

SECOND REGULAR SESSION

HOUSE BILL NO. 2289

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE RIGGS.

2887H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 226.005, 226.008, 226.020, 226.030, 226.070, and 226.120, RSMo, and section 226.033 as enacted by senate bill no. 844, ninety-fifth general assembly, second regular session, and section 226.033 as enacted by house bill no. 668, ninety-second general assembly, first regular session, and to enact in lieu thereof three new sections relating to the state highways and transportation commission, with a contingent effective date.

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

Section A. Sections 226.005, 226.008, 226.020, 226.030, 226.070, and 226.120, RSMo, and section 226.033 as enacted by senate bill no. 844, ninety-fifth general assembly, second regular session, and section 226.033 as enacted by house bill no. 668, ninety-second general assembly, first regular session, are repealed and three new sections enacted in lieu thereof, to be known as sections 226.005, 226.008, and 226.020, to read as follows:

226.005. 1. The department of highways and transportation shall hereafter be known as the "Department of Transportation". ~~[The department shall be in charge of a state highways and transportation commission as provided by the constitution and statutes.]~~

2. The director shall receive an annual salary of not less than that provided for in section 105.950. The salaries of the chief engineer, chief financial officer, chief counsel, assistant chief engineer, the secretary ~~[of the commission]~~, and of the division chiefs, department heads, engineers, clerks and other employees of the department shall be fixed by the ~~[commission]~~ **director**.

EXPLANATION — Matter enclosed in bold-faced brackets ~~[thus]~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

9 **3. As of August 28, 2024, the state highways and transportation commission is**
10 **dissolved and the department of transportation shall be in the charge of a director**
11 **appointed by the governor, with the advice and consent of the senate.**

226.008. 1. The [~~highways and transportation commission~~] **department of**
2 **transportation** shall have responsibility and authority, as provided in this section and
3 sections 104.805, 389.005, 389.610, and 621.040, for the administration and enforcement of:

4 (1) Licensing, supervising and regulating motor carriers for the transportation of
5 passengers, household goods and other property by motor vehicles within this state;

6 (2) Licensing motor carriers to transport hazardous waste, used oil, infectious waste
7 and permitting waste tire haulers in intrastate or interstate commerce, or both, by motor
8 vehicles within this state;

9 (3) Compliance by motor carriers and motor private carriers with applicable
10 requirements relating to safety and hazardous materials transportation, within the terminals of
11 motor carriers and motor private carriers of passengers or property;

12 (4) Compliance by motor carriers and motor private carriers with applicable
13 requirements relating to safety and hazardous materials transportation wherever they possess,
14 transport or deliver hazardous waste, used oil, infectious waste or waste tires. This authority
15 is in addition to, and not exclusive of, the authority of the department of natural resources to
16 ensure compliance with any and all applicable requirements related to the transportation of
17 hazardous waste, used oil, infectious waste or waste tires;

18 (5) Collecting and regulating amounts payable to the state from interstate motor
19 carriers in accordance with the provisions of the International Fuel Tax Agreement in
20 accordance with section 142.617, and any successor or similar agreements, including the
21 authority to impose and collect motor fuel taxes due pursuant to chapter 142, and such
22 agreement;

23 (6) Registering and regulating interstate commercial motor vehicles operated upon
24 the highways of this state, in accordance with the provisions of the International Registration
25 Plan in accordance with sections 301.271 through 301.277, and any successor or similar
26 agreements, including the authority to issue license plates in accordance with sections
27 301.130 and 301.041;

28 (7) Permitting the transportation of over dimension or overweight motor vehicles or
29 loads that exceed the maximum weights or dimensions otherwise allowed upon the public
30 highways within the jurisdiction of the [~~highways and transportation commission~~]
31 **department of transportation**; and

32 (8) Licensing intrastate housemovers.

33 2. The ~~[highways and transportation commission]~~ **department of transportation**
34 shall carry out all powers, duties and functions relating to intrastate and interstate
35 transportation previously performed by:

36 (1) The division of motor carrier and railroad safety within the department of
37 economic development, and all officers or employees of that division;

38 (2) The department of natural resources, and all officers or employees of that
39 division, relating to the issuance of licenses or permits to transport hazardous waste, used oil,
40 infectious waste or waste tires by motor vehicles operating within the state;

41 (3) The highway reciprocity commission within the department of revenue, and all
42 officers or employees of that commission; and the director of revenue's powers, duties and
43 functions relating to the highway reciprocity commission, except that the ~~[highways and~~
44 ~~transportation commission]~~ **department of transportation** may allow the department of
45 revenue to enforce the provisions of the International Fuel Tax Agreement, as required by
46 such agreement; and

47 (4) The motor carrier services unit within the traffic functional unit of the department
48 of transportation, relating to the special permitting of operations on state highways of motor
49 vehicles or loads that exceed the maximum length, width, height or weight limits established
50 by law or by the ~~[highways and transportation commission]~~ **department of transportation**.

