

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 58**  
**96TH GENERAL ASSEMBLY**

0108L.18C

D. ADAM CRUMBLISS, Chief Clerk

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**AN ACT**

To repeal sections 301.3084, 304.120, 304.200, 387.040, 387.050, 387.080, 387.110, 387.207, 390.051, 390.061, 390.116, and 390.280, RSMo, and to enact in lieu thereof eighteen new sections relating to transportation.

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

Section A. Sections 301.3084, 304.120, 304.200, 387.040, 387.050, 387.080, 387.110, 387.207, 390.051, 390.061, 390.116, and 390.280, RSMo, are repealed and eighteen new sections enacted in lieu thereof, to be known as sections 227.428, 301.3084, 304.120, 304.200, 387.040, 387.050, 387.080, 387.110, 387.137, 387.139, 387.207, 387.355, 390.051, 390.054, 390.061, 390.116, 390.280, and 537.293, to read as follows:

**227.428. The portion of Interstate 70 in Lafayette County from the intersection of Route WW east to the intersection of Route 131 shall be designated the "Sergeant Joe C. Specker Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the cost to be paid for by private donations.**

301.3084. 1. Any person may receive special license plates as prescribed by this section, for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight, after an annual contribution of an emblem-use authorization fee to [the Friends of the Missouri Women's Council] **Winning Women**. Any contribution to [the Friends of the Missouri Women's Council] **Winning Women** pursuant to this section, except reasonable administrative

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.

7 costs, shall be designated for the sole purpose of providing breast cancer services, including but  
8 not limited to screening, treatment, staging, and follow-up services. [The Friends of the Missouri  
9 Women's Council] **Winning Women** hereby authorizes the use of its official emblem to be  
10 affixed on multiyear personalized license plates as provided in this section. Any person may  
11 annually apply for the use of the emblem.

12 2. Upon annual application and payment of a twenty-five dollar emblem-use contribution  
13 to [the Friends of the Missouri Women's Council] **Winning Women**, the organization shall issue  
14 to the vehicle owner, without further charge, an emblem-use authorization statement, which shall  
15 be presented by the owner to the department of revenue at the time of registration of a motor  
16 vehicle. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition  
17 to the registration fee and documents which may be required by law, the department of revenue  
18 shall issue to the vehicle owner a personalized license plate which shall bear a graphic design  
19 depicting the breast cancer awareness pink ribbon symbol with the words "Breast Cancer  
20 Awareness" forming an oval around the symbol, and shall bear the words ["MISSOURI  
21 WOMEN'S COUNCIL"] "**WINNING WOMEN**" in place of the words "SHOW-ME STATE".  
22 Such license plates shall be made with fully reflective material with a common color scheme and  
23 design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by  
24 section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be  
25 charged for the personalization of license plates pursuant to this section.

26 3. A vehicle owner, who was previously issued a plate with a breast cancer awareness  
27 emblem authorized by this section but who does not provide an emblem-use authorization  
28 statement at a subsequent time of registration, shall be issued a new plate which does not bear  
29 the emblem, as otherwise provided by law. The director of revenue shall make necessary rules  
30 and regulations for the administration of this section, and shall design all necessary forms  
31 required by this section. No rule or portion of a rule promulgated pursuant to the authority of  
32 this section shall become effective unless it has been promulgated pursuant to the provisions of  
33 chapter 536.

304.120. 1. Municipalities, by ordinance, may establish reasonable speed regulations  
2 for motor vehicles within the limits of such municipalities. No person who is not a resident of  
3 such municipality and who has not been within the limits thereof for a continuous period of more  
4 than forty-eight hours, shall be convicted of a violation of such ordinances, unless it is shown  
5 by competent evidence that there was posted at the place where the boundary of such  
6 municipality joins or crosses any highway a sign displaying in black letters not less than four  
7 inches high and one inch wide on a white background the speed fixed by such municipality so  
8 that such sign may be clearly seen by operators and drivers from their vehicles upon entering  
9 such municipality.

