

March 13, 2007

Sorry guys, this is about a week late. The most recent update will follow tomorrow.

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SENATE VERSION OF SAFETY BELT ADVANCES: On Feb. 28 the Senate Transportation Committee approved SCS SB 17, sponsored by Sen. Charlie Shields (R-St. Joseph). This bill repeals the state's motor vehicle safety inspection program. The safety inspection remains in place for school buses on a statewide basis and such inspections will be conducted by the highway patrol.

The bill also allows law enforcement officers to stop a vehicle for a seat belt violation if the violation is clearly visible (primary enforcement). MoDOT supports this provision of the bill as a method to save 90 lives a year without costing the taxpayers a single cent.

The bill now moves to the Senate floor for debate.

LOCAL GOVERNMENT TAKES BUCKLING UP SERIOUSLY: The St. Louis County Council approved a bill Tuesday that will allow police to stop motorists for not wearing seat belts. To become law, the proposal needs only the signature of County Executive Charlie A. Dooley, who has indicated he will sign it. The bill does not change the penalty for not wearing a seat belt - currently a fine of up to \$10 - but it does lift the requirement that police can issue a ticket only if they stop a driver for another reason.

Councilwoman Barbara Fraser, the bill's sponsor, said police already have the ability to stop motorists for minor violations and that this just adds one to the list.

Fraser said she thought that the ordinance would be enforced only by St. Louis County police and not by municipal police within the county. "The point of the law is not to stop people," Fraser said. "The point of the law is to get people to wear their seat belts."

The Missouri Legislature is currently considering a proposal that would create a similar law statewide. (Reprint of St. Louis Post Dispatch article)

SALES TAX EXEMPTION PROPOSAL RECEIVES SENATE APPROVAL: On March 1, by a vote of 31 to 1, the Senate gave approval to SCS SB 199 & 207, sponsored by Sen. Bill Stouffer (R-Napton). The bill would exempt materials used in MoDOT construction projects from state sales taxes. In theory, this proposal could save MoDOT about \$13 million a year in lower construction costs since contractors will no longer have to pay sales taxes on materials used in construction projects. The bill now moves to the House for additional review and debate.

BILL REMOVES WEIGHT LIMITS ON FARM VEHICLES: On Feb. 28, the Senate Transportation Committee heard testimony on SB 521, sponsored by Sen. Brad Lager (R-Maryville). This bill would remove a weight restriction on certain vehicles that are designated for farm use (otherwise known as an "F" Plate). Under current law, commercial motor vehicles operated in intrastate commerce that are licensed for a gross weight of 80,000 pounds or less when used exclusively for transporting solid waste or 42,000 pounds or less when bearing a letter F plate are exempt from certain commercial motor vehicle laws. This proposal removes the 42,000-pound limitation so that any commercial motor vehicle operated in intrastate commerce bearing a class F plate will be exempt from the delineated commercial motor vehicle laws.

Sen. Lager stated that farming techniques have changed over the years and Missouri needs to accommodate the demands of the state's farmers. Some of these larger agricultural trucks are

only used 30 to 60 days a year during the harvest season and that the state should consider regulating these trucks with a little flexibility.

Testifying in support of the bill because they don't know what rules apply to farmers and what rules apply to commercial motor carriers due to the confusion of state laws and regulations included: Darryl Hile, Jeff Gaskell and Charles Spencer, farmers from rural Missouri. Also testifying in support of the bill included Garrett Hawkins, Missouri Farm Bureau who stated the bill isn't really about increased weight on Missouri's roads and bridges, its about paperwork and confusing rules and regulations of when you need to be properly registered with the state to haul your load and knowing when you don't need to be registered.

Opposed to the bill was Chuck Gohring, Motor Carrier Services - MoDOT. Mr. Gohring testified that there are, in fact, different rules for different types of agricultural trucks, trailers and types of loads being moved up and down Missouri's highways. Gohring said changing the "F plate" designation to 60,000 pounds could put Missouri out of compliance with federal requirements; jeopardizing federal transportation dollars.

The committee took no action on the bill.

Senate Hears Land Conveyance Proposal: On Feb. 28 the Senate Economic Development Committee heard testimony on SB 469, sponsored by Jolie Justus (D-Kansas City). This proposal will allow the Governor to convey property at 4th and Cherry Streets in Kansas City, currently being used as a MoDOT maintenance facility, to the city of Kansas City.

Testifying in favor of the bill included Sarah Topp for the City of Kansas City. Ms. Topp stated the city wants the piece of property for economic and redevelopment purposes.

Testifying in opposition to the proposal was MoDOT's Governmental Relations Liaison, Pam Harlan. Ms. Harlan testified that MoDOT continues to use this maintenance facility to house its equipment and materials in order to service the nearby interstate system. Harlan continued to testify that MoDOT hopes to reach a compromise with the city, but to take the department's property away without being compensated for market value of the property and building in inappropriate and cannot be agreed to by the department.

The committee did not take any action on this proposal.

