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Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation Commission
Chapter 25—Motor Carrier Operations

SECRETARY OF STATE
ADMINISTRATIVE RULES

PROPOSED AMENDMENT

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7 CSR 10-25.030 Apportion Registration Pursuant to the International Registration Plan.
The Missouri Highways and Transportation Commission is amending sections (1), (2), and (9).

PURPOSE: This proposed amendment clarifies the definition of division, clarifies the temporary vehicle registration process and outlines the consequences of flagrant or repeated violation of temporary vehicle registration rules.

[PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.]

(1) Definitions.

(A) Commission means the Missouri Highways and Transportation Commission created in Article IV, Section 29 of the *Missouri Constitution*;

(B) Director means the director of the Motor Carrier Services Division of the Missouri Department of Transportation who is the official designated by the commission to be responsible for administration of the International Registration Plan (IRP);

(C) **Division means the Motor Carrier Services Division of the Missouri Department of Transportation; and**

(D) Temporary vehicle registration means a temporary permit authorizing operation of vehicles in other member jurisdictions pending full registration upon completion of the initial or renewal application.

(2) Whenever the [*Missouri Highways and Transportation*] Commission[(*commission*)] has entered into a reciprocal agreement providing for exemption from registration or the payment of registration fees on an apportionment basis with other member jurisdictions, the operator of a fleet of vehicles based in any one (1) of the member jurisdictions must comply with the provisions of the applicable agreement. The International Registration Plan (IRP) is a registration reciprocity agreement among the states of the United States, Washington D.C., and the Canadian provinces and includes Missouri as a member. The IRP, published J[*anuar*]uly 1, 201[5]6, [*and IRP Ballot 391, published June 20, 2014 and adopted September 8, 2014, are*]is incorporated herein by reference and made a part of this rule as published by the International Registration Plan, Inc., 4196 Merchant Plaza, #225, Lake Ridge, VA 22192. This rule does not incorporate any subsequent amendments or additions.

(9) [*Temporary*] **Temporary Vehicle Registration.** Upon prior and immediate submission of: **payment of all required fees; creation of an account with the commission; and all required documentation that shall be subject to approval by the director or the director's**

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designee, then the commission may issue temporary vehicle registration (TVR), in lieu of apportioned registration and licenses, *[will be issued]* for forty-five (45) days for Missouri-based licensed vehicles *[upon establishing an account with the commission in lieu of apportioned registration and licenses]* so that a vehicle may immediately operate upon the highways of Missouri *[unless the commission has cause to believe that the applicant will not forward immediately the fees and documentation due the state of Missouri]*. A Missouri-based licensed vehicle may have one (1) fifteen(15-)-day TVR extension, but only after all fees **have been paid** and **all** required documents have been submitted and **have received approval**. Copies of the TVRs must be carried in the vehicles at all times when no cab cards are available and displayed upon request of any law enforcement or Missouri Department of Transportation official.

(A) Suspension. *[If]* **After issuance of any TVR, if the commission determines that payment of the required fees were not deposited with the commission and/or the commission determines the documentation, for any reason, is insufficient to support the continued use of the TVR, [is not received prior to the expiration of the forty-five- (45-) day TVR]** or the privilege of a TVR is being abused, the commission shall suspend the registrant's privileges of receiving TVRs and/or additional credentials for that registrant's *[fleets]* vehicles for the duration of the suspension period. **A suspension period shall not exceed six months.** Prior to the issuance of any suspension of TVRs and credentials, the commission shall notify the registrant in writing *[that payment and/or documentation has not been received or the TVR privilege is being abused]* **that the commission shall suspend the registrant's TVR effective on a date ten days after the date of the letter, the reason or reasons for, and duration of, the suspension, and provide information regarding the action or actions the registrant must [take] complete within 10 days of the date of the letter to become compliant and avoid imposition of the suspension.** Upon the registrant taking the action or actions set forth in the commission's notice, the suspension shall be terminated. If the suspension is **solely** due to TVR abuse, the registrant shall not receive TVRs for the length of the suspension, but may receive other credentials.

(B) Revocation. The alteration of a TVR will result in a one- (1-) year TVR revocation. *[Revocation of TVR privileges does not hinder a registrant's ability to register other vehicles.]* Revocation of TVR privileges will be reviewed not later than one (1) year after **the revocation [implementation] was imposed and became effective** at which time if all delinquent fees are paid and **all required registration documentation is submitted and confirmed by the director, or the director's designee, to be accurate,** then a reinstatement order will be issued.

(C) **Flagrant and/or repeated violations. Flagrant or repeated violations of these rules related to TVR credentials are not in the interest of public safety and the carrier will be advised by the director in writing if the carrier's record requires that future TVR credentials shall not be granted to the carrier by the commission. Suspensions, revocations, and reinstatements may be modified or rescinded by the director, or the director's designee.**

(D) Fees. When a request for TVR is made, fees will be charged according to the application type from the time of issuance until the end of the registration year. At no time will the application type be changed during operation or after the expiration of the TVR unless approved by the director or his/her designee. The director or his/her designee may cancel the TVR if the registrant returns the TVR within five (5) days of issuance or reduce TVR fees if the TVR is returned before the expiration date and provided the registrant submits adequate proof to support registrant's written request for reduction of fees.

(E) **Delegation. The commission hereby delegates any action it is required or may take under this section (9) to the director, or the director's designee.**

*AUTHORITY: sections 142.617, 226.130, and 301.275, RSMo 2000, and section 226.008, RSMo Supp. 2014. * This rule originally filed as 12 CSR 20-3.010. Original rule filed July 22, 1965, effective Aug. 1, 1965. Amended: Filed Oct. 28, 1974, effective Nov. 7, 1974. Amended: Filed Oct. 15, 1986, effective Jan. 30, 1987. Amended: Filed Nov. 1, 1991, effective March 9, 1992. Emergency amendment filed Feb. 8, 2007, effective March 3, 2007, expired Aug. 29, 2007. Moved and amended: Filed Feb. 8, 2007, effective Aug. 30, 2007. Amended: Filed Aug. 9, 2007, effective July 1, 2008. Amended: Filed May 15, 2015, effective Dec. 30, 2015. Amended: Filed October 14, 2016.*

**Original authority: 142.617, RSMo 1988, amended 1998; 226.008, RSMo 2002, amended 2014; 226.130, RSMo 1939, amended 1993, 1995; and 301.275, RSMo 1958.*

Brady Motorfrate, Inc, v. State Tax Commis-sion, 517 SW2d 133 (1974). Court concluded that the statute under which this rule was promulgated did not expressly or by implication provide for the automatic modification of the agreement by one of the contracting states (Missouri) upon the occurrence of a breach of the terms of the agreement by any other contracting state (Iowa), and does not countenance, authorize or compel unilateral retaliatory action following such a breach.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Pam Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*