51 3. All the powers, duties and functions described in subsections 1 and 2 of this
52 section, including but not limited to, all powers, duties and functions pursuant to chapters
53 387, 390 and 622, including all rules and orders, are hereby transferred to the department of
54 transportation, which is in the charge of the highways and transportation commission, by type
55 I transfer, as defined in the Omnibus State Reorganization Act of 1974, and the preceding
56 agencies and officers shall no longer be responsible for those powers, duties and functions.
57 **As of August 28, 2024, the state highways and transportation commission is dissolved**
58 **and the department of transportation shall be in the charge of a director appointed by**
59 **the governor, with the advice and consent of the senate.**

60 4. All the powers, duties and functions, including all rules and orders, of the
61 administrative law judges of the division of motor carrier and railroad safety, as amended by
62 the provisions of this section and sections 104.805, 389.005, 389.610, and 621.040, are
63 hereby transferred to the administrative hearing commission within the state office of
64 administration.

65 5. The division of motor carrier and railroad safety and the highway reciprocity
66 commission are abolished.

67 6. Personnel previously employed by the division of motor carrier and railroad safety
68 and the highway reciprocity commission shall be transferred to the department of
69 transportation, but the department of natural resources shall not be required to transfer any

70 personnel pursuant to this section. The administrative law judge within the division of motor
71 carrier and railroad safety shall be transferred to the administrative hearing commission.

72 7. Credentials issued by the transferring agencies or officials before July 11, 2002,
73 shall remain in force or expire as provided by law. In addition, the ~~[highways and~~
74 ~~transportation commission]~~ **department of transportation** shall have the authority to
75 suspend, cancel or revoke such credentials after July 11, 2002.

76 8. Notwithstanding any provision of law to the contrary, on and after July 11, 2002,
77 all surety bonds, cash bonds, certificates of deposit, letters of credit, drafts, checks or other
78 financial instruments payable to:

79 (1) The highway reciprocity commission or the department of revenue pursuant to
80 section 301.041 or pursuant to the International Fuel Tax Agreement; or

81 (2) Any other agency or official whose powers, duties or functions are transferred
82 pursuant to this section,

83

84 shall be payable instead to the ~~[state highways and transportation commission]~~ **department**
85 **of transportation**.

86 9. The department of natural resources shall have authority to collect and establish by
87 rule the amount of the fee paid by applicants for a permit to transport waste tires.

88 10. The Missouri hazardous waste management commission created in section
89 260.365 shall have the authority to collect and establish by rule the amount of the fee paid by
90 applicants for a license to transport hazardous waste, used oil, or infectious waste pursuant to
91 section 260.395.

92 11. All of the authority, powers, duties, and functions of the division of highway
93 safety relating to the motorcycle safety program under sections 302.133 to 302.138, the driver
94 improvement program authorized under section 302.178, the ignition interlock program under
95 sections 577.600 to 577.614, and other state highway safety programs as provided by state
96 law, including all administrative rules promulgated thereunder, are hereby transferred to the
97 department of transportation, which is in charge of the state highways and transportation
98 commission, by type I transfer as set forth in the Omnibus State Reorganization Act of 1974.
99 **As of August 28, 2024, the state highways and transportation commission is dissolved**
100 **and the department of transportation shall be in the charge of a director appointed by**
101 **the governor, with the advice and consent of the senate.**

102 12. The revisor of statutes shall change all references in statute from "state
103 highways and transportation commission" and "highways and transportation
104 commission" to "department of transportation". Any references to the
105 "commissioner" of the highways and transportation commission shall be changed to
106 "director of the department of transportation".

226.020. ~~[There is hereby created a "State Highways and Transportation~~
2 ~~Commission", which] **The director of the department of transportation** shall be vested
3 with the powers and duties specified in chapters 226 and 227 and also all powers necessary or
4 proper to enable the ~~[commission]~~ **director**, or any of ~~[its]~~ **the officers or employees of the**
5 **department**, to carry out fully and effectively all of the purposes of chapters 226 and 227.~~

