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**Rules of**  
**Department of Transportation**  
**Division 265—Motor Carrier and Railroad Safety**  
**Chapter 10—Motor Carrier Operations**

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**Title 7—DEPARTMENT OF  
TRANSPORTATION**

**Division 265—Motor Carrier and  
Railroad Safety**

**Chapter 10—Motor Carrier Operations**

**7 CSR 265-10.010 Definitions**

*PURPOSE: This rule prescribes definitions for certain words and terms used in the rules within 7 CSR 265-10 and interprets certain words and terms as used in Chapters 386, 387, and 390, RSMo.*

(1) As used in this chapter; in 7 CSR 265-2; and in Chapters 386, 387, and 390, RSMo, unless the context clearly requires otherwise, the following words and terms mean:

(A) Civil subdivision means a political subdivision, public corporation, or quasi-corporation, or public governmental entity, which is established by law exclusively for public purposes. The term includes every county, township, municipality, incorporated town and village; public school district; road district; library district; drainage; sewer or levee district; fire district; county sports complex authority; special taxing district for public works or public improvements; soil and water conservation district; watershed subdistrict; board of control of a public art museum; other public boards, commissions and districts established by law, and their officers, agents, and employees acting within the lawful scope of their official duties. The taxing power is not a prerequisite to being a civil subdivision, but possession of lawful taxing power creates a presumption that the possessor is a civil subdivision;

(B) Commission means the Missouri Highways and Transportation Commission;

(C) Contract carrier means a person who engages in the transportation of passengers or property by motor vehicle upon the public highways for hire or compensation under individual, continuing contracts, or agreements. Contracts for the transportation of passengers or household goods shall meet the requirements as in Chapters 387 and 390, RSMo. The initial contract(s) for the transportation of passengers shall be filed with the commission along with the application for authority.

*AUTHORITY: section 622.027, RSMo 2000.\* This rule originally filed as 4 CSR 265-10.010. Original rule filed Nov. 4, 1992, effective July 8, 1993. Emergency amendment filed Dec. 1, 1994, terminated Dec. 19, 1994. Emergency amendment filed Dec. 20, 1994, effective Jan. 1, 1995, expired April 30, 1995. Emergency amendment filed April 20, 1995, effective May 1, 1995, expired*

*Aug. 28, 1995. Emergency amendment filed Aug. 18, 1995, effective Aug. 29, 1995, expired Feb. 24, 1996. Amended: Filed Aug. 3, 1995, effective Feb. 25, 1996. Moved to 7 CSR 265-10.010, effective July 11, 2002. Amended: Filed May 2, 2013, effective Dec. 30, 2013.*

*\*Original authority: 622.027, RSMo 1985, amended 1993, 1995.*

**7 CSR 265-10.015 Application Requirements for the Issuance and Transfer of Intrastate Motor Carrier Authority**

*PURPOSE: This proposed rule sets forth the requirements that applications to the commission requesting an intrastate motor carrier certificate, permit, or property carrier registration must meet.*

(1) Applicability. Every application for the issuance or transfer of a common carrier certificate under section 390.051, RSMo, a contract carrier permit under section 390.061, RSMo, or both; the issuance of temporary authority under section 390.081, RSMo; or a property carrier registration under Chapter 622, RSMo, which authorizes the transportation of passengers or property on the public highways in Missouri intrastate commerce shall be filed in conformity with the requirements of this rule and other rules of the commission whenever applicable.

(2) Application Form. The applicant, or an authorized representative of the applicant under oath or penalty of perjury shall complete, verify, and file an application using a form approved by the commission or the filing of required information through the commission's secured motor carrier web system.

(3) Required Documentation. The commission shall not consider for final determination the request of the applicant until the commission has received the following required documentation:

(A) Completed application form;

(B) Filing of proof of insurance in accordance with the requirements of section 390.126, RSMo, and commission rules 7 CSR 265-10.030 and 7 CSR 265-10.035;

(C) Payment of vehicle licensing fees in accordance with section 390.136, RSMo, and commission rule 7 CSR 265-10.020;

(D) Confirmation that the applicant is properly registered and in good standing as required by law with the Office of the Missouri Secretary of State;

(E) Filed an approved tariff and time schedule for the transportation of passengers

other than in charter service;

(F) A completed form for the issuance of a USDOT number by the commission;

(G) A copy of each executed contract for every contracting party listed in the application; and

(H) Proof of workers' compensation coverage.

(4) Failure to File Required Documentation. If the applicant has failed to file the required documentation as set forth in section (3) of this rule within forty-five (45) days from the date the application has been received by the commission, the applicant will be notified that no further consideration will be taken upon the applicant's pending request for authority.

(5) Findings. The commission shall grant the application if the commission determines from the information filed by the applicant and any other information submitted to the commission that the applicant meets the applicable standards as required in sections 390.051, 390.061, 390.063, 390.081, or Chapter 622, RSMo.

(6) Request Denied. If the commission determines that the information on record concerning the applicant's request for authority does not meet the standards as required by law, the commission shall deny the application by notice to the applicant. The applicant may request in writing a hearing with the Missouri Administrative Hearing Commission to determine the merits of the application and the Administrative Hearing Commission shall make the final determination whether to grant the operating authority requested by the applicant.

(7) The commission shall dismiss on its motion any application for substantially the same common authority that has been previously denied within six (6) months of filing the subsequent application.

(8) Transfers—Commission staff's review of each proposed transfer of a certificate or permit shall include a consideration of how the proposed transfer will affect the transferor's and transferee's other operating authority, if any. In issuing the transfer request, commission staff shall apply the principles of merger with reference to duplicated or overlapping authority as provided in 7 CSR 265-10.090 or to correct spelling, typographical, grammatical, or format errors without altering the substance of the authority. If any objections are timely-filed to the commission concerning the certificate(s) or permit(s) issued and cannot be



resolved, the matter will be sent to the Administrative Hearing Commission for a hearing and final determination.

**AUTHORITY:** section 622.027, RSMo 2000, and section 226.008, RSMo Supp. 2013.\* This rule originally filed as 4 CSR 265-2.060. Emergency rule filed June 14, 1985, effective July 1, 1985, expired Oct. 28, 1985. Original rule filed Aug. 1, 1985, effective Oct. 29, 1985. Emergency amendment filed Aug. 1, 1986, effective Aug. 13, 1986, expired Oct. 27, 1986. Amended: Filed July 31, 1986, effective Oct. 27, 1986. Emergency rescission filed Oct. 3, 1986, effective Oct. 23, 1986, expired Dec. 11, 1986. Amended: Filed Nov. 2, 1987, effective Feb. 11, 1988. Emergency amendment filed Sept. 21, 1988, effective Oct. 1, 1988, expired Dec. 29, 1988. Amended: Filed Oct. 17, 1988, effective Dec. 29, 1988. Amended: Filed May 17, 1989, effective Sept. 11, 1989. Emergency amendment filed Nov. 4, 1992, effective Nov. 14, 1992, expired March 13, 1993. Emergency amendment filed March 3, 1993, effective March 13, 1993, expired July 10, 1993. Amended: Filed Nov. 4, 1992, effective July 8, 1993. Emergency amendment filed Dec. 1, 1994, effective Dec. 11, 1994, expired Dec. 19, 1994. Emergency amendment filed Dec. 20, 1994, effective Jan. 1, 1995, expired April 30, 1995. Emergency amendment filed April 20, 1995, effective May 1, 1995, expired Aug. 28, 1995. Emergency rule and rescission filed Aug. 18, 1995, effective Aug. 29, 1995, expired Feb. 24, 1996. Rescinded and readopted: Filed Aug. 3, 1995, effective Feb. 25, 1996. Emergency amendment filed Aug. 16, 1996, effective Aug. 28, 1996, expired Feb. 23, 1997. Emergency amendment filed Sept. 13, 2007, effective Oct. 3, 2007, expired March 30, 2008. Moved and amended: Filed Sept. 13, 2007, effective March 30, 2008. Rescinded and readopted: Filed May 2, 2013, effective Dec. 30, 2013.