10           2. Municipalities, by ordinance, may:

11           (1) Make additional rules of the road or traffic regulations to meet their needs and traffic  
12 conditions;

13           (2) Establish one-way streets and provide for the regulation of vehicles thereon;

14           (3) Require vehicles to stop before crossing certain designated streets and boulevards;

15           (4) Limit the use of certain designated streets and boulevards to passenger vehicles,

16 **except that each municipality shall allow at least one street, with lawful traffic movement**

17 **and access from both directions, to be available for use by commercial vehicles to access**

18 **any roads in the state highway system. Under no circumstances shall the provisions of this**

19 **subdivision be construed to authorize municipalities to limit the use of all streets in the**

20 **municipality;**

21           (5) Prohibit the use of certain designated streets to vehicles with metal tires, or solid  
22 rubber tires;

23           (6) Regulate the parking of vehicles on streets by the installation of parking meters for  
24 limiting the time of parking and exacting a fee therefor or by the adoption of any other regulatory  
25 method that is reasonable and practical, and prohibit or control left-hand turns of vehicles;

26           (7) Require the use of signaling devices on all motor vehicles; and

27           (8) Prohibit sound producing warning devices, except horns directed forward.

28           3. No ordinance shall be valid which contains provisions contrary to or in conflict with  
29 this chapter, except as herein provided.

30           4. No ordinance shall impose liability on the owner-lessor of a motor vehicle when the  
31 vehicle is being permissively used by a lessee and is illegally parked or operated if the registered  
32 owner-lessor of such vehicle furnishes the name, address and operator's license number of the  
33 person renting or leasing the vehicle at the time the violation occurred to the proper municipal  
34 authority within three working days from the time of receipt of written request for such  
35 information. Any registered owner-lessor who fails or refuses to provide such information  
36 within the period required by this subsection shall be liable for the imposition of any fine  
37 established by municipal ordinance for the violation. Provided, however, if a leased motor  
38 vehicle is illegally parked due to a defect in such vehicle, which renders it inoperable, not caused  
39 by the fault or neglect of the lessee, then the lessor shall be liable on any violation for illegal  
40 parking of such vehicle.

41           **5. No ordinance shall deny the use of commercial vehicles on all streets within the**  
42 **municipality.**

          304.200. 1. The chief engineer of the state department of transportation, for good cause  
2 shown and when the public safety or public interest so justifies, shall issue special permits for  
3 vehicles or equipment exceeding the limitations on width, length, height and weight herein

4 specified, or which are unable to maintain minimum speed limits. Such permits shall be issued  
5 only for a single trip or for a definite period, not beyond the date of expiration of the vehicle  
6 registration, and shall designate the highways and bridges which may be used pursuant to the  
7 authority of such permit.

8         2. The chief engineer of the state department of transportation shall upon proper  
9 application and at no charge issue a special permit to any person allowing the movement on state  
10 and federal highways of farm products between sunset and sunrise not in excess of fourteen feet  
11 in width. Special permits allowing movement of oversize loads of farm products shall allow for  
12 movement between sunset and sunrise, subject to appropriate requirements for safety lighting  
13 on the load, appropriate limits on load dimensions and appropriate consideration of high traffic  
14 density between sunset and sunrise on the route to be traveled. The chief engineer may also issue  
15 upon proper application a special permit to any person allowing the movement on the state and  
16 federal highways of concrete pump trucks or well-drillers equipment. For the purposes of this  
17 section, "farm products" shall have the same meaning as provided in section 400.9-109.

18         3. Rules and regulations for the issuance of special permits shall be prescribed by the  
19 state highways and transportation commission and filed with the secretary of state. No rule or  
20 portion of a rule promulgated pursuant to the authority of section 304.010 and this section shall  
21 become effective unless it has been promulgated pursuant to the provisions of chapter 536.

22         4. The officer in charge of the maintenance of the streets of any municipality may issue  
23 such permits for the use of the streets by such vehicles within the limits of such municipalities.

24         5. In order to transport manufactured homes, as defined in section 700.010, on the roads,  
25 highways, bridges and other thoroughfares within this state, only the applicable permits required  
26 by this section shall be obtained.

