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SALUS POPULI SUPREMA LEX ESTO

*"The welfare of the people shall be the supreme law."*



ROBIN CARNAHAN  
SECRETARY OF STATE

MISSOURI  
REGISTER

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October 1, 2007 October 15, 2007	<b>November 1, 2007</b> <b>November 15, 2007</b>	November 30, 2007 November 30, 2007	December 30, 2007 December 30, 2007
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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at <http://www.sos.mo.gov/adrules/pubsched.asp>

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**RULES**—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 28, *Missouri Register*, page 27. The approved short form of citation is 28 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation, i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division within the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

**RSMo**—The most recent version of the statute containing the section number and the date.



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Date

*Waylene Hill, Director of Administrative Rules*

*10/09/07*

I certify that all information furnished on this form is true and complete. I understand that anyone who furnishes false or misleading information on this form or who omits material or information requested on the form may be subject to criminal sanctions (including fines and imprisonment) and/or civil sanctions (including civil penalties).

**R**ules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

**R**ules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

**A**ll emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

## Title [4] 7—DEPARTMENT OF [ECONOMIC DEVELOPMENT] TRANSPORTATION

### Division 265—[Division of] Motor Carrier and Railroad Safety

#### Chapter [2] 10—[Practice and Procedure] Motor Carrier Operations

#### EMERGENCY AMENDMENT

[4 CSR 265-2.060] 7 CSR 265-10.015 **General Application Requirements for the Issuance and Transfer of Intrastate Motor Carrier Certificates, Permits and Temporary Authority.** The Missouri Highways and Transportation Commission is amending the Purpose and sections (1), (2), (4), (5), (6), (7) and (8) of this rule, removing three (3) incorporated forms, and revising one (1) incorporated form.

*PURPOSE:* This emergency amendment simplifies the application filing requirements by merging four (4) applications into one (1), updates proper agency references, corrects the process for contested applications, formalizes e-application filings and removes the application form from the rule.

*PURPOSE:* This rule sets forth the requirements that applications to the [division] commission requesting an intrastate motor carrier certificate or permit must meet.

**EMERGENCY STATEMENT:** By authority delegated from the Missouri Highways and Transportation Commission (MHTC), the

*Missouri Department of Transportation (MoDOT) finds that an immediate danger to the public health, safety or welfare requires emergency action, or that this emergency amendment is necessary to preserve a compelling governmental interest that requires an early effective date, to ensure the transporters of household goods currently operating within areas of the state that are exempt from registration under current law and providing service to Missouri citizens will be able to continue business transporting household goods after January 1, 2008.*

**History:** Section 390.030 *Revised Statutes of Missouri (RSMo)*, was amended by *Truly Agreed to and Finally Passed Senate Bill 30 (TAFP SB 30)*, so that beginning January 1, 2008, all intrastate motor carriers that transport household goods exclusively within one (1) municipality, or between contiguous municipalities, or exclusively within a "commercial zone" (hereinafter, "exempt areas") of a city must obtain operating authority from MHTC to continue their for-hire intrastate household goods transportation services. No grandfather clause was written into the bill for existing household goods movers operating exclusively within the above-mentioned exempt areas. It is estimated that approximately eight hundred (800) such movers will be required to file a state operating authority application after August 28, 2007, file proof of insurance, show they are safe operators, file their rates and charges and receive a certificate of authority from MHTC to continue to operate their current household goods moving business after January 1, 2008. In sum, eight hundred (800) unlicensed household goods movers operating in exempt areas will have a little over four (4) months to obtain their state operating authority from MHTC in order to continue their existing household goods moving business.

#### **Compelling Governmental Interest for this Emergency Amendment:**

Currently, there are only eighty-three (83) registered motor carriers who are authorized by MHTC to transport household goods between points within the state outside of municipalities, contiguous municipalities or within commercial zones. The mere process of registering eight hundred (800) new household goods movers within four (4) months to meet the January 1, 2008 state operating authority deadline is daunting and sets forth a risk to small and large household goods moving businesses, who are located within these formerly exempt areas, that such businesses may not be able to obtain their state operating authority by the January 1, 2008 statutory deadline. These household goods moving businesses reside in various cities throughout the state and they continue to solicit business to move customers' household goods, thereby putting their customer's future household goods moving needs in jeopardy if state operating authority cannot be obtained by the January 1, 2008 deadline (although MoDOT is not yet aware of specific examples where these eight hundred (800) household goods movers have contracted for household goods moving services after January 1, 2008). Motor carriers that are required by TAFP SB 30 to enter the regulated market place for the first time, and to do so by January 1, 2008, should not be required to comply with current state operating authority application rules and regulations that are outdated and unnecessary. This is further encouraged by language in section 390.051.6, RSMo, which requires MHTC and MoDOT to "streamline and simplify to the maximum extent practicable the process for issuance of certificates" of state operating authority. The changes in this emergency amendment do not adversely affect the consumer protection provisions for the household goods moving consumer.

In order to decrease the amount of time it takes to register motor carriers transporting household goods and streamline the process, an emergency amendment is necessary to allow the commission to modify its application form and allow for electronic filing via a new web based motor carrier system in lieu of filing a paper application form.

**Proposed Permanent Amended Rule Filed:** Also, MHTC is filing an identical, proposed permanent amended administrative rule regarding this same subject, with the secretary of state's office and the Joint Committee on Administrative Rules, which will appear in the October 15, 2007, *Missouri Register* but is not intended to become effective until March 30, 2008, well after the January 1, 2008 statutory deadline for the currently exempt eight hundred (800) household goods movers to obtain their state operating authority. Because of the lengthy delay in the effective date of the proposed permanent amended administrative rule that would streamline and simplify the state operating authority application process by modifying the current application form and allowing for electronic filing of such application form to assist the currently exempt eight hundred (800) household goods movers to obtain state operating authority by the January 1, 2008, deadline, an emergency amendment is necessary.

