

FIRST REGULAR SESSION
[P E R F E C T E D]
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 11
96TH GENERAL ASSEMBLY

Reported from the Committee on Transportation, January 27, 2011, with recommendation that the Senate Committee Substitute do pass.

Senate Committee Substitute for Senate Bill No. 11, adopted February 1, 2011.

Taken up for Perfection February 1, 2011. Bill declared Perfected and Ordered Printed, as amended.

TERRY L. SPIELER, Secretary.

0338S.02P

AN ACT

To repeal sections 304.180 and 304.820, RSMo, and to enact in lieu thereof three new sections relating to the regulation of motor vehicles.

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

Section A. Sections 304.180 and 304.820, RSMo, are repealed and three
2 new sections enacted in lieu thereof, to be known as sections 304.180, 304.289,
3 and 304.820, to read as follows:

304.180. 1. No vehicle or combination of vehicles shall be moved or
2 operated on any highway in this state having a greater weight than twenty
3 thousand pounds on one axle, no combination of vehicles operated by transporters
4 of general freight over regular routes as defined in section 390.020 shall be moved
5 or operated on any highway of this state having a greater weight than the vehicle
6 manufacturer's rating on a steering axle with the maximum weight not to exceed
7 twelve thousand pounds on a steering axle, and no vehicle shall be moved or
8 operated on any state highway of this state having a greater weight than
9 thirty-four thousand pounds on any tandem axle; the term "tandem axle" shall
10 mean a group of two or more axles, arranged one behind another, the distance
11 between the extremes of which is more than forty inches and not more than
12 ninety-six inches apart.

13 2. An "axle load" is defined as the total load transmitted to the road by
14 all wheels whose centers are included between two parallel transverse vertical
15 planes forty inches apart, extending across the full width of the vehicle.

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

16 3. Subject to the limit upon the weight imposed upon a highway of this
 17 state through any one axle or on any tandem axle, the total gross weight with
 18 load imposed by any group of two or more consecutive axles of any vehicle or
 19 combination of vehicles shall not exceed the maximum load in pounds as set forth
 20 in the following table:

21 Distance in feet

22 between the extremes

23 of any group of two or

24 more consecutive axles,

25 measured to the nearest

26 foot, except where

27 indicated otherwise

Maximum load in pounds

28 feet	2 axles	3 a xles	4 axles	5 a xles	6 axles
29 4	34,000				
30 5	34,000				
31 6	34,000				
32 7	34,000				
33 8	34,000	34,000			
34 More than 8	38,000	42,000			
35 9	39,000	42,500			
36 10	40,000	43,500			
37 11	40,000	44,000			
38 12	40,000	45,000	50,000		
39 13	40,000	45,500	50,500		
40 14	40,000	46,500	51,500		
41 15	40,000	47,000	52,000		
42 16	40,000	48,000	52,500	58,000	
43 17	40,000	48,500	53,500	58,500	
44 18	40,000	49,500	54,000	59,000	
45 19	40,000	50,000	54,500	60,000	
46 20	40,000	51,000	55,500	60,500	66,000
47 21	40,000	51,500	56,000	61,000	66,500
48 22	40,000	52,500	56,500	61,500	67,000

49	23	40,000	53,000	57,500	62,500	68,000
50	24	40,000	54,000	58,000	63,000	68,500
51	25	40,000	54,500	58,500	63,500	69,000
52	26	40,000	55,500	59,500	64,000	69,500
53	27	40,000	56,000	60,000	65,000	70,000
54	28	40,000	57,000	60,500	65,500	71,000
55	29	40,000	57,500	61,500	66,000	71,500
56	30	40,000	58,500	62,000	66,500	72,000
57	31	40,000	59,000	62,500	67,500	72,500
58	32	40,000	60,000	63,500	68,000	73,000
59	33	40,000	60,000	64,000	68,500	74,000
60	34	40,000	60,000	64,500	69,000	74,500
61	35	40,000	60,000	65,500	70,000	75,000
62	36		60,000	66,000	70,500	75,500
63	37		60,000	66,500	71,000	76,000
64	38		60,000	67,500	72,000	77,000
65	39		60,000	68,000	72,500	77,500
66	40		60,000	68,500	73,000	78,000
67	41		60,000	69,500	73,500	78,500
68	42		60,000	70,000	74,000	79,000
69	43		60,000	70,500	75,000	80,000
70	44		60,000	71,500	75,500	80,000
71	45		60,000	72,000	76,000	80,000
72	46		60,000	72,500	76,500	80,000
73	47		60,000	73,500	77,500	80,000
74	48		60,000	74,000	78,000	80,000
75	49		60,000	74,500	78,500	80,000
76	50		60,000	75,500	79,000	80,000
77	51		60,000	76,000	80,000	80,000
78	52		60,000	76,500	80,000	80,000
79	53		60,000	77,500	80,000	80,000
80	54		60,000	78,000	80,000	80,000