27         **6. No manufactured home, as defined in section 700.010, shall be transported under**  
28 **this section unless the owner of such manufactured home has paid property taxes on the**  
29 **manufactured home for the taxable year in which the manufactured home is to be**  
30 **transported and for all prior taxable years. For the purposes of this section, in determining**  
31 **the amount of taxes to be paid in the taxable year in which the manufactured home is to**  
32 **be transported, the tax liability shall be the amount paid or owing for the immediate**  
33 **preceding taxable year. If the amount paid exceeds the actual tax liability for such year,**  
34 **the owner shall be entitled to a refund, and if the amount paid is less than the actual tax**  
35 **liability, the owner shall be liable for the unpaid portion at the time and in the manner as**  
36 **otherwise provided by law. The owner or the title holder of the manufactured home shall**  
37 **obtain, prior to transport under this section, a receipt from the county collector or**  
38 **collector-treasurer showing all property taxes on the manufactured home have been paid.**

39 **Said receipt shall remain in the possession of anyone issued a permit under this section**  
40 **until the manufactured home has been transported.**

387.040. 1. No motor carrier subject to the provisions of this chapter shall engage or  
2 participate in the transportation of passengers [or household goods], between points within this  
3 state, until its schedules of rates, fares and charges shall have been filed **with the state highways**  
4 **and transportation commission** and published in accordance with the provisions of this  
5 chapter. Any motor carrier, which shall undertake to perform any service or furnish any product  
6 or commodity unless or until the rates, tolls, fares, charges, classifications and rules and  
7 regulations relating thereto, applicable to such service, product or commodity, have been filed  
8 with the highways and transportation commission and published in accordance with the  
9 provisions of this chapter, shall be subject to forfeiture to the state pursuant to the provisions of  
10 sections 390.156 to 390.176.

11 2. [Notwithstanding subsection 1 of this section, a motor carrier shall not be required to  
12 file its schedules of rates, fares, and charges for shipments of household goods that are  
13 transported wholly or exclusively within a commercial zone as defined in 390.020 or within a  
14 commercial zone established by the highways and transportation commission pursuant to the  
15 provisions of subdivision (4) of section 390.041.] **Notwithstanding any provision of this**  
16 **chapter or chapter 390 to the contrary, a motor carrier transporting household goods in**  
17 **intrastate commerce shall not be required to file its schedule of rates, fares, and charges**  
18 **with the state highways and transportation commission. In lieu of filing its schedules of**  
19 **rates, fares, charges, rules, or tolls with the state highways and transportation commission,**  
20 **a motor carrier transporting household goods in intrastate commerce shall maintain and**  
21 **publish its schedules of rates, fares, charges, rules, and tolls in every station or office as**  
22 **described in subsection 3 of section 387.050 and such rates shall be available for inspection**  
23 **by the state highways and transportation commission, shippers, and the public upon**  
24 **request. Any motor carrier transporting household goods in intrastate commerce that fails**  
25 **to comply with the provisions of this subsection shall be subject to forfeiture to the state**  
26 **pursuant to the provisions of sections 390.156 to 390.176.**

387.050. 1. Every motor carrier shall file with the [division of motor carrier and railroad  
2 safety] **state highways and transportation commission** and shall print and keep open to public  
3 inspection schedules showing the rates, fares and charges for the transportation of passengers and  
4 household goods within this state between each point upon its route and all other points thereon  
5 and between each point upon its route and all points upon every route leased, operated or  
6 controlled by it and between each point on its route or upon any route leased, operated or  
7 controlled by it and all points upon the route of any other motor carrier, whenever a through  
8 route and joint rate shall have been established or ordered between any two such points. If no

9 joint rate over a through route has been established, the several carriers in such through route  
10 shall file, print and keep open to public inspection, as aforesaid, the separately established rates,  
11 fares and charges applied to the through transportation. **Beginning August 28, 2011, motor**  
12 **carriers shall not be required to file their schedules showing the rates, fares, rules, and**  
13 **charges for the transportation of household goods within this state but shall print and keep**  
14 **open for public inspection such schedules in accordance with this section and section**  
15 **387.040.**

16 2. The schedules printed as aforesaid shall plainly state the places between which  
17 household goods and passengers will be carried, and shall also contain the classification of  
18 passengers or household goods in force, and shall also state separately all terminal charges,  
19 storage charges, icing charges and all other charges which the [division] **state highways and**  
20 **transportation commission** may require to be stated, all privileges or facilities granted or  
21 allowed, and any rules or regulations which may in any way change, affect or determine any part  
22 or the aggregate of such aforesaid rates, fares and charges, or the value of the service rendered  
23 to the passenger, shipper or consignee.

