



Rules of
Department of Transportation
Division 10—Missouri Highways and
Transportation Commission
Chapter 16—Rest Areas

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**Title 7—DEPARTMENT OF
TRANSPORTATION**
**Division 10—Missouri Highways and
Transportation Commission**
Chapter 16—Rest Areas

7 CSR 10-16.010 General Information
(Rescinded February 28, 2011)

AUTHORITY: section 29 of Art. IV, Mo. Const., sections 226.020, 226.150, 226.750–226.790, and 227.030, RSMo Supp. 1995, Title 23, United States Code section III (b), and Title 23, Code of Federal Regulations part 752. Emergency rule filed Jan. 19, 1996, effective Feb. 1, 1996, expired July 29, 1996. Original rule filed Jan. 16, 1996, effective July 30, 1996. Rescinded: Filed July 2, 2010, effective Feb. 28, 2011.

7 CSR 10-16.020 Definitions

PURPOSE: This rule provides definitions of terms used in 7 CSR 10-16.020 through 7 CSR 10-16.050.

(1) Definitions. When used in administrative rules 7 CSR 10-16.020 through 7 CSR 10-16.050, the following words and phrases have the meaning set forth in this rule:

(A) “Commission” means the Missouri Highways and Transportation Commission, and where appropriate, its authorized agents and representatives in the Missouri Department of Transportation;

(B) “Licensee” means the Association of Sheltered Workshop Managers, Inc., a not-for-profit Missouri organization, or a successor public agency or private not-for-profit entity which contracts with the commission, if the Association of Sheltered Workshop Managers, Inc. should ever cease to be the licensee at its own election or at the election of the commission;

(C) “License fee” means the fee charged by the commission’s licensee to a publisher or the publisher’s agent to lease publication vending machine space in a commission publication vending machine bin;

(D) “Newsrack” means any self-service or coin-operated box, container, storage unit, or other dispenser owned, installed, used, and maintained by a publisher for the display, sale, and/or distribution of publications in a rest area;

(E) “Publication” means a newspaper, pamphlet, newsletter, or magazine printed and distributed to convey news and information or other matters of public interest, which may include advertisements;

(F) “Publication vending machine” or “machine” means the individual units owned and installed by the commission in the publication vending machine bin and in which only one (1) publication may be offered for sale;

(G) “Publication vending machine bin” or “bin” means the device owned and installed by the commission, which is capable of holding up to four (4) publication vending machines and is placed at the rest areas in the sole discretion of the commission for the purpose of leasing space to a licensee or a publisher or its agent to sell publications;

(H) “Publisher” means any person who has paid a license fee to the commission’s licensee to lease publication vending machine space in commission-owned machines to sell its publication; and

(I) “Rest area” or “rest and recreation area” means a commission roadside facility along a Missouri interstate highway with parking facilities for the rest, safety, or other needs of motorists. This term includes the facilities described in sections 226.750 through 226.790, RSMo, and in Title 23, United States Code section 111(b). This term shall also include any facility located in Missouri designated as a welcome center or tourist information center by the commission.

AUTHORITY: section 29 of Art. IV, Mo. Const., sections 226.020, 226.150, 226.750–226.790, and 227.030, RSMo 2000, Title 23, United States Code section III (b), and Title 23, Code of Federal Regulations part 752. Emergency rule filed Jan. 19, 1996, effective Feb. 1, 1996, expired July 29, 1996. Original rule filed Jan. 16, 1996, effective July 30, 1996. Rescinded and readopted: Filed July 2, 2010, effective Feb. 28, 2011.*

**Original authority: 226.020, RSMo 1939; 226.150, RSMo 1939, amended 1977; 226.750–226.790, RSMo 1965; and 227.030, RSMo 1939.*

7 CSR 10-16.025 Public Information

PURPOSE: This rule provides guidelines to interested persons regarding the placement and licensing of publication vending machine spaces on interstate highway rest areas for sale or distribution of publications to the public.

(1) Commission Jurisdiction. Rules 7 CSR 10-16.020 through 7 CSR 10-16.050 shall apply unless the state of Missouri through the Bureau of the Blind of the Division of Family Services decides to exercise its jurisdictional right to regulate and administer the

vending of publications as provided in section 8.710, RSMo. Currently the commission has the authority to regulate and administer publication vending operations on rest areas because the Bureau of the Blind has declined to exercise regulation and administration over the vending of publications in such rest areas. However, the commission may not operate any commercial vending machines or other commercial facilities itself in rest and recreation areas, as provided in section 226.790, RSMo.

