

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4499-05
Bill No.: HCS for HB 2097
Subject: Roads and Highways; Transportation; Transportation Department
Type: Original
Date: March 29, 2010

Bill Summary: Modifies various provisions relating to transportation and motor vehicles.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
General Revenue	(Less than \$210,829)	(Less than \$193,238)	(Less than \$192,918)
Total Estimated Net Effect on General Revenue Fund	(Less than \$210,829)	(Less than \$193,238)	(Less than \$192,918)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
State Road Fund	\$675,000	\$675,000	\$675,000
Highway Fund	Less than \$186,143	Less than \$183,372	Less than \$183,372
Total Estimated Net Effect on Other State Funds	Less than \$861,143	Less than \$858,372	Less than \$858,372

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 23 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
Total Estimated Net Effect on FTE	0	0	0

Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
Local Government	Less than \$195,382	Less than \$194,458	Less than \$194,458

FISCAL ANALYSIS

ASSUMPTION

Section 226.540 and 226.541 Billboard Provisions

Officials at the **Missouri Department of Transportation (MoDOT)** assume that since the department has not relocated or reset billboards there is no statistical data that is readily available to estimate the cost to reset. Thus an assumption is made with input from an industry representative that it would cost approximately 25% of the billboards value to reset the billboard in actual cost.

While it is highly unlikely, but for the purposes of this fiscal note it is assumed that no condemnation action will be necessary to acquire billboards when using the traditional method of acquisition.

It is estimated that the average value of a billboard structure is \$150,000. Using the industry estimate of 25% of the value as an actual cost to reset. The average cost per billboard to reset would be \$37,500.

It must be noted that the traditional method of purchase allows for salvage of the structure. Salvage values vary by structure; however using the industry's estimates the average salvage values should amount to approximately 50% of the billboards value. Salvage values are typically negotiated and often result in a reduction in salvage value thus a salvage value for the purpose of this exercise will be applied at 25%. An assumption will be made that all billboards acquired using the traditional method will be salvaged by the billboard owner.

Using the above estimates and assumptions the calculations below will show what is estimated as the net fiscal impact to the department:

Calculations under this legislation

37 billboards x \$37,500 (actual reset cost) = \$1,287,500

versus

The traditional method of acquisition/salvage

37 billboards x \$150,000-\$37,500 (salvage value) = \$4,162,500

Potential Net Savings to the Department = \$2,775,000

These calculations indicate that an estimated \$2,775,000 could be saved under this legislation during FY 2011-2014 of the department's current approved STIP.

JH:LR:OD

ASSUMPTION (continued)

For the purpose of this fiscal note, **Oversight** assumes that of the 37 billboards to be moved in the next four years that an average of 9 billboards a year will be moved. Therefore, MoDOT will have a savings of \$675,000 per year.

Officials at the **City of Columbia, City of Kansas City, City of Springfield, City of St. Louis, Boone County, Greene County, Jackson County and St. Louis County** did not respond to **Oversight's** request for fiscal impact.

Sections 227.313, 227.365, 227.391, 227.408, 227.409, 227.410, 227.412, 227.413, 227.414, 227.415, 227.416 and 227.417 Memorial Highway and Bridge Designations

Officials at the **Missouri Department of Transportation** assume no fiscal impact as this proposal states the signs will be paid for by private donations.

Section 238.202, 238.208, 238.220, 238.225, 238.232 and 238.236 Public Mass Transportation

Officials from the **Department of Revenue, Missouri Department of Transportation, Office of the State Treasurer** and the **Department of Economic Development** assume that there is no fiscal impact from this proposal.

Officials from the **City of Kansas City, City of St. Louis, and the Kansas City Area Transportation Authority** did not respond to our request for fiscal impact.

Oversight assumes this proposal is permissive in nature and will not create a fiscal impact.

Section 301.032 Fleet Vehicles

Officials at the **Department of Revenue** assume the costs encumbered by this process will be absorbed with existing staff.

Section 301.130 Second plate for commercial vehicles

Officials at the **Department of Revenue (DOR)** assume this would allow property carrying commercial motor vehicles the ability to obtain two license plates instead of one. Pursuant to the way this process was conducted previously it is assumed DOR will order the second plate at the time of application if requested by the customer.

Procedures will need to be revised by a Management Analyst Specialist I requiring 40 hours of overtime at a cost of \$805 in FY 11. The DOR web site will need to be updated to include the new plate type. This will require 10 hours of overtime for an Administrative Analyst III, at a cost

ASSUMPTION (continued)

of \$218 in FY 11.

