

FIRST REGULAR SESSION

SENATE BILL NO. 506

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BROWN.

Read 1st time February 28, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

2431S.01I

AN ACT

To repeal section 304.230, RSMo, and to enact in lieu thereof one new section relating to inspection of commercial motor vehicles.

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

Section A. Section 304.230, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 304.230, to read as follows:

304.230. 1. It shall be the duty of the sheriff of each county or city to see
2 that the provisions of sections 304.170 to 304.230 are enforced, and any peace
3 officer or police officer of any county or city or any highway patrol officer shall
4 have the power to arrest on sight or upon a warrant any person found violating
5 or having violated the provisions of such sections. [Beginning January 1, 2009,
6 only] Law enforcement officers that have been approved by the Missouri state
7 highway patrol under section 304.232, members of the Missouri state highway
8 patrol, commercial vehicle enforcement officers, and commercial vehicle inspectors
9 appointed under subsection [4] 3 of this section shall have the authority to
10 conduct [random] roadside examinations or inspections **of commercial motor**
11 **vehicles** to determine compliance with sections 304.170 to 304.230[, and only].
12 **If** such officers [shall] have [the authority, with or without] probable cause to
13 believe that the size or weight **of a commercial motor vehicle** is in excess of
14 that permitted by sections 304.170 to 304.230, [to] **the officers may** require the
15 driver, operator, owner, lessee, or bailee, to stop, drive, or otherwise move to a
16 location to determine compliance with sections 304.170 to
17 304.230. Notwithstanding the provisions of this subsection, a law enforcement
18 officer not certified under section 304.232 may stop a vehicle that has a visible
19 external safety defect relating to the enforcement of the provisions of sections

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

20 304.170 to 304.230 that could cause immediate harm to the traveling
21 public. Nothing in this section shall be construed as preventing a law
22 enforcement officer not certified under section 304.232 from stopping and
23 detaining a commercial motor vehicle when such officer has probable cause to
24 believe that the commercial motor vehicle is being used to conduct illegal or
25 criminal activities unrelated to violations of sections 304.170 to 304.230. In the
26 course of a stop, the law enforcement officer shall identify to the driver the defect
27 that caused the stop. If the **commercial motor** vehicle passes a comprehensive
28 roadside inspection, the law enforcement officer, state highway patrolman, or
29 other authorized person shall issue such vehicle a commercial vehicle safety
30 alliance inspection decal to be affixed to the vehicle in a manner prescribed by the
31 commercial vehicle safety alliance. The superintendent of the Missouri state
32 highway patrol shall promulgate rules and regulations relating to the
33 implementation of the provisions of this section. Any rule or portion of a rule, as
34 that term is defined in section 536.010, that is created under the authority
35 delegated in this section shall become effective only if it complies with and is
36 subject to all of the provisions of chapter 536 and, if applicable, section
37 536.028. This section and chapter 536 are nonseverable and if any of the powers
38 vested with the general assembly pursuant to chapter 536 to review, to delay the
39 effective date, or to disapprove and annul a rule are subsequently held
40 unconstitutional, then the grant of rulemaking authority and any rule proposed
41 or adopted after August 28, 2008, shall be invalid and void.

42 2. Any peace officer approved under section 304.232 or any highway patrol
43 officer is hereby given the power to stop any [such conveyance or] **commercial**
44 **motor** vehicle [as above described] upon the public highway for the purpose of
45 determining whether such vehicle is loaded in excess of the provisions of sections
46 304.170 to 304.230, and if he or she finds such vehicle loaded in violation of the
47 provisions thereof he or she shall have a right at that time and place to cause the
48 excess load to be removed from such vehicle; and provided further, that **if** any
49 regularly employed maintenance man of the department of transportation **has**
50 **probable cause to believe that a commercial motor vehicle is loaded in**
51 **excess of the provisions of sections 304.170 to 304.230, that person** shall
52 have the right and authority in any part of this state to stop [any such
53 conveyance or] **that commercial motor** vehicle upon the public highway for the
54 purpose of determining whether such vehicle is loaded in excess of the provisions
55 of sections 304.170 to 304.230, and if he or she finds such vehicle loaded in

56 violation of the provisions thereof, he or she shall have the right at that time and
57 place to cause the excess load to be removed from such vehicle. When only an
58 axle or a tandem axle group of a **commercial motor** vehicle is overloaded, the
59 operator shall be permitted to shift the load, if this will not overload some other
60 axle or axles, without being charged with a violation; provided, however, the
61 privilege of shifting the weight without being charged with a violation shall not
62 extend to or include vehicles while traveling on the federal interstate system of
63 highways. When only an axle or tandem axle group of the vehicle traveling on
64 the federal interstate system of highways is overloaded and a court authorized to
65 enforce the provisions of sections 304.170 to 304.230 finds that the overloading
66 was due to the inadvertent shifting of the load changing axle weights in transit
67 through no fault of the operator of the vehicle and that the load thereafter had
68 been shifted so that no axle had been overloaded, then the court may find that no
69 violation has been committed. The operator of any **commercial motor** vehicle
70 shall be permitted to back up and reweigh, or to turn around and weigh from the
71 opposite direction. Any operator whose **commercial motor** vehicle is weighed
72 and found to be within five percent of any legal limit may request and receive a
73 weight ticket, memorandum or statement showing the weight or weights on each
74 axle or any combinations of axles. Once a vehicle is found to be within the limits
75 of section 304.180 after having been weighed on any state scale and there is no
76 evidence that any cargo or fuel has been added, no violation shall occur, but a
77 presumption shall exist that cargo or fuel has been added if upon reweighing on
78 another state scale the total gross weight exceeds the applicable limits of section
79 304.180 or 304.190. The highways and transportation commission of this state
80 may deputize and appoint any number of their regularly employed maintenance
81 men to enforce the provisions of such sections, and the maintenance men
82 delegated and appointed in this section shall report to the proper officers any
83 violations of sections 304.170 to 304.230 for prosecution by such proper officers.

