

FIRST REGULAR SESSION

SENATE BILL NO. 198

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHAAF.

Pre-filed December 9, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0749S.01I

AN ACT

To amend chapter 304, RSMo, by adding thereto one new section relating to weigh station and inspection site bypass services.

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

Section A. Chapter 304, RSMo, is amended by adding thereto one new
2 section, to be known as section 304.231, to read as follows:

**304.231. 1. The Missouri state highway patrol shall have the sole
2 authority to authorize, approve, and operate weigh station and
3 inspection site bypass services. The Missouri department of
4 transportation shall not have any authority over weigh station and
5 inspection site bypass service authorization, approval or regulation,
6 other than to approve construction designs for weigh-in-motion system
7 installations on public roads.**

8 **2. The Missouri state highway patrol shall enter into an
9 agreement or contract with more than one private entity, if available,
10 to provide weigh station and inspection site bypass services within the
11 state, and shall support weigh station and inspection site bypass
12 services operating within the state.**

13 **3. The Missouri state highway patrol shall require all weigh
14 station and inspection site bypass service providers to provide
15 unrestricted real time data access to their weigh-in-motion systems and
16 associated equipment to the state and to other weigh station and
17 inspection site bypass service providers.**

18 **4. The Missouri state highway patrol shall, when it is in the best
19 interest of the state, require weigh station and inspection site bypass
20 service providers to share real time access to weigh-in-motion systems
21 and associated data for purposes of reducing the impact or cost of**

22 duplicative system installation or operation, or of maintenance to
23 public roads. In the event such requirement is subsequently applied to
24 a preexisting weigh-in-motion system, the state shall allocate
25 reasonable cost sharing based on use among all users sharing the
26 system, with a cost base to include costs of ongoing support and
27 maintenance and any undepreciated capital costs.

28 5. The Missouri state highway patrol shall not impose any
29 arbitrary requirement on the number of weigh station and inspection
30 site bypass service sites an entity may operate in the state, and instead
31 shall allow market forces to determine the location and number of
32 service sites each entity operates in the state, subject only to the
33 Missouri state highway patrol finding that any proposed site provides
34 value to the state.

35 6. The Missouri state highway patrol shall apply consistent rules
36 and rates across all weigh station and inspection site bypass services,
37 including with regard to credit given to weigh station bypass service
38 providers that provide additional data access rights to the state and to
39 other weigh station bypass service providers.

40 7. No state employee, representative, or designee under section
41 304.230 shall be an officer or director of any entity that provides weigh-
42 in-motion services within the state. No state employee, representative,
43 or designee under section 304.230 shall owe any duty, fiduciary or
44 otherwise, to an entity that provides weigh-in-motion services within
45 the state. Contracts in derogation of this subsection shall be
46 unenforceable as against the public policy of this state.

47 8. Application to establish or operate a weigh station and
48 inspection site bypass service site shall be made to the Missouri state
49 highway patrol in the form of a request for a memorandum of
50 understanding, signed by the entity seeking to establish or operate the
51 service site.

52 9. The Missouri state highway patrol shall promulgate the rules
53 and regulations necessary to effect this section. Any rule or portion of
54 a rule, as that term is defined in section 536.010 that is created under
55 the authority delegated in this section shall become effective only if it
56 complies with and is subject to all of the provisions of chapter 536, and,
57 if applicable, section 536.028. This section and chapter 536 are
58 nonseverable and if any of the powers vested with the general assembly

59 pursuant to chapter 536, to review, to delay the effective date, or to
60 disapprove and annul a rule are subsequently held unconstitutional,
61 then the grant of rulemaking authority and any rule proposed or
62 adopted after August 28, 2017, shall be invalid and void.

63 10. The Missouri state highway patrol may set criteria for the
64 installation of weigh-in-motion sensors or other technologies into the
65 roadway or right of way which do not exceed American Society for
66 Testing and Materials Type I standards. Such criteria shall be neutral
67 as to what technology is implemented. The Missouri state highway
68 patrol shall require weigh station and inspection site bypass service
69 providers, when making bypass determinations, to adjust all weight
70 readings upward by the amount equal to the level of inaccuracy tested
71 in the installed weigh-in-motion system.

72 11. The Missouri state highway patrol shall approve or deny
73 requests for a memorandum of understanding within sixty days of
74 receipt. Any such decision is subject to review by the administrative
75 hearing commission.

Bill ✓

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