



March 16, 2007

The GR Capitol Report

Governmental Relations 573/522-9284

MoDOT'S 2007 LEGISLATIVE PROPOSALS ARE ON THE MOVE: The 2007 legislative proposals for MoDOT and the Missouri Highways and Transportation Commission are on the move. This year's proposals are packaged into five tangible results as outlined in the department's TRACKER: Measures of Departmental Performance. The following is a status report of the priority legislative proposals:

Safe Transportation System (*Tracker Measurement 3*)

- *Primary Safety Belt Law* – changes Missouri's secondary seat belt law to a primary seat belt law allowing law enforcement officers to stop drivers for failing to wear their seat belts. Currently, a driver may only be ticketed for failing to wear a seat belt if stopped for another traffic violation. This legislative change is outlined in HB 90 and SB 17. Both bills could be debated on the House and Senate floors, in their respective chambers, as soon as the legislature returns from its spring break on March 26.
- *Highway Safety Name Change* – cleanup language to make reference to the transfer of statutory powers, duties and functions previously performed by the Division of Highway Safety under the Department of Public Safety to the Missouri Highways and Transportation Commission. This Highway Safety Name Change legislation is found in SB 104. SB 104 has passed the Senate and now waits for additional debate and review in the House.

Innovative Transportation Solutions (*Tracker Measurement 8*)

- *Multimodal Financing* – would allow the Missouri Highways and Transportation Commission to issue bonds from revenue deposited into a dedicated funding source for the purpose of funding multimodal capital improvement projects and assist local transportation providers with the necessary match required for federal transit capital grants. This legislative proposal is HB 295. Unfortunately, HB 295 has been overshadowed this session because legislative attention has been placed on the issue of how to fund a \$20 million "loan" for the St. Louis MetroLink transit system. To date, no decision has been made.

Efficient Movement of Goods and Partner with Others to Deliver Transportation Services

(*Tracker Measurement 11*)

- *Unified Carrier Registration System* – would put into place statutory authorization to implement a new interstate registration program referred to as the Unified Carrier Registration Program. This program would replace the current Single State Registration and will modify the registration requirements for the interstate exempt registration

program, mirroring recent federal law changes. SB 200 and HB 744 contain the UCR proposal. SB 200 has passed the Senate and is now on the way to the House for additional consideration. HB 744 waits to be debated in the House.

Advocate for Transportation Issues (*Tracker Measurement 17*)

- *Voiding Outdoor Advertising Permits* – would give MoDOT authority to void outdoor advertising permits under certain circumstances allowing MoDOT to be in compliance with federal requirements for effective outdoor advertising control. Without the passage of this proposal, Missouri could be in jeopardy of losing 10 percent (or about \$50 million a year) of its current federal transportation funds. This legislation is found in SB 130 and HB 744. SB 130 has passed the Senate and now goes to the House for additional review and debate. HB 744 waits to be debated in the House.

UCR ADVANCES IN THE SENATE: On March 13 the Senate approved SB 200 by a 32 to 0 vote. SB 200 would put into place statutory authorization to implement a new interstate registration program referred to as the Unified Carrier Registration (UCR) Program. This program would replace the current Single State Registration and will modify the registration requirements for the interstate exempt registration program, mirroring recent federal law changes.

The bill now goes to the House for additional review and debate.

SENATE SHORTENS ANNUAL ADDRESS: By a vote of 32 to 0, the Senate passed legislation that repeals the annual state of the state of transportation address as outlined by current state statutes. The current law is set to expire August 28, 2008. SB 139 was passed on March 13.

The bill now goes to the House for additional consideration.

LICENSE PLATES TO BE REISSUED: On March 13 the Senate approved SB 543. The bill modifies the law regarding the reissuance of automobile license plates. The current law provides that reissuance must occur beginning January 1, 2009. This act modifies the reissuance provision by granting the Director of Revenue more discretion when to begin reissuance so long as it occurs no later than January 1, 2009. The reason for reissuing license plates before January 1, 2009 is to help reduce the number of license plate “tabs” that are being stolen off motor vehicles. Redesigned license plates will accommodate new tabs designed to make the tabs hard to steal.