\*Original authority: 622.027, RSMo 1985, amended 1993, 1995 and 226.008, RSMo 2002.

### 7 CSR 265-10.020 Licensing of Vehicles

**PURPOSE:** This proposed rule prescribes the requirements and procedures for the licensing of vehicles operated on public highways in interstate or intrastate commerce within the jurisdiction of the commission.

(1) License Requirement. No motor carrier shall operate any motor vehicle on the public highways in Missouri in intrastate commerce unless information has been received as required on the license application forms as published by the Missouri Highways and

Transportation Commission, Motor Carrier Services Division; fees have been paid; and the annual license or seventy-two (72) hour license is carried in the vehicle. The mere presence of a regulatory license, issued by the commission or organization approved by the commission to sell its regulatory licenses on its behalf, on a vehicle does not authorize any person to operate as a motor carrier. Exceptions: Not-for-profit corporations transporting passengers other than charter service and every motor carrier required to comply with the regulatory requirements of the Unified Carrier Registration (UCR) Agreement promulgated by the Unified Registration Board of Directors are not required to comply with this rule.

(2) Invalid License. Any license which has been altered or changed in any way shall not be valid.

(3) Expiration of Regulatory Licenses. All annual regulatory licenses issued pursuant to this rule shall be effective from January 1 through December 31 of the year for which they are issued, and shall expire at 12:01 A.M. on the first day of January in the next year succeeding the year for which they were issued. Seventy-two (72) hour licenses expire seventy-two (72) hours from the issued time of the license.

(4) Transfer of Regulatory Licenses. If the vehicle is sold during a license year, the commission may reissue without charge, upon request by the transferor, the annual license for any replacement vehicle purchased by the motor carrier. The regulatory license will not be valid for the transferee of the vehicle.

(5) Failure to Purchase an Annual License—The commission may immediately suspend the intrastate authority of the motor carrier in accordance with the commission's applicable procedures for suspension, for failure to purchase an annual license. Any further operation by the motor carrier of any motor vehicle upon the public highways in this state shall be unlawful until compliance with this rule and a reinstatement by the commission has been issued.

**AUTHORITY:** sections 390.041(1), 390.138, and 622.027, RSMo 2000, and sections 226.008 and 390.136, RSMo Supp. 2013.\* This rule originally filed as 4 CSR 265-10.020. Emergency rule filed June 14, 1985, effective July 1, 1985, expired Oct. 28, 1985. Original rule filed Aug. 1, 1985, effective Oct. 29, 1985. Emergency amendment filed Sept. 21, 1988, effective Oct. 1, 1988,

expired Jan. 28, 1989. Amended: Filed Oct. 17, 1988, effective Dec. 29, 1988. Amended: Filed May 17, 1989, effective Sept. 11, 1989. Amended: Filed May 2, 1991, effective Dec. 9, 1991. Amended: Filed Nov. 4, 1992, effective July 8, 1993. Emergency amendment filed Dec. 1, 1994, terminated Dec. 19, 1994. Emergency amendment filed Dec. 20, 1994, effective Jan. 1, 1995, expired April 30, 1995. Emergency amendment filed April 20, 1995, effective May 1, 1995, expired Aug. 28, 1995. Emergency amendment filed Aug. 18, 1995, effective Aug. 29, 1995, expired Feb. 24, 1996. Amended: Filed Aug. 3, 1995, effective Feb. 25, 1996. Emergency amendment filed Aug. 19, 1996, effective Aug. 29, 1996, expired Feb. 24, 1997. Amended: Filed June 22, 1998, effective Feb. 28, 1999. Moved to 7 CSR 265-10.020, effective July 11, 2002. Emergency amendment filed Aug. 15, 2005, effective Aug. 26, 2005, expired Feb. 23, 2006. Amended: Filed Aug. 15, 2005, effective Feb. 28, 2006. Rescinded and readopted: Filed May 2, 2013, effective Dec. 30, 2013.

\*Original authority: 226.008, RSMo 2002; 390.041, RSMo 1939, amended 1951, 1984, 1986, 1988; 390.136, RSMo 1939, amended 1951, 1969, 1975, 1984, 1986, 1988, 2004; 390.138, RSMo 1955, amended 1986; and 622.027, RSMo 1985, amended 1993, 1995.

### 7 CSR 265-10.025 Marking of Vehicles

**PURPOSE:** This proposed rule prescribes the content and manner of markings to be displayed on motor vehicles operated by motor carriers on public highways in interstate or intrastate commerce that are under the jurisdiction of the Missouri Highways and Transportation Commission.

(1) Vehicle Markings. Every motor vehicle operated by a motor carrier in intrastate commerce under any property carrier registration, certificate, or permit issued by the Missouri Highways and Transportation Commission shall be marked in conformity with the requirements of section 390.21 of Title 49, Code of Federal Regulations (CFR), or if applicable, subpart D of Title 49, CFR part 390. The commission incorporates by reference in, and makes a part of this rule, the provisions of Title 49, CFR Part 390 as published by the United States Government Printing Office, 732 North Capitol Street NW, Washington DC 20401, on April 1, 2011. This rule does not incorporate any subsequent amendments or additions to 49 CFR part 390. Exceptions: Motor carriers transporting motor vehicles in driveway or towaway operations may display the markings on both sides or at



the rear of a single driven vehicle. Motor carriers transporting a combination of vehicles in driveaway or towaway operations may display the prescribed markings on both sides of any one (1) of the units comprising the combination, or at the rear of the rearmost unit of this combination. Motor carriers operating a passenger carrying vehicle having a capacity of twelve (12) passengers or less, excluding the driver, may display on the vehicle's rear bumper, rear window, or otherwise on the rear of the vehicle, the USDOT number assigned to the motor carrier, which shall be marked in readily legible figures not less than two inches (2") in height, which shall contrast sharply in color with the background on which the figures are placed.

(2) If the carrier is engaged in intrastate operations only as authorized by the commission, the carrier is required to include in the vehicle markings the letters "MO" immediately following the carrier's USDOT number.

(3) If an intrastate motor carrier sells, assigns, or otherwise transfers a motor vehicle subject to the provisions of this rule, the seller shall first remove its required markings from the vehicle.