House Hears Tort Reform Proposal: On Feb. 27 the House Judiciary Committee heard testimony on HB 408, sponsored by Brian Yates (R-Lee's Summit). This proposal will increase the fines for failure to wear a seat belt from \$10 to \$50, and will remove the 1 percent cap on mitigation of damages. The removal of the 1 percent cap is also known as comparative fault. The comparative fault provision will allow a person's jury award in a civil case to be reduced for failing to wear a seat belt.

Testifying in favor of this proposal included: Richard Brownlee, State Farm Insurance and the Missouri Insurance Coalition; Steve Fry, Farmers Insurance; Mike Grote, Missouri Chamber of Commerce and Industry; Tony Reinhart, Ford Motor Company; and David Scobey, Daimler Chrysler. MoDOT's Governmental Relations Liaison, Pam Harlan, testified in favor of the comparative fault provision in the bill. Ms. Harlan stated this provision could save taxpayers dollars in civil cases.

ANOTHER BILL FILED TO END STATE OF TRANSPORTATION ADDRESS: On Feb. 28 the Senate Transportation Committee heard testimony from Sen. Joan Bray (D-St. Louis) on a bill that would end the annual state of the state of transportation address. The bill is SB 139.

There was no public testimony presented on the bill.

During an executive session of the committee on that same day, the committee unanimously voted to approve the bill that will now go to the Senate floor for debate.

ANNUAL BID BOND PROPOSAL HEARD IN COMMITTEE: On Feb. 27 the House Transportation Committee held a hearing on HB 596, sponsored by Rep. Neal St. Onge (R-Ellisville). This proposal will allow MoDOT to accept annual bid bonds rather than accepting a bond for each bid.

MoDOT's Bid and Service Contract Engineer Travis Koestner testified in favor of the bill stating that the annual bid bond will be more efficient for contractors. No one testified in opposition.

On March 1, the committee passed the bill out of committee.

BILL WOULD REPEAL MOTOR VEHICLE SAFETY INSPECTION PROGRAM:

SB 479, sponsored by Sen. Luann Ridgeway (R-Smithville), would the motor vehicle safety inspection program effective Jan. 1, 2008. The safety inspection remains in place for school buses and such inspections will be conducted by the highway patrol. This act authorizes the Highway Patrol to stop motor vehicles and submit to an inspection if the officer determines that the motor vehicle is being operated in an unsafe condition and is an endangerment to the driver and others. The act requires the driver to have the motor vehicle repaired and obtain a safety inspection certificate within 10 days and report such fact to the highway patrol. If the owner or operator of the motor vehicle does not forward a copy of the certificate within 30 days, the Department of Revenue is authorized to suspend the registration of the motor vehicle. The bill also requires the director of the department of revenue to provide motor vehicle owners the option of biennially registering their vehicle regardless whether the vehicle is an even-numbered model year number or an odd-numbered model year vehicle.

There was no public testimony in support of the bill.

Opposed to the bill because it could allow unsafe vehicles to operate on Missouri's roads and city streets included: Dave Overfelt, Missouri Tire Industry Association; Mike Right, AAA-Auto Club; Dale Findlay, Missouri Safety Council and Missouri Coalition for Roadway Safety.

The committee took no action on the bill.

DRIVER LICENSE PASSENGER RESTRICTIONS: On Feb. 28 the Senate Transportation Committee heard testimony from Sen. John Griesheimer (R-Washington) on a bill that would change the state's current intermediate driver license passenger restrictions. SB 547 allows students without access to publicly funded bussing to operate motor vehicles with non-family member passengers under the age of 19 for the purposes of driving to and from regularly scheduled school activities so long as the number of passengers do not exceed the number of working seatbelts in the vehicles.

There was no public testimony on the bill.

The committee voted to approve the bill that will now go to the Senate floor for additional debate.

MEMORIAL HIGHWAY DESIGNATIONS EXPANDED: On Feb. 28 Sen. Delbert Scott (R-Lowry City) presented SB 549 to the Senate Transportation Committee. The bill adds emergency personnel killed while performing their duties to the list of individuals who are exempt from the formalized highway naming process.

There was no public testimony presented on the bill and the committee approved the proposal. The bill now goes to the Senate floor for debate.

LICENSE PLATE RENEWAL: On Feb. 28 Sen. Bill Stouffer (R-Napton) presented SB 543 to the Senate Transportation Committee. This bill modifies the law regarding the reissuance of license plates. Current law provides that reissuance must occur beginning Jan. 1, 2009. This act modifies the reissuance provision by granting the director more discretion when to begin reissuance so long as it occurs no later than Jan. 1, 2009.

There was no public testimony on the bill. That same day, the committee voted to approve the bill that now waits Senate floor debate.

RADIOACTIVE WASTE TRAVELS ACROSS THE STATE: On Feb. 28 the Senate Transportation Committee heard testimony from Sen. Bill Stouffer (R-Napton) on the assessment of fees on certain entities that ship or transport radioactive waste within the state.

