

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4756-11
Bill No.: Truly Agreed To and Finally Passed CCS for HCS for SB 568
Subject: Motor Vehicles; Transportation; Transportation Department; Crimes and Punishment
Type: Original
Date: June 6, 2012

Bill Summary: This proposal expands Missouri's Move Over Law and increases penalties for moving violations and traffic offenses occurring within an active emergency zone.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
General Revenue	(\$76,320)	\$28,536 (up to \$1,969,759)	\$28,536 (up to \$1,969,759)
Total Estimated Net Effect General Revenue Fund	(\$76,320)	\$28,536 (up to \$1,969,759)	\$28,536 (up to \$1,969,759)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Highway Fund	\$0	(\$749,361 or \$2,248,082)	(\$749,361 or \$2,248,082)
Water Patrol Fund	\$8,500	\$8,500	\$8,500
Total Estimated Net Effect on Other State Funds	\$0	(\$749,361 or (\$2,248,082))	(\$749,361 or (\$2,248,082))

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 18 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
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 2013	FY 2014	FY 2015
Local Government	\$0	(\$249,787 or \$749,360)	(\$249,787 or \$749,360)

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of Prosecution Services** and **Office of the State Courts Administrator** each assume the proposal will have no fiscal impact on their respective organizations.

In response to a previous version of this proposal, officials from the **Department of Insurance, Financial Institutions and Professional Registration** and **Department of Agriculture** each assume the proposal will have no fiscal impact on their respective organizations.

In response to a previous version of this proposal, officials from the **Office of the State Public Defender** stated for the purpose of this proposed legislation, SPD cannot assume that existing staff will provide effective representation for any new cases arising where indigent persons are charged with the proposed new crime of failure to yield right of way and reduce speed when approaching a stationary Missouri Department of Transportation vehicle.

While the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional funding for this specific bill, the SPD will continue to request sufficient appropriations to provide effective representation.

Oversight assumes the SPD can absorb the additional caseload that may result from this proposal.

In response to a previous version of this proposal, officials from the **Office of the Secretary of State (SOS)** assume many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to the Secretary of State's Office for Administrative Rules is less than \$2,500. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, we also recognize that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what our office can sustain with our core budget. Therefore, we reserve the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

ASSUMPTION (continued)

In response to a previous version of this proposal, officials from the **Joint Committee on Administrative Rules** state this legislation is not anticipated to cause a fiscal impact beyond its current appropriation.

Officials from the **Department of Corrections (DOC)** state they cannot predict the number of new commitments which may result from the creation of the offense(s) outlined in this proposal.

An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court.

If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in operational cost through supervision provided by the Board of Probation and Parole. (FY 2011 average of \$5.12 per offender, per day or an annual cost of \$1,869 per offender).

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

Section 306.127

Officials from the **Department of Public Safety - Missouri Highway Patrol** state this proposal would require any person or company that rents or sells vessels to issue a temporary boating safety identification card to a nonresident in order to operate a rented vessel or vessel being considered for sale for a period up to seven days. The cost to purchase a permit is \$9.

Because nonresidents will not be eligible for more than one temporary boating safety identification card, the Highway Patrol states that it would take two FTE approximately 400 hours to design, develop, test and implement the programs and/or databases necessary to implement this legislation. The Patrol will develop this in-house; therefore, any cost associated with the development and implementation will be absorbed by the Patrol. Also, the Patrol will absorb the cost for the water-proof paper supplied to participation vendors. It is unknown how many permits will be requested. For purposes of this fiscal note, the Patrol estimates 1,000 permits will be issued throughout a year ($\$9 \times 1,000 = \$9,000$). Since there is an option for payment by credit or debit card, the Patrol will have to pay \$1 to a collection service for every card transaction. The Patrol assumes that half of the customers will pay by card, with a corresponding expense of \$500 ($\$1 \times 500 = \500).