Total cost for FTE in FY 11: \$1,023

Oversight assumes DOR is provided with core funding to handle a certain amount of activity each year. **Oversight** assumes DOR could absorb the costs related to this proposal. If multiple bills pass which require additional staffing and duties at substantial costs, DOR could request funding through the appropriation process.

DOR assumes there are currently 273,469 registered commercial motor vehicles in excess of 12,000 lbs. The number of customers who would pay \$15 for the second plate is unknown. If it is assumed that 1%, or 2,735, of these registrants will want the second plate, DOR will incur an associated cost. The cost to DOR for the second plate is \$1.43 with an overall cost to General Revenue of \$3,259 in FY 11, \$3,911 in FY 12 and FY 13.

By allowing property carrying commercial motor vehicles the ability to obtain two license plates instead of one and by charging \$15 for that plate there will be an increase in revenue to the Highway Fund of \$34,175 in FY 11 (figured for 10 months), and \$41,010 in FY 12 and 13 that is constitutionally distributed as follows:

	<u>FY 11(10 months)</u>	<u>FY 12</u>	<u>FY 13</u>
75% Highway Fund	\$25,631	\$30,757	\$30,757
15% Cities	\$ 5,126	\$ 6,151	\$ 6,151
10% Counties	\$ 3,418	\$ 4,102	\$ 4,102

OA-ITSD (DOR) would need to update TRIPS to allow for the issuance of a second plate to commercial motor vehicles in excess of 12,000 lbs as well as charge the \$15 for that second plate. Minimal impact and will be absorbed by existing staff.

Section 301.069 Drive Away License Plates

Officials at the **Department of Revenue** assume the costs encumbered by this process will be absorbed with existing resources.

Sections 301.423 and 301.562 Fraudulent possession of a title, license plate or license plate tab

Officials from the **Department of Revenue** and the **Office of State Public Defender** assume that there is no fiscal impact from this proposal.

ASSUMPTION (continued)

Officials from the **Office of Prosecution Services** did not respond to **Oversight's** request for fiscal impact. **Oversight** assumes, based on responses from other agencies, that this proposed legislation will either have no measurable fiscal impact on the Office of Prosecution Services and county prosecutors or costs that can be absorbed with existing resources.

Section 301.2998 and 301.3150 Specialty License Plates

Officials from the **Department of Revenue (DOR)** state there will be no change in their processes as the language in the proposal is permissive. DOR would continue the same process if specialty plate types are determined to be discontinued since after a five year period a specialty plate already can be voided for no applications received.

If the DOR elects to discontinue accepting applications based on the criteria presented in this proposal, there could be a potential decrease in revenue from the \$15 specialty plate fee (if required in the statute authorizing the plate) for each type of plate that is discontinued.

There are currently 117 specialty plate types that could potentially be discontinued per this proposal with a per year average of 36 total new applicants per specialty plate type. Assuming 36 new applicants per year and 117 plate types there would be a loss of \$63,180 ($36 \times 117 = 4,212 \times \$15 = \$63,180$) each year from the \$15 specialty plate fee that would be distributed as follows:

	<u>FY 11 (10 months)</u>	<u>FY 12</u>	<u>FY 13</u>
75% Highway Fund	\$39,488	\$47,385	\$47,385
15% Cities	\$ 7,898	\$ 9,477	\$ 9,477
10% Counties	\$ 5,264	\$ 6,318	\$ 6,318

DOR officials note that many of the plate types that could potentially be discontinued may receive less than 36 applications per year, some even zero, which results in a lesser number than what is shown in the statistics for this fiscal note. The DOR assumption is based on an average of all plate types subject to being discontinued and is not a factual representation of the total number of applications received for a specific plate type per year.

Plate manufacturing savings:

- For every new specialty plate application received DOR orders either a set of specialty plates at the time of application or a single specialty plate at the time of application.
- DOR pays \$4.25 per set of plates ordered and \$2.78 for a single plate.
- Based on the average of 36 applications per year for the 117 specialty plate types that could be discontinued there would be 4,212 registrations per year that would not need to be ordered.

ASSUMPTION (continued)

- Assuming 35%, or 1,474, of those plates, currently ordered as single plates for trucks, would not need to be ordered it would result in savings to General Revenue of \$3,415 in FY 11 (10 months), \$4,221 in FY 12, and \$4,347 in FY 13.
- Assuming 65%, or 2,738, of those plates currently ordered as sets of plates for passenger motor vehicles, would not need to be ordered it would result in savings to General Revenue of \$5,220 in FY 11 (10 months), \$6,452 in FY 12, and \$6,646 in FY 13.

