



*April 9, 2004*

## ***The GA Capitol Report***

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**SENATE PASSES PRIMARY SEAT BELT BILL:** The Senate gave final approval April 6 to a bill that would establish a primary seat belt law in Missouri. The seat belt measure was added last week as an amendment to a bill that would strengthen the state's child safety seat law. Senate Bill 710, is sponsored by Sen. Wayne Goode, D-St. Louis.

The legislation would allow law enforcement officers to stop motorists for not wearing a seat belt. Missouri currently has a secondary enforcement seat belt law, which allows officers to issue citations to motorists for not wearing a seat belt only if they are stopped for some other violation.

The child safety seat portion of the bill would require children less than 4 years of age, regardless of weight, or children weighing less than 40 pounds, regardless of age, to use a child passenger restraint system when riding in a motor vehicle. It also would require children ages 4 and 5 who weigh 40 to 60 pounds to use a child restraint system or a booster seat. Children age 6 and older or weighing more than 60 pounds could use a regular seat belt.

Drivers violating the law and receiving a citation for not using a child safety seat could avoid paying the \$25 fine if they can demonstrate that they obtained a child safety seat meeting the requirements of the law prior to the hearing.

The bill now goes to the House for consideration.

**DIVERSION BILL APPROVED BY HOUSE COMMITTEE:** The House Transportation Committee approved a bill April 7 that would eventually prevent the diversion of state highway funds to some state departments. Because the legislation proposes a change in the state constitution, Missouri voters also would have to approve the measure.

Senate Committee Substitute for Senate Joint Resolution 44, sponsored by Sen. Jon Dolan, R-Lake St. Louis would:

- Eliminate all state agencies except MoDOT, the State Highway Patrol and the Office of Administration (in certain circumstances) from receiving highway funds. Costs incurred by the Office of Administration on behalf of MoDOT and Highway Patrol employees could be paid from the state highway fund. This change would be phased in over a five-year period beginning July 1, 2005.
- Redirect one-half of the tax paid on motor vehicles, trailers, boats and outboard motors to the state road fund. Currently, only half of those taxes go into the road fund and the other

half goes to the General Revenue Fund. This change would be phased in over a 10-year period beginning July 1, 2009.

- Establish the Highway Patrol Safety Fund. The fund would receive five percent of any increase in motor vehicle registration fees and a separate vehicle registration fee or surcharge dedicated to fund the highway patrol. The resolution would require all money in the Highway Patrol Safety Fund to be spent before any funding is appropriated for the patrol from the state highway fund.

The bill now goes to the full House for consideration.

**HOUSE APPROVES STATE BUDGET, ADDS MONEY FOR PORTS:** The House passed an \$18.6 billion state budget on April 7. The budget, which would go into effect July 1, is a 4.6 percent increase over last year.

During the budget debate, an additional \$330,000 in general revenue was added to MoDOT's budget for Missouri ports. According to Rep. Lanie Black, R-Charleston, this money would not result in the establishment of any new ports, but would provide additional operating funds for existing ports.

The Senate is now considering the budget. The General Assembly must give final approval to a state budget by May 7.

**SENATE COMMITTEE APPROVES OMNIBUS TRANSPORTATION BILL:** The Senate Transportation Committee approved a number of bills on April 8, including an omnibus transportation bill. Senate Committee Substitute for House Bill 946, is sponsored by Sen. Jon Dolan, R-Lake St. Louis.

The committee passed a substitute bill that removes a number of the provisions in the original legislation including a proposal that would have required the director of MoDOT to oversee the department's chief counsel instead of the MHTC. The substitute bill also removed all the proposals regarding outdoor advertising.

The bill would clarify legislation approved in 2003 that determines the way members of the Missouri Highways and Transportation Commission are selected to serve as chair and vice chair. Under the proposed bill, the commission would elect for a one-year term a chair and vice chair from the two members (one from each political party) who have the most seniority on the commission. At the end of the one-year term, the chair and vice chair will switch their positions. Any member reappointed to the commission would be eligible to serve as chair or vice-chair only during the final two years of his or her reappointed term. The bill also contains provisions for filling commission vacancies due to removal, death, refusal to serve, or resignation.

The bill addresses a number of other issues.

### **Eminent domain**

The bill would require the MHTC to consider the restriction or loss of access to an adjacent highway when using eminent domain to acquire real estate and assessing damages. Restriction or

loss of access includes the prohibition of making right or left turns into or out of the real estate involved, if access was present before the proposed improvement was built.

### **Inventory of real estate**

The bill would require MoDOT's annual report to the Joint Committee on Transportation to include an inventory of the real property owned by the Department of Transportation that is no longer necessary for right of way and a description of all real estate transactions by the department for the preceding fiscal year. This information would include the date of each transaction, the source of revenue used and the allocation of any income produced by the real estate.