ASSUMPTION (continued)

In response to a previous version of this proposal, officials from the **Department of Revenue (DOR) - Motor Vehicle Bureau (MVB)** stated procedures will need to be revised by a Management Analyst Specialist I requiring 40 hours of overtime at a cost of \$1,182, the Dealer Operating Manual will need to be revised requiring 40 hours of overtime at a cost of \$1,182, the Missouri Titling Manual will need to be revised requiring 40 hours of overtime at a cost of \$1,182 and the Department's web site will need to be revised requiring 10 hours of overtime for an Administrative Analyst I, at a cost of \$319.

In summary, DOR assumes a cost of \$3,865 ($\$1,182 + \$1,182 + \$1,182 + \319) in FY 2013 to provide for the implementation of the changes in this section.

Oversight assumes DOR is provided with core funding to handle a certain amount of activity each year. Oversight assumes DOR could absorb the personal service cost related to this proposal in this section.

Section 301.147

DOR states this section of the proposal would expand the number of commercial motor vehicle owners who will have the option of biennially registering their commercial motor vehicle. Would provide an option to owners of motor vehicles other than commercial motor vehicles licensed in excess of 54,000 pounds.

The Department assumes there will be an increase in revenue to the highway fund, cities and counties in FY2013 only, due to the biennial registration option being made available to these commercial motor vehicles. Revenue will return to normal in the remaining fiscal years.

Officials from the DOR state procedures will need to be revised by a Management Analyst Specialist I requiring 40 hours of overtime at a cost of \$1,182. The Department's web site will need to be updated. This will require 10 hours of overtime for an Administrative Analyst III, at a cost of \$319.

In summary, DOR assumes a cost of \$1,501 ($\$1,182 + \319) in FY 2013 to provide for the implementation of the changes in this section.

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.

ASSUMPTION (continued)

The Department's response to a similar proposal in prior years would have indicated the Department planned to absorb the administrative costs to implement the proposal. Due to budget constraints, reduction of staff and the limitations within the Department's motor vehicle legacy systems, changes cannot be made without significant impact to the department's resources and budget. Therefore, the IT portion of the fiscal impact for Section 301.147 is estimated with a level of effort valued at \$76,320.

Officials from the **Department of Revenue (DOR)** may implement this legislation in two different ways. The first option is to continue to produce and distribute the new weather resistant, non-tearing temporary permits to motor vehicle dealers and license offices and build a database for law enforcement to query from. If the Department implements this proposal without a vendor the cost for temporary permits will increase from \$.07 per permit to a potential range from \$1 to \$5. This would require a new decision item for General Revenue Funds of \$371,683 to \$1,970,319. The second option is the DOR could authorize a vendor to carry out this function; however, the Department would still need to build a database to allow law enforcement access to this information.

With Vendor

If the DOR would contract with a vendor to produce temporary permits the vendor would sell temporary permits to dealers for not more than \$5 per permit. The vendor would retain all revenue from the sale of these permits. The dealer would then sell these permits to purchasers for \$5 per permit and retain all revenue from those sales. The vendor would sell temporary permits to the license office for no more than \$5 per permit.

The vendor would retain all revenue from the sale of these permits. The license offices would then sell these permits to customers at \$5 per permit and retain all revenue from those sales.

Based on 61,403 temporary permits issued by the license offices during FY 11, the license offices may have to pay in excess of \$307,015 in temporary permit inventory. Today, they pay nothing for this inventory.

The Department (central office only) would sell temporary permits to applicants for no more than \$5 per permit. Revenue received due to the sale of temporary permits by the Department (central office) will be considered state revenue. As such, those funds would be distributed as they are today: \$5 to the highway fund.

ASSUMPTION (continued)

As the Department would no longer be required to produce and distribute temporary permits to license offices and dealers, this will result in a cost reduction for producing the temporary permits. It currently cost the DOR \$0.0714 to produce one temporary permit from the current contractor. In FY 2011, the Department produced and issued 399,659 temporary permits. By not having to produce temporary permits will result in a cost reduction of \$28,536.

If the Department implements this proposal with a vendor, the revenue impact is as follows:

In FY 11 the Department sold 399,659 temporary permits at \$7.50 each and collected \$2,997,443. Of those 399,659 temporary permits only 336 were sold by the central office. This proposal changes the distribution of funds for the remaining 399,323 temporary permits sold by motor vehicle dealers and license offices. As a result \$2,994,923 will no longer constitute state revenue annually and the collections will be retained by these entities; permits sold directly by the Department to purchasers will continue to be distributed to the highway funds.