	<u>FY11 (10 months)</u>	<u>FY12</u>	<u>FY13</u>
Total Specialty plate manufacturing savings	\$8,635	\$10,673	\$10,993

Sections 301.477 Combat Action Badge Plate, 301.3158 Legion of Merit Plate, 301.3160 National Multiple Sclerosis Society Plate, 301.4006 Nixa Education Foundation Plate, 301.4010 National Wild Turkey Federation Plate

Officials at the **Department of Revenue** (DOR) assume the following administrative and set up costs for all five new plates:

- Procedures will need to be revised by a Management Analyst Specialist I requiring 200 hours of overtime at a cost of \$4,025 in FY 11.
- The Application for Missouri Military Personalized License Plates (DOR-4601) will need to be revised to include all five new plate type. This will require 200 hours of overtime for a Management Analyst Specialist I, at a cost of \$4,025 in FY 11.
- The DOR web site will need to be updated to include the five new plate type. This will require 50 hours of overtime for an Administrative Analyst III, at a cost of \$1,090 in FY 11.

Total cost for FTE in FY 11 is \$9,140

DOR is charged \$279 for the initial set-up of the five new specialty plate for passenger, truck, and RV as well as an additional charge of \$92 each to include disabled and motorcycle plates, for a total of \$463 for the initial set-up. This is a one-time fee that will be charged upon passage of this bill in FY 11.

Currently, it costs DOR \$4.75 per plate, \$9.50 per set of plates, for manufacturing flat plates through Missouri Vocational Enterprises. The number of applicants who will wish to obtain these plates is unknown. DOR is assuming 100 applicants for each plate in FY 11 at a cost to DOR of \$950 in FY 11.

Total cost for plate set-up and manufacturing: FY 11 \$7,065

ASSUMPTION (continued)

Officials at the **Information Technology - OA-ITSD** (DOR) assume the Title and Registration Intranet Processing System (TRIPS) plate table would need to be updated to reflect the new specialty plate types. This function requires minimal programming and will be absorbed by existing staff.

Combat Action Badge License Plate - The number of applicants who will wish to obtain this plate is unknown. For each 100 Combat Action Badge specialty plate applications received, there will be an increase in revenue each year of \$1,500 (\$15x 100) that would be constitutionally distributed as follows;

	<u>FY 11 (10 Months)</u>	<u>FY12</u>	<u>FY13</u>
75%-Highway Fund-	\$938	\$1,125	\$1,125
15%- Cities-	\$188	\$225	\$225
10%- Counties-	\$124	\$150	\$150

Legion of Merit Medal License Plate - The number of applicants who will wish to obtain this plate is unknown. DOR is assuming 100 applicants in FY 2011 at a cost to DOR of \$950 in FY 2011.

DOR states that the Missouri Veterans Commission has made repeated attempts to obtain information on the number of Missouri recipients of the “Legion of Merit” award from the Department of Defense and have been unsuccessful. The number of applicants who will wish to obtain this plate is unknown. However, for each 100 specialty plate applications received, there will be an increase in revenue each year of \$1,500 (\$15x 100) from the \$15 specialty plate fee that would be constitutionally distributed as follows:

	<u>FY 11(10 Months)</u>	<u>FY12</u>	<u>FY13</u>
75%-Highway Fund-	\$938	\$1,125	\$1,125
15%- Cities-	\$188	\$225	\$225
10%- Counties-	\$124	\$150	\$150

It is unknown how many applicants there will be during the scope of this fiscal note. Military specialty plates do not have a required number of applications before the plate can be produced.

National Multiple Sclerosis Society License Plate - The number of applicants who will wish to obtain this plate is unknown. However, for each 100 National Multiple Sclerosis Society specialty plate applications received, there will be an increase in revenue each year of \$2,500 as a result of the \$25 specialty plate fee that is constitutionally distributed below.

ASSUMPTION (continued)

	<u>FY 11(10 Months)</u>	<u>FY12</u>	<u>FY13</u>
75%-Highway Fund-	\$1,562	\$1,875	\$1,875
15%- Cities-	\$312	\$375	\$375
10%- Counties-	\$208	\$250	\$250

Oversight assumes that before this specialty plate is produced and DOR would incur the associated costs, there must be at least 200 applicants committed to purchase the plate. It is unknown if there will be the required number of applicants during the scope of this fiscal note. For fiscal note purposes only, **Oversight** will estimate revenue as: \$0 to Less than \$100,000. **Oversight** will also estimate cost to General Revenue as: \$0 to (Less than \$100,000).