The Senate passed the bill by a 33 to 0 vote. SB 543 now goes to the House for review and debate.

MoDOT’S APPROPRIATION BILL VOTED OUT OF HOUSE COMMITTEE: On March 14 the House Budget Committee approved HB 4 containing MoDOT’s appropriations for fiscal year 2008. The Appropriations Committee for Transportation and Economic Development (a subdivision of the Budget Committee) drafted recommendations to increase MoDOT’s core transit appropriation by \$5 million to be allocated from General Revenue through MoDOT for MetroLink in St. Louis; \$400,000 to be allocated to Springfield City Utilities Transit Division to replace lost federal funds; and also recommended increasing MoDOT’s Amtrak funding by

\$300,000 to cover a Springfield to St. Louis feasibility study and any other possible Amtrak shortfalls.

The recommendations, with the exception of a \$150,000 appropriation to the City of Springfield, were not considered by the budget committee. Rep. Charlie Schlottach (R-Owensville) offered an amendment to add \$100,000 to MoDOT's appropriations to cover the Amtrak feasibility study. This amendment was defeated. The bill will now go to the House floor for debate.

SENATE COMMITTEE HEARS FUEL TAX EXEMPTION FOR TRANSIT: On March 12 the Senate Ways and Means Committee heard SB 501, sponsored by Sen. Chris Koster (R-Harrisonville). SB 501 will allow a fuel tax exemption for urban transit as well as for rural transit providers. Sen. Koster stated that he believes this proposal will save public transit approximately \$2 million annually.

Testifying in support of this proposal was Mike Winter, Missouri Public Transit Association and Bob Kohler, Kansas City Authority Transit Authority. Mr. Kohler testified that prior to 1996 transit did not receive any state funding. In 1996, state funding for transit was established, then in 2002, state funding for transit was cut considerably. Although this bill won't restore funding to its 2001 level, it will help defer rising costs such as the fuel increases that have occurred over the last 3 years. No testimony was provided in opposition.

On March 14 the committee approved the bill. The bill now goes to the Senate for floor debate.

SENATE TRANSPORTATION COMMITTEE HEARS ABOUT LITTLE TRUCKS, BIG TRUCKS AND THINGS IN BETWEEN: Sen. Wes Shoemyer (D-Clarence) presented SB 347 to the Senate Transportation Committee on March 14. This bill modifies the definition of a utility vehicle. Currently, "little utility trucks" are being imported into the United States from other countries without a title and without safety and emissions inspections that meet U.S. standards. Because these "little trucks" do not have a title and no inspections, they can't be registered so they can't be operated on roads.

Testifying in favor of this proposal was Robert Shoemyer, father of Rep. Shoemyer and Capt. Bret Johnson with the Missouri State Highway Patrol.

The committee took no action on this proposal.

On that same day, Sen. Bill Stouffer (R-Napton) presented SB 484 that will change commercial motor vehicle inspections. The Senator explained that this proposal would allow a commercial motor vehicle to receive a decal that will be good for 90 days after receiving a roadside inspection. This proposal will also require all law enforcement to meet certain training requirements.

Testifying in favor of this proposal was Richard McIntosh for the Missouri Dump Truckers Association.

Testifying in opposition was Don Kissell for the Missouri Police Chiefs Association. According to Mr. Kissell, his association is working with the Senator on a compromise.

The committee took no action on this proposal.

Also on March 14 Sen. Bill Stouffer presented SB 580. The bill would address the problem of individuals driving with a suspended or revoked drivers license. This bill will require a driver whose license is suspended or revoked for longer than 60 days to have a different color license plate.

Testifying in favor of this proposal was Capt. Bret Johnson, Missouri State Highway Patrol. Capt. Johnson testified that this proposal addresses habitual violators and that there are under 50,000 tickets issued by the MSHP for driving while suspended each year.

Also testifying for the bill was Jeff Glenn with the Missouri Department of Revenue.