24 3. Such schedules shall be plainly printed in large type, and a copy thereof shall be kept  
25 by every such carrier readily accessible to and for convenient inspection by the public in every  
26 station or office of such carrier where passengers or household goods are respectively received  
27 for transportation, when such station or office is in charge of an agent, and in every station or  
28 office of such carrier where passenger tickets for transportation or tickets covering bills of lading  
29 or receipts for household goods are issued. All or any of such schedules kept as aforesaid shall  
30 be immediately produced by such carrier for inspection upon the demand of any person.

31 4. A notice printed in bold type and stating that such schedules are on file with the agent  
32 and open to inspection by any person and that the agent will assist any such person to determine  
33 from such schedules any transportation rates or fares or rules or regulations which are in force  
34 shall be kept posted by the carrier in two public and conspicuous places in every such station or  
35 office.

36 5. The form of every such schedule shall be prescribed by the [division] **state highways**  
37 **and transportation commission.**

38 6. The [division] **state highways and transportation commission** shall have power,  
39 from time to time, in its discretion, to determine and prescribe by order such changes in the form  
40 of such schedules as may be found expedient, and to modify the requirements of this section in  
41 respect to publishing, posting and filing of schedules either in particular instances or by general  
42 order applicable to special or peculiar circumstances or conditions.

387.080. 1. The names of the several carriers which are parties to any joint tariff shall  
2 be specified therein, and each of the parties thereto, other than the one filing the same, shall file

3 with the [division of motor carrier and railroad safety] **state highways and transportation**  
4 **commission** such evidence of concurrence therein or acceptance thereof as may be required or  
5 approved by the [division] **state highways and transportation commission**; and where such  
6 evidence of concurrence or acceptance is filed, it shall not be necessary for the carriers filing the  
7 same also to file copies of the tariffs in which they are named as parties. **The provisions of this**  
8 **subsection shall not apply to motor carriers of household goods. Carriers of household**  
9 **goods participating in through routes or interline service shall publish joint tariffs and**  
10 **evidence of concurrence or acceptance thereof or individual tariffs for each participating**  
11 **carrier in accordance with sections 387.040 and 387.050.**

12 2. Every motor carrier shall file with the [division] **state highways and transportation**  
13 **commission** sworn copies of every contract, agreement or arrangement with any other motor  
14 carrier or motor carriers relating in any way to the transportation of passengers [or property].

15 **3. Motor carriers of household goods are prohibited from participation in any joint**  
16 **tariff pursuant to the provisions of this chapter, except that this subsection shall not**  
17 **prohibit joint tariffs relating to joint rates for household goods transportation over any**  
18 **through routes or by interline service performed by two or more separate motor carriers.**

387.110. [1.] No motor carrier shall make or give any undue or unreasonable preference  
2 or advantage to any person or corporation or to any locality or to any particular description of  
3 traffic in any respect whatsoever, or subject any particular person or corporation or locality or  
4 any particular description of traffic, to any undue or unreasonable prejudice or disadvantage in  
5 any respect whatsoever.

6 [2. Notwithstanding any other provision of law to the contrary, no common carrier of  
7 household goods shall use any schedule of rates or charges, or both, for the transportation of  
8 household goods within this state which divides this state into territorial rate areas. Any  
9 schedule of rates or charges, or both, which divides, or attempts to divide, this state into  
10 territorial rate areas is unjust, unreasonable, and invalid.]