81	55	60,000	78,500	80,000	80,000
82	56	60,000	79,500	80,000	80,000
83	57	60,000	80,000	80,000	80,000

84 Notwithstanding the above table, two consecutive sets of tandem axles may carry
 85 a gross load of thirty-four thousand pounds each if the overall distance between
 86 the first and last axles of such consecutive sets of tandem axles is thirty-six feet
 87 or more.

88 4. Whenever the state highways and transportation commission finds that
 89 any state highway bridge in the state is in such a condition that use of such
 90 bridge by vehicles of the weights specified in subsection 3 of this section will
 91 endanger the bridge, or the users of the bridge, the commission may establish
 92 maximum weight limits and speed limits for vehicles using such bridge. The
 93 governing body of any city or county may grant authority by act or ordinance to
 94 the state highways and transportation commission to enact the limitations
 95 established in this section on those roadways within the purview of such city or
 96 county. Notice of the weight limits and speed limits established by the
 97 commission shall be given by posting signs at a conspicuous place at each end of
 98 any such bridge.

99 5. Nothing in this section shall be construed as permitting lawful axle
 100 loads, tandem axle loads or gross loads in excess of those permitted under the
 101 provisions of Section 127 of Title 23 of the United States Code.

102 6. Notwithstanding the weight limitations contained in this section, any
 103 vehicle or combination of vehicles operating on highways other than the interstate
 104 highway system may exceed single axle, tandem axle and gross weight limitations
 105 in an amount not to exceed two thousand pounds. However, total gross weight
 106 shall not exceed eighty thousand pounds, except as provided in subsection 9 of
 107 this section.

108 7. Notwithstanding any provision of this section to the contrary, the
 109 department of transportation shall issue a single-use special permit, or upon
 110 request of the owner of the truck or equipment, shall issue an annual permit, for
 111 the transporting of any concrete pump truck or well-drillers' equipment. The
 112 department of transportation shall set fees for the issuance of permits pursuant
 113 to this subsection. Notwithstanding the provisions of section 301.133, concrete
 114 pump trucks or well-drillers' equipment may be operated on state-maintained
 115 roads and highways at any time on any day.

116 8. Notwithstanding the provision of this section to the contrary, the

117 maximum gross vehicle limit and axle weight limit for any vehicle or combination
118 of vehicles equipped with an idle reduction technology may be increased by a
119 quantity necessary to compensate for the additional weight of the idle reduction
120 system as provided for in 23 U.S.C. Section 127, as amended. In no case shall the
121 additional weight increase allowed by this subsection be greater than four
122 hundred pounds. Upon request by an appropriate law enforcement officer, the
123 vehicle operator shall provide proof that the idle reduction technology is fully
124 functional at all times and that the gross weight increase is not used for any
125 purpose other than for the use of idle reduction technology.

126 9. Notwithstanding subsection 3 of this section or any other provision of
127 law to the contrary, the total gross weight of any vehicle or combination of
128 vehicles hauling livestock may be as much as, but shall not exceed, eighty-five
129 thousand five hundred pounds while operating on U.S. Highway 36 from St.
130 Joseph to U.S. Highway 65, and on U.S. Highway 65 from the Iowa state line to
131 U.S. Highway 36.

