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SENATE TRANSPORTATION COMMITTEE APPROVES PRIMARY SEAT BELT

BILL: Legislation to establish a primary seat belt law in Missouri was approved March 4 by the Senate Transportation Committee. Testimony supporting Senate Bill 1260, sponsored by Sen. Jon Dolan, R-Lake St. Louis, was heard on March 2.

For the second time in a month, a federal highway safety official spoke in support of a primary seat belt law in Missouri.

Richard Healing, a member of the National Transportation Safety Board, testified in favor of the bill that would allow law enforcement officers to stop motorists and issue tickets to them for not wearing seat belts. This is known as a primary seat-belt law. Missouri currently has a secondary seat belt law, which means law enforcement officials can ticket drivers for not wearing a seat belt only if the motorist is stopped for another offense.

Healing testified that 64 percent of the 8,847 Missourians killed in traffic accidents from 1994 through 2002 were not wearing seat belts. Each fatality costs society about \$977,000, primarily through lost workplace and household productivity.

“Enacting this bill is the single most important life-saving and deficit reduction measure you can take this session. It costs nothing, but will save much,” Healing said.

Others testifying in favor of the bill were:

- Janet Dewey Kolen, National Safety Council
- MoDOT Chief Engineer Kevin Keith
- LeAnne Depugh, Missouri Safety Center;
- Capt. Bret Johnson, Missouri State Highway Patrol;
- Angela Hirsch, Mothers Against Drunk Driving;
- Richard Brownlee, State Farm Insurance;
- Ed Wallace, General Motors Corporation;
- Tom Holloway, Missouri State Medical Association;
- David Skouby, DaimlerChrysler;
- Jim Russell, Alliance of Automobile Manufactures;
- Dale Finley, Missouri Safety Council
- Vicki Williams, MoDOT's Highway Safety Office;
- George Burruss, Missouri Motor Carriers Association;

There was no opposition to the legislation.

The bill now awaits debate by the Senate.

The director of the National Highway Traffic Safety Administration testified Feb. 11 in support of a House bill that would establish a primary safety-belt law in Missouri. Dr. Jeffrey Runge said a primary seat belt law would be the most effective way for Missouri to reduce the number of deaths and injuries resulting from traffic crashes. The House's seat belt legislation is House Bill 1200, sponsored by Rep. Rob Schaaf, R-St. Joseph.

According to a March 2 news release from the National Safety Council, a primary seat belt law enacted in 2004 would save Missouri at least \$103 million dollars in Medicaid costs over the next 10 years. A study of potential costs focused on three groups of people: those currently on Medicaid, those who sustained spinal cord injuries and those who sustained traumatic brain injuries. The latter two categories are often associated with motor vehicle crashes and have high on-going costs often billed to the state's Medicaid program

CHILD SAFETY SEAT LEGISLATION APPROVED BY SENATE COMMITTEE: The Senate Transportation Committee approved a bill March 4 that would strengthen Missouri's child safety seat laws.

Senate Bill 710, sponsored by Sen. Wayne Goode, D-St. Louis, would require children less than 5 years of age, regardless of weight, and children weighing less than 50 pounds, regardless of age, to use a child passenger restraint system when riding in a motor vehicle. Children weighing more than 50 pounds, who would otherwise be required to be secured in a booster seat, could be transported in the back seat while wearing only a lap belt if the back seat of the motor vehicle is not equipped with a combination lap and shoulder belt for booster seat installation.

Drivers violating the law could avoid paying the \$25 fine if they can demonstrate that they have obtained a child safety seat meeting the requirements of the law prior to the hearing. No points would be assessed against a person's driver's license for violating the law.

The bill would require car rental agencies to inform customers of the law and provide for rental of an appropriate child restraint system.

The bill also includes a provision addressing where passengers can sit in a vehicle. If there are more passengers than there are seat belts in the car, then the passengers would have to sit in the area behind the front seat unless the vehicle is designed only for a front-seated area. This exception does not apply to passengers riding with a driver who has an intermediate drivers license.

If approved by the General Assembly and signed by the governor, this legislation would go into effect on Jan. 1, 2005.