The distribution of the loss of a total of \$2,994,923 from the sales of temporary permits by both dealers and the license offices is shown below:

\$5.00 - Highway Fund	(\$1,996,615)
\$2.50 - 75% Highway Fund	(\$748,731)
15% Cities	(\$149,746)
10% Counties	(\$99,831)

As the Department will charge \$1 to \$5, rather than the current \$7.50, for the issuance of temporary permits out of the central office, there will be a loss of \$2.50 to \$6.50 for each temporary permit sold. In FY11 there were 336 temporary permits sold out of the central office; this will result in a loss of \$840 to \$2,184 as shown below:

75% Highway Fund	(\$630 to \$1,638)
15% Cities	(\$126 to \$328)
10% Counties	(\$84 to \$218)

ASSUMPTION (continued)

Without Vendor

If the Department implements this proposal without a vendor, the cost for temporary permits will increase from \$.07 per permit to a potential range from \$1 to \$5. This would require a new decision item for general revenue funds of \$371,683 to \$1,970,319.

The Department would only charge the amount incurred for the cost of the temporary permit to be produced which can range from \$1 to \$5. The money generated from the sale will be distributed to highway funds and can range from \$399,659 to \$1,998,295. In FY11 \$2,747,656 was distributed to the highway fund as a result of temporary permit sales. In FY11 \$249,787 was distributed to cities and counties as a result of temporary permit sales.

This will result in a loss of revenue because the current cost of a temporary permit is \$7.50; therefore there will be a loss ranging from \$2.50 to \$6.50 per permit.

The loss in revenue will impact the following funds annually:

Highway Fund - (\$749,361) to (\$2,347,997)
Cities - (\$149,872)
Counties - (\$99,915)

Since Department of Revenue may implement this legislation in two different ways, **Oversight** will range the cost to the DOR as: \$0 (up to \$1,998,295). As a result, the loss to the Highway Fund will be ranged as: (\$749,361 or \$2,248,082) and the loss to the Cities and Counties as: (\$249,787 or \$749,360).

In response to a previous version of this proposal, officials from the **Department of Transportation (MoDOT)** state this proposal modifies laws relating to weight limitations for milk haulers. This bill would increase the weight for commercial motor vehicles that carry milk on Missouri's highways and bridge system which would result in additional maintenance work and costs. Under current law, all bridges are load rated for 80,000 lbs. This bill would require the department to re-evaluate load limits on many of the state's bridges. The increased allowable weights would result in increased damage to bridges. Additionally, it would reduce the life expectancy of some of MoDOT's bridges. There is really no good way to quantify this issue in terms of a dollar amount.

ASSUMPTION (continued)

The increased allowable weights will result in an increase in the number of MoDOT's bridges requiring postings for legal loads. It is estimated that the number of MoDOT bridges requiring some type of posting would increase by 20%.

Posting signs would have to be installed at these locations, so there would be a cost associated with this. An unknown number of existing postings signs would require updating.

Section 302.341

In response to a previous version of this proposal, officials from the **Department of Revenue** assume this section proposes changes to meet federal commercial driver license requirements relating to failure to appear in court actions. The proposed change indicates these actions cannot be removed from the record upon reinstatement if the applicant was operating a commercial motor vehicle at the time of the offense or is a commercial driver license holder.

Officials from DOR assume applications will need to be modified by a Management Analyst Specialist II requiring 80 hours of overtime (at \$23 per hour or \$1,840) and the same for an Administrative Analyst (at \$16 per hour or \$1,280).

DOR states the administrative impact for Section 302.341 will require the Department to modify the Missouri Driver License system and supporting applications related to failure to appear actions and complete end user testing of all changes.

In summary, DOR assumes a cost of \$3,120 (\$1,840 + \$1,280) in FY 2013 to provide for the implementation of the changes in this proposal.

