 gas, wood, coal or home heating oil for domestic use and in any city not within a
210 county, all sales of metered or unmetered water service for domestic use:

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

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

232 (c) Each person making domestic use purchases of services or property
233 and who uses any portion of the services or property so purchased for a
234 nondomestic use shall, by the fifteenth day of the fourth month following the year
235 of purchase, and without assessment, notice or demand, file a return and pay
236 sales tax on that portion of nondomestic purchases. Each person making
237 nondomestic purchases of services or property and who uses any portion of the
238 services or property so purchased for domestic use, and each person making
239 domestic purchases on behalf of occupants of residential apartments or
240 condominiums through a single or master meter, including service for common
241 areas and facilities and vacant units, under a nonresidential utility service rate
242 classification may, between the first day of the first month and the fifteenth day
243 of the fourth month following the year of purchase, apply for credit or refund to
244 the director of revenue and the director shall give credit or make refund for taxes
245 paid on the domestic use portion of the purchase. The person making such
246 purchases on behalf of occupants of residential apartments or condominiums shall
247 have standing to apply to the director of revenue for such credit or refund;

248 ~~[(24)]~~ **(25)** All sales of handicraft items made by the seller or the seller's
249 spouse if the seller or the seller's spouse is at least sixty-five years of age, and if
250 the total gross proceeds from such sales do not constitute a majority of the annual
251 gross income of the seller;

252 ~~[(25)]~~ **(26)** Excise taxes, collected on sales at retail, imposed by Sections
253 4041, 4061, 4071, 4081, 4091, 4161, 4181, 4251, 4261 and 4271 of Title 26, United
254 States Code. The director of revenue shall promulgate rules pursuant to chapter
255 536 to eliminate all state and local sales taxes on such excise taxes;

256 ~~[(26)]~~ **(27)** Sales of fuel consumed or used in the operation of ships,
257 barges, or waterborne vessels which are used primarily in or for the
258 transportation of property or cargo, or the conveyance of persons for hire, on
259 navigable rivers bordering on or located in part in this state, if such fuel is
260 delivered by the seller to the purchaser's barge, ship, or waterborne vessel while
261 it is afloat upon such river;

262 ~~[(27)]~~ **(28)** All sales made to an interstate compact agency created
263 pursuant to sections 70.370 to 70.441 or sections 238.010 to 238.100 in the
264 exercise of the functions and activities of such agency as provided pursuant to the
265 compact;

266 ~~[(28)]~~ **(29)** Computers, computer software and computer security systems
267 purchased for use by architectural or engineering firms headquartered in this

268 state. For the purposes of this subdivision, "headquartered in this state" means
269 the office for the administrative management of at least four integrated facilities
270 operated by the taxpayer is located in the state of Missouri;

271 [(29)] **(30)** All livestock sales when either the seller is engaged in the
272 growing, producing or feeding of such livestock, or the seller is engaged in the
273 business of buying and selling, bartering or leasing of such livestock;

274 [(30)] **(31)** All sales of barges which are to be used primarily in the
275 transportation of property or cargo on interstate waterways;

276 [(31)] **(32)** Electrical energy or gas, whether natural, artificial or
277 propane, water, or other utilities which are ultimately consumed in connection
278 with the manufacturing of cellular glass products or in any material recovery
279 processing plant as defined in subdivision (4) of this subsection;

280 [(32)] **(33)** Notwithstanding other provisions of law to the contrary, all
281 sales of pesticides or herbicides used in the production of crops, aquaculture,
282 livestock or poultry;

283 [(33)] **(34)** Tangible personal property and utilities purchased for use or
284 consumption directly or exclusively in the research and development of
285 agricultural/biotechnology and plant genomics products and prescription
286 pharmaceuticals consumed by humans or animals;

287 [(34)] **(35)** All sales of grain bins for storage of grain for resale;

288 [(35)] **(36)** All sales of feed which are developed for and used in the
289 feeding of pets owned by a commercial breeder when such sales are made to a
290 commercial breeder, as defined in section 273.325, and licensed pursuant to
291 sections 273.325 to 273.357;

292 [(36)] **(37)** All purchases by a contractor on behalf of an entity located in
293 another state, provided that the entity is authorized to issue a certificate of
294 exemption for purchases to a contractor under the provisions of that state's
295 laws. For purposes of this subdivision, the term "certificate of exemption" shall
296 mean any document evidencing that the entity is exempt from sales and use taxes
297 on purchases pursuant to the laws of the state in which the entity is located. Any
298 contractor making purchases on behalf of such entity shall maintain a copy of the
299 entity's exemption certificate as evidence of the exemption. If the exemption
300 certificate issued by the exempt entity to the contractor is later determined by the
301 director of revenue to be invalid for any reason and the contractor has accepted
302 the certificate in good faith, neither the contractor or the exempt entity shall be
303 liable for the payment of any taxes, interest and penalty due as the result of use

304 of the invalid exemption certificate. Materials shall be exempt from all state and
305 local sales and use taxes when purchased by a contractor for the purpose of
306 fabricating tangible personal property which is used in fulfilling a contract for the
307 purpose of constructing, repairing or remodeling facilities for the following:

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

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

314 [(37)] **(38)** All sales or other transfers of tangible personal property to a
315 lessor who leases the property under a lease of one year or longer executed or in
316 effect at the time of the sale or other transfer to an interstate compact agency
317 created pursuant to sections 70.370 to 70.441 or sections 238.010 to 238.100;

318 [(38)] **(39)** Sales of tickets to any collegiate athletic championship event
319 that is held in a facility owned or operated by a governmental authority or
320 commission, a quasi-governmental agency, a state university or college or by the
321 state or any political subdivision thereof, including a municipality, and that is
322 played on a neutral site and may reasonably be played at a site located outside
323 the state of Missouri. For purposes of this subdivision, "neutral site" means any
324 site that is not located on the campus of a conference member institution
325 participating in the event;

326 [(39)] **(40)** All purchases by a sports complex authority created under
327 section 64.920, and all sales of utilities by such authority at the authority's cost
328 that are consumed in connection with the operation of a sports complex leased to
329 a professional sports team;

330 [(40)] **(41)** Beginning January 1, 2009, but not after January 1, 2015,
331 materials, replacement parts, and equipment purchased for use directly upon, and
332 for the modification, replacement, repair, and maintenance of aircraft, aircraft
333 power plants, and aircraft accessories;

334 [(41)] **(42)** Sales of sporting clays, wobble, skeet, and trap targets to any
335 shooting range or similar places of business for use in the normal course of
336 business and money received by a shooting range or similar places of business
337 from patrons and held by a shooting range or similar place of business for
338 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.

✓

Bill

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