

FIRST REGULAR SESSION

[P E R F E C T E D]

# SENATE BILL NO. 51

97TH GENERAL ASSEMBLY

---

---

INTRODUCED BY SENATOR MUNZLINGER.

Pre-filed December 1, 2012, and ordered printed.

Read 2nd time January 10, 2013, and referred to the Committee on Transportation and Infrastructure.

Reported from the Committee February 6, 2013, with recommendation that the bill do pass.

Taken up for Perfection February 12, 2013. Bill declared Perfected and Ordered Printed, as amended.

TERRY L. SPIELER, Secretary.

0197S.01P

---

---

## AN ACT

To repeal sections 301.301 and 307.400, RSMo, and to enact in lieu thereof two new sections relating to regulation of motor vehicles, with existing penalty provisions.

---

---

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

Section A. Sections 301.301 and 307.400, RSMo, are repealed and two new  
2 sections enacted in lieu thereof, to be known as sections 301.301 and 307.400, to  
3 read as follows:

301.301. [1. Any person replacing a stolen license plate tab issued on or  
2 after January 1, 2009, may receive at no cost up to two sets of two license plate  
3 tabs per year when the application for the replacement tab is accompanied with  
4 a police report that is corresponding with the stolen license plate tab.

5 2.] Any person replacing a stolen license plate tab [issued prior to  
6 January 1, 2009,] may receive at no cost up to two sets of two license plate tabs  
7 per year when the application for the replacement tab is accompanied with a  
8 notarized affidavit verifying that such license plate tab or tabs were stolen.

307.400. 1. It is unlawful for any person to operate any commercial motor  
2 vehicle as defined in Title 49, Code of Federal Regulations, Part 390.5, either  
3 singly or in combination with a trailer, as both vehicles are defined in Title 49,  
4 Code of Federal Regulations, Part 390.5, unless such vehicles are equipped and  
5 operated as required by Parts 390 through 397, Title 49, Code of Federal  
6 Regulations, as such regulations have been and may periodically be amended,

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

7 whether intrastate transportation or interstate transportation. Members of the  
8 Missouri state highway patrol are authorized to enter the cargo area of a  
9 commercial motor vehicle or trailer to inspect the contents when reasonable  
10 grounds exist to cause belief that the vehicle is transporting hazardous materials  
11 as defined by Title 49 of the Code of Federal Regulations. The director of the  
12 department of public safety is hereby authorized to further regulate the safety of  
13 commercial motor vehicles and trailers as he deems necessary to govern and  
14 control their operation on the public highways of this state by promulgating and  
15 publishing rules and regulations consistent with this chapter. Any such rules  
16 shall, in addition to any other provisions deemed necessary by the director,  
17 require:

18 (1) Every commercial motor vehicle and trailer and all parts thereof to be  
19 maintained in a safe condition at all times;

20 (2) Accidents arising from or in connection with the operation of  
21 commercial motor vehicles and trailers to be reported to the department of public  
22 safety in such detail and in such manner as the director may require. Except for  
23 the provisions of subdivisions (1) and (2) of this subsection, the provisions of this  
24 section shall not apply to any commercial motor vehicle operated in intrastate  
25 commerce and licensed for a gross weight of sixty thousand pounds or less when  
26 used exclusively for the transportation of solid waste or forty-two thousand  
27 pounds or less when the license plate has been designated for farm use by the  
28 letter "F" as authorized by the Revised Statutes of Missouri, unless such vehicle  
29 is transporting hazardous materials as defined in Title 49, Code of Federal  
30 Regulations.

31 2. Notwithstanding the provisions of subsection 1 of this section to the  
32 contrary, Part 391, Subpart E, Title 49, Code of Federal Regulations, relating to  
33 the physical requirements of drivers shall not be applicable to drivers in  
34 intrastate commerce, provided such drivers were licensed by this state as  
35 chauffeurs to operate commercial motor vehicles on May 13, 1988. Persons who  
36 are otherwise qualified and licensed to operate a commercial motor vehicle in this  
37 state may operate such vehicle intrastate at the age of eighteen years or older,  
38 except that any person transporting hazardous material must be at least  
39 twenty-one years of age.