Section 302.700 & 302.768

In response to a previous version of this proposal, officials from the **Department of Transportation** state the enactment of these changes to Missouri's CDL statutes will be necessary to bring this State into compliance with the Federal mandate prescribed by 49 USC Section 31311 (a) (1) and (21), section 31309 (e) (4) and Section 31305 (a) (7); and 49 CFR 383.73 and Section 384.301.

If not enacted, Missouri's federal-aid highway funds are subject to withholding in the amounts of \$30 million the first fiscal year and \$60 million the second year and thereafter.

ASSUMPTION (continued)

Oversight assumes Missouri will be in compliance with the mandated provisions and will assign no cost for sanctions.

Officials from the **Department of Revenue** state this section proposes new definitions and modifications to current definitions related to commercial driver license requirements to comply with Federal Motor Carrier Safety regulations and support the implementation of the federal rule labeled “Medical Certification Requirements as part of the Commercial Driver License (CDL)”.

DOR states cost associated with development and implementation of the proposed medical certification program (Section 302.700) will be absorbed as part of a system upgrade project and through federal funds.

Section 302.768

In response to a previous version of this proposal, officials from the **Department of Revenue** state this proposes a new section to support the implementation of Federal Motor Carrier Safety Regulation changes defined in a finalized federal rule affecting 49 CFR Parts 383, 384, 390 and 391 labeled “Medical Certification Requirements as part of the CDL”. This section requires commercial driver license applications to complete certain self certifications and submit required medical certification documents when applicable.

The state must capture and store data related to drivers who are required to submit proof of medical certification. These certifications must be updated at least every two years based on federal requirements. The state must store and pass this data to law enforcement, commercial motor vehicle enforcement and other states.

DOR assumes the cost associated with development and implementation of the proposed medical certification program will be absorbed as part of a pending system upgrade project. The Department will continue to seek federal funds to notify Commercial Drivers of the new requirements, however if federal funding is not provided, DOR will require the following state funds in order to notify the 300,000 drivers:

FY 14

Printing Cost (per 1,000)	300 @ .076 =	\$22.80
Letters	300,000 @ .025 =	\$7,500.00
Envelopes	300,000 @ .04 =	\$12,000.00
Postage	300,000 @ .45 =	<u>\$135,000.00</u>
	Total =	\$154,522.80

KC:LR:OD

ASSUMPTION (continued)

DOR stated they have been approved for a federal grant to implement the new federal requirements; however, DOR stated they cannot use the grant monies for notification. Therefore,

Oversight assumes that DOR is not required by this proposal to notify a licensee of this new federal licensing requirement. The notification upon license renewal could be an option.

Oversight assumes DOR is provided with core funding to handle a certain amount of activity each year. Oversight assumes DOR could absorb some of the personal service cost related to this proposal. Oversight assumes some of DOR's anticipated work hours could be performed during the normal work day and not create an additional expense to their budget.

<u>FISCAL IMPACT - State Government</u>	FY 2013 (10 Mo.)	FY 2014	FY 2015
GENERAL REVENUE			
<u>Savings</u> - Temporary Paper Permits no longer used	\$0	\$28,536	\$28,536
<u>Cost</u> - Temporary license plate permit cost to DOR without third party vendor	\$0	\$0 or (up to \$1,998,295)	\$0 or (up to \$1,998,295)
<u>Cost</u> - IT changes (Section 301.147)	<u>(\$76,320)</u>	<u>\$0</u>	<u>\$0</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE	<u>(\$76,320)</u>	<u>\$28,536 (up to \$1,969,759)</u>	<u>\$28,536 (up to \$1,969,759)</u>
HIGHWAY FUND			
<u>Loss</u> -Change in fee from \$7.50 to \$5.00 (Section 301.140)	\$0	<u>(\$749,361 or \$2,248,082)</u>	<u>(\$749,361 or \$2,248,082)</u>
ESTIMATED NET EFFECT ON HIGHWAY FUND	<u>\$0</u>	<u>(\$749,361 or \$2,248,082)</u>	<u>(\$749,361 or \$2,248,082)</u>

FISCAL DESCRIPTION (continued)

The act further modifies the definition of "emergency vehicle" to include any vehicle owned by the commission and operated by a Department of Transportation employee that is marked as an emergency response or motorist assistance vehicle (Section 304.022). This provision is also contained in the truly agreed to versions of SB 470 and SB 611 (2012). This provision is also contained in HB 1040 (2012).