**387.137. The state highways and transportation commission shall establish**  
2 **consumer protection requirements for motor carriers transporting household goods in**  
3 **intrastate commerce and establish a system for filing, logging, and responding to consumer**  
4 **complaints.**

**387.139. 1. The division of motor carrier services shall keep an information file**  
2 **about each complaint filed with it regarding the movement of household goods in intrastate**  
3 **commerce. The division of motor carrier service's information file shall be kept current**  
4 **and contain a record for each complaint of:**

- 5 (1) **All persons contacted in relation to the complaint;**  
6 (2) **A summary of findings in response to the complaint;**

7           **(3) An explanation of the reason for a complaint that is dismissed; and**

8           **(4) Any other relevant information.**

9           **2. If a written complaint is filed with the division that is within the division's**  
10 **jurisdiction, the division, at least as frequently as quarterly and until final disposition of**  
11 **the complaint, shall notify the complainant of the status of the complaint unless the notice**  
12 **would jeopardize an ongoing investigation.**

13           **3. The highways and transportation commission shall adopt by rule a form to**  
14 **standardize information concerning complaints made to the division of motor carriers**  
15 **regarding the transportation of household goods. The commission shall prescribe by rule**  
16 **information to be provided to a person when the person files a complaint with the division**  
17 **of motor carrier services.**

18           **4. The state highways and transportation commission shall promulgate rules and**  
19 **regulations for the implementation and administration of this section. Any rule or portion**  
20 **of a rule, as that term is defined in section 536.010 that is created under the authority**  
21 **delegated in this section shall become effective only if it complies with and is subject to all**  
22 **of the provisions of chapter 536, and, if applicable, section 536.028. This section and**  
23 **chapter 536 are nonseverable and if any of the powers vested with the general assembly**  
24 **pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul**  
25 **a rule are subsequently held unconstitutional, then the grant of rulemaking authority and**  
26 **any rule proposed or adopted after August 28, 2011, shall be invalid and void.**

          387.207. **1. All rates, tolls, charges, schedules and joint rates fixed by the [division]**  
2 **highways and transportation commission with reference to the transportation of passengers**  
3 **[or household goods] by motor carrier shall be in force and shall be prima facie lawful, and all**  
4 **regulations, practices and services prescribed by the [division] commission shall be in force and**  
5 **shall be prima facie lawful and reasonable until found otherwise in a suit brought for that**  
6 **purpose pursuant to the provisions of this chapter.**

7           **2. All rates, tolls, charges, schedules and joint rates published in accordance with**  
8 **subsection 3 of section 387.050 with reference to the transportation of household goods by**  
9 **motor carrier shall be in force and shall be prima facie lawful, and all regulations,**  
10 **practices and services prescribed by the highways and transportation commission shall be**  
11 **in force and shall be prima facie lawful and reasonable until found otherwise in a suit**  
12 **brought for that purpose pursuant to the provisions of this chapter.**

          387.355. **On August 28, 2011, all rate orders issued by the state highways and**  
2 **transportation commission or its predecessors affecting the transportation of household**  
3 **goods by common carriers in intrastate commerce, pursuant to the authority of any of the**  
4 **provisions in this chapter or chapter 390, shall be vacated and set aside, but only to the**



5 **extent that those rate orders require or prescribe any minimum rates, maximum rates, or**  
6 **minimum-and-maximum rates for the transportation of household goods by common**  
7 **carriers in intrastate commerce. This section shall not vacate or set aside any other**  
8 **requirements or provisions contained in those rate orders.**

390.051. 1. Except as otherwise provided in section 390.030, no person shall engage in  
2 the business of a common carrier **of household goods or passengers** in intrastate commerce on  
3 any public highway in this state unless there is in force with respect to such carrier a certificate  
4 issued by the [division] **state highways and transportation commission** authorizing such  
5 operations.

6 2. Application for a certificate shall be made in writing to the [division] **state highways**  
7 **and transportation commission** and shall contain such information as the [division] **state**  
8 **highways and transportation commission** shall, by rule, require and shall include:

9 (1) Full information concerning the ownership, financial [condition] **status** of applicant  
10 **through the submission of documentation describing assets, liabilities, and capital,**  
11 equipment to be used and a statement listing the physical equipment of applicant and the  
12 reasonable value thereof;

13 (2) The complete route or routes over which the applicant desires to operate, or territory  
14 to be served; **except that the state highways and transportation commission shall not restrict**  
15 **any certificate or permit authorizing the transportation of household goods or passengers**  
16 **with reference to any route or routes; except that the state highways and transportation**  
17 **commission shall restrict the applicant's registration against the transportation of any**  
18 **hazardous material as designated in Title 49, Code of Federal Regulations, if the state**  
19 **highways and transportation commission finds that the applicant has not shown it is**  
20 **qualified to safely transport that hazardous material in compliance with all registration,**  
21 **liability insurance, and safety requirements applicable to the transportation of that**  
22 **hazardous material pursuant to Title 49, Code of Federal Regulations;**

23 (3) The proposed rates, schedule or schedules, or timetable of the applicant.