*AUTHORITY: section 622.027, RSMo 2000.\* This rule originally filed as 4 CSR 265-10.025. Emergency rule filed Dec. 1, 1994, terminated Dec. 19, 1994. Emergency rule filed Dec. 20, 1994, effective Jan. 1, 1995, expired April 30, 1995. Emergency rule filed April 20, 1995, effective May 1, 1995, expired Aug. 28, 1995. Emergency rule filed Aug. 18, 1995, effective Aug. 29, 1995, expired Feb. 24, 1996. Original rule filed Aug. 3, 1995, effective Feb. 25, 1996. Amended: Filed Aug. 5, 1999, effective March 30, 2000. Moved to 7 CSR 265-10.025, effective July 11, 2002. Rescinded and readopted: Filed May 2, 2013, effective Dec. 30, 2013.*

*\*Original authority: 622.027, RSMo 1985, amended 1993, 1995.*

### 7 CSR 265-10.030 Insurance

*PURPOSE: This proposed rule defines and describes the procedures and authorization for filing, canceling, replacing, and reinstating proof of motor carrier insurance or surety bonds, and prescribes the minimum limits of public liability coverage for motor carriers of passengers or property, and minimum limits of cargo liability coverage for household goods carriers.*

(1) Proof of Coverage and Minimum Limits of Public Liability for Intrastate Carriers. Every motor carrier operating any motor vehicle in intrastate commerce by authority of the commission shall at all times have on file with and approved by the commission proof of public liability insurance or bond for the limits of liability as required by the commission. The proof of public liability insurance shall state that the insurer has issued to the motor carrier a policy of insurance which by endorsement provides automobile bodily injury and property damage liability insurance covering the obligations imposed upon the motor carrier by the provisions of the laws of this state. A completed and executed endorsement shall be attached to the public liability insurance policy and form a part of it and amends the insurance policy to which it is attached to assure compliance with this rule by the motor carrier. A true copy of the insurance policy with the endorsement attached shall be maintained at the motor carrier's principal place of business, and produced upon request for inspection by the commission. An executed surety bond may be accepted in lieu of a certificate of public liability insurance.

(2) Filing Proof of Insurance. The insurance company or its authorized underwriter shall file proof of insurance on behalf of a motor carrier using forms approved by the commission or the filing of required information through the commission's secured motor carrier web system. Upon request of the commission, any insurance company that has filed or offers to file proof of insurance shall furnish evidence satisfactory to the commission that the insurance company issuing the policy or bond is duly authorized to transact business in Missouri and to issue the policy offered, and that it is financially able to meet its obligations.

(3) Proof of Coverage of Cargo Liability for Transportation of Household Goods. Each vehicle while transporting household goods in intrastate commerce within this state shall be covered by a surety bond or certificate of cargo insurance filed with and approved by the commission for the limits of liability as established by the commission. A completed and executed endorsement shall be attached to the cargo insurance policy and form a part of it and amend the policy to which it is attached to assure compliance with this rule by the motor carrier. An insurance company or surety shall file separate certificates or bonds, whenever it provides both cargo liability and public liability coverage for a motor carrier of household goods.

(4) Rejection of Proof of Insurance. The commission may reject any document or information filed or offered for filing, or may declare it invalid at any time, and shall notify the motor carrier of the rejection.

(5) Cancellation and Reinstatement of Proof of Insurance. An insurer shall give the commission not less than ten (10) days notice of the cancellation of motor carrier bodily injury and property damage liability insurance certificate or bond or motor carrier cargo insurance certificate or bond, by filing with the commission the required notice of cancellation form. After cancellation in accordance with this section, a new certificate of insurance or surety bond must be filed to reinstate coverage for the motor carrier.

(6) Replacement Coverage. Policies of insurance and surety bonds may be replaced by other policies of insurance or surety bonds. The liability of the retiring insurer or surety shall be considered terminated on the effective date of the replacement policy of insurance or surety bond if accepted by the commission; except that if a cancellation notice under section (5) of this rule is received prior to receipt of the replacement certificate of insurance or surety bond, the liability of the retiring insurer or surety shall be considered as terminated at the end of the required ten (10) day cancellation period.

*AUTHORITY: sections 390.041, 390.126, 390.128, and 622.027, RSMo 2000.\* This rule originally filed as 4 CSR 265-10.030. Emergency rule filed June 14, 1985, effective July 1, 1985, expired Oct. 28, 1985. Original rule filed Aug. 1, 1985, effective Oct. 29, 1985. Amended: Filed April 16, 1986, effective June 30, 1986. Emergency amendment filed Sept. 21, 1988, effective Oct. 1, 1988, expired Jan. 28, 1989. Amended: Filed Oct. 18, 1988, effective Dec. 29, 1988. Amended: Filed May 17, 1989, effective Sept. 11, 1989. Amended: Filed Nov. 4, 1992, effective July 8, 1993. Emergency amendment filed Dec. 1, 1994, terminated Dec. 19, 1994. Emergency amendment filed Dec. 20, 1994, effective Jan. 1, 1995, expired April 30, 1995. Emergency amendment filed April 20, 1995, effective May 1, 1995, expired Aug. 28, 1995. Emergency amendment filed Aug. 18, 1995, effective Aug. 29, 1995, expired Feb. 24, 1996. Amended: Filed Aug. 3, 1995, effective Feb. 25, 1996. Amended: Filed June 22, 1998, effective Feb. 28, 1999. Emergency amendment filed Dec. 15, 2000, effective Jan. 2, 2001, expired June 30, 2001. Amended: Filed Dec. 15, 2000, effective June 30, 2001. Moved to 7 CSR 265-10.030, effective*



July 11, 2002. Rescinded and readopted: Filed May 2, 2013, effective Dec. 30, 2013.

shall result in revocation of the commission's approval of the carrier's self-insurance plan.

*\*Original authority: 390.041, RSMo 1939, amended 1951, 1984, 1986, 1988; 390.071, RSMo 1939, amended 1951, 1986; 390.126, RSMo 1939 amended 1951, 1961, 1986; 390.128, RSMo 2000; and 622.027, RSMo 1985, amended 1993, 1995.*

### **7 CSR 265-10.035 Application for a Self-Insurer Status**

*PURPOSE: This rule sets forth the requirements which an application for self-insurer status must meet.*

(1) Motor carriers operating in intrastate commerce filing an application for authority to become a self-insurer shall file the original and one (1) copy of the application with the director of the division. Every application shall include a completed Application For Self-Insurer Status Form and, whenever applicable, shall include completed Exhibits A, B, C, D, and E, as described in the application form. The application may include additional supporting information, which shall not repeat or duplicate the information required in Application For Self-Insurer Status Form or Exhibits A, B, C, D, and E. Photocopies of the form and exhibits are acceptable, if they are clearly legible.

(2) Except as provided in section (3) of this rule, each motor carrier who has been granted authority by this division to be a self-insurer shall file, within sixty (60) days after the close of the previous calendar year, a balance sheet, income statement, and a statement listing any claims filed against the motor carrier which arose out of any accidents the motor carrier was involved in during its operations in the previous calendar year, and any unresolved claims which arose out of accidents during previous years. For each claim listed, the applicant shall state the amount, nature, and status of the claim including whether it is disputed or undisputed and how much of it remains unpaid.

(3) Any carrier whose self-insurance plan has been approved by the Federal Motor Carrier Safety Administration (FMCSA) shall file with this division—

(A) The FMCSA order approving its self-insurance plan; and

(B) Immediate notice of any proceeding or action by the FMCSA which could result in the suspension, revocation, or termination of its self-insurance plan.

(4) Failure of a carrier to comply with the provisions of section (2) or (3) of this rule



BEFORE THE DIVISION OF TRANSPORTATION  
STATE OF MISSOURI

In the matter of the application \_\_\_\_\_  
\_\_\_\_\_  
for self-insurer status.

This form should be used to apply  
for self-insurer status under 4 CSR  
265-2.068.