~~[226.030. 1. The highways and transportation commission shall~~
2 ~~consist of six members, who shall be appointed by the governor, by and with~~
3 ~~the advice and consent of the senate, not more than three thereof to be~~
4 ~~members of the same political party. Each commissioner shall be a taxpayer~~
5 ~~and resident of state for at least five years prior to his appointment. Any~~
6 ~~commissioner may be removed by the governor if fully satisfied of his~~
7 ~~inefficiency, neglect of duty, or misconduct in office. Commissioners~~
8 ~~appointed pursuant to this section shall be appointed for terms of six years,~~
9 ~~except as otherwise provided in this subsection. Upon the expiration of each~~
10 ~~of the foregoing terms of these commissioners a successor shall be appointed~~
11 ~~for a term of six years or until his successor is appointed and qualified which~~
12 ~~term of six years shall thereafter be the length of term of each member of the~~
13 ~~commission unless removed as above provided. The members of the~~
14 ~~commission shall receive as compensation for their services twenty five~~
15 ~~dollars per day for the time spent in the performance of their official duties,~~
16 ~~and also their necessary traveling and other expenses incurred while actually~~
17 ~~engaged in the discharge of their official duties. Members whose terms~~
18 ~~otherwise expire December 1, 2003, shall serve with terms expiring March 1,~~
19 ~~2004, and new members or the members reappointed shall be appointed for~~
20 ~~terms expiring March 1, 2005; a member whose term otherwise expires~~
21 ~~December 1, 2005, shall serve with a term expiring March 1, 2007; a member~~
22 ~~whose term otherwise expires December 1, 2007, shall serve with a term~~
23 ~~expiring March 1, 2009; and one member whose term otherwise expires~~
24 ~~October 13, 2007, shall serve with a term expiring March 1, 2007; and one~~
25 ~~member whose term otherwise expires October 13, 2007, shall serve with a~~
26 ~~term expiring March 1, 2009. If a vacancy occurs in any term of a~~
27 ~~commissioner due to death, resignation, or removal, a successor shall be~~
28 ~~appointed for only the remainder of the unexpired term.~~

29 ~~2. The two members of the commission, one each from opposing~~
30 ~~political parties, who have the most seniority in commission service shall serve~~
31 ~~as commission leadership with one member as chair and the other member as~~
32 ~~vice chair, respectively, for terms ending March 1, 2005. The commission~~
33 ~~shall elect one of the members as chair and the other as vice chair. Effective~~
34 ~~March 1, 2005, the commission shall elect the two members of the~~
35 ~~commission, one from each opposing political party who has the most~~
36 ~~seniority in commission service, who shall serve as commission leadership~~
37 ~~with one member as chair and the other member as vice chair, respectively, for~~
38 ~~one year. At the end of such year, the members currently serving as chair and~~
39 ~~vice chair shall have the option to rotate positions, and the member currently~~
40 ~~serving as vice chair may serve as chair, and vice versa. Thereafter,~~
41 ~~commission leadership shall continue to rotate accordingly with the two~~

42 members from opposing political parties who have the most seniority in terms
 43 of commission service being elected by the commission to serve as
 44 commission leadership. If one of the commission leadership offices
 45 becomes vacant due to death, resignation, removal, or refuses to serve
 46 before the one year leadership term expires, the commission shall elect one of
 47 its members that is of the same political party as the vacating officer to serve
 48 the remainder of the vacating officer's leadership term. Such election shall not
 49 prohibit that member from later serving as chair and vice chair when such
 50 member's seniority in commission service qualifies him or her for those offices
 51 as provided in this subsection.

52 3. No more than one half of the members of the commission shall be
 53 of the same political party. The selection and removal of all employees of the
 54 department of transportation shall be without regard to political affiliation.

55 4. The present members of the commission shall continue to serve as
 56 members of the commission for the remainder of the terms for which they
 57 were appointed, except as provided in subsection 1 of this section.

58 5. Any member reappointed shall only be eligible to serve as chair or
 59 vice chair during the final two years of such member's reappointment.]

2 [226.033. Any commissioner appointed or reappointed after March 1,
 2004, shall not:

3 (1) Host or manage a political fund raiser or solicit funds for any
 4 candidate who is seeking a statewide or nationally elected office;

5 (2) Serve on the board or chair any political action committee, or
 6 political party committee.]

2 [226.033. Any commissioner appointed or reappointed after March 1,
 2004, shall not:

3 (1) Host or manage a political fund raiser or solicit funds for any
 4 candidate who is seeking a statewide or nationally elected office;

5 (2) Serve on the board or chair any political action committee, political
 6 party committee, or continuing committee.]

2 [226.070. When directed by the governor, or requested in writing by
 3 the commission, the attorney general shall advise the commission and shall
 4 assist the legal adviser of the commission in any proceeding in any of the
 courts of the state in which the commission is a party.]

2 [226.120. The members of the commission shall elect a member as
 3 chairman and another vice chairman, each of whom shall hold such office for a
 4 term prescribed by the commission. Four members of the commission shall
 5 constitute a quorum for the transaction of business and for the exercise of any
 6 of the powers or the discharge of any of the duties authorized or imposed by
 7 law. The commission shall meet at least once each month and at such other
 8 times, and at such places within the state, as the commission shall determine.
 9 The chairman or, in the event of his inability to act, the vice chairman may call
 special meetings of the commission upon notice to members.]

Section B. The repeal and reenactment of sections 226.005, 226.008, and 226.020,
2 and the repeal of sections 226.030, 226.070, 226.120, 226.033 as enacted by senate bill no.
3 844, ninety-fifth general assembly, second regular session, and 226.033 as enacted by house
4 bill no. 668, ninety-second general assembly, first regular session, of section A of this act,
5 shall become effective only upon the passage and approval by the voters of a constitutional
6 amendment submitted to them by the general assembly regarding the dissolution of the
7 highways and transportation commission.

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