**Limited Scope:** Finally, the scope of this emergency amendment is limited to the circumstances creating the emergency (i.e., enactment of TAFP SB 30) and complies with the protections extended in the *Missouri and United States Constitutions*. It is limited to correcting the references from the Motor Carrier and Railroad Safety Division (division) to the Missouri Highways and Transportation Commission, and from administrative law judge to the Administrative Hearing Commission, which resulted from the One Stop Shop transfer by enactment of Truly Agreed to and Finally Passed Senate Bill 1202 in 2002; modifying the application form to delete and simplify some of the information requested on the form; and allowing MHTC to invoice the household goods mover applicant for any regulatory vehicle license fees due.

**Fairness to All Interested Parties and Support from Industry:** MHTC believes this emergency amendment is fair to all interested persons and parties under the circumstances. On July 17, 2007, staff met with a number of representatives from the household goods moving industry along with representatives from the Missouri Movers Association. The group discussed TAFP SB 30 and how MoDOT would best implement the new law, including the filing of amended administrative rules.

**Effective Date and Duration:** MHTC filed this emergency amendment on September 13, 2007, which becomes effective on October 3, 2007, and will expire on March 30, 2008.

(1) Applicability—Every application for the issuance or transfer of a common carrier certificate under 390.051, RSMo, a contract carrier permit under section 390.061, RSMo, or both, or for the issuance of temporary authority under section 390.081, 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, *division rule 4 CSR 265-2.080 (Pleadings)*, and other rules of the *[division] commission* whenever applicable.

(2) Prescribed Application Forms. The applicant shall complete and file *[the] an* application form, including all exhibits required by the application form, which is adopted by the *[division] commission* and prescribed as follows:

*[(A)] Form MO-1, Application [For a Certificate/Permit] to Operate in Intrastate Commerce [Transporting Property (Except Household Goods)], 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, 1320 Creek Trail Drive, Jefferson City, MO 65102, effective September 2007, shall be filed [in duplicate] for applications under sections 390.051, [RSMo or section] 390.061, 390.063, 390.081, 390.111, 390.270 and 390.290, RSMo, for the issuance or transfer of a certificate, [and] permit or property carrier registration which authorizes for-hire operations as a [com-*

*mon carrier and contract] motor carrier in intrastate commerce [transporting property (except household goods)], and applications for the enlargement of such a certificate, [and] permit or property carrier registration to authorize the transportation of additional [hazardous materials (except household goods);] passengers or property. This rule does not incorporate any subsequent amendments or additions of this form.*

*[(B)] Form MO-2, Application For a Certificate OR Permit to Operate in Intrastate Commerce Transporting Household Goods or Passengers, shall be filed in triplicate for applications for the issuance or transfer of a certificate which authorizes operations as a common carrier under section 390.051, RSMo, or a permit which authorizes operations as a contract carrier under section 390.061, RSMo, in intrastate commerce transporting household goods or passengers (except as provided in subsection (2)(C)). The applicant may request the division to include a certificate and permit which authorizes operations as a common carrier and contract carrier in intrastate commerce transporting property (except household goods);*

*(C) Form MO-3, Application for a Certificate/Permit to Operate in Intrastate Corporations a Not for Profit Corporation Transporting Passengers Other Than in Charter Service, shall be filed in duplicate for applications under section 390.063, RSMo, for the issuance of a certificate which authorizes operations as a common carrier, or a permit which authorizes operations as a contract carrier, in intrastate commerce transporting exclusively passengers other than in charter service who are—*

- 1. Elderly;*
- 2. Handicapped;*
- 3. Preschool disadvantaged children transported for the purpose of participating in a federal head start program; or*
- 4. Transported in areas other than "urbanized areas" for which the motor carrier is authorized to be subsidized or reimbursed under section 18 of the Urban Mass Transportation Act of 1964, as amended, section 1614 of Title 49, United States Code, with federal funds administered by the Missouri Highways and Transportation Department, except that priority shall be given to serving passengers who are elderly, handicapped or preschool disadvantaged children under the proposed certificate or permit; and*

*(D) Form MO-4, Application for a Temporary Certificate or Permit to Operate in Intrastate Commerce Transporting Household Goods or Passengers, shall be filed in duplicate for applications under section 390.081, RSMo, for the issuance of temporary authority which authorizes operations as a common carrier or contract carrier in intrastate commerce transporting household goods or passengers for a period not to exceed ninety (90) days.]*

(4) Required Documentation—The application shall not be accepted for filing with the *[division] commission* until the *[division] commission* has received the following required documentation:

(A) Completed Application Form and Exhibits—The completed application form prescribed by section (2), including any exhibits required by the application form, which shall be verified as required by section (3), and signed as required by section (5) of *[division rule 4 CSR 265-2.080] this rule;*

(B) Liability Insurance Coverage—Form E—Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance, or Form G—Uniform Motor Carrier Bodily Injury and Property Damage Surety Bond, executed in triplicate by the applicant's insurance provider, which shall provide liability insurance coverage in the required form and shall be filed with and approved by the *[division] commission* only in accordance with the requirements of *[4] 7 CSR 265-10.030*; or in the alternative, notice that the applicant has been approved for self-insurance by order of this *[division]*



commission, in accordance with the requirements of section 390.126.1, RSMo, and [division] commission rules [4] 7 CSR 265-10.030 and 4 CSR 265-2.068.