Case No. \_\_\_\_\_  
(DO NOT ENTER)

File No. \_\_\_\_\_  
(DO NOT ENTER)

APPLICATION

Comes now, \_\_\_\_\_  
(FULL LEGAL NAME)

herein called the Applicant, and submits this application for self-insurer status and in support thereof states the following:

1. The Applicant is  an individual,  a partnership,  a limited liability company or  a corporation organized under the laws of the State of \_\_\_\_\_ and maintains its principal place of business at (street, city, county, state and zip) \_\_\_\_\_.

Mailing address (if different): \_\_\_\_\_

Applicant presently holds  Certificate of Public Convenience and Necessity No. \_\_\_\_\_,  Contract Carrier Permit No. \_\_\_\_\_, and/or  Interstate Commerce Commission Certificate or Permit No. MC - \_\_\_\_\_ and sub-numbers, or  No motor carrier operating authority from either the Missouri Division of Transportation or the Interstate Commerce Commission.

2. The following exhibits are attached:
- a. Attached hereto as **Exhibit A** is a balance sheet prepared within the last six (6) months prior to the filing of the application, giving detailed information concerning the financial condition of the Applicant.
  - b. Attached hereto as **Exhibit B** is an income statement of Applicant showing in detail its operating results for the twelve (12)-month period immediately prior to the date of the filing of the application.
  - c. Attached hereto as **Exhibit C** is a record of all accidents, losses and claims filed in the five (5)-year period immediately prior to the date of the filing of the application and a complete explanation of the disposition of the claims.



- d. Attached hereto as **Exhibit D** is information concerning the cancellation of any insurance policies issued to Applicant by insurance companies authorized to do business in this state, if such coverage related to Applicant's operation as an authorized motor carrier.
- e. If the Division grants authority to Applicant to be a self-insurer, Applicant agrees to place in a separate account a minimum reserve amount of \$ \_\_\_\_\_ based upon the carrier's size, operations and claims history.
- f. If the Division grants authority to Applicant to be a self-insurer, Applicant agrees to file annually, within sixty (60) days after the close of the calendar year, a balance sheet and income statement and a statement listing any claims filed against the Applicant which arose out of any accidents the Applicant was involved in during its operations in the previous calendar year, and any unresolved claims which arose out of such accidents during previous years. For each claim listed, the Applicant will state the amount, nature and status of the claim, including whether it is disputed or undisputed, and how much of it remains unpaid.

3. Applicant's self-insurance plan has been approved by the Interstate Commerce Commission.

- a. Attached hereto as **Exhibit E** is a certified copy of the Interstate Commerce Commission Order now in effect approving the carrier's self-insurance plan.
- b. Applicant will provide the Division immediate notice of any proceeding or action by the Interstate Commerce Commission which could result or has resulted in the suspension, revocation or termination of its self-insurance plan by the Interstate Commerce Commission.



WHEREFORE, in view of the above, the Applicant requests approval of the application.

Respectfully submitted,

Applicant: \_\_\_\_\_

Applicant: \_\_\_\_\_

Title or Position: \_\_\_\_\_

Title or Position: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Applicant: \_\_\_\_\_

Attorney for Applicant:

Title or Position \_\_\_\_\_

\_\_\_\_\_

Phone Number: \_\_\_\_\_

\*Attorney: \_\_\_\_\_

(PLEASE PRINT)

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

MISSOURI BAR NUMBER

\*If application is filed for a limited liability company or corporation, the filing must be signed by a Missouri-licensed attorney representing the Applicant, in accordance with Division rules at 4 CSR 265-2.040(2) and -2.080(5). If filed for an individual, it must be signed by that individual or his attorney, or both.

**VERIFICATION**

I declare under penalty of perjury under the laws of the State of Missouri and the United States of America that the above information and all information in the exhibits filed herewith, is true and correct and that I am authorized to execute and file this document on behalf of the above Applicant.

Signature \_\_\_\_\_

Title (if applicable) \_\_\_\_\_





**(1) LIST OF SPECIFIC COMMODITIES is as follows:**  
**(Need not complete this paragraph (1) if applying for general commodities authority.)**

**(2) DESCRIPTION OF ROUTES TO BE TAKEN: (In addition to verbal description, also attach copy of a map or chart designating the routes to be operated for regular route authority.)**

**(3) Applicant desires to transport hazardous materials as designated in 49 CFR § 172.101 (check only one box).**

**Yes, Exhibit H attached, or**

**No, Exhibit H not attached.**

**Exhibit: C**



*AUTHORITY: section 622.027, RSMo 2000.\* This rule originally filed as 4 CSR 265-2.068. Emergency rule filed Aug. 1, 1986, effective Aug. 13, 1986, expired Oct. 23, 1986. Original rule filed July 31, 1986, effective Oct. 27, 1986. Emergency rescission filed Oct. 3, 1986, effective Oct. 23, 1986, expired Dec. 11, 1986. Amended: Filed May 2, 1991, effective Nov. 30, 1991. Emergency amendment filed Dec. 1, 1995, effective Dec. 11, 1995, expired Dec. 19, 1995. Emergency amendment filed Dec. 20, 1994, effective Jan. 1, 1995, expired April 30, 1995. Emergency amendment filed April 20, 1995, effective May 1, 1995, expired Aug. 28, 1995. Emergency amendment filed Aug. 18, 1995, effective Aug. 29, 1995, expired Feb. 24, 1996. Amended: Filed Aug. 3, 1995, effective Feb. 25, 1996. Moved to 7 CSR 265-10.035 and amended: Filed May 2, 2013, effective Dec. 30, 2013.*

*\*Original authority: 622.027, RSMo 1985, amended 1993, 1995.*

### 7 CSR 265-10.040 Motor Vehicle Leasing

*PURPOSE: This proposed rule prescribes requirements to properly identify leased motor vehicles and drivers when they operate under authority issued by the commission, to ensure that leased vehicles operated by motor carriers are safely equipped, maintained, and operated, and properly insured and licensed, and to prevent the evasion of motor carrier regulatory requirements through regulating the leasing of motor vehicles under certain circumstances.*

#### (1) Definitions.

(A) “Lessee” means the person who received possession and control of the vehicle.

(B) “Lessor” means the vehicle’s titled owner or lessee who subleases to another lessee.

(2) Motor carriers shall not transport passengers or property in intrastate commerce in non-owned motor vehicles unless there is in place an executed lease for each motor vehicle operated by the motor carrier in intrastate commerce which conforms to the following requirements:

(A) The lease must be reduced to writing and executed with one (1) copy retained by the lessee for not less than two (2) years after the expiration of the lease; and one (1) copy shall accompany the driver while the leased vehicle is in operation and available for inspection by any official authorized to enforce the motor vehicle or transportation laws of this state;

(B) The terms of the lease shall identify the lessor and lessee; describe the leased vehicle including the year, make, model, vehicle identification number, license plate number, and licensing state; specify the beginning and ending duration of the lease; specify the payment terms; and provide all the surrounding facts that the leased equipment is exclusively committed to the lessee’s use during the term of the lease; and

(C) Except when a vehicle is subleased by a motor carrier in compliance with section (5) of this rule, the lessee shall control all transportation of passengers or property performed in the leased vehicle during the term of the lease and be deemed the sole operator of the motor vehicle unless otherwise agreed upon by the lessee; be responsible for the operation of the vehicle, including its equipment, physical condition, insurance coverage, licensing, markings, drivers, drivers’ qualifications, drivers’ hours of service, and all other related matters in conformity with the applicable laws of this state and the rules of the commission, to the same extent as if the lessee were the actual owner of the vehicle; immediately upon the termination of the lease or sublease of the vehicle, remove or obliterate all the lessee’s markings from the vehicle; and immediately remove the cancelled lease from the vehicle if the lease is cancelled prior to the expiration date.

