



May 17, 2004

The GA Capitol Report

Governmental Affairs 573/522-1924

END OF SESSION REPORT

This edition of the *GA Capitol Report* provides a summary of transportation-related bills passed during the 2004 legislative session. The bills now go to the governor who has until July 14, 2004 to sign them into law. If signed by the governor, the new laws will go into effect Aug. 28 unless they specifically state a different effective date.

If you have any questions, or would like a copy of any Truly Agreed to and Finally Passed legislation, please call Governmental Affairs at (573) 522-1924.

Transportation Omnibus Bill

Senate Bill 1233 contains dozens of transportation-related issues. While many of the issues address motor vehicle laws, a number of them will have an impact on MoDOT. The bill contains several issues that were MHTC legislative priorities this year.

STAGGERED MOTOR CARRIER REGISTRATION

Staggered registration for commercial motor vehicles will improve MoDOT's efficiency. The law will allow commercial motor vehicles to be registered throughout the year, at the beginning of any quarter of the year. Current law requires commercial motor vehicles to be registered only during the final quarter of the year.

The bill also will allow MoDOT's motor carrier division to issue partial year registrations when a motor carrier company adds vehicles to its fleet so all registrations for a company will expire at the same time.

This proposal was supported by the MHTC as part of its 2004 legislative agenda.

SELF-INSURANCE

The bill will allow the MHTC to self-insure its rented and leased vehicles. Current regulations require the department to purchase insurance through the leasing agency. MoDOT self-insures the vehicles it owns and wanted to do the same for the vehicles the department leases. This initiative could save the department about \$30,000 per year on the vehicles it leases.

This proposal was part of the MHTC's legislative agenda this year.

MHTC LEADERSHIP

The bill clarifies 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.

This proposal was supported by the MHTC.

MoDOT CHIEF COUNSEL

The bill requires the director of MoDOT to hire, with the consent of the MHTC, to appoint a chief counsel for the department. The director also will set the chief counsel's salary. Currently, the MHTC appoints the chief counsel.

MoDOT and the MHTC expressed concerns to key legislators about this legislation and its potential impact on the constitutional responsibilities of the MHTC.

COMMERCIAL DRIVER'S LICENSES

The bill makes several changes to commercial drivers license laws. The changes are necessary to allow Missouri to comply with federal law.

The proposal will:

- Create the crime of driving a commercial motor vehicle with a revoked, suspended or cancelled license.
- Require applicants for a commercial drivers license to disclose the names of all states that have issued them a license during the previous 10 years. A person's CDL driving record would be required to contain a complete history of the driver, including information and convictions from other states.
- Prohibit individuals who have been issued commercial drivers licenses from having an alcohol-related offense expunged from their records. No federal, state, county municipal or local court can defer imposition of judgment or suspend imposition of sentence.
- Allow drivers having commercial licenses to be disqualified for driving under the influence of alcohol in noncommercial motor vehicles as well as commercial vehicles.
- Disqualify a driver of a commercial motor vehicle who causes a fatality due to negligent operation.
- Require the director of the Department of Revenue to disqualify any driver with a commercial drivers license who has been determined to be an imminent hazard by the U.S. Secretary of Transportation.

This federal mandate will prevent the state from losing about \$40 million per year in federal funds.

SCHOOL BUS ENDORSEMENT

The bill will require anyone operating a school bus to have a school bus endorsement on his or her driver's license. To obtain that endorsement, the applicant must submit two sets of fingerprints. One set will be used by the State Highway Patrol to search the criminal repository, and the other set will be forwarded to the FBI to search the federal criminal history files.

TRAFFIC SIGNAL PREEMPTION

The bill will regulate the use of traffic signal preemption signal systems, which are devices used to control traffic signals at intersections. Under the legislation, these devices can be used by emergency vehicle operators during an emergency, authorized bus operators to maintain a longer green light and authorized operators in traffic maintenance vehicles in order to perform traffic signal maintenance.

FLASHING LIGHTS

The bill will allow commercial transport vehicles or railroad passenger cars to use alternately flashing lights as warning signals when they are stopped to load or unload passengers.

This legislation was also passed separately in Senate Bill 772.

HEADLIGHTS IN INCLEMENT WEATHER

The bill will require vehicles to turn on their headlights during inclement weather.

LOW SPEED VEHICLES

The bill will allow operators of low-speed vehicles to use public highways with a speed limit of less than 35 miles per hour. Cities and counties can pass ordinances to ban the use of low speed vehicles on roads within their boundaries.

DRIVEAWAY OPERATIONS

The bill modifies the definition of a driveaway operation to include people who are in the business of transporting or delivering vehicles that are not their own from the manufacturer or distributor or from the owner of the vehicle to a dealer or sales agent to a designated shipper or consignor.

A driveaway license plates can only be used for the purpose of transporting vehicles in transit can cannot be used by tow truck operators to transport wrecked, abandoned or improperly parked vehicles.

This legislation was also passed separately in Senate Bill 757.

SPECIAL LICENSE PLATES

The bill will change the process for creating special license plates. The legislation gives the Joint Committee on Transportation Oversight the responsibility of approving or denying applications for special license plates.

Organizations, except those seeking a special military license plate, would be required to submit an application to the Department of Revenue that describes the proposed license plate, has at least one current member of the General Assembly as a sponsor, include a list of at least 100 potential applicants and an application fee not to exceed \$5,000 to defray the department's cost for reviewing the application and developing the special license plate.

The fee for all specialty license plates, except special military plates, would be \$25 annually or \$50 biannually in addition to the regular registration fees.