1. Exception—Household Goods and Passengers Other Than in Charter Service. Applications for a certificate or permit which authorizes the intrastate transportation of household goods, or passengers other than in charter service (EXCEPT applications by not for profit corporations under section 390.063, RSMo), may be filed without the documentation required by subsection (4)(B), but the [division] commission shall not issue the requested certificate or permit until the [division] commission has received, approved and filed the documents required by this subsection. Fax copies of the insurance certificate or bond shall be accepted by the [division] commission only in conformity with the requirements under [4] 7 CSR 265-10.030(3);

(C) Vehicle Licensing and Fees—[Form B-1—Uniform Application for Licensing of Vehicles or Driveaway Operations, showing] The application shall include the number and type of vehicle licenses requested by the applicant for each motor vehicle to be operated in Missouri intrastate commerce under the requested operating authority during the current license year, together with payment of the aggregate license fees payable under 4 CSR 265-10.020 by a certified check or money order payable to Director of Revenue. Payment of all license fees payable under section 390.136, RSMo shall be received before the commission issues the operating authority.

1. Exception—Not for Profit Corporations, Passengers Other Than in Charter Service—Subsection (4)(C) shall not apply to applications properly filed by a not for profit corporation [on Form MO-3, Application For a Certificate or Permit to Operate in Intrastate Commerce as a Not For Profit Corporation Transporting Passengers Other Than in Charter Service];

(D) Corporate Standing—If the applicant is a corporation or limited liability partnership, confirmation that the applicant is properly incorporated or registered and in good standing with the Office of the Missouri Secretary of State shall be required. The [division] commission has established a computer link by which to verify an applicant's corporate standing with the Office of the Missouri Secretary of State, but the [division] commission may require an applicant to file written evidence of its incorporation, registration or good standing whenever deemed necessary by the [division] commission; and

(E) Fictitious Name Registration—If the applicant operates as a motor carrier under any trade name or fictitious name, confirmation that the applicant has properly registered its fictitious name as required by law with the Office of the Missouri Secretary of State shall be required. The [division] commission has established a computer link by which to verify an applicant's registration of fictitious names with the Office of the Missouri Secretary of State, but the [division] commission may require an applicant to file written evidence of the proper registration of its fictitious name whenever deemed necessary by the [division] commission.

(5) Form of Applications—The following requirements also apply to motor carrier applications for operating authority under this rule:

(A) Photocopied Forms, Original Signatures, Electronic Filings—Photocopies of the prescribed application and exhibit forms may be filed in lieu of the printed forms, if they are clearly legible, but the application shall include one (1) original signature of every person whose signature is required/;. The commission may also accept or reject an application for filing by electronic mail (email), or other approved electronic media, in conformity with section (2) of this rule. An operating authority application and supporting documentation filed with the commission pursuant to this rule through the format of photocopies, facsimile (FAX) copies, or other approved electronic means shall have the same legal rights, duties and liabilities attached to such documents as if they were signed originals;

(B) Substitution of Exhibits—If it would be unduly burdensome for the applicant to reproduce the required information [on Exhibits C,

D, or E, as prescribed in this rule] as exhibits to the application form, then in lieu of filing the [division's] commission's prescribed exhibit form, the applicant may file the required information [with the prescribed application form] in a writing which plainly sets forth the same information required by the prescribed exhibit form, in the same or a similarly unambiguous format, which shall be designated by the same exhibit letter as the prescribed exhibit for which it is substituted; and

(6) Applicable Standards, Generally—Except as otherwise provided in subsections (6)(A)–(E), the [division] commission shall grant the application if it determines on the basis of the information filed by the applicant, evidence submitted by the [division] commission staff, and any other information received by the [division] commission and filed in the case, that the applicant is in compliance with the applicable safety and insurance requirements, and is willing to properly perform the service of a motor carrier of property or passengers, and to conform to the applicable provisions of Chapter 390, RSMo, and the requirements of the [division] commission established thereunder.

(A) Exception—Charter Service—Whenever the application seeks the issuance of a certificate or permit which authorizes the intrastate transportation of passengers in charter service as a common carrier or contract carrier, the [division] commission shall also make findings as required by subsection 3 of section 390.051, RSMo, or subsection 3 of section 390.061, RSMo, and shall not grant the application unless it finds that the applicant is fit, willing and able to properly perform the service proposed, and to conform to the provisions of Chapter 390, RSMo, and the rules and orders of the [division] commission.

(B) Exception—Household Goods or Passengers Other Than in Charter Service, Common Carriers—Whenever the application seeks the issuance of a certificate which authorizes the intrastate transportation of household goods, or passengers other than in charter service (other than a passenger application under section 390.063, RSMo) as a common carrier, the [division] commission shall also make findings as required by subsections 4 and 5 of section 390.051, RSMo, and shall not grant the application unless it finds that the applicant is fit, willing and able to properly perform the service proposed, and to conform to the provisions of Chapter 390, RSMo, and the rules and orders of the [division] commission, and that the service proposed will serve a useful present or future public purpose; but the [division] commission shall not grant that application if it finds on the basis of evidence presented by persons objecting to the issuance of a certificate that the transportation to be authorized by the requested certificate will be inconsistent with the public convenience and necessity.

(C) Exception—Household Goods or Passengers Other than in Charter Service, Contract Carriers—Whenever the application seeks the issuance of a permit which authorizes the intrastate transportation of household goods, or passengers other than in charter service (other than a passenger application under section 390.063, RSMo) as a contract carrier, the [division] commission shall also make findings as required by subsection 4 of section 390.061, RSMo, and shall not grant the application unless it finds that the applicant is fit, willing and able to properly perform the service proposed, and to conform to the provisions of Chapter 390, RSMo, and the rules and orders of the [division] commission, and that the service proposed will serve a useful present or future purpose; but the [division] commission shall not grant that application if it finds on the basis [of evidence presented by persons objecting to] the issuance of a permit that the transportation to be authorized by the requested permit will be inconsistent with the public convenience and necessity.