(3) If the lessee motor carrier knowingly or recklessly fails to control the transportation performed in the leased vehicle, then the transportation is not covered and authorized by the lessee’s operating authority and the lessee motor carrier shall be deemed to be procuring, aiding, and abetting any transportation performed in the leased vehicle during the term of the lease.

(4) Motor carriers shall not lease vehicles with or without drivers to shippers or receivers of property or to passengers or chartering groups.

(5) Motor carriers shall not sublease a leased vehicle, with or without driver, unless the lease expressly authorizes the lessee motor carrier to sublease the vehicle to another authorized motor carrier during the lease. The sublease shall not authorize further subleasing of the vehicle to any person. A copy of the sublease and the original lease shall accompany the driver at all times while the vehicle is in operation, and be available for inspection.

(6) Authorized household goods motor carriers may transport household goods in motor vehicles owned or leased by the carrier’s

agent under an agency agreement in compliance with 7 CSR 265-10.050 and the Household Goods Tariff Circular No. 1-2013.

(7) This rule does not authorize the leasing of any certificate, permit, or operating authority unless the leasing is approved by order of the commission as a transfer of authority under section 390.111, RSMo.

(8) Whenever a person who is not authorized by the commission to engage in intrastate transportation leases its own equipment—

(A) With or without driver, to an authorized intrastate motor carrier and the lease or any motor vehicle operations during the term of the lease do not actually comply with all the requirements of this rule, then those operations are not covered and not authorized by the lessee’s operating authority; or

(B) With driver to a shipper, receiver, passenger, or chartering group, the lessor’s intrastate transportation under that lease shall be presumed to result in private carriage by the lessee if the lease and all operations under it, comply with section (2) of this rule and the term of the lease is not less than thirty (30) consecutive days. If a lease or other arrangement between a shipper, receiver, passenger, or chartering group and the owner of a motor vehicle who is not authorized by the commission to engage in intrastate transportation does not comply with these requirements, then the lessor’s motor vehicle operations shall not be presumed to be private carriage by the lessee.

*AUTHORITY: section 622.027, RSMo 2000.\* This rule originally filed as 4 CSR 265-10.040. Emergency rule filed June 14, 1985, effective July 1, 1985, expired Oct. 28, 1985. Original rule filed Aug. 1, 1985, effective Oct. 29, 1985. Amended: Filed May 17, 1989, effective Sept. 11, 1989. Amended: Filed Nov. 4, 1992, effective July 8, 1993. Emergency amendment filed Dec. 1, 1994, terminated Dec. 19, 1994. Emergency amendment filed Dec. 20, 1994, effective Jan. 1, 1995, expired April 30, 1995. Emergency amendment filed April 20, 1995, effective May 1, 1995, expired Aug. 28, 1995. Emergency amendment filed Aug. 18, 1995, effective Aug. 29, 1995, expired Feb. 24, 1996. Amended: Filed Aug. 3, 1995, effective Feb. 25, 1996. Emergency amendment filed Aug. 19, 1996, effective Aug. 29, 1996, expired Feb. 24, 1997. Moved to 7 CSR 265-10.040, effective July 11, 2002. Rescinded and readopted: Filed May 2, 2013, effective Dec. 30, 2013.*

*\*Original authority: 622.027, RSMo 1985, amended 1993, 1995.*



**7 CSR 265-10.045 Passenger Service Requirement**

*PURPOSE: This rule prescribes certain service requirements for motor carriers of passengers.*

(1) Motor carriers of passengers shall keep all passenger-carrying vehicles in a clean and sanitary condition while in operation and shall provide and maintain adequate restrooms and facilities, or shall stop at locations with public restrooms that are clean and sanitary, at sufficient intervals and for sufficient periods of time for the reasonable accommodation of passengers.

(2) Each passenger-carrying vehicle operated intrastate over a regular route or between fixed terminals shall have attached to the front of the vehicle a sign, with letters or figures not less than four inches (4") in height, designating the destination of the vehicle.

(3) The driver or operator of any motor vehicle may refuse transportation to any person if that person—

- (A) Is intoxicated, using profane language or behaving in a disorderly manner;
- (B) Affected with a contagious disease;
- (C) Presenting an unsanitary condition so as to unduly annoy other passengers;
- (D) Aged under six (6) years and unaccompanied by an adult;
- (E) Has not paid the regular fare; or
- (F) Causes the vehicle to exceed its loaded capacity.

(4) Passenger vehicles used under a certificate or permit authorizing the transportation of passengers and their baggage must be equipped to carry and properly shelter the baggage of the passengers. No carrier shall be bound to accept baggage in excess of fifty (50) pounds per passenger in weight of six (6) cubic feet per passenger in volume.

*AUTHORITY: section 622.027, RSMo 2000.\* This rule originally filed as 4 CSR 265-10.045. Emergency rule filed Dec. 1, 1994, terminated Dec. 19, 1994. Emergency rule filed Dec. 20, 1994, effective Jan. 1, 1995, expired April 30, 1995. Emergency rule filed April 20, 1995, effective May 1, 1995, expired Aug. 28, 1995. Emergency rule filed Aug. 18, 1995, effective Aug. 29, 1995, expired Feb. 24, 1996. Original rule filed Aug. 3, 1995, effective Feb. 25, 1996. Moved to 7 CSR 265-10.045, effective July 11, 2002. Amended: Filed May 2, 2013, effective Dec. 30, 2013.*

*\*Original authority: 622.027, RSMo 1985, amended 1993, 1995.*

**7 CSR 265-10.050 Tariffs, Time Schedules, and Motor Carrier Documentation**

*PURPOSE: This rule prescribes certain requirements for the keeping, filing, application and interpretation of certain motor carrier documents including tariffs, c.o.d. records, bills of lading, expense or freight bills, manifests, delivery receipts, time schedules, certificates of public convenience and necessity, contract carrier permits and claim registers.*

(1) Tariff Publication. Every common carrier, authorized by the commission to engage in intrastate transportation of passengers other than in charter service shall publish and file with the commission its tariffs specifying its rates and charges. Every common carrier engaged in intrastate transportation of household goods between points in Missouri, shall maintain and publish its tariffs specifying its rates and charges. Also, such carriers shall keep for public inspection at each of their terminals, tariffs specifying their rates and charges and which shall—

(A) Conform, when published by common carriers of household goods to the requirements contained in the Household Goods Tariff Circular No. 1-2013, available at [www.modot.org/movinginmissouri](http://www.modot.org/movinginmissouri);

(B) Conform, if filed upon not less than one (1) day's notice by common carriers of passengers other than in charter service and their baggage, to the rules contained in 7 CSR 265-10.055; and

(C) Any tariff not conforming to the rules, regulations, or rate orders issued by the commission or its predecessors or the applicable tariff circular may be rejected or suspended by the commission and the common carrier shall have thirty (30) days from the date of suspension to request a hearing before the Administrative Hearing Commission.

(2) Expense Bill Information. Every common motor carrier of passengers providing intrastate charter service shall issue an expense bill for each chartering group's trip, containing the information required by the commission.

(3) Record Retention. A copy of all expense bills, delivery receipts, and any other shipping records or passenger trip records issued by a motor carrier subject to the commission's jurisdiction shall be kept on file in the Missouri office of the carrier issuing the shipping records for not less than two (2)

years after the date of issuance. Each common carrier of passengers in charter service shall maintain a complete file of consecutively numbered expense bills for inspection and audit by the commission.

