



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) Confirmation that the applicant is properly registered with the United States Department of Transportation (USDOT);

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

(H) Certification 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) 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 may correct spelling, typographical, grammatical, or format errors without altering the substance of the authority.

AUTHORITY: sections 226.008 and 622.027, RSMo 2016. 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. Amended: Filed Oct. 14, 2016, effective July 30, 2017.

**Original authority: 226.008, RSMo 2002, amended 2014 and 622.027, RSMo 1985, amended 1993, 1995.*

7 CSR 265-10.017 Records of the Division

PURPOSE: *This rule appoints a custodian of records for the division and sets forth guidelines to be followed when reviewing records of the division.*

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) The director of the Missouri Department of Transportation Motor Carrier Services division, or the director's designee, shall maintain a record of all proceedings filed with the Administrative Hearing Commission. Open records shall be available for public inspection and copying.

(A) The following records of the division,

or possessed by the division, shall be closed records, and shall not be open to public inspection or copying, or made public, except as otherwise provided by order or permission of a court, the Administrative Hearing Commission, or when formally filed with the division in a hearing or proceeding, or when otherwise required to be made public under the rules of the division or Chapters 386—391, RSMo. The closure of records to public access under this subsection shall not be deemed to preclude lawful discovery of these records by a party in an administrative or court proceeding:

1. All records which may be closed records under Chapter 610, RSMo;

2. Under section 386.480, RSMo, all information furnished to the division or its employees by any motor carrier, their agents or employees, or by any corporation or person subject to the jurisdiction of the division, pursuant to the requirement of any statute or court order, any rule, order, or subpoena of the division or the Administrative Hearing Commission, or any audit, investigation, or discovery by the division staff, except that insurance certificates, surety bonds, endorsements, and cancellation notices filed pursuant to section 390.126, RSMo or 7 CSR 265-10.030 shall be open records;

3. Under Title 49, United States Code (U.S.C.), section 523(c), which is incorporated herein by reference and made a part of this rule as published in 2016 by the U.S. Government Printing Office, 732 North Capitol Street, NW, Washington, DC 20401-0001, and which does not incorporate any subsequent amendments or additions, all records or information acquired by division staff during an inspection of the equipment or records of a motor carrier or a lessor of equipment to such a carrier, if that inspection was delegated and funded or reimbursed by the Secretary of Transportation of the United States under Title 49 U.S.C. section 504, which is incorporated herein by reference and made a part of this rule as published in 2016 by the U.S. Government Printing Office, 732 North Capitol Street, NW, Washington, DC 20401-0001, and which does not incorporate any subsequent amendments or additions; and

4. Under section 387.310, RSMo, any fact or information received by the division or its staff during the course of any inspection or examination of common carriers.

AUTHORITY: *section 622.027, RSMo 2016.* This rule originally filed as 4 CSR 265-2.030. 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 May 17, 1989, effective*

Sept. 11, 1989. 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 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 265-10.017 and amended: Filed Oct. 14, 2016, effective July 30, 2017.

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

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.

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) 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) Part 390. The commission incorporates by reference in, and makes a part of this rule, the provisions of Title 49, CFR Part 390.21 as published by the United States Government Printing Office, 732 North Capitol Street NW, Washington DC 20401, on September 24, 2013. This rule does not incorporate any subsequent amendments or additions to 49 CFR Part 390.21. Motor carriers operating a non-Commercial Driver's License (CDL) passenger-carrying vehicle having a capacity of fifteen (15) 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 United States Department of Transportation (USDOT) number assigned to the motor carrier, which shall be marked so it is readily legible during daylight hours from a distance of fifty feet (50') while a Commercial Motor Vehicle (CMV) is stationary and 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 vehi-

cle subject to the provisions of this rule, the seller shall first remove its required markings from the vehicle.

AUTHORITY: section 622.027, RSMo 2016.* 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. Amended: Filed Oct. 14, 2016, effective July 30, 2017.

*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.*

**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 appli-

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



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, 1995. 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;

(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 265-10.051 Computation of Effective Dates

PURPOSE: This rule sets standards for computation of effective dates of any order or time prescribed by the division.

(1) In computing any period of time prescribed or allowed by the Missouri Department of Transportation Motor Carrier Services Division, the day that the division order is issued is not to be included. The last day of the period will be included unless it falls on a Saturday, Sunday, or state holiday in which case it is extended to the end of the next working day.

(2) When the period of time prescribed or allowed is less than seven (7) days, Saturdays, Sundays, and legal holidays falling within the period will be excluded and the period will be extended accordingly.