24 3. [Except as provided for in subsection 4 of this section, if the division] **If the state**  
25 **highways and transportation commission** finds that an applicant seeking to transport [general  
26 and specialized commodities in truckload lots, agricultural commodities in bulk in dump trucks]  
27 **household goods,** or passengers [in charter service] is fit, willing and able to properly perform  
28 the service proposed and to conform to the provisions of this chapter and the requirements, rules  
29 and regulations of the [division] **state highways and transportation commission** established  
30 thereunder, a certificate therefor shall be issued.

31 4. [If the division finds that an applicant seeking to transport:

32 (1) General and specialized commodities in less-than-truckload lots;

33 (2) Commodities in bulk in dump trucks, other than agricultural commodities in bulk in  
34 dump trucks, as defined in section 390.020;

35 (3) Mobile homes;

36 (4) Household goods;

37 (5) Passengers other than in charter service;

38 (6) Gasoline, fuel oil or liquefied petroleum gas;

39 (7) Boats; is fit, willing and able to properly perform the service proposed, and to  
40 conform to the provisions of this chapter and the requirement, rules and regulations of the  
41 division, and that the service proposed will serve a useful present or future public purpose, a  
42 certificate therefor specifying the service authorized shall be issued, unless the division finds on  
43 the basis of evidence presented by persons objecting to the issuance of a certificate that the  
44 transportation to be authorized by the certificate will be inconsistent with the public convenience  
45 and necessity.

46 5. In making findings under subsection 4 of this section, the division shall consider the  
47 testimony of the applicant, the proposed users of the service contemplated by the applicant, and  
48 any other relevant testimony or evidence, and the division shall consider, and to the extent  
49 applicable, make findings on at least the following:

50 (1) The transportation policy of section 390.011; and

51 (2) The criteria set forth in this subsection. In cases where persons object to the issuance  
52 of a certificate, the diversion of revenue or traffic from existing carriers shall be considered.

53 6.] The [division] **state highways and transportation commission** shall streamline and  
54 simplify to the maximum extent practicable the process for issuance of certificates to which the  
55 provisions of this section apply.

56 [7.] **5.** The [division] **state highways and transportation commission** shall dismiss on  
57 its motion any application for substantially the same common [or contract] authority that has  
58 been previously denied within six months of filing the subsequent application.

**390.054. Beginning August 28, 2011, and continuing thereafter, no certificate or  
2 permit to transport household goods in intrastate commerce shall be issued or renewed  
3 unless the applicant demonstrates that the applicant has workers' compensation insurance  
4 coverage that complies with chapter 287, for all employees. If any household goods carrier  
5 subject to the provisions of this chapter or chapter 387 is found by the division of workers'  
6 compensation to be out of compliance with chapter 287, the division shall report such fact  
7 to the state highways and transportation commission. The commission shall suspend the  
8 household goods carrier's certificate or permit pursuant to section 390.106 until such time  
9 the carrier demonstrates that it has procured workers' compensation insurance coverage  
10 that complies with chapter 287.**

2 390.061. 1. Except as otherwise provided in section 390.030, no person shall engage in  
3 the business of a contract carrier **of household goods or passengers** in intrastate commerce on  
4 any public highway in this state unless there is in force with respect to such carrier a permit  
5 issued by the [division of motor carrier and railroad safety] **state highways and transportation**  
6 **commission** authorizing such operations.