(2) How to Obtain Information. Information regarding publications vending operations in machines on rest and recreation areas may be obtained in person, or by writing, or phoning the State Maintenance Engineer, Maintenance Division, Missouri Department of Transportation, PO Box 270, 105 W. Capitol Avenue, Jefferson City, MO 65102-0270. The phone number of the division engineer is (573) 751-2785.

AUTHORITY: section 29 of Art. IV, Mo. Const., sections 226.020, 226.150, 226.750–226.790, and 227.030, RSMo 2000, Title 23, United States Code section III (b), and Title 23, Code of Federal Regulations part 752. Original rule filed July 2, 2010, effective Feb. 28, 2011.*

**Original authority: 226.020, RSMo 1939; 226.150, RSMo 1939, amended 1977; 226.750–226.790, RSMo 1965; and 227.030, RSMo 1939.*

7 CSR 10-16.030 Eligibility Criteria
(Rescinded February 28, 2011)

AUTHORITY: section 29 of Art. IV, Mo. Const., sections 226.020, 226.150, 226.750–226.790, and 227.030, RSMo Supp. 1995, Title 23, United States Code section III (b), and Title 23, Code of Federal Regulations part 752. Emergency rule filed Jan. 19, 1996, effective Feb. 1, 1996, expired July 29, 1996. Original rule filed Jan. 16, 1996, effective July 30, 1996. Rescinded: Filed July 2, 2010, effective Feb. 28, 2011.

7 CSR 10-16.035 Commission Responsibilities and Requirements

PURPOSE: This rule provides the commission’s responsibilities and requirements for the placement of publication vending machines on interstate highway rest areas for sale or distribution of publications to the public.



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) Location of Bins and Machines. In order to ensure the safety of patrons of rest areas, to protect the physical integrity of the rest area building and facilities, and to provide for the general aesthetics of the rest areas, no publication vending machine shall be installed at a rest area except those machines owned and installed by the commission. At each rest area, the commission shall provide one (1) publication vending machine bin which may hold up to four (4) individual machines to allow the vending of publications as provided in 7 CSR 10-16.020 through 7 CSR 10-16.050. The commission, in its sole discretion, shall locate and install the bins on the exterior of the rest area buildings and adjacent to the entrance and exit doors of the rest areas. The commission will provide additional bins and machines provided there are publishers that have made application under 7 CSR 10-16.045 to lease such additional machine spaces. No machine shall dispense more than one (1) publication.

(2) Procedures for Noncompliance with Rules.

(A) Prohibitions. A publisher shall not—

1. Install its own newsrack(s);
2. Fail to pay required license fee(s);
3. Damage commission bin(s) and/or machine(s); or
4. Fail to pay the cost of the commission's remedial action(s).

(B) Notice of Violation and Commission Remedial Action. The commission shall take any remedial action it deems necessary and appropriate to address the publisher's non-compliance with 7 CSR 10-16.020 through 7 CSR 10-16.050. Such remedial action shall include, but is not limited to, the following:

1. Seizure of the publisher's newsracks;
2. Revocation of the publisher's authority to participate in the publication vending machine program, removal of all the publisher's publications in any commission machines, and prevention of such publisher from future use of commission machines; and/or

3. Repair of the damaged commission bin(s) and/or machine(s).

(C) Timing and Costs of Remedial Action. The commission may take such remedial action(s) immediately and without prior approval of the publisher. The costs of any remedial actions taken by the commission under 7 CSR 10-16.035(2)(B) shall be paid by the publisher.

(D) Notice of Remedial Action. After the commission takes any remedial action(s) authorized by 7 CSR 10-16.030(2)(B), the commission shall within ten (10) days send written notice to the publisher, either by certified U.S. mail or by electronic mail, stating the alleged violation, the remedial action(s) taken by the commission, and the action(s) the publisher is required to take, including, but not limited to 1) retrieving the noncompliant publisher newsracks and 2) payment of all delinquent license fees and payment of all costs incurred by the commission to carry out the remedial action(s). If the commission is unable to determine the mailing address or electronic mail address of the publisher, it shall make reasonable effort to locate either the mailing address or the electronic address of the publisher in order to send the written notice. In the event the mailing address or electronic mail address cannot be determined in the ten (10) days, notice shall be satisfied by the commission posting a written notice consistent with this 7 CSR 10-16.030(2)(D) in a conspicuous place located at the rest area and on the Missouri Department of Transportation website.