TEMPORARY PERMIT TAGS - This act modifies the process for issuing temporary permits to motor vehicle owners. Under the terms of the act, the Director of Revenue is authorized to allow others to produce weather resistant, nontearing temporary permits that allow buyers of motor vehicle or trailers to operate such vehicles for a 30 day period. The temporary permit may be purchased by the motor vehicle buyer from the central office or from an authorized agent of the department. A motor vehicle buyer may also purchase a temporary permit from a motor vehicle dealer. The price paid by a registered dealer for a temporary permit shall not exceed \$5.00 per permit (current law sets the amount at \$7.50). The director shall direct motor vehicle dealers and authorized agents to obtain temporary permits from an authorized producer. Under the act, amounts received by the director for temporary permits shall constitute state revenue while amounts received by an authorized producer shall not constitute state revenue. Amounts received by motor vehicle dealers or authorized agents for temporary permits purchased from an authorized producer shall not constitute state revenue. The act specifically provides that general revenue funds or other state funds shall not be used to compensate motor vehicle dealers and other producers for their role in producing temporary permits. Dealers may not charge more than \$5.00 for each permit it issues (down from \$7.50). Under the act, each temporary permit issued shall be fastened to the rear of the motor vehicle in a manner and place on the motor vehicle consistent with placement of regular registration plates. The act allows the director to reissue and extend the use of a temporary permit during the time period a title and registration are being obtained. Under the terms of the act, upon the issuance of a temporary permit, the director shall make the temporary permit information immediately available to the law enforcement community of the state of Missouri (Section 301.140). This provision is also contained in the truly agreed to versions of SB 470, SB 611, and HB 1329 (2012). This provision of the act is similar to the one contained in SB 818 (2012). This portion of the act shall become effective on the date the Department of Revenue or a producer authorized by the director of the Department of Revenue begins producing temporary permits described in subsection 4 of such section, or on July 1, 2013, whichever occurs first (Section D). The temporary permit provisions (subsections 4, 5, and 6 of section 301.140) shall expire on July 1, 2019.

FISCAL DESCRIPTION (continued)

BIENNIAL REGISTRATION OPTION FOR LARGER VEHICLES - This act expands the number of commercial motor vehicle owners who will have the option of biennially registering their commercial motor vehicle. Under current law, the director may provide owners of motor vehicles, other than commercial motor vehicles licensed in excess of 12,000 pounds gross weight, the option of biennially registering motor vehicles. This act provides this option to owners of motor vehicles, other than commercial motor vehicles licensed in excess of 54,000 pounds (Section 301.147). This provision is contained in the truly agreed to version of SB 470 (2012). This provision is similar to the one contained in the introduced version of SB 443 (2012) and the truly agreed to version of HB 430 (2011). This section has an effective date of July 1, 2015 (see Section E).

TRANSPORTATION DEFINITIONS FOR SALES TAX PURPOSES - This act adds the construction, reconstruction, repair, and maintenance of sidewalks, trails, and community owned parking lots to the definition of "transportation purposes" as it applies to expenditures of the transportation sales tax in certain cities (Section 94.700). This portion of the act is similar to HB 1299 (2012).

KANSAS CITY COMMERCIAL ZONE - This act expands the Kansas City commercial zone by including the stretch of State Route 45 from its intersection with Interstate 29 to the city limits of Iatan. This portion of the act may be found in the SCS/HCS/HB 1640 (2012) and SCS/SB 656 (2012)(Section 304.190). This provision may also be found in the truly agreed to versions of HB 1402 and SB 470 (2012).

The act further expands the Kansas City commercial zone by expanding it on state route 10 from its intersection with state route 210 to the city of Hardin.