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

SENATE TRANSPORTATION COMMITTEE CONTINUES FUNDING PROPOSAL

HEARING: On March 14 the Senate Transportation Committee continued its hearing from the previous week on SB 26, sponsored by Sen. Matt Bartle (R-Lee's Summit) regarding toll roads, and SB 310, sponsored by Sen. Bill Stouffer (R-Napton), which would increase the state sales tax rate by one-percent earmarked for rebuilding of I-70 and I-44. Witnesses, and their general comments, included:

1. Todd Spencer, Executive Vice President of Owner-Operator Independent Drivers Association. OOIDA are the small business trucking companies and independent operators. OOIDA does not embrace either toll roads or truck only lanes. OOIDA does like the sales tax idea if combined with something like a fuel tax too.
2. Ron McLinden, Sierra Club. Climate change is upon us. Cost of fuel is increasing; the price of energy is increasing. Sierra Club prefers that user fees are used for funding transportation and they support the idea of tolling.
3. George Burrus, Missouri Motor Carriers Association. MMCA is opposed to toll roads. However, association policy supports additional funding for highways.
4. Mike Right, AAA-Auto Club of Missouri. AAA-Auto Club of Missouri supports funding for road projects by either a need to increase fuel tax substantially or find other means. AAA—Auto Club of Missouri does not care for toll roads. There will need to be an expansion of capacity before AAA-Auto Club of Missouri could support a toll road.
5. Jerry Ford, Missourians for Tax Justice. There is too much of a burden on people paying taxes currently, therefore, they oppose the concept in SB 310.
6. Richard McIntosh, Missouri Dump Truckers Association. MDTA supports SB 310 and opposes SB 26. When looking at the bigger picture of investing and economic return, the cost of a one percent sales tax is minimal. The cost of SB 310 is .1 percent of the state's Gross State Productivity. The math of this investment is worth it in light of the economic activity that a good transportation system generates. The funding solution should also consider a multimodal part, especially a port at Caruthersville that can accommodate sea barges.
7. John Regenbogen, Scenic Missouri. Scenic Missouri likes the separation of trucks and autos. They prefer a completely separate facility for trucks and cars so that the cars can enjoy the scenic beauty of Missouri. However, they understand that this proposal will provide small stretches of scenic roadway. Scenic Missouri also likes the fact that when

I-70 and I-44 are rebuilt, a significant number of billboards will be removed and hope that this opportunity to gain a better balance will be taken advantage of.

8. Rodney Gray, Heavy Constructors of Kansas City, voiced support of finding funding to meet future transportation needs.
9. Jack Atterberry, AGC Missouri, voiced support of finding funding to meet future transportation needs.
10. John Paris, AGC St.Louis, voiced support of finding funding to meet future transportation needs.
11. Randy Scherr, South Central Cement Promotion Association of Missouri.
12. Doug Burnett, Missouri Asphalt Paving Association, appreciated the opportunity to deliver the department's "Smoother, Safer roads Sooner" program and looked forward to helping to continue that effort.

Submitted written testimony was received from: Trey Davis, Missouri Chamber of Commerce; Terry Briggs, SITE; and Otto Fajen, Missouri National Education Association.

DEALER LICENSE PLATE PROPOSAL PRESENTED TO THE SENATE

TRANSPORTATION COMMITTEE: Sen. John Greisheimer (R-Washington) presented SB 335 to the Senate Transportation Committee on March 14. The Senator stated that this proposal tries to address the issue of the unlimited number of dealer license plates that currently exist and are continuing to be issued. The proposal will establish a formula for the number of dealer tags a dealer may receive. The definition of a dealer is modified to require a dealer to sell a minimum of 6 cars a year to meet the definition of a dealer. There are 1,100 dealers who don't sell a single vehicle in a one-year period.

Mike Kehoe, President of the Missouri Automobile Dealers Association, testified in favor of the bill. Mr. Kehoe stated that this proposal is similar to the "model car buyer's bill of rights law".

Also testifying in support of the bill was: Randy Scherr, Missouri Auto and Truck Recyclers Association; and Capt. Bret Johnson, Missouri State Highway Patrol.

Testifying in opposition to the bill were: Carey Sommers, used car dealer in Kansas City; Norm Schroeder, Missouri Independent Automobile Dealers Association; Phil Gilmore, a small individual automobile dealer; James Burrow, a small individual automobile dealer; Sam Licklider, Missouri Power Sports Association; and Lawrence Neil, a power sports dealer.

The committee took no action on the bill.