Nixa Education Foundation License Plate - The number of applicants who will wish to obtain this plate is unknown. DOR is assuming 100 applicants in FY 2011 at a cost to DOR of \$950 in FY 2011. However, for each 100 Nixa Education Foundation plate specialty plate applications received, there will be an increase in revenue each year of \$1,500 as a result of the \$15 specialty plate fee that is constitutionally distributed as follows:

	<u>FY 11(10 Months)</u>	<u>FY12</u>	<u>FY13</u>
75%-Highway Fund-	\$938	\$1,125	\$1,125
15%- Cities-	\$188	\$225	\$225
10%- Counties-	\$124	\$150	\$150

Oversight assumes that before this specialty plate is produced and DOR would incur the associated costs, there must be at least 200 applicants committed to purchase the plate. It is unknown if there will be the required number of applicants during the scope of this fiscal note. For fiscal note purposes only, **Oversight** will estimate revenue as: \$0 to Less than \$100,000. **Oversight** will also estimate cost to General Revenue as: \$0 to (Less than \$100,000).

Officials from the Nixa Public School District responded to the same version of this proposal last session (HB 840 - FN 2046-01), but did not indicate any fiscal impact.

Oversight assumes contributions received by the Nixa Education Foundation would in turn be used for Nixa Public School District purposes. **Oversight** assumes this would be an indirect result of this proposed legislation and will show no fiscal impact.

National Wild Turkey Federation License Plate - The number of applicants who will wish to obtain this plate is unknown. According to the National Wild Turkey Federation, there are

ASSUMPTION (continued)

approximately 12,000 adult members in Missouri that would be eligible for this plate.

- Currently, it costs DOR \$4.75 per plate, \$9.50 per set of plates, for manufacturing flat plates through Missouri Vocational Enterprises.
- DOR assumes that of the 12,000 eligible applicants, 3% (360) will wish to obtain the plate in FY 11 at a cost to DOR of \$3,420 in FY 11.
- As knowledge and public awareness of the availability of this plate increases it is assumed that 5% (582) of the remaining 11,640 eligible applicants will apply for these plates in FY 12 at a cost of \$5,529.
- If 7% (774) of the remaining 11,058 members apply for these plates in FY 13 it will result in a cost to DOR of \$7,353 in FY 13.

Total cost for plate set-up and manufacturing:

FY 11	FY 12	FY 13
\$3,883	\$5,529	\$7,353

If 3% (360) of those eligible applicants wish to obtain this plate in FY 11 there will be an increase in revenue of \$4,500 (figured for 10 months) from the \$15 specialty plate fee.

- As knowledge and public awareness of the availability of this plate increases DOR assumes that 5% (582) of the remaining 11,640 eligible applicants will apply for these plates in FY 12 resulting in an increase in revenue of \$8,730.
- If 7% (774) of the remaining 11,058 members apply in FY 13 there will be an increase of \$11,610 in FY 13 from the \$15 specialty plate fee.
- This increase will be distributed as follows:

	FY 11	FY 12	FY 13
75% Highway Fund	\$3,375	\$6,547	\$8,708
15% Cities	\$ 675	\$1,310	\$1,741
10% Counties	\$ 450	\$ 873	\$1,161

Oversight assumes that before this specialty plate is produced and DOR would incur the associated costs, there must be at least 200 applicants committed to purchase the plate. It is unknown if there will be the required number of applicants during the scope of this fiscal note. For fiscal note purposes only, **Oversight** will estimate revenue as: \$0 or Less than \$100,000. **Oversight** will also estimate cost to General Revenue as: \$0 or (Less than \$100,000).

Oversight notes that a similar type of organization with nearly twice as many members eligible for a specialty plate has less than 200 plates ten years after the authorizing statute was passed.

ASSUMPTION (continued)

Sections 302.220 and 302.230 Fictitious Nondriver Id Cards

Officials from the **Department of Revenue** and the **Office of State Public Defender** assume that there is no fiscal impact from this proposal.

Officials from the **Office of Prosecution Services** did not respond to **Oversight's** request for fiscal impact. **Oversight** assumes, based on responses from other agencies, that this proposed legislation will either have no measurable fiscal impact on the Office of Prosecution Services and county prosecutors or costs that can be absorbed with existing resources.

Section 304.161 Towed Vehicles storage charges

Officials at the **Department of Revenue** assume that there is no fiscal impact from this proposal.

In response to similar legislation filed this year, HB1605, officials at the **Boone County Sheriff Department, Columbia Police Department** and the **Springfield Police Department** assume that there is no fiscal impact from this proposal.

Officials at the **Office of the Attorney General** assume that any potential costs arising from this proposal can be absorbed with existing resources.

Section 304.820 Text messaging while operating motor vehicles

Officials from the **Department of Revenue (DOR)** assume this proposal would administratively impact the DOR's Driver License Bureau. DOR states there are no statistics available to determine how many additional convictions the DOR may be required to process; however, one FTE can process 320 convictions per day. The DOR assumes that a minimum of 1 FTE will be needed to process the additional convictions resulting from this violation. If the volume of convictions received for processing exceeds 320 per day, then additional FTE will be required and will be requested through the appropriation process.