REBUILT SALVAGE VEHICLES INSPECTION - Under the terms of this act, owners of rebuilt salvage vehicles which are 10 years of age or older who submit such vehicles to examinations conducted by the Highway Patrol in order to obtain certificates of ownership with prior salvage motor vehicle designations are not required to repair or restore such vehicles to their original appearance in order to pass or complete the vehicle examination (Section 301.190). This portion of the act is similar to SB 557 and the truly agreed to version of HB 1150 (2012)(HA 3).

FAILURE TO APPEAR IN COURT- Under current law, if a person fails to timely dispose of a traffic ticket, the court will notify the director of revenue of such fact and the director will suspend the offender's driver's license until the person settles the matter by paying the fines and applicable court costs.

KC:LR:OD

FISCAL DESCRIPTION (continued)

Upon proof of disposition of the charges, and payment of a reinstatement fee, the director will return the license and remove the suspension from the person's driver's record. This act modifies this provision so that a commercial motor vehicle operator or a holder of a commercial driver's license will not be eligible to have such a suspension removed from his or her driving record (Section 302.341). This provision is contained in the truly agreed to versions of SB 470, SB 480, and HB 1402 (2012). The provision is also contained in the perfected version of SB 443 (2012) and the truly agreed to version of HB 430 (2011).

UNIFORM COMMERCIAL DRIVER'S LICENSE ACT - This act adds new definitions to Uniform Commercial Driver's License Act (Sections 302.700 to 302.780) and makes modifications to current definitions relating to commercial driver license requirements to comply with Federal Motor Carrier Safety regulations and support the implementation of the federal rule labeled "Medical Certification Requirements as part of the CDL". The act revises the definition section by adding the following terms:

- 1) CDLIS driver record;
- 2) CDLIS motor vehicle record;
- 3) Commercial driver's license downgrade
- 4) Driver applicant;
- 5) Employee;
- 6) Endorsement;
- 7) Foreign;
- 8) Medical examiner;
- 9) Medical variance (Section 302.700).

CDL MEDICAL CERTIFICATION COMPLIANCE - This act implements a Federal Motor Carrier Safety Regulation known as "Medical Certification Requirements as part of the CDL". This act requires commercial driver license applicants to complete certain self certifications and submit required medical examiner certification documents when applicable. The act specifies the certification process. Applicants certifying to the operation in nonexcepted interstate or nonexcepted intrastate commerce must provide the state with an original or copy of a current medical examiners certificate. The state is required to maintained such documents for a period of 3 years beyond the date the certificate was issued. The act requires applicants to provide updated medical certificates or variance documents in order to maintain commercial motor vehicle driving privileges. The director must post the medical examiners certificate information to the driver record within 10 calendar days of receipt and the information will become part of the CDLIS driver record.

FISCAL DESCRIPTION (continued)

Under the act, any person who falsifies any information in an application for or an update of medical certification status information shall not be licensed to operate a commercial vehicle or the person's commercial driver's license must be canceled for a period of one year after the director discovers the falsification (section 302.768).

The CDL medical certification compliance sections (Sections 302.700 and 302.768) shall become effective on the date the director begins accepting commercial driver license medical certifications or on May 1, 2013, whichever occurs first (see Section C).

The CDL provisions can also be found in the truly agreed to versions of SB 470, SB 480, and HB 1402 (2012).

SALVAGE TITLE - CLAIMS ADJUSTMENT PROCESS - Under the terms of this act, any insurer which purchases a vehicle that is currently titled in Missouri through the claims adjustment process for which the insurer is unable to obtain a negotiable title, may make application to the Department of Revenue for a salvage certificate of title or junking certificate. The application may be made by the insurer or its designated salvage pool on a form provided by the department and signed under penalty of perjury. The application shall include a declaration that the insurer has made at least 2 written attempts to obtain the certificate of title, transfer documents, or other acceptable evidence of title, and be accompanied by proof of claims payment from the insurer, evidence that letters were delivered to the vehicle owner, a statement explaining the circumstances by which the property came into the insurer's possession, a description of the property including the year, make, model, vehicle identification number, and current location of the property, and a fee of \$8.50. The insurer shall, 30 days prior to making application for title, notify any owners or lienholders of record for the vehicle that the insurer intends to apply for a certificate of title from the director for the vehicle. Upon receipt of the application and supporting documents, the director shall search the records of the department to verify the name and address of any owners and any lienholders. After 30 days from receipt of the application, if no valid lienholders have notified the department of the existence of a lien, the department shall issue a salvage certificate of title or junking certificate for the vehicle in the name of the insurer. This provision may be found in the truly agreed to version of HB 1150 (2012). This portion of the act is also similar to SB 879 (2012) and HCS/HB 1875 (2012)(Section 301.193).