(4) Time Schedules. Every regular route common carrier of passengers other than in charter service shall publish, post, and file time schedules in the format and with the required information as determined by the commission.

(5) Deviation of Service Route. Where a highway over which a motor carrier of passengers other than in charter service is authorized to operate in regular route service is temporarily obstructed or rendered unsafe by flood, slides, or other causes over which the carrier has no control or which highway or bridges on that highway are subject to weight restrictions by proper authority, the carrier may deviate from its designated route to the extent necessary to avoid the obstruction or restriction, but shall not provide service to, from, or between any points which it is not otherwise authorized to serve.

(6) Regulation Presumed. All intrastate transportation provided for hire by a motor carrier who is subject to the jurisdiction of the commission under Chapter 390, RSMo, shall be presumed to be transportation subject to the commission's jurisdiction, except when the carrier has removed or covered up all vehicle markings which display the number of the motor carrier's certificate or permit on each vehicle while being used for exempt transportation. This requirement is deemed to be reasonably necessary to distinguish exempt activities from regulated transportation activities pursuant to the carrier's certificate or permit.

(7) Claims. Every motor carrier who receives a written claim for loss or damage to passengers or baggage transported by it shall acknowledge receipt of that claim, in writing, to the claimant within thirty (30) calendar days after the carrier receives the written claim. The carrier, at the time the claim is received, shall cause the date of receipt to be recorded on the claim and shall maintain a claim register. The carrier, within one hundred twenty (120) days after the receipt of the claim, shall tender payment, decline payment, or make a firm compromise settlement offer in writing to the claimant.

*AUTHORITY: section 622.027, RSMo 2000.\* This rule originally filed as 4 CSR 265-10.050. Emergency rule filed June 14, 1985,*



effective July 1, 1985, expired Oct. 28, 1985. Original rule filed Aug. 1, 1985, effective Oct. 29, 1985. Amended: Filed May 17, 1989, effective Sept. 11, 1989. Amended: Filed May 2, 1991, effective Dec. 9, 1991. Amended: Filed Nov. 4, 1992, effective July 8, 1993. Emergency amendment filed Dec. 1, 1994, terminated Dec. 19, 1994. Emergency amendment filed Dec. 20, 1994, effective Jan. 1, 1995, expired April 30, 1995. Emergency amendment filed April 20, 1995, effective May 1, 1995, expired Aug. 28, 1995. Emergency amendment filed Aug. 18, 1995, effective Aug. 29, 1995, expired Feb. 24, 1996. Amended: Filed Aug. 3, 1995, effective Feb. 25, 1996. Moved to 7 CSR 265-10.050, effective July 11, 2002. Emergency amendment filed Sept. 13, 2007, effective Oct. 3, 2007, expired March 30, 2008. Amended: Filed Sept. 13, 2007, effective March 30, 2008. Amended: Filed May 2, 2013, effective Dec. 30, 2013.

\*Original authority: 622.027, RSMo 1985, amended 1993, 1995.

#### 7 CSR 265-10.055 Passenger Tariffs

**PURPOSE:** This rule prescribes the form and governs the construction and filing of passenger tariffs of railroad corporations, street railroad corporations, motor carriers and contract haulers.

**Editor's Note:** The following material is incorporated into this rule by reference:

- 1) Federal Aviation Administration Authorization Act of 1994 (H.R. 2739, 103d Congress, 2d Session) (49 U.S.C. sections 11501(h) and 41713(b)). (Washington: U.S. Government Printing Office, 1994);
- 2) "General Order No. 35" (Jefferson City: Missouri Public Service Commission, 1941);
- 3) Trucking Industry Regulatory Reform Act of 1994 (H.R. 2178, 103d Congress, 2d session) (49 U.S. Code section 10936) (Washington: U.S. Government Printing Office, 1994); and
- 4) 49 U.S. Code section 10922 (c)(2) (Washington: U.S. Government Printing Office, 1994).

In accordance with section 536.031(4), RSMo, the full text of material incorporated by reference will be made available to any interested person at the Office of the Secretary of State and the headquarters of the adopting state agency.

(1) The division adopts "General Order No. 35" of the Missouri Public Service Commission, also known as Circular No. 43, pre-

scribing the form and governing the construction and filing of passenger fare schedules by all common carriers which became effective September 1, 1941. Subject to sections (3) and (4), every motor carrier under the jurisdiction of the commission is directed to file with the division and print and keep open for public inspection in every station or office in this state where passengers are received for transportation, schedules showing the rates, fares, and charges for the transportation of persons within this state.

(2) The rules contain instructions on the form and content of passenger tariffs, rules governing baggage, tickets, fares, the requirements for filing and changes in tariffs and the responsibilities of carriers under the tariffs as well as other rules on passenger tariffs.

(3) The division has interpreted the provisions of Section 211, Title II, of the Trucking Industry Regulatory Reform Act of 1994 (H.R. 2178, 103d Congress, 2d Session) (49 U.S.C. section 10936) as preempting the requirements of state laws and regulations relating to intrastate fares for the transportation of passengers by bus, by an interstate motor carrier of passengers over a route authorized by the Federal Motor Carrier Safety Administration (FMCSA). Because of this federal preemption, the division will no longer require the filing of rate tariffs for the transportation of passengers in Missouri intrastate commerce by FMCSA-authorized interstate bus operators, over routes authorized by the FMCSA. This preemption of intrastate rate and tariff requirements for these carriers does not relieve any carrier from the requirements of obtaining intrastate operating authority under 49 U.S.C. section 10922(c)(2) and section 390.051.1., et seq., RSMo.

(4) The division has interpreted the provisions of Section 601, Title VI, of the Federal Aviation Administration Authorization Act of 1994 (H.R. 2739, 103d Congress, 2d Session) (49 U.S.C. sections 11501(h) and 41713(b)) as preempting the requirements of state laws and regulations relating to the prices, routes or services of intrastate transportation of property by motor carriers of passengers.

**AUTHORITY:** section 622.027, RSMo 2000. \* This rule originally filed as 4 CSR 265-6.010. Emergency rule filed June 14, 1985, effective July 1, 1985, expired Oct. 28, 1985. Original rule filed Aug. 1, 1985, effective Oct. 29, 1985. Emergency amendment filed Dec. 1, 1994, terminated Dec. 19, 1994. Emergency amendment filed Dec. 20, 1994, effective

Jan. 1, 1995, expired April 30, 1995. Emergency amendment filed April 20, 1995, effective May 1, 1995, expired Aug. 28, 1995. Emergency amendment filed Aug. 18, 1995, effective Aug. 29, 1995, expired Feb. 24, 1996. Amended: Filed Aug. 3, 1995, effective Feb. 25, 1996. Moved to 7 CSR 265-10.055 and amended: Filed May 2, 2013, effective Dec. 30, 2013.

\*Original authority 1985, amended 1993, 1995.

