

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SS/SCS/Senate Bill No. 1050, Page 75, Section 304.180, Line 9,

2 of said page, by inserting after all of said line the following:

3 "304.232. 1. The Missouri state highway patrol shall
4 approve procedures for the certification of municipal police
5 officers, sheriffs, deputy sheriffs, and other law enforcement
6 officials that enforce sections 304.170 to 304.230.

7 2. The certification procedures shall meet the requirements
8 of the memorandum of understanding between the state of Missouri
9 and the commercial vehicle safety alliance or any successor
10 organization, as periodically adopted or amended.

11 3. Commercial motor vehicle safety data collection,
12 management, and distribution by law enforcement officials shall
13 be compatible with the information systems of the Missouri state
14 highway patrol.

15 4. The Missouri state highway patrol shall establish
16 reasonable fees sufficient to recover the cost of training,
17 recurring training, data collection and management, certifying,
18 and additional administrative functions for law enforcement
19 officials approved under this section.

20 5. The agencies for which law enforcement officials
21 approved under this section shall adhere to the Motor Carrier

1 Safety Assistance Program requirements under 49 Code of Federal
2 Regulations Part 350 of the Federal Motor Carrier Safety
3 Regulations.

4 6. The agencies for which law enforcement officials
5 approved under this section shall be subject to periodic program
6 reviews and be required to submit a commercial vehicle safety
7 plan that is consistent with and incorporated into the statewide
8 enforcement plan.

9 7. Beginning January 1, 2009, no local law enforcement
10 officer may conduct a random commercial motor vehicle roadside
11 inspection to determine compliance with the provisions of
12 sections 304.170 to 304.230 unless the law enforcement officer
13 has satisfactorily completed, as a part of his or her training,
14 the basic course of instruction developed by the commercial
15 vehicle safety alliance and has been approved by the Missouri
16 state highway patrol under this section. Law enforcement
17 officers authorized to enforce the provisions of sections 304.170
18 to 304.230 shall annually receive in-service training related to
19 commercial motor vehicle operations, including but not limited to
20 training in current federal motor carrier safety regulations,
21 safety inspection procedures, and out-of-service criteria. The
22 annual training requirements shall be approved by the
23 superintendent of the state highway patrol.

24 8. Law enforcement officers who have received commercial
25 vehicle safety alliance certification prior to January 1, 2009,
26 shall be exempt from the provisions of this section and such
27 officers shall be qualified to conduct random roadside
28 inspections described under this section and section 304.230.

29 9. No safety inspection shall be performed on the shoulder

1 of any highway with a posted speed limit in excess of forty miles
2 per hour.

3 10. The superintendent of the state highway patrol shall
4 promulgate rules and regulations necessary to administer the
5 certification procedures and any other provisions of this
6 section. Any rule or portion of a rule, as that term is defined
7 in section 536.010, that is created under the authority delegated
8 in this section shall become effective only if it complies with
9 and is subject to all of the provisions of chapter 536 and, if
10 applicable, section 536.028. This section and chapter 536 are
11 nonseverable and if any of the powers vested with the general
12 assembly pursuant to chapter 536 to review, to delay the
13 effective date, or to disapprove and annul a rule are
14 subsequently held unconstitutional, then the grant of rulemaking
15 authority and any rule proposed or adopted after August 28, 2008,
16 shall be invalid and void."; and

17 Further amend the title and enacting clause accordingly.
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