There are no statistics available to determine the volume of phone calls that may be received; however, currently a Telephone Information Operator is required to handle 100 calls per day. The DOR assumes that a minimum of 1 FTE will be needed to answer the additional phone calls. If the calls received for texting while driving exceeds 100 calls per day, then additional FTE will be required and will be requested through the appropriation process.

The DOR is unable to determine how many convictions will be received for texting while driving and, therefore, is unable to determine the forms and postage costs for issuing the suspension/revocation notices.

ASSUMPTION (continued)

DOR assumes the following costs:

1 FTE Revenue Processing Tech (at \$25,380 per year) to process additional convictions for texting while driving and 1 FTE Telephone Information Operator (at \$25,380 per year) to answer telephone calls related to texting while driving. Postage and forms costs are unknown. DOR estimates the total cost to be approximately \$78,000 in FY 11, \$83,000 in FY 12, and \$85,000 in FY 13.

DOR assumes the proposal would also have a revenue impact of an unknown amount in the form of Reinstatement Fees Collected. Fees collected will be distributed, 75% highway fund, 15% cities, and 10% counties.

Oversight received information from the Missouri State Highway Patrol (MHP) that, as of January 12, 2010, the MHP had written 14 tickets for drivers twenty-one years of age or younger text messaging while driving since the statute went into effect on August 28, 2009.

Oversight received information that, as of January 14, 2010, the Department of Revenue (DOR) processed eight convictions for drivers twenty-one years of age or younger text messaging while driving since the statute went into effect on August 28, 2009.

Oversight assumes, based on the information received from the Missouri State Highway Patrol and DOR, that the number of convictions resulting from prohibiting all drivers, regardless of age, from text messaging while operating motor vehicles would not be excessive. Oversight assumes DOR could absorb any increase in work load resulting from the proposal within existing resources. If the DOR experiences an increase that would require additional funding, the DOR could request the funding through the appropriation process.

Oversight assumes any revenue impact would be minimal, and reflects no change to Total State Revenue as a result of the proposal.

Section 304.870 No climbing on tanker trucks

Officials at the **Department of Revenue, Missouri Department of Transportation** and the **Department of Public Safety** assume that there is no fiscal impact from this proposal.

Section 389.1150 Contract Carriers

Officials at the **Missouri Department of Transportation** and **Department of Revenue** assume that there is no fiscal impact from this proposal.

ASSUMPTION (continued)

Bill as a Whole

Officials at the **Administrative Hearing Commission, Department of Insurance, Financial Institutions and Professional Registration, Department of Natural Resources, Missouri Highway Patrol, Office of the State Courts Administrator** and the **Missouri Veterans Commission** assume that there is no fiscal impact from this proposal.

Officials from the **Department of Corrections (DOC)** stated that they could not predict the number of new commitments which could result from the creation of the offense(s) outlined in the proposal. An increase in commitments would depend on the utilization of prosecutors and the actual sentences imposed by the courts. If additional persons were sentenced to the custody of the DOC due to the provisions of this legislation, the DOC would incur a corresponding increase in operational costs either through incarceration (FY 2009 average \$16.04 per inmate, per day or an annual cost of \$5,855) or through supervision provided by the Board of Probation and Parole (FY 2009 average \$3.71 per offender, per day or an annual cost of \$1,354).

In summary, supervision by the DOC through probation would result in some additional costs, but it is assumed the impact would be \$0 or a minimal amount that could be absorbed within existing resources.

<u>FISCAL IMPACT - State Government</u>	FY 2011 (10 Mo.)	FY 2012	FY 2013
GENERAL REVENUE			
<u>Cost</u> - Department of Revenue - Admin, setup & manufact. costs (5 plates)	(\$16,205)	\$0	\$0
<u>Cost</u> - Department of Revenue - Processing costs for specialty plates (Section 301.130)	(\$3,259)	(\$3,911)	(\$3,911)
<u>Cost</u> - Department of Revenue - Processing costs for specialty plates (301.477 & 301.3158)	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
<u>Cost</u> - Department of Revenue - Processing costs for specialty plates (301.4006, 301.4010 & 301.3160)	\$0 or (Less than \$100,000)	\$0 or (Less than \$100,000)	\$0 or (Less than \$100,000)
<u>Savings</u> - Department of Revenue - License plate manufacturing costs (301.2998 & 301.3150)	<u>\$8,635</u>	<u>\$10,673</u>	<u>\$10,993</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE	<u>(Less than \$210,829)</u>	<u>(Less than \$193,238)</u>	<u>(Less than \$192,918)</u>
STATE ROAD FUND			
<u>Savings</u> - MoDOT Resetting billboards (226.540 & 226.541)	<u>\$675,000</u>	<u>\$675,000</u>	<u>\$675,000</u>
ESTIMATED NET EFFECT ON STATE ROAD FUND	<u>\$675,000</u>	<u>\$675,000</u>	<u>\$675,000</u>

FISCAL IMPACT - Small Business

The impact to a small business that owns or leases billboards could be that they might lose billboard inventory and/or revenue if a billboard could not be reset. However, this proposal is no more bias against small businesses than large businesses.