Other bills approved by Senate Transportation Committee on March 4 include:

- Senate Committee Substitute for Senate Bills 1233, 840 and 1084, sponsored by Sen. John Dolan, R-Lake St. Louis, is an omnibus automobile salvage title proposal. The bill includes a provision about abandoned vehicles and numerous special license plate proposals.
- Senate Committee Substitute for Senate Bill 1201, sponsored by Sen. John Cauthorn, R-Mexico, would direct the Department of Agriculture to assess a surcharge of \$18 per transport load on all petroleum products within the state. Fifty-five percent of the revenue generated by this surcharge would be deposited in the Missouri qualified fuel ethanol producer incentive fund. The remaining 45 percent would be deposited in the Missouri qualified biodiesel incentive fund. Railroad and airline companies are not subject to the load fee described in the bill.
- Senate Committee Substitute for Senate Bill 1262, sponsored by Sen. Dolan, would change the definition of "salvage vehicle" to include any motor vehicle, semitrailer or house trailer which has been damaged to the extent that the total cost of repairs to rebuild the vehicle to its condition immediately before it was damaged exceeds 75 percent of the fair market value of the vehicle prior to the damage.

The bills now go to the full Senate for consideration.

SENATE PASSES BILL TO BAN SEXUALLY-ORIENTED BILLBOARD MESSAGES:

The Senate gave final approval March 4 to a bill that would ban sexually-oriented messages on billboards located near state highways. Senate Bill 870, sponsored by Sen. Matt Bartle, R-Lee's Summit, would prohibit adult cabaret or sexually-oriented billboards from being located within one mile of a state highway.

If an adult cabaret or sexually-oriented business is located within one mile of a state highway, the business can display a maximum of two exterior signs displaying only the name, address, phone number and operating hours of the business and a notice that minors are not allowed on the premises. Those signs would be limited to 40 square feet and can display only the name, address, telephone number and operating hours of the business. Signs existing before the effective date of the legislation would not have to comply with the new law for three years.

The bill now goes to the House for consideration.

HOUSE HEARS OUTDOOR ADVERTISING BILL: The House Small Business Committee heard testimony March 3 on an outdoor advertising bill that would violate the federal Highway Beautification Act and could jeopardize a portion of MoDOT's federal funding. House Bill 1520 is sponsored by Rep. Chris Shoemaker, R-Macon.

The bill would allow businesses located in third or fourth class counties to erect directional or on-premises signs on private property adjacent to any state highway. The maximum size of signs allowed under the legislation would be 6 feet by 10 feet. The signs would have to be maintained and could be inspected on a regular basis by the governing body of the county to make sure they are being maintained.

Sara Kothe, the owner of a bed and breakfast in rural Chariton County, testified in favor of the bill. Testifying against the bill were:

- Scott Taylor, MoDOT;
- Brad McMahon, Federal Highway Administration;
- Bob Wilson, Missouri Outdoor Advertising Association.

Taylor and Wilson testified against the bill because it could result in a reduction of MoDOT's federal funds if the state is in violation of federal outdoor advertising laws.

No action was taken on the bill

HOUSE TRANSPORTATION COMMITTEE APPROVES NUMEROUS BILLS: The House Transportation Committee approved a number of bills March 3 including:

- House Bill 976, sponsored by Rep. Charles Schlottach, R-Owensville, would strengthen laws governing the use of placards that allow motorists to park in spaces designated for people with disabilities. The bill would require people to submit a physician's statement every four years that documents their need for handicapped parking. It also increases penalties for fraudulently obtaining or using a disabled parking placard. The committee also approved Senate Bill 1144, sponsored by Sen. Jon Dolan, R-Lake St. Louis, which addresses the same issue.
- House Bill 996, sponsored by Rep. Gary Dusenberg, R-Blue Springs, would require the Missouri State Highway Patrol to inspect the frames of school buses when they conduct safety inspections.
- House Bill 995, sponsored by Rep. Dusenberg, would limit the maximum bumper height of pickup trucks to 29 inches for the front bumper and 31 inches for the rear bumper.
- House Bill 977, sponsored by Rep. Schlottach, would allow members of the Missouri Association of State Troopers Emergency Relief Society to obtain special license plates;
- House Bill 1405, sponsored by Rep. Curt Dougherty, D-Independence, would create a special license plate for Missouri DeMolay.
- House Bill 1167, sponsored by Rep. Van Kelly, R-Norwood, would create a special license plate for the Missouri Fox Trotting Horse Breed Association.
- House Bill 1288, sponsored by Rep. Kevin Threlkeld, R-Washington, would require franchisors to include in writing notice of franchisor recalls to owners of new motorcycles, all-terrain vehicles and personal watercraft.
- House Bill 1366, sponsored by Rep. Curt Dougherty, D-Independence, would allow for prorated reimbursement of one year of a motor vehicle registration fee paid for two-year plates when the plates are returned to the state before one year has passed. License plate fees would not be returned in cases of license suspension or revocation.

The bills now go to the full House for consideration.