(D) Exception—Not For Profit Corporations, Passengers Other Than In Charter Service—Whenever the application seeks the issuance of a certificate or permit which authorizes a not for profit corporation to perform the intrastate transportation of passengers other than in charter service exclusively as provided in section

390.063, RSMo, as a common carrier or contract carrier, the *[division] commission* shall also make findings as required by subsection 3 of section 390.063, RSMo, and shall not grant the application unless it finds that the applicant is willing and able to properly perform the service proposed, and to conform to the provisions of Chapter 390, RSMo, and the rules and orders of the *[division] commission*.

(E) Exception—Temporary Authority—Whenever the application seeks the issuance of temporary authority which authorizes the intrastate transportation of household goods or passengers as a common carrier or contract carrier, under section 390.081, RSMo, the *[division] commission* shall not grant the application unless it finds that there is an urgent and immediate need for the proposed motor carrier service from, to or between a point or points or within a territory having no carrier service deemed capable of meeting such need.

(7) Hearings, Generally—Except as otherwise provided in subsections (7)(A) and (B), if the *[administrative law judge] commission* determines that the applicant is qualified, the application shall be granted *[without a hearing] by the commission*. If the *[administrative law judge] commission* determines that the information on record concerning the applicant's qualifications is not adequate to finally determine the application, the *[division] commission* staff may *[be directed to]* investigate the applicant's qualifications more thoroughly before the *[administrative law judge] commission* makes a final determination of the application. If the *[administrative law judge] commission* or the *[division] commission* staff opposes granting the application, *[a hearing shall be held]* the *commission* shall deny the application by notice to the applicant and the applicant may then apply to the Administrative Hearing Commission to conduct a hearing 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.

(A) Exception—Household Goods or Passengers Other Than in Charter Service. Whenever the application seeks the issuance of a certificate or permit which authorizes the intrastate transportation of household goods, or passengers other than in charter service (except a passenger application by a not for profit corporation under section 390.063, RSMo) as a common carrier or contract carrier, the *[division] commission* shall publish notice of that application in the *Notice Register of Motor Carrier Cases*, and shall schedule a hearing and otherwise proceed as required by the applicable provisions of sections 390.051, 390.061 and 390.062, RSMo and 4 CSR 265-2.200] and any interested motor carrier that transports household goods in intrastate commerce or passengers other than in charter service shall have the right to intervene and request a hearing before the Administrative Hearing Commission. The Administrative Hearing Commission shall make the final determination whether to grant the operating authority requested by the applicant.

(B) Exception—Temporary Authority—Whenever the application seeks the issuance of temporary authority which authorizes the intrastate transportation of household goods or passengers as a common carrier or contract carrier, under section 390.081, RSMo, the *[division] commission* shall determine the application without a hearing or other proceeding.

(8) Transfers—*[Division] 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. *[Division] Commission* staff may file, together with any recommendation or motion in the case, a proposed certificate or permit for the transferee and, if the *[transfer or] transferor* is to retain any authority from the *[division] commission* after the transfer, a proposed certificate or permit for the *[transfer or] transferor* also, setting forth the pro-

posed authority as if the proposed transfer were approved by the *[division] commission*. In setting forth the proposed operating authority, *[division] commission* staff shall apply the principles of merger with reference to duplicated or overlapping authority as provided in 4 CSR 265-2.190 and, in accordance with those principles, may edit or modify the authority to delete extra pieces of authority that are deemed to be merged and no longer effective as separate pieces of authority, or to correct spelling, typographical, grammatical or format errors not altering the substance of the authority. *[Division] Commission* staff shall serve copies of the proposed certificate(s) or permit(s) upon both the *[transfer or] transferor* and the transferee. If neither of the applicants objects to the proposed certificate(s) or permit(s) before the effective date of the order of transfer, then their objections, if any, shall be waived and the *[division] commission* may issue the resulting certificate(s) or permit(s) as proposed by *[division] commission* staff, unless otherwise ordered by the *[administrative law judge. The administrative law judge shall determine any timely-filed objections] commission*. **If any objections are timely-filed to *[division] commission* staff's proposed certificate(s) or permit(s), the application will be sent to the Administrative Hearing Commission for a hearing and final determination.**

*AUTHORITY: sections 622.027, RSMo [1994] 2000 and 226.008, RSMo Supp. 2006. Emergency rule filed June 14, 1985, effective July 1, 1985, expired Oct. 28, 1985. Original rule filed Aug. 1, 1985, effective Oct. 29, 1985. For intervening history, please consult the Code of State Regulations. Emergency amendment filed Sept. 13, 2007, effective Oct. 3, 2007, expires March 30, 2008. A proposed amendment covering this same material is published in this issue of the Missouri Register.*

#### Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 265—Division of Transportation Chapter 6—Transportation

##### EMERGENCY RESCISSION

**4 CSR 265-6.020 Freight Tariffs.** This rule prescribed the form and governed the construction and filing of freight tariffs for common carriers of household goods.