#### 7 CSR 265-10.060 Inspection of Books, Records, Property, Equipment, and Roadside Stops by Division Personnel (Rescinded December 30, 2013)

**AUTHORITY:** section 622.027, RSMo 2000. This rule was previously filed as 4 CSR 265-10.055 and 4 CSR 265-10.060. Original rule filed May 17, 1989, effective Sept. 11, 1989. Amended: Filed Nov. 4, 1992, effective July 8, 1993. Emergency amendment filed Dec. 1, 1994, terminated Dec. 19, 1994. Emergency amendment filed Dec. 20, 1994, effective Jan. 1, 1995, expired April 30, 1995. Emergency amendment filed April 20, 1995, effective May 1, 1995, expired Aug. 28, 1995. Emergency amendment filed Aug. 18, 1995, effective Aug. 29, 1995, expired Feb. 24, 1996. Amended: Filed Aug. 3, 1995, effective Feb. 25, 1996. Moved to 7 CSR 265-10.060, effective July 11, 2002. Rescinded: Filed May 2, 2013, effective Dec. 30, 2013.

#### 7 CSR 265-10.070 Classification of Common Carriers by Services Performed (Rescinded December 30, 2013)

**AUTHORITY:** section 622.027, RSMo 2000. This rule was previously filed as 4 CSR 265-10.060 and 4 CSR 265-10.070. Emergency rule filed June 14, 1985, effective July 1, 1985, expired Oct. 28, 1985. Original rule filed Aug. 1, 1985, effective Oct. 29, 1985. Amended: Filed April 16, 1986, effective June 30, 1986. Amended: Filed May 17, 1989, effective Sept. 11, 1989. Amended: Filed Nov. 4, 1992, effective July 8, 1993. Emergency amendment filed Dec. 1, 1994, terminated Dec. 19, 1994. Emergency amendment filed Dec. 20, 1994, effective Jan. 1, 1995, expired April 30, 1995. Emergency amendment filed April 20, 1995, effective May 1, 1995, expired Aug. 28, 1995. Emergency amendment filed Aug. 18, 1995, effective Aug. 29, 1995, expired Feb. 24, 1996. Amended: Filed Aug. 3, 1995, effective Feb. 25, 1996. Emergency amendment filed Aug. 19, 1996, effective Aug. 29, 1996,



expired Feb. 24, 1997. Moved to 7 CSR 265-10.070, effective July 11, 2002. Rescinded: Filed May 2, 2013, effective Dec. 30, 2013.

### 7 CSR 265-10.080 Rules Governing the Transportation of Household Goods (Rescinded December 30, 2013)

*AUTHORITY:* section 622.027, RSMo 2000. This rule was previously filed as 4 CSR 265-10.070 and 4 CSR 265-10.080. Emergency rule filed June 14, 1985, effective July 1, 1985, expired Oct. 28, 1985. Original rule filed Aug. 1, 1985, effective Oct. 29, 1985. Amended: Filed Nov. 4, 1992, effective July 8, 1993. Emergency amendment filed Dec. 1, 1994, terminated Dec. 19, 1994. Amended: Filed Aug. 3, 1995, effective Feb. 25, 1996. Emergency amendment filed Aug. 19, 1996, effective Aug. 29, 1996, expired Feb. 24, 1997. Moved to 7 CSR 265-10.080, effective July 11, 2002. Emergency amendment filed Sept. 13, 2007, effective Oct. 3, 2007, expired March 30, 2008. Amended: Filed Sept. 13, 2007, effective March 30, 2008. Rescinded: Filed May 2, 2013, effective Dec. 30, 2013.

### 7 CSR 265-10.090 Merger of Duplicated or Overlapping Motor Carrier Operating Authority

*PURPOSE:* This rule interprets and implements the principles of merger with reference to motor carriers who acquire, or whose certificates or permits contain, duplicated or overlapping pieces of operating authority.

(1) Two (2) or more separate pieces of motor carrier operating authority possessed or acquired by a motor carrier shall be deemed to be merged, and shall no longer be effective as separate pieces of authority, whenever the commodities to be transported, the routes or territory to be served, and the nature of the transportation service authorized by one (1) piece of authority are identical to, or wholly included within, the scope of the commodities, the routes, or territory, and the nature of the service authorized by another piece of the carrier's authority. Two (2) or more pieces of the carrier's authority on which consolidation, through service or tacking has been authorized by the commission shall be considered as one (1) piece of authority for this purpose. A partial duplication or overlapping of each piece of authority is not sufficient to cause merger; both pieces must be identical, or the greater piece must wholly overlap or include the lesser piece, in order for the separate pieces of authority to be merged.

(2) A motor carrier shall not transfer away a piece of authority and yet retain another piece of authority that was merged with the transferred authority. In these cases, the transferor shall forfeit the merged authority to the extent that it duplicates, overlaps, or is overlapped by the transferred piece of authority, except that, if the transferee notifies the commission in writing during a transfer application proceeding that the duplicated or overlapping authority is to be kept by the transferor, then the transferor may keep the merged authority and none of the duplicated or overlapping authority shall be transferred to the transferee. The principles set forth in this rule and the procedures set forth in 7 CSR 265-10.015 shall apply to proposed transfers involving the merger of authority.

(3) After notice to the affected carrier and an opportunity for hearing, the commission may restate a motor carrier's certificate or permit so as to delete extra pieces of authority that are deemed to be merged and no longer effective as separate pieces of authority. The commission staff or other interested party may propose a restatement of merged authority in transfer proceedings under 7 CSR 265-10.015, or by filing an independent application with the commission.

(4) The merger principles stated in this rule are applicable irrespective of whether the carrier possesses or acquires the duplicated or overlapping pieces of authority by transfer or by grant of new authority, and without regard to any failure or omission by the commission or its predecessors to delete the duplicated or overlapping pieces of authority from any motor carrier's certificate or permit.

*AUTHORITY:* section 622.027, RSMo 2000.\* This rule originally filed as 4 CSR 265-2.190. Original rule filed Nov. 4, 1992, effective July 8, 1993. Moved to 7 CSR 265-10.090 and amended: Filed May 2, 2013, effective Dec. 30, 2013.

\*Original authority: 622.027, RSMo 1985, amended 1993, 1995.

### 7 CSR 265-10.100 Regulation of Advertising by Motor Carriers

*PURPOSE:* This rule regulates advertising by certain motor carriers, in order to facilitate public recognition of unauthorized carriers, and prevents certain contract carriers from improperly holding out their transportation service to the general public.

(1) Every common carrier authorized to transport household goods or passengers in intrastate commerce who advertises or holds out to the general public, or a contract carrier of household goods or passengers in charter service who advertises or holds out intrastate transportation service to specific persons or specific groups in this state as engaging in transportation by motor vehicle of household goods or passengers in charter service, shall state in the advertisement or notice, in addition to any other information, the identifying number of that carrier's certificate issued by the commission, and the carrier's name or trade name as stated in the certificate or permit. This includes, but is not limited to, yellow pages telephone directory advertising.

*AUTHORITY:* section 622.027, RSMo 2000.\* This rule originally filed as 4 CSR 265-10.100. Original rule filed Nov. 4, 1992, effective July 8, 1993. Emergency amendment filed Dec. 1, 1994, terminated Dec. 19, 1994, effective Jan. 1, 1995, expired April 30, 1995. Emergency amendment filed April 20, 1995, effective May 1, 1995, expired Aug. 28, 1995. Emergency amendment filed Aug. 18, 1995, effective Aug. 29, 1995, expired Feb. 24, 1996. Amended: Filed Aug. 3, 1995, effective Feb. 25, 1996. Moved to 7 CSR 265-10.100, effective July 11, 2002. Amended: Filed May 2, 2013, effective Dec. 30, 2013.

\*Original authority: 622.027, RSMo 1985, amended 1993, 1995.