GROSS WEIGHT LIMITATION FOR CERTAIN VEHICLES - Under current law, the total gross weight of a vehicle or combination of vehicles hauling livestock on U. S. Highway 36 from St. Joseph to U. S. Highway 65 and on U. S. Highway 65 from the Iowa state line to U. S. Highway 36 cannot exceed 85,500 pounds. This act expands the gross weight limitation on U.S. Highway 36 eastward from U.S. Highway 65 to U.S. Highway 63.

KC:LR:OD

FISCAL DESCRIPTION (continued)

The act further applies the gross weight limitation exception to U.S. Highway 63, from the Iowa state line to U.S. Highway 36.

The act further allows a vehicle weighing 85,500 pounds or less to haul milk from a farm to a processing facility on highways other than the interstate highway system. This provision of the act shall not apply to vehicles operated on the Dwight D. Eisenhower System of Interstate and Defense Highways. This provision is similar to one contained in the truly agreed to version of SB 470 (2012) and HB 1212 (2012)(Section 304.180).

OUTBOARD MOTOR TITLES - Under the terms of this act, effective August 28, 2012, the certificate of title for a new outboard motor shall designate the year the outboard motor was manufactured as the "Year Manufactured" and shall further designate the year the dealer received the new outboard motor from the manufacturer as the "Model Year-NEW". Any outboard motor manufactured on or after July first of any year shall be labeled "Year Manufactured" with the calendar year immediately following the year manufactured unless the manufacturer indicates a specific model or program year. This provision is also contained in the truly agreed to versions of SB 719 and SB 480 (2012). This provision is similar to the one contained in HB 1759 (2012)(Section 306.532).

BOATING SAFETY IDENTIFICATION CARD - Under this act, any person or company that rents or sells vessels may issue temporary boating safety identification cards to nonresidents to operate rented vessels or vessels being considered for sale, for a period of up to 7 days, provided that the individual meets the minimum age requirements for operating a vessel in this state. In order to qualify for the temporary boating safety identification card, the applicant shall provide a valid driver's license establishing that the applicant is a nonresident and shall sign an affidavit that he or she has reviewed the Missouri State Highway Patrol Handbook of Missouri Boating Laws and Responsibilities. The Missouri State Highway Patrol shall charge a fee of \$9 for the temporary boating safety identification card. Nonresidents shall not be eligible for more than one temporary boating safety identification card. Under the act, the Missouri State Highway Patrol is authorized to develop the temporary boating safety identification card. The act requires businesses that issue temporary boating safety identification cards to transmit the applicant's information and payment to the Missouri State Highway Patrol using an electronic online registration process developed and provided by the patrol. The electronic online registration process shall allow the applicant to pay the \$9 fee by credit card, debit card, or other commercially approved electronic method. The act imposes a sunset date of December 31, 2022, on the nonresident temporary boating safety identification card program. This portion of the act contains an emergency clause (see Section B). This portion of the act is contained in the truly agreed to versions of SB 719 and HB 1402 (2012) (Section 306.127).

KC:LR:OD

FISCAL DESCRIPTION (continued)

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

Department of Revenue
Department of Public Safety
Department of Transportation
Department of Corrections
Office of the State Courts Administrator
Office of the State Public Defender
Office of Prosecution Services
Office of the Secretary of State
Joint Committee on Administrative Rules
Department of Insurance, Financial Institutions and Professional Registration
Department of Agriculture



Mickey Wilson, CPA
Director
June 6, 2012