*PURPOSE: This rule is being rescinded which referenced a tariff circular that was effective September 1937 and a new rule will be proposed in 7 CSR 265-10.120, Household Goods Tariffs, which will update and streamline the tariff filing process required for motor carriers transporting household goods applying for state operating authority.*

*EMERGENCY STATEMENT: By authority delegated from the Missouri Highways and Transportation Commission (MHTC), the Missouri Department of Transportation (MoDOT) finds that an immediate danger to the public health, safety or welfare requires emergency action, or that this emergency rescission is necessary to preserve a compelling governmental interest that requires an early effective date, to ensure the transporters of household goods currently operating within areas of the state that are exempt from registration under current law and providing service to Missouri citizens will be able to continue business transporting household goods after January 1, 2008.*

*History: Section 390.030, Revised Statutes of Missouri (RSMo), was amended by Truly Agreed to and Finally Passed Senate Bill 30 (TAFP SB 30), so that beginning January 1, 2008, all intrastate motor carriers that transport household goods exclusively within one (1) municipality, or between contiguous municipalities, or exclusively within a "commercial zone" (hereinafter, "exempt areas") of a city*

must obtain operating authority from MHTC to continue their for-hire intrastate household goods transportation services. No grandfather clause was written into the bill for existing household goods movers operating exclusively within the above-mentioned exempt areas. It is estimated that approximately eight hundred (800) such movers will be required to file a state operating authority application after August 28, 2007, file proof of insurance, show they are safe operators, file their tariff schedules showing their rates and charges for transporting household goods and receive a certificate of authority from MHTC to continue to operate their current household goods moving business after January 1, 2008. In sum, approximately eight hundred (800) unlicensed household goods movers operating in exempt areas will have a little over four (4) months to obtain their state operating authority from MHTC in order to continue their existing household goods moving business.

The approximately eight hundred (800) motor carriers transporting household goods that are required to obtain their state operating authority by the January 1, 2008 deadline established by TAFP SB 30, are required as part of the state operating authority application process to file and maintain a tariff schedule that shows these mover's rates and charges for their household goods moving services. The prescribed form and the governing rules and regulations incorporated in this rule 4 CSR 265-6.020 Freight Tariffs was promulgated in the 1930s. This one hundred fifty-one (151)-page tariff circular is antiquated, difficult to understand and many of the requirements are not needed in order to protect the household goods moving services consumer. This emergency rescission does not address the periodic rate adjustment provisions enacted by TAFP SB 30 and located in section 387.075 RSMo.

**Compelling Governmental Interest for this Emergency Rescission:** Currently, there are only eighty-three (83) registered motor carriers who are authorized by MHTC to transport household goods between points within the state outside of municipalities, contiguous municipalities or within commercial zones. The mere process of registering eight hundred (800) new household goods movers within four (4) months to meet the January 1, 2008 state operating authority deadline is daunting and sets forth a risk to small and large household goods moving businesses, who are located within these formerly exempt areas, that such businesses may not be able to obtain their state operating authority by the January 1, 2008 statutory deadline. These household goods moving businesses reside in various cities throughout the state and they continue to solicit business to move customers' household goods, thereby putting their customer's future household goods moving needs in jeopardy if state operating authority cannot be obtained by the January 1, 2008 deadline (although MoDOT is not yet aware of specific examples where these eight hundred (800) household goods movers have contracted for household goods moving services after January 1, 2008). The approximately eight hundred (800) household goods movers that are required by TAFP SB 30 to enter the regulated market place for the first time, and to do so by January 1, 2008, should not be required to comply with current state operating authority application rules and regulations that are outdated and unnecessary. This is further encouraged by language in section 390.051.6, RSMo, which requires MHTC and MoDOT to "streamline and simplify to the maximum extent practicable the process for issuance of certificates" of state operating authority. The changes in this emergency rescission do not adversely affect the consumer protection provisions for the household goods moving consumer.

In order to update, simplify and streamline the tariff filing requirement for the state operating authority application process for the approximately eight hundred (800) currently exempt household goods movers that are required to obtain their operating authority by January 1, 2008, an emergency rescission is necessary. This updated, simplified and streamlined tariff filing requirement is promulgated in new administrative rule 7 CSR 265-10.120, thereby making this rule 4 CSR 265-6.020 unnecessary.

**Proposed Permanent Rescission Filed:** Also, the commission is filing an identical, proposed permanent rescission administrative rule regarding this same subject, with the secretary of state's office and the Joint Committee on Administrative Rules, which will appear in the October 15, 2007, *Missouri Register* but is not intended to become effective until March 30, 2008, well after the January 1, 2008 statutory deadline for the currently exempt eight hundred (800) household goods movers to obtain their state operating authority. Because of the lengthy delay in the effective date of the proposed permanent rescission administrative rule that would streamline and simplify the tariff filing process for household goods movers as part of the overall application process to obtain state operating authority by the January 1, 2008 deadline, an emergency rescission is necessary.

**Limited Scope:** Finally, the scope of this emergency rescission is limited to the circumstances creating the emergency (i.e., enactment of TAFP SB 30) and complies with the protections extended in the *Missouri and United States Constitutions*. This emergency rescission is needed to eliminate the complicated and outdated existing tariff filing requirements that are currently necessary as part of the state operating authority application process for the approximately eight hundred (800) currently exempt household goods movers that require state operating authority by the January 1, 2008 deadline. If the current administrative rule tariff filing requirements remain in effect, the commission would be hard pressed to educate these currently exempt, approximately eight hundred (800) household goods movers of how to comply with these antiquated tariff filing requirements and thereby would hinder the commission's ability to timely register these carriers for their state operating authority by the January 1, 2008 deadline.

**Fairness to All Interested Parties and Support from Industry:** MHTC believes this emergency rescission is fair to all interested persons and parties under the circumstances. On July 17, 2007, staff met with a number of representatives from the household goods industry along with representatives from the Missouri Movers Association. The participants discussed the new legislation and how MoDOT could best implement the new law through administrative rules.

**Effective Date and Duration:** MHTC filed this emergency rescission on September 13, 2007, which becomes effective on October 3, 2007, and will expire on March 30, 2008.

**AUTHORITY:** section 622.027, RSMo 1994. Emergency rule filed June 14, 1985, effective July 1, 1985, expired Oct. 28, 1985. Original rule filed Aug. 1, 1985, effective Oct. 29, 1985. For intervening history, please consult the *Code of State Regulations*. Emergency rescission filed Sept. 13, 2007, effective Oct. 3, 2007, expires March 30, 2008. A proposed rescission covering this same material is published in this issue of the *Missouri Register*.