### **Disincorporation of road districts**

The bill also addresses the disincorporation of road districts. Under the bill, any county wanting to disincorporate a road district must present a petition to the county commission or similar authority. The petition must be signed by the lesser of 50 or a majority of the registered voters residing in the district, state the name of the district, and request the disincorporation of the district. The county commission, after providing notice and a hearing, could disincorporate the road district.

### **Highway naming**

The legislation includes a number of highway name designations. The bill would:

- Name a portion of Highway J in Lincoln County the Veterans Highway;
- Name a portion of Highway 67 in St. Francois County as the Deputy Steven R. Ziegler Memorial Highway;
- Name a portion of Highway 71 in Newton County as the James W. Minton, Jr. Memorial Highway;
- Name a portion of Highway 249 bypass in Jasper County the Earl Carr Memorial Highway;
- Name a portion of Highway 364 in St. Louis County the Buzz Westfall Memorial Highway;
- Name a portion of Interstate 70 in Boone County the U. S. Submarine Veterans' Memorial Highway; and
- Name a portion of Highway 51 in Perry County the Thomas G. Tucker, Jr. Memorial Highway.

The bill now goes to the full Senate for debate.

MoDOT will continue to work with Senate leaders to address the portions of the bill that could adversely effect the department.

Other bills approved April 8 by the Senate Transportation Committee include:

- House Committee Substitute for House Bill 912, sponsored by Rep. Sam Page, D-Creve Coeur, would name a portion of Highway 364 in St. Louis County the Buzz Westfall Memorial Highway.

- House Bill 1442, sponsored by Rep. Scott Lipke, R-Jackson, would designate a section of Highway 51 in Perry County as the Thomas G. Tucker, Jr. Memorial Highway.
- House Bill 1149, sponsored by Rep. Bob May, R-Rolla, would designate a bridge over a portion of Interstate 44 in Phelps County the Trooper Mike L. Newton Memorial Bridge.
- Senate Committee Substitute for House Bill 960, sponsored by Rep. Brad Roark, R-Springfield, would designate a portion of Highway 60 in Greene County as the Trooper Russell Harper Memorial Highway. The bill also would designate a portion of Highway 54 in Cole County as the Trooper Dennis H. Marriott Memorial Highway and a bridge in Franklin County as the Brown Stinson Memorial Bridge.
- House Committee Substitute for House Bill 1284, sponsored by Rep. Kevin Engler, R-Farmington, would revise the definition of "salvage vehicle" to include any motor vehicle, semi-trailer, 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 total cost of repairs to rebuild or reconstruct a vehicle would not include the cost of repairing, replacing, or reinstalling inflatable safety restraints, tires, sound systems, or any sales tax on parts or material to rebuild or reconstruct a vehicle. The substitute also defines "fair market value." Salvage titles may be negotiable with one reassignment on the back of the title by registered dealers or insurance companies.

**SENATE APPROVES TORT REFORM BILL:** The Senate approved legislation April 8 that would make a number of changes in Missouri's tort reform law. Senate Substitute #2 for House Bill 1304 is sponsored by Rep. Richard Byrd, R-Kirkwood.

While the majority of the bill addresses medical tort reform, the bill would affect MoDOT by modifying Missouri's joint and several liability law.

Under current law, if MoDOT is named in a lawsuit with a co-defendant, and an accident is ruled to be partly MoDOT's fault and partly the fault of the co-defendant, but the co-defendant is unable to pay its share of the judgment, MoDOT could be required to pay the entire judgment.

This change could possibly reduce the judgment and settlement costs MoDOT is required to pay from the state road fund.

Because the Senate adopted a substitute bill, it was sent back to the House for approval.

**BICYCLE SAFETY LEGISLATION PASSED BY SENATE:** A number of bicycle safety measures were approved April 6 by the Senate. The bicycle issues were included in Senate Bill 710, sponsored by Sen. Wayne Goode, D-St. Louis. That bill also contains the child safety seat and primary seat belt proposals.

The bill would:

- Prohibit blocking or obstructing a designated bicycle lane with a parked motor vehicle;

- Require drivers to use the highest degree of care to avoid colliding with bicyclists, motorcyclists and pedestrians;
- Require drivers passing bicyclists to maintain a safe distance (no less than 3 feet) between the vehicle and the bicycle;
- Modify the definition of a bicycle to include vehicles propelled by human power having two parallel wheels and one forward or rear wheel, all of which are more than 14 inches in diameter.
- Allow the riding of bicycles on the shoulders of highways unless local regulations or MHTC regulations prohibit it. If traveling by bicycle is prohibited, it should be clearly designated by a sign;
- Require bicyclists approaching a stop sign to slow down or stop before entering an intersection. The bicyclist would be required to yield the right-of-way to any vehicle in the intersection. A bicyclist approaching a traffic light would have to stop before entering the intersection, except when making a right turn. The bicyclist would be allowed to cautiously make a right turn without stopping.