FISCAL DESCRIPTION

SECTIONS 226.540 and 226.541 = This bill changes the laws regarding billboards. In its main provisions, this bill:

- (1) Allows local authorities to adopt regulations regarding billboard size, lighting, and spacing provisions that are more restrictive than state law if they are reasonable, allow for customary industry usage, and comply with the intent of the provisions of the bill. Local regulations cannot have the intent or effect of prohibiting billboards on commercial or industrial property within 660 feet of certain highways. If a court rules that a local regulation is prohibitive, unreasonable, or fails to allow for customary industry usage, the statutory state requirements will apply until a valid ordinance is adopted by the local zoning authority;
- (2) Prohibits the Highways and Transportation Commission from issuing new state sign permits after the date the commission approves funding for any phase or portion of construction or reconstruction of a street or highway until the completion of the project and requires all existing signs to conform to the requirements for outdoor advertising in effect on August 27, 1999;
- (3) Allows an owner of an existing sign who meets all state requirements for outdoor advertising in effect on August 27, 1999, and the federal/state agreement and who voluntarily executes a partial waiver and reset agreement with the commission to reset signs on the same or adjoining property as long as the owner obtains the necessary local approval. Owners entering into a reset agreement with the commission will receive compensation for the actual cost of resetting the sign. Signs must be reconstructed with the same type of materials and cannot exceed the square footage of the original sign;
- (4) Allows a sign owner 120 days from receiving a written notice that a sign will be displaced by construction to execute a reset agreement. If an owner fails to execute an agreement, the commission has the right to initiate normal condemnation procedures for the compensated removal of the sign;
- (5) Allows local zoning authorities to prohibit an owner from resetting a qualifying sign that does not comply with local regulations but requires the local authorities to reimburse the commission for the cost to condemn the sign less the cost to reset the sign; and

FISCAL DESCRIPTION (continued)

(6) Requires all signs to be subject to the biennial inspection fees under Section 226.550, RSMo.

SECTION 227.313 = This bill changes the Martin Luther King road sign location.

SECTION 227.365 = This bill designates a portion of Lindbergh Boulevard in St. Louis County from its intersection with Lemay Ferry Road to the highway's connection with Barracksview Road as the "Dave Sinclair Boulevard."

SECTION 227.391 = This act designates a portion of Highway 80 in New Madrid County as the "Gene Curtis Memorial Highway".

SECTION 227.408 = This bill designates a portion of State Highway 53 in Butler County from the city limits of Qulin to one mile south of the city limits as the "Johnny Lee Hays Memorial Highway."

SECTION 227.409 = This bill designates a portion of Interstate 64/U. S. Highway 40 from the McClausland/Skinker interchange east to the Interstate 64/Interstate 55 interchange as the "Jack Buck Memorial Highway."

SECTION 227.410 = This bill changes the designation of a portion of U. S. Highway 160 in Greene County from the "Rabbi Abraham Joshua Heschel Memorial Highway" to the "Simon Wiesenthal Memorial Highway."

SECTION 227.412 = This bill designates the bridge crossing over the Union Pacific Railroad located on U. S. Highway 24 near Wilson Road in the Fairmont Business District in the City of Independence in Jackson County as the "Sergeant Charles R. Long Memorial Bridge."

SECTION 227.413 = This designates the portion of U. S. Highway 24 in Jackson County from the bridge crossing over the Union Pacific Railroad in the Fairmont Business District of the City of Independence to the intersection of Noland Road as the "Harry S. Truman Memorial Highway."

SECTION 227.414 = This bill designates a portion of Interstate 44 located in Franklin County from the State Highway 100 overpass west to the St. Mary's Road overpass as the "Corporal Dennis E. Engelhard Memorial Highway."

SECTION 227.415 = This bill designates a portion of U. S. Highway 36 located 1.7 miles west of the intersection of U. S. Highway 36 and State Route O in Macon County as the "Missouri

FISCAL DESCRIPTION (continued)

State Trooper William Brandt Memorial Highway."