OMNIBUS TRANSPORTATION BILL PASSES THE SENATE: On March 14 the Senate gave first round approval to this year's omnibus transportation bill. SCS/SBs 239, 24 & 445 could receive final approval in the Senate when the legislature returns from its legislative spring break on March 26.

In short, some of the items included in SCS/SBs 239, 24 & 445 are:

- REISSUANCE OF LICENSE PLATES - modifies the law regarding the reissuance of license plates. The current law provides that reissuance must occur beginning January 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 January 1, 2009.

- **EMERGENCY VEHICLE DEALERS** - exempts dealers who sell only emergency vehicles from maintaining a bona fide place of business (including the related law enforcement certification requirements) and from meeting the minimum yearly sales.
- **DELINQUENT BOAT TITLE PENALTIES** - The act increases the penalties for delinquent boat titling. Under the current law, a person pays a \$10 penalty fee for each 30 days of delinquency for failing to title a boat within 60 days of acquiring it or bringing it into the state. This act increases the penalty fee to \$25. The total penalty fee cannot exceed \$200 (currently \$30). The act also increases the penalty fee for a delinquent application for a vessel certificate of title and a delinquent vessel certificate of registration from \$10 to \$25 for each 30 days of delinquency. The penalty fee cannot exceed a total of \$200 (up from \$30).
- **SELF-PROPELLED SPRAYERS** - exempts self-propelled sprayers, floaters, and other forms of implements of husbandry that are used for spraying chemicals or spreading fertilizer from complying with titling, registration and license plate display laws. The exemption from titling, registration, and the display of license plates applies whether the described vehicles are laden or unladen.
- **EXPUNGEMENT OF RECORDS OF CDL HOLDERS** - prohibits the expungement of a minor in possession charge for holders of commercial driver's licenses or persons operating commercial motor vehicles at the time of the violation. The act also provides that no records shall be expunged until 3 years after the date of suspension or revocation, if the person was holding a commercial driver's license at the time of the offense.
- **CDL MILITARY EXEMPTION** - provides that a military member while driving a vehicle for military purposes is exempt from possessing a CDL. Current law provides that the military member must be driving a military vehicle to qualify for the exemption.
- **SCHOOL BUS DRIVERS** - the Director of Revenue shall not issue or renew a school bus endorsement to any applicant whose driving record shows that the applicant has been convicted of an intoxication-related traffic offense while operating a school bus. A person convicted of an intoxication-related offense while operating a school bus will have his or her school bus endorsement permanently denied by the court, beginning on the date of the court's order. The act requires school bus drivers to notify the school district or the driver's employing contractor whenever the driver receives a citation for an intoxicated-related traffic offense. The notice of such citation shall be given prior to the driver resuming operation of a school bus. Failure to notify the school district or the employing contractor of the citation shall constitute a valid reason to discharge such person from the school district's or employing contractor's employ. The act sets the fine for driving with a revoked license while operating a school bus at \$1,000. The current law does not distinguish the offense by type of vehicle driven and the fine is up to \$1,000.
- **FAILURE TO STOP FOR SCHOOL BUSES** - increases driver's license suspension periods for motorists who fail to stop for school buses that are loading or unloading children. Under the act, the suspension period for a first violation for failing to yield for a school bus is increased from 90 days to 120 days. A second or subsequent violation of the school bus stop provision will result in a 180-day suspension (increased from 120 days).
- **DRIVEAWAY SADDLEMOUNT COMBINATIONS** - increases the maximum length for driveaway saddlemount combinations from 75 feet to 97 feet when operated on the interstate highways.

- **SCHOOL BUS EXEMPTION FROM CHILD PASSENGER RESTRAINT LAW** - provides that the child passenger restraint law shall not apply to school buses transporting children 4 years of age or older regardless whether such buses are being used for educational, religious or other purposes. The current exemption only applies to school buses used for educational purposes. This portion of the act contains an emergency clause.

INTEREST SPARKED IN HOUSE TRANSPORTATION COMMITTEE OVER TEMPERATURE ADJUSTED FUEL BILL:

On March 13 the House Transportation Committee conducted a hearing on HB 105, sponsored by Rep. Kate Meiners (D-Kansas City). This bill proposes that gasoline and diesel fuel sold at retail shall be temperature adjusted throughout the state. The sponsor called the bill a consumer bill stating that consumers are over charged at Missouri fuel pumps by \$2.3 billion annually. Reports are made that consumers are getting less fuel at the pumps during hotter weather.