**Title 7—DEPARTMENT OF TRANSPORTATION  
Division 265—Motor Carrier and Railroad Safety  
Chapter 10—Motor Carrier Operations**

**EMERGENCY AMENDMENT**

**7 CSR 265-10.050 Tariffs, Time Schedules and Motor Carrier Documentation.** The commission is amending sections (1)–(13).

**PURPOSE:** This emergency amendment changes the reference to the new proposed rule that streamlines the tariff requirements for motor carriers transporting household goods, modifies all references to the proper agency, provides that rates and charges for household goods transportation wholly within municipalities, contiguous municipalities and commercial zones shall not be based on distance rates and clarifies commercial zone movements pursuant to Truly Agreed to and Finally Passed Senate Bill 30.

**EMERGENCY STATEMENT:** By authority delegated from the Missouri Highways and Transportation Commission (MHTC), the Missouri Department of Transportation (MoDOT) finds that an immediate danger to the public health, safety or welfare requires emergency action, or that this amendment is necessary to preserve a compelling governmental interest that requires an early effective date, to ensure the transporters of household goods currently operating within areas of the state that are exempt from registration under current law and providing service to Missouri citizens will be able to continue business transporting household goods after January 1, 2008.

**History:** Section 390.030, *Revised Statutes of Missouri (RSMo)*, was amended by Truly Agreed to and Finally Passed Senate Bill 30 (TAFP SB 30), so that beginning January 1, 2008, all intrastate motor carriers that transport household goods exclusively within one (1) municipality, or between contiguous municipalities, or exclusively within a "commercial zone" (hereinafter, "exempt areas") of a city must obtain operating authority from MHTC to continue their for-hire intrastate household goods transportation services. No grandfather clause was written into the bill for existing household goods movers operating exclusively within the above-mentioned exempt areas. It is estimated that approximately eight hundred (800) such movers will be required to file a state operating authority application after August 28, 2007, file proof of insurance, show they are safe operators, file their rates and charges and receive a certificate of authority from MHTC to continue to operate their current household goods moving business after January 1, 2008. In sum, eight hundred (800) unlicensed household goods movers operating in exempt areas will have a little over four (4) months to obtain their state operating authority from MHTC in order to continue their existing household goods moving business.

**Compelling Governmental Interest for this Emergency Amendment:** Currently, there are only eighty-three (83) registered motor carriers who are authorized by MHTC to transport household goods between points within the state outside of municipalities, contiguous municipalities or within commercial zones. The mere process of registering eight hundred (800) new household goods movers within four (4) months to meet the January 1, 2008 state operating authority deadline is daunting and sets forth a risk to small and large household goods moving businesses, who are located within these formerly exempt areas, that such businesses may not be able to obtain their state operating authority by the January 1, 2008 statutory deadline. These household goods moving businesses reside in various cities throughout the state and they continue to solicit business to move customers' household goods, thereby putting their customer's future household goods moving needs in jeopardy if state operating authority cannot be obtained by the January 1, 2008 deadline (although MoDOT is not yet aware of specific examples where these eight hundred (800) household goods movers have contracted for household goods moving services after January 1, 2008). Motor carriers that are required by TAFP SB 30 to enter the regulated market place for the first time, and to do so by January 1, 2008, should not be required to comply with current state operating authority application rules and regulations that are outdated and unnecessary. This is further encouraged by language in section 390.051.6, RSMo, which requires MHTC and MoDOT to "streamline and simplify to the maximum extent practicable the process for issuance of certificates" of state operating authority. The changes in this emergency amendment do not adversely affect the consumer protection provisions for the household goods moving consumer.

In order to simplify regulatory requirements, an emergency amendment is necessary to allow the commission to clarify the rate relief process, the rates structure and authority movements pursuant to the new law.

**Proposed Permanent Amended Rule Filed:** Also, MHTC is filing an identical, proposed permanent amended administrative rule regarding this same subject, with the secretary of state's office and the Joint Committee on Administrative Rules, which will appear in the October 15, 2007, *Missouri Register* but is not intended to become effective until March 30, 2008, well after the January 1, 2008 statutory deadline for the currently exempt eight hundred (800) household goods movers to obtain their state operating authority. Because of the lengthy delay in the effective date of the proposed permanent amended administrative rule that would streamline and simplify the rate relief process and clarify commercial zone movements, an emergency amendment is necessary.

**Limited Scope:** Finally, the scope of this emergency amendment is limited to the circumstances creating the emergency (i.e., enactment of TAFP SB 30) and complies with the protections extended in the *Missouri and United States Constitutions*. It is limited to correcting the references from the Motor Carrier and Railroad Safety Division (division) to the Missouri Highways and Transportation Commission, clarifying the rates and charges for household goods movements within the commercial zones and the process for rate relief so as not to hinder the commission's ability to timely process household goods movers applications for state operating authority by January 1, 2008.

**Fairness to All Interested Parties and Support from Industry:** MHTC believes this emergency amendment is fair to all interested persons and parties under the circumstances. On July 17, 2007, staff met with a number of representatives from the household goods moving industry along with representatives from the Missouri Movers Association. The group discussed TAFP SB 30 and how MoDOT would best implement the new law, including the filing of amended administrative rules.

**Effective Date and Duration:** MHTC filed this emergency amendment on September 13, 2007, which becomes effective on October 3, 2007, and will expire on March 30, 2008.