SECTION 227.416 = This bill designates a portion of State Highway 13 from the intersection of State Highway 32 to the intersection of State Highway 83 in Polk County as the "John Playter Memorial Highway."

SECTION 227.417 = This bill designates the "Deputy Don McCutcheon Memorial Highway."

SECTIONS 238.202, 238.208, 238.220, 238.225, 238.232, 238.236 = This act amends the Missouri Transportation Development District Act to explicitly include public mass transportation systems as transportation development district projects.

Under current law, owners of property adjacent to a TDD may petition the court to add their property to the district and such property shall be added if the property owners within the district unanimously approve of its addition. Under this act, unanimous approval is not needed to add adjacent property to a TDD formed by a local transportation authority for the purpose of operating a public mass transportation system. Instead, the court shall add the adjacent property listed in the petition upon approval and consent of the district's board of directors (Section 238.208).

Under the act, the board of directors for a district formed by local transportation authorities to operate a public mass transportation system shall consist of not less than 3 nor more than 5 persons appointed by the chief executive officers of each local transportation authority (Section 238.220).

The directors appointed by the chief executive officers may be removed by such officers at any time with or without cause (Section 238.220). Under the act, the state highways and transportation commission is prohibited from appointing advisers to the boards of directors of transportation development districts formed to operate public mass transportation systems (Section 238.220).

Under the act, districts formed by local transportation authorities for the purpose of operating a public mass transportation system do not have to submit their project plans to the state Highways and Transportation Commission (Section 238.225).

The act provides that real property taxes for transportation development districts shall not be considered "payment in lieu of taxes" as that term is defined in the Real Property Tax Increment Allocation Redevelopment Act. In addition, the tax revenues derived from such property taxes

FISCAL DESCRIPTION (continued)

are not subject to allocation under the Real Property Increment Allocation Redevelopment Act (Section 238.232).

The act provides that the sales tax for a district formed by a local transportation authority for the purpose of operating a public mass transportation system shall not be considered economic activity taxes as used in the TIF statutes and that the tax revenues are not subject to allocation by the TIF statutes. The act also creates a special fund known as the "Transportation Development District Sales Tax Trust Fund" to deposit the sales tax revenues generated by these types of transportation development districts (Section 2388.236).

SECTION 301.032 = Under this act, a fleet owner of at least 50 fleet vehicles may apply for fleet license plates bearing a company name or logo. Under current law, any fleet owner could apply these types of plates regardless of how many fleet vehicles he or she owned.

SECTION 301.130 = Under this act, the state will only issue one license plate beginning August 28, 2010, unless the registered owner is eligible to receive a second plate. Some motorists will be able to obtain an optional 2nd plate upon the payment of \$15 fee. Motorists who currently receive two plates will be issued one plate and the plate shall be attached to the rear (instead of front and rear) of the motor vehicle. Applicants who request 2 license plates shall attach the plates to the front and rear of the vehicle. Applicants for personalized and special license plates will be automatically be issued 2 license plates. The act also requires that no tab shall be issued for the optional license plate and no tab shall be required to be displayed on such plate.

SECTION 301.069 = This act places additional restrictions on the use of drive away license plates. Under this act, drive away license plates shall only be used by owners, corporate officers, or employees of the business to which the plates were issued. Under the act, an applicant for a drive away plate must provide certain information such as the business name, address, and driver license number. The applicant must provide proof of financial responsibility. In addition, the applicant must provide a picture of his or her place of business. The applicant must maintain a land-line telephone at his or her place of business during the registration period. The act makes the use of a revoked drive away license plate a misdemeanor.

SECTION 301.423 = Under this act, if the Director of Revenue reasonably believes a person has obtained a title, license plate, or license plate tab in a fraudulent manner, the person must surrender such items. A failure to do so constitutes a Class A misdemeanor.

SECTION 301.477 = This section allows persons who have been awarded combat action badges to apply for a special license plate bearing the words "COMBAT ACTION" and an image of a

FISCAL DESCRIPTION (continued)

combat action badge. There shall be an additional fee charged for each set of special combat action badge license plates issued equal to the fee charged for personalized license plates.

SECTION 301.562 = The act also makes technical changes to various sections contained in Chapter 301.

SECTIONS 301.2998 and 301.3150 = This proposed legislation changes the administrative procedures for issuing and developing specialty license plates. In its main provisions, the proposal:

- (1) Specifies that the Department of Revenue (DOR) is not required to accept applications and issue specialty plates for a specific category or organization if no applications for the plate have been received within four years from the authorization of the plate or the total number of specialty plates issued for a specific category is less than 200 plates for two consecutive years;
- (2) Authorizes DOR to discontinue the issuance and renewal of a specialty license plate if the organization has stopped providing services and the emblem-use authorization statements are no longer being issued by the organization. The organization must notify DOR immediately to discontinue the issuance of a specialty plate. These provisions will not apply to any specialty license plate which bears the emblem or insignia of a branch of the United States military or a military organization or involve military actions or personnel.