Other provisions in the bill address:

- Airbag fraud: The bill would make it a class D felony to install an airbag that does not comply with federal standards or an airbag which has previously been installed in another motor vehicle without disclosing that information.
- Involuntary manslaughter with a vehicle: The bill would make recklessly causing the death of a person with a vehicle first degree involuntary manslaughter.
- Assault with a vehicle: The bill would make recklessly causing serious physical injury to another person with a vehicle second degree assault. Recklessness would include driving too close to a bicyclist. A person who operates a vehicle in a manner that violates a traffic law or regulation and cause serious physical injury to another person would be guilty of third degree assault.
- Department of Revenue notification: The bill would require the Department of Revenue to notify Missouri motorists whenever Missouri driving laws are changed. The department would be required to use public service announcements or other forms of mass communications to provide information about changes before they occur.

The bill now goes to the House for consideration.

**RESOLUTION WILL CREATE COMMITTEE TO STUDY STATE MULTIMODAL TRANSPORTATION:** The Senate adopted a resolution April 5 that will establish an interim committee to study multimodal transportation services in Missouri, including the state-supported Amtrak passenger rail service.

The committee will include:

- Five members of the Senate (at least two from the minority party) appointed by Senate President Pro Tem Peter Kinder;
- Five member of the House (at least two from the minority party) appointed by Speaker of the House Catherine Hanaway;
- Representative from the Missouri Division of Tourism;

- Commissioner or a representative of the Missouri Office of Administration;
- Representative of the Kansas City Transportation Authority;
- Representative from MetroLink in St. Louis;
- Representative from a Missouri Port Authority;
- Representative from the Multimodal Operation Unit of the Missouri Department of Transportation;
- Representative from the Older Adult Transportation Service (OATS);
- Representative from Amtrak;
- Representative from Union Pacific Railroad;
- Mayor or the mayor's appointee of each community along the passenger rail route between St. Louis and Kansas City directly served by the rail service.

The committee will analyze state-sponsored passenger rail service and multimodal transportation services and make recommendations about how to reduce the dependence on state general revenue support by making the service more efficient, obtaining a dedicated funding source and establishing local community support.

The committee also will make recommendations on how to increase the numbers of passengers using Amtrak.

According to the resolution, the committee will report its recommendations to the General Assembly by Jan. 15, 2005.

#### **HOUSE COMMITTEE HEARS BILL PROPOSING CHANGE IN SPECIAL LICENSE**

**PLATE PROCEDURES:** The House Transportation Committee heard a number of special license plate bills on April 7, including a bill that would change the way special license plates are issued.

House Bill 1582, sponsored by Rep. Charlie Schlottach, R-Owensville, would give the Joint Committee on Transportation Oversight the responsibility of approving or denying applications for special license plates. The Department of Revenue would handle applications for the special license plates and would then submit those applications to the Oversight Committee.

The bill also would allow organizations requesting special license plates to forego the requirement that they have 100 applicants for the license plate before it will be issued. Instead, the organization would have to pay for the actual cost of the initial issuance of the plate.

The application requirements for organizations requesting a special license plate (except for special military license plates) include:

- A description of the proposed license plate;
- A list of at least 100 potential applicants;
- An application fee not to exceed \$5,000 to defray the Department of Revenue's cost for reviewing the application and developing the special plate.

If an application is not approved by the Joint Committee on Transportation Oversight, the organization requesting the special plate will receive a refund of the application fee. The

organization can request a hearing to review the committee's decision within 15 days of receiving notification of the denial.

Another provision of the bill would revise the law regarding annual registration fees on passenger motor vehicles by removing all references to horse power ratings and charging a uniform registration fee of \$29.75.

The bill also would require the Department of Revenue to reissue a new Missouri license plate every four years beginning Jan. 1, 2006. Under the legislation, the department can charge a fee up to \$2.25 to cover the cost of the new license plates. The fee can be assessed every four years and can be increased to account for inflations, but cannot be higher than the actual cost of reissuance.

The House Transportation Committee also heard testimony on several other bills:

- House Bill 1666, sponsored by Rep. Marilyn Ruestman, R-Joplin, would create a special license plate for the American Heart Association.
- House Bill 1667, sponsored by Rep. Ruestmann, would designate a portion of Interstate 44 in Greene County the Mel Hancock Freeway
- House Bill 1401, sponsored by Rep. Jack Goodman, R-Mt. Vernon, exempts any person who drives emergency equipment from the commercial driver's license requirements. Currently people driving emergency equipment are exempt only during emergencies.

**UPCOMING HEARINGS:** The latest legislative hearing notices can be found at [www.house.mo.gov](http://www.house.mo.gov); go to Hearings and choose either House Hearing Schedule or Senate Hearing Schedule.