(1) Every common carrier, to the extent it is authorized by this [division] commission to engage in intrastate transportation of passengers or household goods between points in Missouri, shall publish and file with the [division] commission and keep for public inspection at each of its terminals, tariff schedules specifying its rates and charges and which shall—

(B) Conform, if filed by common carriers of household goods to rules contained in [4 CSR 265-6.020] 7 CSR 265-10.120 and any tariff schedule not conforming to the rules may be rejected;

(D) Be published and filed, if filed by common carriers of passengers or household goods to specify the initial rates and charges for service under a certificate newly acquired by original grant or transfer, with the [division] commission upon not less than one (1) day's notice. This permission to file and publish tariff schedules, including supplements where otherwise permitted by [division] commission rules, upon less than thirty (30) days notice is ordered for good cause under section 387.070, RSMo to eliminate needless delays for common carriers in beginning service to the public under newly acquired authority, notwithstanding any provision of 4 CSR 265-6.010 or [4 CSR 265-6.020] 7 CSR 265-10.120 to the contrary.

[(2) Every motor common carrier of passengers or household goods shall comply with the provisions of 4 CSR 265-10.110, with reference to joint or interline service with other carriers, and tacking its own separate routes.]

(2) After the commission has ordered a minimum, maximum or prescribed rate for the transportation of property or passengers, a motor carrier may not lawfully charge for its transportation of property or passengers a rate which is less than the minimum or prescribed rate, or more than the maximum or prescribed rate,

unless expressly approved by a later order of the commission, or pursuant to a periodic rate adjustment approved by the commission as provided in section 387.075, RSMo. A carrier may seek the commission's approval by either of the following methods:

(A) By filing and receiving commission approval of an application seeking rate relief in accordance with the provision of section 390.062, RSMo; or

(B) By filing a tariff that proposes the new rate, after which the commission may suspend the tariff and require notice and opportunity for hearing as provided in 387.200, RSMo.

(3) Unless otherwise ordered by the commission, rates and charges for household goods transportation wholly within a municipality or between contiguous municipalities, or wholly within a commercial zone shall not be based on distance rates.

[[3]] (4) A common carrier of household goods shall collect its lawful freight charges prior to or at the time of the delivery of the shipment(s), on which the charges have accrued. This shall not be construed to prohibit any common carrier from extending credit in connection with rates and charges on freight transported for the United States, or any department, bureau or agency of the United States, or for Missouri, or any department, bureau or agency of Missouri. Upon taking precautions deemed by them to be sufficient to assure payment of the tariff charges within the credit period specified, common carriers of household goods may relinquish possession of freight in advance of the payment of the tariff charges and may extend credit in the amount of the charges to those who undertake to pay them, these persons being called shippers for a period of fifteen (15) days, excluding Saturdays, Sundays and legal holidays. When the freight bill covering a shipment of household goods is presented to the shipper on or before the date of delivery, the credit period shall run from the first twelve o'clock midnight (12:00 a.m.) following delivery of the freight. When the freight bill is not presented to the shipper on or before the date of delivery, the credit period shall run from the first twelve o'clock midnight (12:00 a.m.) following the presentation of the freight bill. Where a common carrier of household goods has relinquished possession of freight and collected the amount of tariff charges presented by it as the total amount of the charges and another freight bill for additional freight charges is presented to the shipper, the carrier may extend credit in the amount of the additional charges for a period of thirty (30) calendar days, to be computed from the first twelve o'clock midnight (12:00 a.m.) following the presentation of the subsequently presented freight bill. Freight bills for all household goods transportation charges shall be presented to the shippers within seven (7) calendar days from the first twelve o'clock midnight (12:00 a.m.) following delivery of the freight. Shippers may elect to have their freight bills presented by means of the United States mail, and, when the mail service is so used, the time of mailing by the carrier shall be deemed to be the time of presentation of the bills. The mailing by the shipper of valid checks, drafts or money orders, which are satisfactory to the carrier, in payment of freight charges within the credit period allowed the shipper may be deemed to be the collection of the tariff rates and charges within the credit period for the purpose of this rule. In case of dispute as to any time of mailing, the postmark shall be accepted as showing the time.

[[4]] (5) The following shall apply to the handling of cash on delivery (C.O.D.) shipments of household goods:

(A) This section applies to the transportation by motor vehicle of C.O.D. shipments by all common carriers of household goods except transportation which is auxiliary to or supplemental of transportation by railroad and performed on railroad bills of lading;

(B) No common carrier of household goods shall render any C.O.D. service unless the carrier has published, posted and filed tariffs which contain the rates, charges and rules governing that service, which rules shall conform to these regulations;

(C) Every common carrier of household goods shall remit each C.O.D. collection directly to the consignor or other person designated by the consignor as payee promptly and within ten (10) days after delivery of the C.O.D. shipment to the consignee. If the C.O.D. shipment moved in interline service, the delivering carrier, at the time of remittance of C.O.D. collections to the consignor or payee, shall notify the originating carrier of the remittance; and

(D) Every common carrier handling C.O.D. shipments of household goods as a delivery carrier shall maintain a record of all C.O.D. shipments received for delivery in a manner and form as plainly and readily will show the following information with respect to each shipment:

1. Number and date of freight bill;
2. Name and address of shipper or other person designated as payee;
3. Name and address of consignee;
4. Date shipment delivered;
5. Amount of C.O.D.;
6. Date collected by delivering carrier;
7. Date remitted to payee; and
8. Check number or other identification of remittance to payee.

[[5]] (6) An invoice or billing statement shall be issued for each shipment of household goods transported by a common carrier. No specific form is prescribed, but this bill when presented to consignee and to consignor when charges are prepaid shall include within its written or printed terms the following information with respect to the covered shipment:

- (A) Name of shipper and point of origin;
- (B) Name of consignee and destination;
- (C) Date of shipment;
- (D) An adequate description of property transported;
- (E) Weight of the shipment, **if applicable**;
- (F) Rate(s) charged for the service;
- (G) Any other charge incident to the transportation and sufficient information in connection with the charge to enable verification of the accuracy of that charge; and
- (H) Name of transfer point(s) and name or initial of each carrier participating in the haul when transportation is performed jointly by two (2) or more carriers.