SECTION 301.3158 = This section creates the "LEGION OF MERIT" special license plate and allows any person who has been awarded this military service award to apply for it. To obtain the special license plate, a person must make application, furnish proof as a recipient of the Legion of Merit Medal, and pay a \$15 fee to the Department of Revenue in addition to the registration fee and any other documents required by law.

SECTION 301.3160 = This section of the proposed legislation allows motorists to obtain Multiple Sclerosis special license plates. In order to obtain the specialty plates, the motorist must pay an annual \$25 emblem-use contribution to the National Multiple Sclerosis Society, a \$25 specialty license plate fee, and regular registration fees. The specialty plates shall bear the words "JOIN THE MOVEMENT" in lieu of the words "SHOW-ME STATE". Before this specialty plate may be issued, the director must receive in receipt of a list of at least 200 potential applicants who plan to purchase the plate and an application fee to defray the cost for developing the specialty plate.

FISCAL DESCRIPTION (continued)

SECTION 301.4006 = This proposed legislation allows for a special license plate for members of the Nixa Education Foundation. To obtain this plate, a person must submit an application to the Director of the Department of Revenue accompanied by an emblem-use authorization statement along with an additional \$15 fee. Before these specialty plates may be issued, the director must be in receipt of a list of at least 200 potential applicants who plan to purchase the plate and an application fee to defray the cost for developing the specialty plate.

SECTION 301.4010 = This proposed legislation allows for a special license plate for members of the Wild Turkey Federation. To obtain this plate, a person must submit an application to the Director of the Department of Revenue accompanied by an emblem-use authorization statement along with an additional \$15 fee. Before these specialty plates may be issued, the director must be in receipt of a list of at least 200 potential applicants who plan to purchase the plate and an application fee to defray the cost for developing the specialty plate.

SECTIONS 302.220 = Under this act, it is unlawful for any person to display, or to have in his or her possession, any nondriver identification card knowing that the card is fictitious or to have been canceled, suspended, revoked, disqualified or altered. Similarly, the act makes it unlawful for a person to lend or knowingly permit the use of nondriver identification card that is fictitious. The current law only applies to the fraudulent display, possession or use of a license.

SECTION 302.230 = This act ties the statute of limitations for a prosecution for making a false statement on a driver's license application to the discovery of the statement's falsity, rather than the time when the statement was made. A prosecution for a person who makes a false statement on a driver's license application may commence one year after the director first discovers the falsity of the statement or affidavit, however no prosecution shall commence more than 6 years after the statement or affidavit was made.

SECTION 304.161 = This bill limits the fees that may be charged for storing a towed vehicle, other than a commercial motor vehicle, to \$25 per day.

SECTION 304.820 = Under current law, drivers who are 21 years of age or younger are prohibited from text messaging while operating a motor vehicle. Under this act, the text messaging ban is applied universally so that all drivers, regardless of age, are prohibited from text messaging while operating a motor vehicle. The act allows any city or county to adopt ordinances or regulations which are equivalent to, but not more restrictive than, the state text message ban. Under the act, persons who use handheld mobile telephones in conjunction with voice-operated or hands-free devices to send text messages are exempt from the text message ban.

FISCAL DESCRIPTION (continued)

SECTION 304.870 = This bill prohibits any person, except law enforcement personnel, from climbing, standing, or working on top of any tanker trailer stopped along any highway unless proper safety precautions are taken. Any person violating this provision will be guilty of an infraction punishable by a fine of between \$50 and \$100.

SECTION 389.1150 = Requires amber lights or white strobe lights on contract carriers that transport railroad employees for compensation.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Administrative Hearing Commission
Boone County Sheriff Department
Columbia Police Department
Department of Corrections
Department of Economic Development
Department of Insurance, Financial Institutions and Professional Registration
Department of Natural Resources
Department of Revenue
Department of Public Safety
Missouri Department of Transportation
Missouri Highway Patrol
Missouri Veterans Commission
Office of Administration
 Information Technology Services Division
Office of Prosecution Services
Office of the State Courts Administrator
Office of the State Public Defender
Office of the State Treasurer
Springfield Police Department

Not Responding

City of Columbia
City of Kansas City
City of Springfield

Not Responding (continued)

City of St. Louis
Boone County
Greene County
Jackson County
St. Louis County
Kansas City Transportation Authority
Nixa Public School District



Mickey Wilson, CPA
Director
March 29, 2010