7 2. Applications for such permits shall be made to the [division] **state highways and**  
8 **transportation commission** in writing and shall contain such information as the [division] **state**  
9 **highways and transportation commission** shall, by rule, require and shall include:

10 (1) Full information concerning the ownership, financial [condition] **status** of applicant  
11 **through the submission of documentation describing assets, liabilities, and capital,**  
12 equipment to be used and a statement listing the physical equipment of applicant and the  
13 reasonable value thereof;

14 (2) The complete route or routes over which the applicant desires to operate, or territory  
15 to be served; **except that the state highways and transportation commission shall not**  
16 **restrict any certificate or permit authorizing the transportation of household goods or**  
17 **passengers with reference to any route or routes; except that the state highways and**  
18 **transportation commission shall restrict the applicant's registration against the**  
19 **transportation of any hazardous material as designated in Title 49, Code of Federal**  
20 **Regulations, if the state highways and transportation commission finds that the applicant**  
21 **has not shown it is qualified to safely transport that hazardous material in compliance with**  
22 **all registration, liability insurance, and safety requirements applicable to the**  
23 **transportation of that hazardous material pursuant to Title 49, Code of Federal**  
24 **Regulations.**

25 3. If the [division] **state highways and transportation commission** shall find that the  
26 applicant is seeking to transport [general and specialized commodities in truckload lots,  
27 agricultural commodities in bulk,] **household goods,** or passengers [in charter service], and is  
28 fit, willing and able to properly perform the service proposed and to conform to the provisions  
29 of this chapter and the requirements, rules and regulations of the [division] **state highways and**  
30 **transportation commission** thereunder, a permit therefor shall be issued.

31 4. [If the division finds that an applicant seeking to transport commodities or passengers  
32 as described in subsection 4 of section 390.051 is fit, willing and able to properly perform the  
33 service proposed, and to conform to the provisions of this chapter and the requirements, rules  
34 and regulations of the division, and that the service proposed will serve a useful present or future  
35 purpose, a permit therefor specifying the service authorized shall be issued, unless the division  
finds on the basis of evidence presented by persons objecting to the issuance of a permit that the

36 transportation to be authorized by the permit will be inconsistent with the public convenience  
37 and necessity.

38 5.] Any permit issued under this section shall specify the service to be rendered, the  
39 contracting parties, and the [points or] area to be served.

40 [6.] **5.** The [division] **state highways and transportation commission** will not have  
41 jurisdiction over contract rates. A copy of the original contract must be filed with the [division]  
42 **state highways and transportation commission** prior to issuance of a permit. In the event the  
43 applicant chooses not to disclose contract rates in the application, the contract shall contain in  
44 lieu of rates a specific provision which incorporates by reference a schedule of rates, in writing,  
45 to be effective between carrier and shipper. Current contracts and rate schedules must be  
46 maintained by the carrier and contracting shippers. A contract permit, authorizing the  
47 transportation of [commodities] **household goods** or passengers [other than as described in  
48 subsection 4 of section 390.051], may be amended to include additional contracting parties by  
49 the filing of said contracts with the [division] **state highways and transportation commission**  
50 and acknowledgment by the [division] **state highways and transportation commission**.

390.116. 1. Common carriers of [property] **household goods** may establish reasonable  
2 through routes **or interline service** and joint rates, charges and classifications with other such  
3 carriers or with common carriers by railroad or express; and common carriers of passengers may  
4 establish reasonable through routes and joint rates, fares or charges with other such carriers or  
5 with common carriers by railroad. In case of such joint rates, fares, charges or classifications,  
6 it shall be the duty of the **participating** carriers[, parties thereto,] to establish just and reasonable  
7 regulations and practices in connection therewith, and just, reasonable and equitable divisions  
8 thereof as between the carriers participating therein which shall not unduly prefer or prejudice  
9 any of such participating carriers **and shall not result in any rate, fare, charge, classification,**  
10 **regulation, or practice that is unjust or unreasonable to the shipper or receiver of the**  
11 **household goods. Carriers of household goods participating in through routes or interline**  
12 **service shall publish joint tariffs and evidence of concurrence or acceptance thereof, in**  
13 **accordance with section 387.080, or individual tariffs for each participating carrier, which**  
14 **shall set forth the joint or individual rates, fares, charges, classifications, regulations,**  
15 **practices, and division of rates applicable to such through routes or interline service, all**  
16 **in accordance with the applicable provisions in chapter 387.**

17 2. The [division] **state highways and transportation commission** may, whenever  
18 deemed by it to be necessary or desirable in the public interest, after hearing, upon complaint or  
19 upon its own motion, order the establishment of just and reasonable through routes and joint  
20 rates, fares, charges, regulations or practices, applicable to the transportation of passengers [or  
21 property] by common carriers.