The bill also creates a number of special license plates including:

- Amateur Radio Plates
- Peace Office Plates for officers wounded in the line of duty or spouses, parents, siblings or children of officers killed in the line of duty
- Agriculture in the Classroom Plates
- Kingdom of Calontir plates
- Firefighter plates for firefighters wounded in the line of duty for spouses, parents, siblings or children of firefighters killed in the line of duty.
- U.S. Veteran plates
- Missouri Foxtrotting Horse Breed Association plates
- Daughters of the American Revolution plates
- Friends of Kids with Cancer plates
- Special Olympics plates
- Professional Engineers plates
- Alpha Phi Omega plates
- Search and Rescue Council plates
- Former Missouri Legislator plates
- Boy Scout/ /Girl Scout plates
- Camp Quality plates
- Missouri Association of State Troopers Emergency Relief Society plates
- Lewis and Clark plates

Outdoor Advertising

Senate Bill 870 prohibits billboards with adult cabaret or sexually oriented messages from being located within one mile of a state highway. If the adult cabaret or sexually oriented business is located within one mile of the state highway, the business can display a maximum of two exterior signs. The signs can list the name, address, telephone number and operating hours of the business and stating that minors are not allowed on the premises.

Signs existing before the law goes into effect can leave their signs in place for three years and then they will have to be removed.

Animal-drawn Vehicles

Senate Bill 956 will allow drivers operating animal-drawn vehicles during nighttime hours to use lamps or lanterns. It also allows the vehicles to mark their vehicles with approved reflective materials instead of displaying the slow-moving triangle sign.

Highway Naming

Legislators passed a number of bills naming sections of the state highway system. The following highway names were approved:

- Senate Bill 767: Names a portion of Interstate 44 in Webster County as the Edwin P. Hubble Memorial Highway.
- House Bill 826:
 - Names a portion of State Highway A in Wright County the Laura Ingalls Wilder Memorial Highway
 - Names a bridge on Highway 30 in Franklin County the Brown-Stinson Bridge in honor of Judge Michael Brown and Wayne Stinson.
 - Names a portion of Interstate 70 the U.S. Submarine Veterans' Memorial Highway.
- Senate Bill 1006: Names a section of Highway 364 in St. Louis County as the Buzz Westfall Memorial Highway.
- House Bill 1029:
 - Names a portion of State Highway J in Lincoln County the Veterans Highway
 - Names a portion of Interstate 70 the U.S. Submarine Veterans' Memorial Highway.
 - Names a section of Highway 67 in St. Francois County will be named the Trooper Jesse R. Jenkins Memorial Highway.
 - Names a section of Highway 67 in St. Francois County will be named the Deputy Stephen R. Ziegler Memorial Highway.
- House Bill 1442: names a section of Highway 51 in Perry County as the Thomas G. Tucker Memorial Highway
- House Bill 1149: Names a bridge over a portion of Interstate 44 in Phelps County the Trooper Mike L. Newton Memorial Bridge.
- House Bill 960:
 - Names a section of Highway 60 in Greene County as the Trooper Russell Harper Memorial Highway.
 - Names a section of Highway 54 in Cole County the Trooper Dennis H. Marriott Memorial Highway.
 - Names a bridge on Highway 7, crossing over Highway B in Cass County, the Trooper Wayne W. Allman Memorial Bridge.
 - Names a bridge on Highway 30 in Franklin County the Brown-Stinson Bridge after Judge Michael Brown and Wayne Stinson.

State Employee Compensation

The General Assembly approved a state budget containing a \$1,200 per year pay raise for most state employees. The increase will take effect July 1, 2004

The legislature also approved House Bill 1548, which allows nonexempt state employees to be paid for overtime work. Any state employee requesting cash payments for at least 20 hours of accrued overtime is to be paid within 30 calendar days of the request.

Under the legislation, overtime will be paid unless the employee chooses to use accrued overtime hours as compensatory time if leave time is available and is approved by the employee's supervisor. Nonexempt employees can retain up to 80 hours of compensatory time.

The bill also allows any state employee to discuss the operations of an agency with any member of the legislature, the state auditor, the attorney general or any state official or group investigating alleged misconduct. A supervisor cannot take disciplinary action against the employee unless he or she provided false or confidential information.

The bill also requires state departments to file a quarterly report to the House budget chairman, the Senate appropriations chairman and the commissioner of the Office of Administration containing the number of accrued overtime hours for department employees and other employment information.

Other Important Issues

While many good pieces of legislation were approved during the 2004 legislative session, several important bills – toll road and primary seat belt proposals – did not pass. However, debate on the bills brought the issues to the forefront and set the stage for these issues to be addressed during next year's legislative session.

The toll road proposals would have given the MHTC and MoDOT the authority to use state road funds to build and maintain toll roads in order to finance certain large construction projects such as the rebuilding of Interstate 70. This year's debate laid the groundwork for continued discussion during the summer months with special interest groups who oppose tolling.

A bill to enact a primary seat belt law in Missouri was passed by the Senate but stalled in the House. The proposal would have allowed law enforcement officers to stop drivers for failing to wear a seat belt when operating a passenger motor vehicle. Missouri's current seat belt law allows officers to issue citations to motorists for not wearing a seat belt only if they are stopped for some other violation.

The seat belt proposal did not pass because too many people oppose a mandated seat belt law, which they view as an infringement on their personal rights. MoDOT and the MHTC support a primary seat belt law because it could save 89 lives and prevent more than 1,000 serious injuries a year in Missouri, according to the National Highway and Traffic Safety Administration.