40 3. Commercial motor vehicles and drivers of such vehicles may be placed  
41 out of service if the vehicles are not equipped and operated according to the  
42 requirements of this section. Criteria used for placing vehicles and drivers out

43 of service are the North American Uniform Out-of-Service Criteria adopted by the  
44 Commercial Vehicle Safety Alliance and the United States Department of  
45 Transportation, as such criteria have been and may periodically be amended.

46 4. Notwithstanding the provisions of subsection 1 of this section to the  
47 contrary, Part 395, Title 49, Code of Federal Regulations, relating to the hours  
48 of drivers, shall not apply to any vehicle owned or operated by any public utility,  
49 rural electric cooperative or other public service organization, or to the driver of  
50 such vehicle, while providing restoration of essential utility services during  
51 emergencies and operating intrastate. For the purposes of this subsection, the  
52 term "essential utility services" means electric, gas, water, telephone and sewer  
53 services.

54 5. [Part 395, Title 49, Code of Federal Regulations, relating to the hours  
55 of drivers, shall not apply to drivers transporting agricultural commodities or  
56 farm supplies for agricultural purposes in this state if such transportation:

57 (1) Is limited to an area within a one hundred air-mile radius from the  
58 source of the commodities or the distribution point for the farm supplies; and

59 (2) Is conducted during the planting and harvesting season within this  
60 state, as defined by the department of public safety by regulation.

61 6. The provisions of Part 395.8, Title 49, Code of Federal Regulations,  
62 relating to recording of a driver's duty status, shall not apply to drivers engaged  
63 in agricultural operations referred to in subsection 5 of this section, if the motor  
64 carrier who employs the driver maintains and retains for a period of six months  
65 accurate and true records showing:

66 (1) The total number of hours the driver is on duty each day; and

67 (2) The time at which the driver reports for, and is released from, duty  
68 each day.

69 7.] Notwithstanding the provisions of subsection 1 of this section to the  
70 contrary, Parts 390 through 397, Title 49, Code of Federal Regulations shall not  
71 apply to commercial motor vehicles operated in intrastate commerce to transport  
72 property, which have a gross vehicle weight rating or gross combination weight  
73 rating of twenty-six thousand pounds or less. The exception provided by this  
74 subsection shall not apply to:

75 (1) Vehicles transporting hazardous materials [or to] **and which are**  
76 **not covered farm vehicles as provided in subdivision (3) of this**  
77 **subsection; or**

78 (2) Vehicles designed to transport sixteen or more passengers including

79 the driver as defined by Title 49 of the Code of Federal Regulations; or

80 **(3) Vehicles which are defined as covered farm vehicles pursuant**  
81 **to federal laws and regulations and are transporting hazardous**  
82 **materials that require a placard as required by Title 49, Code of**  
83 **Federal Regulations, Parts 100-180.**

84 Nothing in this subsection shall be construed to prohibit persons designated by  
85 the department of public safety from inspecting vehicles defined in this  
86 subsection.

87 [8.] 6. Violation of any provision of this section or any rule promulgated  
88 as authorized therein is a class B misdemeanor.

89 [9.] 7. Any rule or portion of a rule, as that term is defined in section  
90 536.010, that is created under the authority delegated in this section shall  
91 become effective only if it complies with and is subject to all of the provisions of  
92 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are  
93 nonseverable and if any of the powers vested with the general assembly pursuant  
94 to chapter 536 to review, to delay the effective date, or to disapprove and annul  
95 a rule are subsequently held unconstitutional, then the grant of rulemaking  
96 authority and any rule proposed or adopted after August 28, 2009, shall be  
97 invalid and void.

✓

Copy