(E) Opportunity for Informal Hearing. If the publisher disagrees with the allegation(s) of noncompliance and the remedial action(s) taken as set forth in the commission's written notice, the publisher shall have thirty (30) days from the date on the notice to request an informal hearing before the department's State Maintenance Engineer, or the State Maintenance Engineer's designee. Such request for an informal hearing shall be addressed to the Commission Secretary, PO Box 270, Jefferson City, MO 65102. Such informal hearing shall be conducted at a date, time, and location as determined by the department's State Maintenance Engineer, or the State Maintenance Engineer's designee. A publisher's failure to request a hearing within the time allowed under this 7 CSR 10-16.035(2)(E), or a publisher's failure to appear at the hearing, will result in the publisher's forfeiture of the opportunity for the informal hearing.

(3) The commission incorporates by reference in this rule the provisions of Title 23, Code of Federal Regulations (CFR) Part 752

as published by the United States Government Printing Office, 732 North Capitol Street NW, Washington DC 20401 on April 1, 2009. This rule does not incorporate any subsequent amendments or additions to 23 CFR Part 752.

AUTHORITY: section 29 of Art. IV, Mo. Const., sections 226.020, 226.150, 226.750–226.790, and 227.030, RSMo 2000,* Title 23, United States Code section III (b), and Title 23, Code of Federal Regulations part 752. Original rule filed July 2, 2010, effective Feb. 28, 2011.

*Original authority: 226.020, RSMo 1939; 226.150, RSMo 1939, amended 1977; 226.750–226.790, RSMo 1965; and 227.030, RSMo 1939.

7 CSR 10-16.040 Publication Vending Machine Specifications
(Rescinded February 28, 2011)

AUTHORITY: section 29 of Art. IV, Mo. Const., sections 226.020, 226.150, 226.750–226.790, and 227.030, RSMo Supp. 1995, Title 23, United States Code section III (b), and Title 23, Code of Federal Regulations part 752. Emergency rule filed Jan. 19, 1996, effective Feb. 1, 1996, expired July 27, 1996. Original rule filed Jan. 16, 1996, effective July 30, 1996. Rescinded: Filed July 2, 2010, effective Feb. 28, 2011.

7 CSR 10-16.045 Licensee Responsibilities and Requirements

PURPOSE: This rule provides the licensee's responsibilities and requirements for the placement of publication vending machines on interstate highway rest areas for sale or distribution of publications to the public.

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) Commission Licensee. The commission may grant to a licensee an exclusive license to authorize publishers to lease machine space. This licensee shall regulate and administer all



machines at all Missouri rest and recreation areas in accordance with 1) a contract between the commission and the licensee and 2) 7 CSR 10-16.020 through 7 CSR 10-16.050, either by operating the machines itself or by executing sub-licensing agreements with the publisher or the publisher's agent which such sub-licensing agreement shall become effective upon execution by both parties. However, that license between the commission and the licensee shall be terminated effective with the date that the Bureau of the Blind assumes regulation and jurisdiction of machines in rest areas, and upon the effective date of that occurrence all sub-licensing agreements between the licensee and a publisher or its agent shall be terminated.

(2) Machine Space Rental. The licensee may lease machine spaces within the bins to such publishers or such publishers' agents and such spaces shall be available only on a first-come, first-served basis. The licensee may maintain a waiting list for interested publishers for whom space in the existing bin is not available.

(3) License Fees Authorized. The licensee shall collect a license fee of twelve dollars (\$12) per year from each publisher or its agent for each machine space in a rest area to cover the administrative and maintenance costs the licensee, or its affiliated organization or agent, shall sustain due to the operation of the machine and the debris the machine will generate. Payment of this license fee to the licensee is a legal condition precedent before a publication may be vended in a rest area machine.

(4) Publication Display Requirements. The visible contents of the publication as displayed in the machine shall not be offensive to members of the general public. The licensee, through its authorized representatives, retains final approval of the manner in which a publication is ultimately displayed for sale or distribution in a machine in a rest area.

(5) Licensee Liability. The licensee shall be liable for damages sustained to the commission's bins, machines, and the contents thereof that is caused by the licensee or its agent(s).

(6) The commission incorporates by reference in this rule the provisions of Title 23, *Code of Federal Regulations* (CFR) Part 752 as published by the United States Government Printing Office, 732 North Capitol

Street NW, Washington DC 20401 on April 1, 2009. This rule does not incorporate any subsequent amendments or additions to 23 CFR Part 752.