390.280. 1. Certificates or permits, or both, which were issued before January 1, 1995, and which authorized a person to transport any property in intrastate commerce by motor vehicle as a common carrier or contract carrier, or both, are void, except that to the extent such certificates or permits, or portions thereof, authorized a person to transport household goods over irregular routes or passengers in intrastate commerce, or any property or passengers in interstate commerce, those certificates or permits, or portions thereof, are exempt from the provisions of this subsection.

2. Persons who owned certificates or permits, or both, that were in active status with the division on December 31, 1994, and persons to whom the division issued certificates and permits after December 31, 1994, pursuant to emergency rules adopted by the division, are deemed to be qualified as registered property carriers, unless the person's certificate or permit has been suspended, revoked or transferred to another person as provided by law. A person deemed qualified pursuant to this subsection is not required to file an application pursuant to section 390.290 to continue providing intrastate transportation as a registered property carrier, but rather, upon such person's compliance with the licensing and insurance requirements of the division the person is deemed to have a property carrier registration in force as required pursuant to section 390.270, authorizing the person to transport property except household goods in intrastate commerce on the public highways, unless the person's property carrier registration is suspended, revoked or transferred to another person as provided by law. Within a reasonable time after August 28, 1996, the division shall issue property carrier registrations to all persons who are deemed to be qualified as registered property carriers and deemed to have property carrier registrations in force pursuant to this subsection.

3. Notwithstanding any provision of this section to the contrary, this section shall not be construed as authorizing any person to transport any hazardous material as designated in Title 49, Code of Federal Regulations, except hazardous materials which that person was expressly authorized to transport in intrastate commerce within this state on August 28, 1996. A person may file an application for property carrier registration pursuant to section 390.290 to transport additional hazardous materials. Nothing in this section shall be construed to conflict with chapter 260, or of relieving an applicant of any duty to obtain a license pursuant to chapter 260.

**4. Notwithstanding any provision of the law to the contrary, any geographic restriction or provision limiting the carrier's scope of authority to particular routes within this state contained in a certificate or permit, or both, authorizing the transportation of household goods in intrastate commerce, which was issued prior to August 28, 2011, and any similar provision contained in a carrier's tariff schedule filed prior to such date, shall be deemed void. In lieu of the geographic restrictions expressed in such certificates, permits, or tariff schedules, a motor carrier shall be authorized to provide intrastate**

37 **transportation of household goods between all points and destinations within the state until**  
38 **such time the certificates, permits, and tariff schedules are reissued or amended to reflect**  
39 **the motor carrier's statewide operating authority. Nothing contained in the provisions of**  
40 **sections 390.051 to 390.116 shall be construed to exempt or to alter the obligation of**  
41 **compliance by carriers transporting passengers point-to-point within the jurisdiction**  
42 **described in 67.1802 from the provisions of sections 67.1800 to 67.1822.**

**537.293. 1. Notwithstanding any other provision of law, the use of vehicles on a**  
2 **public street or highway in a manner which is legal under state and local law shall not**  
3 **constitute a public or private nuisance, and shall not be the basis of a civil action for public**  
4 **or private nuisance.**

5 **2. No individual or business entity shall be subject to any civil action in law or**  
6 **equity for a public or private nuisance on the basis of such individual or business entity**  
7 **legally using vehicles on a public street or highway. Any actions by a court in this state to**  
8 **enjoin the use of a public street or highway in violation of this section and any damages**  
9 **awarded or imposed by a court, or assessed by a jury, against an individual or business**  
10 **entity for public or private nuisance in violation of this section shall be null and void.**

11 **3. Notwithstanding any other provision of law, nothing in this section shall be**  
12 **construed to limit civil liability for compensatory damages arising from physical injury to**  
13 **another human being.**