SB 205 provides that entities shipping radioactive waste to be assessed a fee for any such waste transported through or within the state (except those universities who ship nuclear waste) would reimburse MoDOT for costs associated with shipment escorts. The fee structure is described in the act and the Department of Natural Resources in coordination with the Departments of Health and Senior Services, and Public Safety may promulgate rules with regard to the collection and administration of such fees. Any shipper who fails to pay a fee or to provide notice of a shipment to the Department of Natural Resources shall be liable for a civil penalty of an amount not to exceed ten times the amount of the original fee assessed and not paid. The fees assessed and collected under the act shall be deposited into the environmental radiation-monitoring fund, which has been expanded with the act to accommodate the new fees in order to enforce the provisions of the act.

The act exempts radioactive waste being shipped by or for the federal government for military or national defense purposes from the provisions from the fees and notification requirements. The bill directs the Department of Natural Resources to prepare a report for the General Assembly beginning 2008 and every two years thereafter on the environmental radiation-monitoring fund. This proposal to law would sunset six years after the effective date of the section unless reauthorized by the General Assembly.

Testifying for the bill included: Roy Brown, Council on Nuclear Medical Chemicals Trade Association and Drew Button, Department of Natural Resources. Also testifying to the rail safety provisions in the bill were Brian Kelly, Brotherhood of Locomotives and Charlie Void, Track Workers Union.

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

MHTC'S PROPOSALS ADVANCING IN THE HOUSE AND SENATE: On Feb. 27 the House Transportation Committee heard testimony on HB 744 sponsored by Rep. Neal St. Onge (R-Ellisville). The bill proposes to give Missouri the authority to adopt a new federal registration program that replaces the former Single State Registration System. MoDOT supports HB 744, otherwise known as the Unified Carrier Registration Program (UCR), stating the bill would accommodate the registration needs of commercial motor carriers while retaining registration fees the state currently receives from this program.

Bob Wilson, Missouri Motor Carriers Association, testified in favor of the bill. No one testified in opposition to the proposal.

Another provision in HB 744 is necessary for MoDOT to be in compliance with federal requirement for effective outdoor advertising control by giving MoDOT authority to void outdoor advertising permits if the permit was issued in violation of state law or under false pretense. Approximately, \$50 million a year in federal highway funds are in jeopardy unless this bill is passed this legislative session.

MoDOT's Outdoor Advertising Manager, Joyce Musick, testified in favor of this bill. Others testifying for the bill was Bob Wilson, Missouri Outdoor Advertising Association.

There was no opposition to the bill.

The committee voted to approve the bill. HB 744 will now go to the House floor for debate.

UCR ON THE MOVE: On Feb. 28 the Senate Transportation Committee approved SB 200. This proposal would allow MoDOT to implement a new Unified Carrier Registration (URC) to replace the state's current single state registration program. This bill will go to the Senate floor for additional review.

HELMET REPEAL HEADING FOR BOTH HOUSE AND SENATE FLOORS FOR DEBATE: On Feb. 28 the House Rules Committee voted to pass HB 155 sponsored by Rep. Gary Dusenberg (R- Blue Springs). This bill provides that only persons younger than 21 years of age wear a helmet when operating or riding as a passenger on any motorcycle or motortricycle. Under current law, all motorcyclists are required to wear a helmet.

On Feb. 28, the Senate Transportation Committee voted to pass a Senate companion bill, SB 252, sponsored by Sen. Luann Ridgeway (R- Smithville).

Both bills will now proceed to their respective chambers for debate.

ANNUAL BID BOND PROPOSAL HEARD IN FRONT OF THE HOUSE TRANSPORTATION COMMITTEE: On Feb. 27 the House Transportation Committee held a hearing on HB 596, sponsored by Rep. Neal St. Onge (R- Ellisville). This proposal will allow MoDOT to accept annual bid bonds rather than accepting a bond for each bid. MoDOT's Bid and Service Contract Engineer Travis Koestner testified in favor of the bill stating that the annual bid bond will be more efficient for contractors.

No one testified in opposition to the bill. The committee took no action on the proposal.

JOINT COMMITTEE PASSES HIGHWAY NAMINGS: On Feb. 26 the Joint Committee on Transportation Oversight met to approve two specialty license plate requests and two dedicated highway namings. The two license plate requests would require the Department of Revenue (DOR) to design a specialty license plate for the Missouri Hospice Organization and the Arkansas Alumni Association for those Missouri drivers who wish to have a license plate with this description. Individual drivers who wish to have a specialty license plate must pay an additional fee to DOR who will manufacture the plates based upon demand.

The committee also approved two dedicated highway-naming requests. These included: the Chris Sifford Gov. Chief of State Memorial Highway (Hwy. 51 through the city of Puxico) and Johann Stupp Memorial Highway (Interstate 55 from Carondolet to Bayless).

This new highway naming process was approval by the legislature two years ago. The application process requires any special interest group to gather at least 100 signatures from individuals supportive of naming a section of highway after a person (who has been deceased at least for two years) or group or event, and a check for \$1,100 to help defray the cost of each sign.