HOUSE COMMITTEE HEARS RETIREMENT BILL: The House Retirement Committee heard testimony on a bill that would offer MoDOT employees several options for using accrued annual leave time that exceeds the department limits. House Bill 1273 is sponsored by Rep. D.J. Davis, D-Odessa.

Under the bill, on Oct. 1 of each year, beginning Jan. 1, 2005, annual leave time in excess of the maximum number of hours allowed could be deposited into MoDOT's Shared Leave Program; used to purchase retirement credits within certain limits; or used for equivalent cash deposits into the employees Deferred Compensation Plan within certain limits.

The bill allows employees to earn the following annual leave hours and annual leave maximum balances on a graduated basis based on years of service:

Years of service	Hours accrued monthly	Maximum leave balance
0 to 10 years	10 hours	240 hours
11 to 15 years	12 hours	288 hours
16+ years	14 hours	336 hours

Steve Cox, representing the State Highway and Transportation Employees Association of Missouri, testified in favor of the bill. No one testified against the bill.

The committee took no action on the legislation.

HOUSE COMMITTEE DISCUSSES VOLUNTARY COMPLIANCE AUDITS FOR MOTOR CARRIERS:

The House Transportation and Motor Vehicles Committee heard testimony March 3 on a bill that could jeopardize federal funding MoDOT receives for its motor carrier program. House Bill 1437, sponsored by Rep. Mike Sutherland, R-Warrenton, would allow commercial motor carriers to choose to have voluntary compliance audits conducted by the MHTC without incurring liability if the commission discovers deficiencies. The bill also addresses MoDOT's record keeping, the minimum number of voluntary compliance audits and an appeals process.

Testifying for the bill were Richard McIntosh, representing the Missouri Dump Truck Association; and Bob Wilson, representing the Missouri Motor Carriers Association.

MoDOT's Motor Carrier Enforcement Manager Ben Goodin testified in opposition to the bill because the proposal would place Missouri out of compliance with federal motor carrier laws. According to Goodin, \$1.7 million in federal funding used for enforcement staff for the commercial motor carriers division would be at risk due to the way the bill is drafted.

Currently, compliance audits performed by enforcement staff are funded through grants from the U.S. Department of Transportation Motor Carrier Safety Administration. The federal government defines the process of performing compliance audits, and the grants indicate the types of work to be performed. If current staff were required to perform audits with requirements contrary to the grants, federal funding could be lost, according to MoDOT's interpretation of the proposed law.

Goodin testified that the department does have several good safety training programs already in place that are designed to help commercial motor carriers operate in the most efficient and safe manner possible. Goodin offered to work with the bill sponsor to redraft the legislation so that it would not impact MoDOT's operations and the level of federal funding the department currently receives.

No committee action was taken on the bill.

SUBCOMMITTEE DISCUSSES PRIVATIZATION OF SOME STATE SERVICES: The Joint Subcommittee on Privatization met March 4 to discuss the privatization of some state services. Mickey Wilson, representing Legislative Oversight, presented the results of a survey of state agencies and how they currently operate when considering privatization for certain services or functions. MoDOT was the only state agency with a written procedure for the process, but the department has not yet implemented it statewide.

The committee would like to identify some pilot projects to consider for a privatization process. Wilson said he has gathered information from other states that have privatized some state functions including Virginia, Arizona and Texas.

The committee will meet again on June 4.

For a full copy of the report, contact Pam Harlan in MoDOT's Governmental Affairs Office at 526-2851.

HEALTH INSURANCE BILL APPROVED BY HOUSE COMMITTEE: The House Financial Services Committee heard testimony March 2 on a bill that would allow public entities that self-insure for health care benefits to require reimbursement for medical claims paid when there is third-party liability. According to the bill sponsor, Rep. Bob Dixon (R-Springfield), House Bill 1233 would allow the public entity to require the covered person to assign to the public entity his or her claim or cause of action against the third party.

Testifying for the bill were: Jack Kastle, City Utilities of Springfield; Rick Dykes, Springfield Public Schools; Scott Marrs, City of Springfield; Nancy Sublet, MS Benefits Group; and Jeff Padgett, MoDOT.

There was no opposition to the bill, and the committee took no action on the bill.

In other action, the committee approved House Bill 936, which would require insurance companies that operate in Missouri to offer health insurance coverage for children's hearing aids.

The bill now goes to the full House for floor debate.

UPCOMING HEARINGS:

The latest legislative hearing notices can be found at www.house.mo.gov; go to Hearings and choose either House Hearing Schedule or Senate Hearing Schedule.