### 7 CSR 265-10.110 Joint Service and Interlining by Passenger or Household Goods Carriers

*PURPOSE:* This proposed rule sets forth when and how motor carriers of passengers or household goods may provide service at joint through rates with other motor carriers.

(1) Every motor carrier, to the extent it is authorized by the commission to transport passengers between points in Missouri over regular routes only, may participate in joint or interline service after compliance with the applicable tariff requirements of 7 CSR 265-10.055 between any point in Missouri on its own regular route where service is authorized by its own certificate or permit, and any other point in Missouri on the regular route of another motor carrier of passengers where service is authorized by that carrier's certificate or permit, and shall actually interchange passengers with the other carrier at an authorized point common to both carriers' certificates or



permits.

(2) Every motor carrier, to the extent it is authorized by the commission to transport household goods after compliance with 7 CSR 265-10.050 between any through routes in Missouri where service is authorized by its own certificate or permit, and any other point in Missouri on the regular routes of another motor carrier of household goods where service is authorized by that carrier's certificate or permit, and shall actually interchange household goods with the other carrier at an authorized point common to both carriers' certificates or permits.

*AUTHORITY:* section 622.027, RSMo 2000.\* This rule originally filed as 4 CSR 265-10.110. Original rule filed Nov. 4, 1992, effective July 8, 1993. Emergency amendment filed Dec. 1, 1994, terminated Dec. 19, 1994. Emergency amendment filed Dec. 20, 1994, effective Jan. 1, 1995, expired April 30, 1995. Emergency amendment filed April 20, 1995, effective May 1, 1995, expired Aug. 28, 1995. Emergency amendment filed Aug. 18, 1995, effective Aug. 29, 1995, expired Feb. 24, 1996. Amended: Filed Aug. 3, 1995, effective Feb. 25, 1996. Moved to 7 CSR 265-10.110, effective July 11, 2002. Rescinded and readopted: Filed May 2, 2013, effective Dec. 30, 2013.

\*Original authority: 622.027, RSMo 1985, amended 1993, 1995.

#### 7 CSR 265-10.120 Household Goods Tariffs (Rescinded December 30, 2013)

*AUTHORITY:* section 622.027, RSMo 2000. Emergency rule filed Sept. 13, 2007, effective Oct. 3, 2007, expired March 30, 2008. Original rule filed Sept. 13, 2007, effective March 30, 2008. Rescinded: Filed May 2, 2013, effective Dec. 30, 2013.

#### 7 CSR 265-10.130 Complaints

*PURPOSE:* This proposed rule sets forth the requirements for filing consumer complaints with the Missouri Highways and Transportation Commission.

*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) Authority to File Complaints. Complaints may be made regarding the movement of household goods in intrastate commerce against any motor carrier upon the filing of such complaint with the commission.

(2) Complaint Information. The complainant shall provide to the commission the information as required on the commission's complaint form as published by the Missouri Highways and Transportation Commission, Motor Carrier Services Division, which is incorporated herein by reference and made a part of this rule as published by the Missouri Highways and Transportation Commission, Motor Carrier Services Division. The form may be located at [www.modot.org/movingin-missouri](http://www.modot.org/movingin-missouri). April 8, 2013. This rule does not include subsequent amendments or additions.

(3) Dismissal. The complaint shall be dismissed without action and the complainant shall be notified by the commission if the complainant fails to file the required information; the description or documentation of the complaint is unclear and not sufficient to determine what act or omission is being described within the complaint; the complaint is not within the jurisdiction of the commission or the complaint is unfounded. No complaint shall be dismissed solely because of the absence of direct damage to the complainant.

(4) Disclosure. Only information open for public inspection shall be divulged to the complainant.

(5) Federal Coordination. The commission may coordinate interstate commerce complaint investigations, findings, and disposition with the U.S. Department of Transportation, Federal Motor Carrier Safety Administration.

(6) Complaint Resolution. The respondent and commission may resolve the complaint without any approval of the complainant. If a complaint is not resolved between the commission and the respondent, the commission may prosecute the complaint as authorized by law.

*AUTHORITY:* section 622.027, RSMo 2000.\* Original rule filed May 2, 2013, effective Dec. 30, 2013.

\*Original authority: 622.027, RSMo 1985, amended 1993, 1995.

#### 7 CSR 265-10.140 Discontinuance of Service; Suspension and Revocation of Certificates, Permits, and Property Carrier Registrations

*PURPOSE:* This rule prescribes procedures for implementing the provisions of sections 390.101 and 390.106, RSMo.

*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. Therefore, the material which is so incorporated is on file with the agency who filed this rule, and with the Office of the Secretary of State. Any interested person may view this material at either agency's headquarters or the same will be made available at the Office of the Secretary of State at a cost not to exceed actual cost of copy reproduction. The entire text of the rule is printed here. This note refers only to the incorporated by reference material.

(1) The commission may cancel a certificate, permit, or property carrier registration which authorizes the transportation of passengers or property, upon receiving written notice from the person to whom the authority was issued which indicates that the person has discontinued that transportation service. The commission may cancel such a certificate or permit without a hearing, unless the person requests a hearing before the effective date of the cancellation.

(2) If a common carrier of passengers who has both intrastate authority and interstate authority issued by the Secretary of the Department of Transportation (Secretary) or its predecessor under 49 U.S.C. section 13902, to provide transportation over routes on which the carrier proposes to discontinue intrastate service, a copy of the order authorizing discontinuance or reduction of the interstate service must be attached to the written notice before the commission considers the cancellation request.

(3) Whenever the commission suspends the certificate, permit, or property carrier registration of a motor carrier as provided under section 390.106, RSMo, the commission shall immediately notify the carrier of the suspension by mailing a copy of the suspension order to the carrier's principal place of business or mailing address, if different, as shown upon the commission's records. Within a reasonable time after suspension, the commission shall send the matter to the



Administrative Hearing Commission for a hearing to show cause why his/her certificate or permit should not be revoked.

(4) After the hearing, and upon a finding that any of the grounds exist for revocation as set forth in subdivisions (1), (2), (3), or (4) of section 390.106, RSMo, the Administrative Hearing Commission may order the revocation of the carrier's certificate, permit, or property carrier registration upon not less than thirty (30) days notice to the carrier. The notice shall be sent by mail to the carrier's principal place of business or mailing address, if different, as shown upon the commission's records, to any carrier who holds intrastate authority.

(5) When a carrier has been given notice as provided in this rule, a certificate, permit, or property carrier registration shall not be reinstated or restored to active status after the effective date of an order which has revoked that certificate or permit.

*AUTHORITY: section 622.027, RSMo 2000.\* This rule originally filed as 4 CSR 265-2.180. Original rule filed Nov. 4, 1992, effective July 8, 1993. Emergency amendment filed Dec. 1, 1994, effective Dec. 11, 1994, expired Dec. 19, 1994. Emergency amendment filed Dec. 20, 1994, effective Jan. 1, 1995, expired April 30, 1995. Emergency amendment filed April 20, 1995, effective May 1, 1995, expired Aug. 28, 1995. Emergency amendment filed Aug. 18, 1995, effective Aug. 29, 1995, expired Feb. 24, 1996. Amended: Filed Aug. 3, 1995, effective Feb. 25, 1996. Emergency amendment filed Aug. 16, 1996, effective Aug. 28, 1996, expired Feb. 23, 1997. Moved to 7 CSR 265-10.140 and amended: Filed May 2, 2013, effective Dec. 30, 2013.*

*\*Original authority: 622.027, RSMo 1985, amended 1993, 1995.*