(3) In computing the effective date of any order of the division, the order is considered effective at 12:01 a.m. on the effective date designated in the order, whether or not the date is a Sunday or legal holiday.

(4) When an act is required or allowed to be done at or within a specified time, the Administrative Hearing Commission, at its discretion, may—

(A) Order the period enlarged if a request is made before the expiration of the period

originally prescribed or extended by a previous order; or

(B) Permit the act to be done after the expiration of the specified period, if good cause is shown unless the lapse of that time period causes the division to lose jurisdiction over the matter or case.

AUTHORITY: section 622.027, RSMo 2016.* This rule originally filed as 4 CSR 265-2.050. 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 July 31, 1986, effective Oct. 27, 1986. Moved to 7 CSR 265-10.051 and amended: Filed Oct. 14, 2016, effective July 30, 2017.

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

7 CSR 265-10.052 Name and Address Changes for Motor Carriers

PURPOSE: This rule requires motor carriers and railroad corporations to notify the division of changes of their names (including fictitious names) and any change of address of their principal place of business, prescribes the procedures for those changes, and requires intrastate motor contract carriers of passengers or household goods to notify the division of changes in the name or address of contracting shippers they are authorized to serve under their contract carrier permits.

(1) Motor carriers holding intrastate operating authority from the Missouri Department of Transportation Motor Carrier Services Division shall file with the division, not later than five (5) days after a change of name or change of address of their principal place of business becomes effective, a written request that the division record the carrier's change of name, change of address, or both. The request shall state the numbers of every certificate and permit issued to that carrier by the division and currently in force, including both active and suspended authority. The division shall not recognize or approve a change of name or change of address under this section until the carrier has complied with the following requirements:

(A) New certificates of insurance or surety bonds setting forth the carrier's new name and address shall be filed with and approved by the division, in accordance with 7 CSR 265-10.052;

(B) If the change involves any change of name by a corporation, limited liability partnership, or any change of fictitious name of any person holding intrastate operating author-

ity, notice of the change of name or change of fictitious name shall be filed with the Missouri secretary of state, as otherwise required by law; and

(C) If the carrier becomes a nonresident as a result of a change of address and the carrier does not maintain an office or agent in this state, it shall file with the division a writing which designates the carrier's authorized agent upon whom legal service may be made in all actions arising in this state from any operation of a motor vehicle under authority of any certificate or permit issued to the carrier.

(2) If a motor carrier's change of name involves any change in the form of business entity owning the operating authority, such as changing from an individual to a partnership or corporation, or changing from a corporation or partnership to an individual, these changes are transfers within the meaning of section 390.111, RSMo. Both the transfer and transferee shall apply to the division for approval of every transfer as required under 7 CSR 265-10.015.

(3) Every contract carrier holding a contract carrier permit issued by the division under section 390.061, RSMo, which authorizes the intrastate transportation of passengers or household goods, shall file with the division, not later than five (5) days after learning of any change of name or change of address of a contracting shipper named in the permit, a written request that the division record the shipper's change of name, change of address, or both. The request shall state the carrier's own name and the number assigned to the contract carrier permit by the division, together with the former name and address of the shipper, and the new name and address of the shipper. The carrier shall attach a copy of a letter or other writing from the shipper giving notice of the change of name or address, or both. This section shall also apply if the shipper's change of name involves any change of the entity under contract with the carrier, by incorporation, merger, or consolidation of the shipper, or by the shipper's assignment or delegation of the contract or contract rights to another entity.

AUTHORITY: section 622.027, RSMo 2016.* This rule originally filed as 4 CSR 265-2.055. Original rule filed May 2, 1991, effective Dec. 9, 1991. 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 amendment filed Aug. 18, 1995, effective Aug. 29, 1995, expired Feb. 24, 1995. Amended: Filed Aug. 3, 1995, effective Feb. 25, 1996. Moved to 7 CSR 265-10.052 and amended: Filed Oct. 14, 2016, effective July 30, 2017.

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

7 CSR 265-10.055 Passenger Tariffs (Rescinded July 30, 2017)

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. Rescinded: Filed Oct. 14, 2016, effective July 30, 2017.

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 (Rescinded July 30, 2017)

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. Rescinded: Filed Oct. 14, 2016, effective July 30, 2017.

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. 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 265-10.100, 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 Transporta-

tion 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. 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 with-

out 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. 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) The Missouri Highways and Transportation 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.

(2) 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 may request the carrier show cause why his/her certificate, permit, or property carrier registration should not be revoked.

(3) 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 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.

(4) 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 2016. 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. Amended: Filed Oct. 14, 2016, effective July 30, 2017.*

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