

FIRST REGULAR SESSION

SENATE BILL NO. 51

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR MUNZLINGER.

Pre-filed December 1, 2012, and ordered printed.

TERRY L. SPIELER, Secretary.

0197S.01I

AN ACT

To repeal section 307.400, RSMo, and to enact in lieu thereof one new section relating to compliance with federal law regarding the equipment and operation of farm vehicles, with existing penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 307.400, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 307.400, to read as follows:

307.400. 1. It is unlawful for any person to operate any commercial motor
2 vehicle as defined in Title 49, Code of Federal Regulations, Part 390.5, either
3 singly or in combination with a trailer, as both vehicles are defined in Title 49,
4 Code of Federal Regulations, Part 390.5, unless such vehicles are equipped and
5 operated as required by Parts 390 through 397, Title 49, Code of Federal
6 Regulations, as such regulations have been and may periodically be amended,
7 whether intrastate transportation or interstate transportation. Members of the
8 Missouri state highway patrol are authorized to enter the cargo area of a
9 commercial motor vehicle or trailer to inspect the contents when reasonable
10 grounds exist to cause belief that the vehicle is transporting hazardous materials
11 as defined by Title 49 of the Code of Federal Regulations. The director of the
12 department of public safety is hereby authorized to further regulate the safety of
13 commercial motor vehicles and trailers as he deems necessary to govern and
14 control their operation on the public highways of this state by promulgating and
15 publishing rules and regulations consistent with this chapter. Any such rules
16 shall, in addition to any other provisions deemed necessary by the director,
17 require:

18 (1) Every commercial motor vehicle and trailer and all parts thereof to be

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 maintained in a safe condition at all times;

20 (2) Accidents arising from or in connection with the operation of
21 commercial motor vehicles and trailers to be reported to the department of public
22 safety in such detail and in such manner as the director may require. Except for
23 the provisions of subdivisions (1) and (2) of this subsection, the provisions of this
24 section shall not apply to any commercial motor vehicle operated in intrastate
25 commerce and licensed for a gross weight of sixty thousand pounds or less when
26 used exclusively for the transportation of solid waste or forty-two thousand
27 pounds or less when the license plate has been designated for farm use by the
28 letter "F" as authorized by the Revised Statutes of Missouri, unless such vehicle
29 is transporting hazardous materials as defined in Title 49, Code of Federal
30 Regulations.

31 2. Notwithstanding the provisions of subsection 1 of this section to the
32 contrary, Part 391, Subpart E, Title 49, Code of Federal Regulations, relating to
33 the physical requirements of drivers shall not be applicable to drivers in
34 intrastate commerce, provided such drivers were licensed by this state as
35 chauffeurs to operate commercial motor vehicles on May 13, 1988. Persons who
36 are otherwise qualified and licensed to operate a commercial motor vehicle in this
37 state may operate such vehicle intrastate at the age of eighteen years or older,
38 except that any person transporting hazardous material must be at least
39 twenty-one years of age.

40 3. Commercial motor vehicles and drivers of such vehicles may be placed
41 out of service if the vehicles are not equipped and operated according to the
42 requirements of this section. Criteria used for placing vehicles and drivers out
43 of service are the North American Uniform Out-of-Service Criteria adopted by the
44 Commercial Vehicle Safety Alliance and the United States Department of
45 Transportation, as such criteria have been and may periodically be amended.

46 4. Notwithstanding the provisions of subsection 1 of this section to the
47 contrary, Part 395, Title 49, Code of Federal Regulations, relating to the hours
48 of drivers, shall not apply to any vehicle owned or operated by any public utility,
49 rural electric cooperative or other public service organization, or to the driver of
50 such vehicle, while providing restoration of essential utility services during
51 emergencies and operating intrastate. For the purposes of this subsection, the
52 term "essential utility services" means electric, gas, water, telephone and sewer
53 services.

54 5. [Part 395, Title 49, Code of Federal Regulations, relating to the hours

55 of drivers, shall not apply to drivers transporting agricultural commodities or
56 farm supplies for agricultural purposes in this state if such transportation:

57 (1) Is limited to an area within a one hundred air-mile radius from the
58 source of the commodities or the distribution point for the farm supplies; and

59 (2) Is conducted during the planting and harvesting season within this
60 state, as defined by the department of public safety by regulation.

61 6. The provisions of Part 395.8, Title 49, Code of Federal Regulations,
62 relating to recording of a driver's duty status, shall not apply to drivers engaged
63 in agricultural operations referred to in subsection 5 of this section, if the motor
64 carrier who employs the driver maintains and retains for a period of six months
65 accurate and true records showing:

66 (1) The total number of hours the driver is on duty each day; and

67 (2) The time at which the driver reports for, and is released from, duty
68 each day.

69 7.] Notwithstanding the provisions of subsection 1 of this section to the
70 contrary, Parts 390 through 397, Title 49, Code of Federal Regulations shall not
71 apply to commercial motor vehicles operated in intrastate commerce to transport
72 property, which have a gross vehicle weight rating or gross combination weight
73 rating of twenty-six thousand pounds or less. The exception provided by this
74 subsection shall not apply to:

75 (1) Vehicles transporting hazardous materials [or to] **and which are**
76 **not covered farm vehicles as provided in subdivision (3) of this**
77 **subsection; or**

78 (2) Vehicles designed to transport sixteen or more passengers including
79 the driver as defined by Title 49 of the Code of Federal Regulations; **or**

80 (3) **Vehicles which are defined as covered farm vehicles pursuant**
81 **to federal laws and regulations and are transporting hazardous**
82 **materials that require a placard as required by Title 49, Code of**
83 **Federal Regulations, Parts 100-180.**

84 Nothing in this subsection shall be construed to prohibit persons designated by
85 the department of public safety from inspecting vehicles defined in this
86 subsection.

87 [8.] 6. Violation of any provision of this section or any rule promulgated
88 as authorized therein is a class B misdemeanor.

89 [9.] 7. Any rule or portion of a rule, as that term is defined in section
90 536.010, that is created under the authority delegated in this section shall

91 become effective only if it complies with and is subject to all of the provisions of
92 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
93 nonseverable and if any of the powers vested with the general assembly pursuant
94 to chapter 536 to review, to delay the effective date, or to disapprove and annul
95 a rule are subsequently held unconstitutional, then the grant of rulemaking
96 authority and any rule proposed or adopted after August 28, 2009, shall be
97 invalid and void.

✓
Unofficial

Bill

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