AUTHORITY: section 29 of Art. IV, Mo. Const., sections 226.020, 226.150, 226.750–226.790, and 227.030, RSMo 2000, Title 23, United States Code section III (b), and Title 23, Code of Federal Regulations part 752. Original rule filed July 2, 2010, effective Feb. 28, 2011.*

**Original authority: 226.020, RSMo 1939; 226.150, RSMo 1939, amended 1977; 226.750–226.790, RSMo 1965; and 227.030, RSMo 1939.*

7 CSR 10-16.050 Publisher Responsibilities and Requirements

PURPOSE: This rule provides the publisher's responsibilities and requirements for the sale of publications in publication vending machines in interstate highway rest areas.

(1) Newsrack Prohibition. No bin or machine shall be installed at a rest area except the bins and machines owned and provided by the commission. If any newsrack is installed at a rest area by a publisher or its agent, such newsrack shall be removed from the rest area and stored by the commission, and all removal and storage costs incurred by the commission shall be borne by the licensee, or the publisher, or its agent.

(2) Coin Mechanism. The coin mechanism for a machine is the responsibility of the licensee, or the publisher or agent who rents the machine space from the licensee.

(3) Duration of Rental Agreement. Each agreement between a licensee and a publisher or the publisher's agent authorizing the rental of one (1) or more machine spaces may be for no less than (1) year in duration. Occupants of any rental space will be evicted from the rental space thirty (30) days after the expiration of the rental agreement unless renewed by agreement prior to the end of the thirty (30) days. Any renewal leases of machine space shall have all license fees paid in full to the licensee by the publisher or its agent from the date of the start of the renewal period. Failure to pay all license fees shall result in the cancellation of the license and assignment of the machine space to the next party on the licensee's waiting list pursuant to a validly executed agreement.

(4) Termination of Sub-licensing Agreement. Both the licensee and the publisher or its

agent shall have the right to terminate their sub-licensing agreement, provided no less than thirty (30)-days written notice is given. Upon termination of the sub-licensing agreement, the licensee shall refund to the publisher the portion of the license fee covering the entire term of the agreement paid in advance by the publisher that is equal to one-twelfth (1/12) of the annual license fee for any remaining unused months of the term of the agreement.

(5) Publisher Responsible for Damages to Bins and Machines. The total cost to purchase, install, and improve a bin or machine shall be borne by the commission. The licensee, or the publisher or its agent, shall bear the costs of installing, maintaining, and removing the coin mechanism. The publisher or its agent shall provide the licensee with the key or other device that allows for the removal of the coin mechanism. The publisher shall be responsible for any damage caused by it or its agents to the bin(s) or machine(s) and shall reimburse the commission any costs incurred by the commission in repairing the damage, including the cost of replacement of the bin(s) or machine(s), as determined in the commission's sole discretion.

(6) Restocking of Publications. Each licensee, or a publisher or its agent, shall restock the machines at all rest areas with the current edition of a publication at least as often as the publication is published, weekend or special editions excluded. The licensee, or a publisher or its agent, shall also remove any outdated issue of such publication from within each machine and remove all debris which is not properly placed in rest area trash containers from the rest area grounds.

(7) No Advertisements on Machines. Commission bins and machines shall have no advertisement displayed.

(8) Notice Requirements. On a prominent place on each machine, the licensee, or a publisher or its agent, shall affix and display the following notice, "For Information Regarding Any Problems With Your Use of This Machine Call ____-____-____, or write _____." The notice shall provide the appropriate telephone number (with area code) and the mailing address of a contact person or agent for the licensee, or a publisher or its agent, for refund requests or other vending problems. Such notice shall be created by the licensee, and if applicable to a publisher, shall be based on information supplied by the publisher or its agent.



(9) Publisher Liability. Each publisher and its agents shall be liable for damage sustained to the commission's bins, machines, and the contents thereof that is caused by the publisher or its agents.

AUTHORITY: section 29 of Art. IV, Mo. Const., sections 226.020, 226.150, 226.750–226.790, and 227.030, RSMo 2000, Title 23, United States Code section III (b), and Title 23, Code of Federal Regulations part 752. Original rule filed July 2, 2010, effective Feb. 28, 2011.*

**Original authority: 226.020, RSMo 1939; 226.150, RSMo 1939, amended 1977; 226.750–226.790, RSMo 1965; and 227.030, RSMo 1939.*