84 3. The superintendent of the Missouri state highway patrol may assign
85 qualified persons who are not highway patrol officers to supervise or operate
86 permanent or portable weigh stations used in the enforcement of commercial
87 vehicle laws. These persons shall be designated as commercial vehicle inspectors
88 and have limited police powers:

89 (1) To issue uniform traffic tickets at a permanent or portable weigh
90 station for violations of rules and regulations of the division of motor carrier
91 services of the highway and transportation commission and department of public

92 safety, and laws, rules, and regulations pertaining to commercial motor vehicles
93 and trailers and related to size, weight, fuel tax, registration, equipment, driver
94 requirements, transportation of hazardous materials and operators' or chauffeurs'
95 licenses, and the provisions of sections 303.024 and 303.025;

96 (2) To require the operator of any commercial **motor** vehicle to stop and
97 submit to a vehicle and driver inspection to determine compliance with
98 commercial vehicle laws, rules, and regulations, the provisions of sections 303.024
99 and 303.025, and to submit to a cargo inspection when reasonable grounds exist
100 to cause belief that a vehicle is transporting hazardous materials as defined by
101 Title 49 of the Code of Federal Regulations;

102 (3) To make arrests for violation of subdivisions (1) and (2) of this
103 subsection. Commercial vehicle inspectors shall not have the authority to
104 exercise the powers granted in subdivisions (1), (2) and (3) of this subsection until
105 they have successfully completed training approved by the superintendent of the
106 Missouri state highway patrol; nor shall they have the right as peace officers to
107 bear arms.

108 4. The superintendent of the Missouri state highway patrol may appoint
109 qualified persons, who are not members of the highway patrol, designated as
110 commercial vehicle enforcement officers, with the powers:

111 (1) To issue uniform traffic tickets for violations of laws, rules and
112 regulations pertaining to commercial **motor** vehicles, trailers, special mobile
113 equipment and drivers of such vehicles, and the provisions of sections 303.024
114 and 303.025;

115 (2) To require the operator of any commercial **motor** vehicle to stop and
116 submit to a vehicle and driver inspection to determine compliance with
117 commercial vehicle laws, rules, and regulations, compliance with the provisions
118 of sections 303.024 and 303.025, and to submit to a cargo inspection when
119 reasonable grounds exist to cause belief that a vehicle is transporting hazardous
120 materials as defined by Title 49 of the Code of Federal Regulations;

121 (3) To make arrests upon warrants and for violations of subdivisions (1)
122 and (2) of this subsection. Commercial vehicle officers selected and designated
123 as peace officers by the superintendent of the Missouri state highway patrol are
124 hereby declared to be peace officers of the state of Missouri, with full power and
125 authority to make arrests solely for violations under the powers granted in
126 subdivisions (1) to (3) of this subsection. Commercial vehicle enforcement officers
127 shall not have the authority to exercise the powers granted in subdivisions (1),

128 (2) and (3) of this subsection until they have successfully completed training
129 approved by the superintendent of the Missouri state highway patrol and have
130 completed the mandatory standards for the basic training and licensure of peace
131 officers established by the peace officers standards and training commission
132 under subsection 1 of section 590.030. Commercial vehicle officers who are
133 employed and performing their duties on August 28, 2008, shall have until July
134 1, 2012, to comply with the mandatory standards regarding police officer basic
135 training and licensure. Commercial vehicle enforcement officers shall have the
136 right as peace officers to bear arms.

137 5. Any additional employees needed for the implementation of this section
138 shall be hired in conformity with the provisions of the federal fair employment
139 and antidiscrimination acts.

140 6. Any part of this section which shall be construed to be in conflict with
141 the axle or tandem axle load limits permitted by the Federal-Aid Highway Act,
142 Section 127 of Title 23 of the United States Code (Public Law 85-767, 85th
143 Congress) shall be null, void and of no effect.

144 7. The superintendent may also appoint members of the patrol who are
145 certified under the commercial vehicle safety alliance with the power to conduct
146 commercial motor vehicle and driver inspections and to require the operator of
147 any commercial **motor** vehicle to stop and submit to said inspections to
148 determine compliance with commercial vehicle laws, rules, and regulations,
149 compliance with the provisions of sections 303.024 and 303.025, and to submit to
150 a cargo inspection when reasonable grounds exist to cause belief that a vehicle
151 is transporting hazardous materials as defined by Title 49 of the Code of Federal
152 Regulations.

153 8. As used in this section, the term "commercial motor vehicle"
154 shall be limited to the definition provided in section 302.700.

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