

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1400-01
Bill No.: SB 327
Subject: Motor Carriers; Transportation Dept.; Highway Patrol; Transportation
Type: Original
Date: March 7, 2005

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
Local Government	Unknown to (Unknown)	Unknown to (Unknown)	Unknown to (Unknown)

FISCAL ANALYSIS

ASSUMPTION

Officials with the **Department of Public Safety, Department of Revenue, Office of Administration – Administrative Hearing Commission, Office of State Courts Administrator, and Boone County** assume this proposal would have no fiscal impact on their agencies.

Officials with the **Department of Transportation (MoDOT)** state that currently, compliance audits are performed through the U.S. Department of Transportation, Motor Carrier Safety Administration grants. MoDOT assumes this legislation prescribes an audit process that differs from the procedures spelled out in the current grants MoDOT receives, jeopardizing such federal grant monies. **Oversight** assumes that the Missouri Highways and Transportation Commission (MHTC) could either promulgate the necessary rules and regulations to bring the procedures outlined in the act into compliance with the federal grants or the grant agreements could amended in accordance with this act.

Oversight assumes that any loss of federal funding as a result of this proposal is speculative, as are any potential additional federal funds that could be obtained by the Superintendent of the

ASSUMPTION (continued)

Missouri State Highway Patrol, the application for which is outlined in this act.

Officials with the **City of North Kansas City** assume this proposal would eliminate its commercial vehicle enforcement program. The city presumes that this act would result in a negative fiscal impact due to the inability to recover start-up costs for this recently initiated program. Oversight assumes that some municipalities may see either a positive or negative fiscal impact as a result of this proposal.

<u>FISCAL IMPACT - State Government</u>	FY 2006 (10 Mo.)	FY 2007	FY 2008
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2006 (10 Mo.)	FY 2007	FY 2008
<u>Cities and Counties – Elimination of Commercial Vehicle Enforcement</u>	<u>Unknown to (Unknown)</u>	<u>Unknown to (Unknown)</u>	<u>Unknown to (Unknown)</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

This proposal allows no local law enforcement officer or local agency to perform commercial motor vehicle enforcement and restricted them from enforcing commercial motor vehicle equipment, size, height and weight violations. Local governments are prohibited from adopting ordinances or regulations regarding the enforcement of commercial motor vehicle law. This act, however, does not prevent political subdivisions from adopting ordinances or regulations restricting commercial motor vehicle equipment, size, travel, weight or height on roads which are not state and federal designated roads or roads which are not maintained with state and federal monies.

This act state that the superintendent of the highway patrol shall apply for all federal funding

DESCRIPTION (continued)

which is currently available or may become available which has been formerly allocated to local political subdivisions.

This proposal expands the Department of Transportation's jurisdiction by allowing it to enforce motor carrier regulations in commercial zones.

Under this act, motor carriers may voluntarily request a educational compliance contact to be conducted by the Highways and Transportation Commission to determine whether the motor carrier is in compliance with motor carrier statutes and regulations. No fines or penalties shall be levied against a motor carrier for violations discovered during an educational compliance contact. The commission, however, may take any legal actions necessary to shut down the operation of a motor carrier that has committed a violation that presents a safety issue. A motor carrier may only request one compliance contact every five years. A request for an educational compliance contact shall not be a reason for the commission to perform a compliance review. Motor carriers which are subject to a current complaint investigation shall not be eligible for an educational compliance contact.

This legislation states that motor carriers shall have 60 days from the written release of compliance review findings or educational compliance contacts to appeal the commission's decision to the Administrative Hearing Commission.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Transportation
Department of Public Safety
Department of Revenue
Office of Administration
 Administrative Hearing Commission
Office of State Courts Administrator,
Boone County
City of North Kansas City

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA
Director
March 7, 2005