Testifying in support of HB 105 were John Siebert and Todd Spencer, Owner-Operator Independent Drivers Association (OOIDA) stating that fuel is maintained at sixty degrees up until the time it is sold at retail. When fuel gets warm it expands and retailers then are selling more gallons than they actually paid for.

Testifying in opposition to the bill was Ron Leone, Executive Director of the Missouri Petroleum Marketers and Convenience Store Association; Tom Kolb, Jefferson City Oil; David Overfelt, Missouri Retailers Association and Missouri Grocers Association; and John Albert and Ron Hayes of Missouri Department of Agriculture. Those opposed to the bill reported that warm fuel is not a problem in Missouri but rather a problem in areas with extreme climates and that the cost to retrofit the pumps in Missouri would be a large expense with little return.

No action was taken on the bill.

HOUSE PASSES HELMET REPEAL: On March 14 the House debated HB 155, sponsored by Rep. Gary Dusenberg (R-Blue Springs). The bill would repeal the state current helmet law or referred to by the sponsor as “the adult helmet law” since the bill would require that only persons under twenty one years of age be required to wear a helmet when operating or riding a motorcycle. During the floor debate, an amendment was offered by Rep. Rob Schaaf (R-St. Joseph) that would prohibit state monies from being spent on medical expenses for injuries incurred by operators or riders of motorcycles who are not wearing a helmet. Rep. Sam Page (D-Creve Coeur) offered an amendment to the amendment that would also prohibit state money from being spent to pay for injuries incurred by operators or riders of motorcycles who were talking on a cell phone. Both amendments were defeated.

On March 15, the House gave final approval to the bill by a vote of 100 yes to and 54 no votes. The bill will now go to the Senate for additional review and debate.

TWO SEPARATE RETIREMENT BILLS - FAVORABLE TO THE MODOT RETIREMENT PLAN -HEARD IN COMMITTEE:

On March 15, the Special Committee on Retirement held a hearing on House Bills 949 and 950, sponsored by Rep. Charlie Schlottach (R-Owensville). HB 949 would provide that when a person transfers its creditable service to the

MoDOT and Patrol Employees' Retirement System (MPERS) from the MOSERS retirement system, that the transferring system also provides money to the accepting retirement system to cover the accrued liability that is being transferred as well. Since more members have transferred from MOSERS to MPERS this legislation should be a financial advantage to the MPERS system.

HB 950 specifically relates to employees who recently were transferred to MoDOT from the Department of Revenue and would allow those employees to make a decision as to whether they want to remain under MOSERS or transfer their retirement to MPERS.

Testifying in support of HB 949 and HB 950 was Norm Robinson, Executive Director of the MPERS.

No one testified in opposition to the bill. No action was taken on the bills.

NATIONAL ORGANIZATION INCLUDES TRANSPORTATION AS FEDERAL

PRIORITY: The National Organization of Development Organizations (NADO) Board of Directors, at its March 12 meeting, included Transportation as one of its four federal legislative issues. The NADO Board resolution will urge the U.S. Congress to "provide full and sustainable funding for the nation's aviation's, highway and transit needs as outlined in the respective authorization laws, SAFETEA-LU and AIR-21." NADO's other three federal priorities include Community and Economic Development, Homeland Security Coordination and Rural Development as included in the 2007 Farm Bill.

LEGISLATIVE SPRING BREAK BEGINS: Upon adjournment on March 15 to March 26 the General Assembly will be on its annual legislative spring break. Because of this legislative break, there will be no ***GR Report*** issued on March 23.

LEGISLATIVE MATRIX: Attached is Governmental Relations weekly update matrix, which shows some of the more important transportation bills that the department is tracking. If you should have any questions about these or any other pending legislative proposals, contact GR at 573.522.9284.

UPCOMING TRANSPORTATION EVENTS:

- March 15 to March 26 – Legislative Spring Break
- May 18 – Last day of the 2007 legislative session