132 **10. Notwithstanding subsection 3 of this section or any other**
133 **provision of law to the contrary, for the period between October**
134 **fifteenth and December fifteenth of each year, any motor vehicle or**
135 **combination of motor vehicles carrying agricultural products may**
136 **operate with a load that exceeds the maximum weight load permitted**
137 **by this chapter by ten percent on any tandem axle, group of axles, and**
138 **gross weight. If enforcement action is taken pursuant to this section,**
139 **the fine or penalty shall only apply to that portion of the load that is**
140 **more than ten percent above the legal limit. The weight tolerance**
141 **authorized in this subsection shall apply to all highways within the**
142 **state of Missouri except for the interstate highway system. As used in**
143 **this subsection, the term "agricultural products" shall have the same**
144 **meaning ascribed to it in section 274.020.**

304.289. The timing of any traffic-control signal shall conform to
2 regulations promulgated by the Department of Transportation. The
3 department of transportation shall establish minimal yellow light
4 change interval times for traffic-control devices. The minimal yellow
5 light change interval time shall be established in accordance with
6 nationally recognized engineering standards set forth in the Manual on
7 Uniform Traffic Control Devices, and any such established time shall
8 not be less than the recognized national standard.

304.820. 1. Except as otherwise provided in this section, no person
2 [twenty-one years of age or younger] operating a moving motor vehicle upon the
3 highways of this state shall, by means of a hand-held electronic wireless
4 communications device, send, read, or write a text message or electronic message.

5 2. The provisions of subsection 1 of this section shall not apply to a person
6 operating:

7 (1) An authorized emergency vehicle; or

8 (2) A moving motor vehicle while using a hand-held electronic wireless
9 communications device to:

10 (a) Report illegal activity;

11 (b) Summon medical or other emergency help;

12 (c) Prevent injury to a person or property; or

13 (d) Relay information between a transit or for-hire operator and that
14 operator's dispatcher, in which the device is permanently affixed to the vehicle.

15 3. Nothing in this section shall be construed or interpreted as prohibiting
16 a person from making or taking part in a telephone call, by means of a hand-held
17 electronic wireless communications device, while operating a motor vehicle upon
18 the highways of this state.

19 4. As used in this section, "electronic message" means a self-contained
20 piece of digital communication that is designed or intended to be transmitted
21 between hand-held electronic wireless communication devices. "Electronic
22 message" includes, but is not limited to, electronic mail, a text message, an
23 instant message, or a command or request to access an Internet site.

24 5. As used in this section, "hand-held electronic wireless communications
25 device" includes any hand-held cellular phone, palm pilot, blackberry, or other
26 mobile electronic device used to communicate verbally or by text or electronic
27 messaging, but shall not apply to any device that is permanently embedded into
28 the architecture and design of the motor vehicle.

29 6. As used in this section, "making or taking part in a telephone call"
30 means listening to or engaging in verbal communication through a hand-held
31 electronic wireless communication device.

32 7. As used in this section, "send, read, or write a text message or
33 electronic message" means using a hand-held electronic wireless
34 telecommunications device to manually communicate with any person by using
35 an electronic message. Sending, reading, or writing a text message or electronic
36 message does not include reading, selecting, or entering a phone number or name

37 into a hand-held electronic wireless communications device for the purpose of
38 making a telephone call.

39 8. A violation of this section shall be deemed an infraction and shall be
40 deemed a moving violation for purposes of point assessment under section
41 302.302.

42 9. The state preempts the field of regulating the use of hand-held
43 electronic wireless communications devices in motor vehicles, and the provisions
44 of this section shall supercede any local laws, ordinances, orders, rules, or
45 regulations enacted by a county, municipality, or other political subdivision to
46 regulate the use of hand-held electronic wireless communication devices by the
47 operator of a motor vehicle.

48 10. The provisions of this section shall not apply to:

49 (1) The operator of a vehicle that is lawfully parked or stopped;

50 (2) Any of the following while in the performance of their official duties:
51 a law enforcement officer; a member of a fire department; or the operator of a
52 public or private ambulance;

53 (3) The use of factory-installed or aftermarket global positioning systems
54 (GPS) or wireless communications devices used to transmit or receive data as part
55 of a digital dispatch system;

56 (4) The use of voice-operated technology;

57 (5) The use of two-way radio transmitters or receivers by a licensee of the
58 Federal Communications Commission in the Amateur Radio Service;

59 **(6) A person using a hand-held mobile telephone in conjunction**
60 **with a voice-operated or hands-free device. The term "voice-operated**
61 **or hands-free device" shall mean a device that allows the user to write,**
62 **send, or read a text message without the use of either hand except to**
63 **activate or deactivate a feature or function.**

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