[[6]] (7) Every common motor carrier of passengers providing intrastate charter service shall issue an expense bill for each chartering group's trip, containing the following information:

- (A) Serial number, consisting of one (1) of a series of consecutive whole numbers assigned in advance and imprinted on the bill;
- (B) Name of carrier;
- (C) Name of the chartering group for which transportation is performed and, if different, the payer for the transportation service;
- (D) Date(s) transportation is performed;
- (E) Origin, destination and general routing of trip;
- (F) Identification and seating capacity of each vehicle used;
- (G) Name of each driver transporting the group;
- (H) Mileage upon which charges are based, including any dead-head mileage, separately noted; and
- (I) The total and itemized rates and charges for the transportation, and any other charges incidental to the transportation.

[[7]] (8) Except as otherwise provided in this rule, the driver of each vehicle operated by any common carrier of household goods shall have possession, for inspection upon demand by any law enforcement officer or authorized inspector, of a bill of lading as required under [4] 7 CSR 265-10.080(3) for each shipment of household goods being transported listing all shipments of household goods on the vehicle.

[[8]] (9) 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 *[division's]* commission's jurisdiction, with reference to transportation by motor vehicles within Missouri, 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 of the shipping records. Each common carrier of passengers in charter service shall maintain a complete file of consecutively numbered expense bills for inspection and audit by the *[division]* commission.

*[[9]]* (10) Every regular route common carrier of passengers shall publish, post and file time schedules in accordance with the following:

(A) Time schedules shall be printed or typewritten on good quality paper size eight and one-half by eleven inches (8 1/2" × 11");

(B) The title page must be made up as follows:

1. Time schedules must be numbered consecutively beginning with number one (1) and must show the number of the time schedule, if any, cancelled thereby. The number shall be shown in the upper right-hand corner;

2. Name of the passenger carrier;

3. The terminals or points between which the time schedule applies briefly stated;

4. Date issued and date effective; and

5. The name, title and address of the official issuing the time schedule, including street address;

(C) The time schedule must show—

1. The time of arrival at and departure from all terminals and the time of departure from intermediate points between terminals;

2. The distance between all points shown in the time schedule; and

3. Points at which vehicles do not regularly stop, except on signal or under other conditions, with proper indication of service rendered at that point. Regular rest stops must also be indicated;

(D) Two (2) copies of all time schedules shall be filed with the *[division]* commission; one (1) copy shall be posted in a conspicuous place at each station or stopping place affected; and one (1) copy shall be in the possession of the driver operating the vehicle;

(E) All time schedules shall be filed with the *[division]* commission and shall be posted at each station or stopping place as required by subsection *[[11]](10)(D)*, at least fifteen (15) days before the date upon which they are to become effective, unless otherwise authorized by the *[division]* commission. In case of actual emergency or for other good cause shown, the *[division]* commission may permit a time schedule to be filed and posted on less than fifteen (15) days' notice, in which case the time schedule must show on its title page, directly under the effective date, the number and date of the special authority or order of the *[division]* commission permitting the short notice filing and posting; and

(F) Time schedules received for filing too late to give the *[division]* commission fifteen (15) days' notice or a shorter notice as may otherwise be authorized, or which do not refer to the number and date of the special authority or order for the short notice, will not be accepted for filing.

*[[10]]* (11) Where a motor carrier of household goods is authorized to serve a city, town, municipality or village in regular route service, the authority shall include the commercial zone of the city, town, municipality or village subject to the following:—

(A) Where a motor carrier of household goods is authorized to serve an unincorporated community as a regular route point, those points shall include the area within two (2) miles of the point;

(B) Where a motor carrier of household goods is authorized to serve regular route points designated as specific businesses, such as a grocery, filling station, cafe, or the like, plant or industrial site, highway intersections, these limited grants do not imply a commercial zone; *[and]*

(C) A grant of irregular route authority to a motor carrier does not include any authority to serve any point located outside the geographic scope of that irregular route as described in the carrier's cer-

tificate or permit. A carrier is not authorized to serve any point outside the described irregular route merely because that point is within a city, town, municipality, village, commercial zone, unincorporated community or surrounding area which includes other points that are located within the described irregular route.; **and**

**(D) A grant of irregular route authority to transport household goods wholly within a commercial zone does not authorize the carrier to operate anywhere outside the boundary of that commercial zone.**

*[[11]]* (12) Where a highway over which a motor carrier of passengers 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.

*[[12]]* (13) All intrastate transportation provided for hire by a motor carrier who is subject to the jurisdiction of the *[division]* commission under Chapter 390, RSMo shall be presumed to be transportation subject to the *[division's]* 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.

*[[13]]* (14) Every motor common 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 [1994] 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. For intervening history, please consult the Code of State Regulations. Emergency amendment filed Sept. 13, 2007, effective Oct. 3, 2007, expires March 30, 2008. A proposed amendment covering this same material is published in this issue of the Missouri Register.*

## Title 7—DEPARTMENT OF TRANSPORTATION Division 265—Motor Carrier and Railroad Safety Chapter 10—Motor Carrier Operations

### EMERGENCY AMENDMENT

**7 CSR 265-10.080 Rules Governing the Transportation of Household Goods.** The Missouri Highways and Transportation Commission is amending the Purpose and sections (1), (3), (6), (7), (8), (9) and (10) of this rule and removing Appendix A.

*PURPOSE: This emergency amendment eliminates the requirement to file agency agreements with the commission, updates proper agency references, clarifies exclusive use and space reservation, and eliminates the consumer from signing a form for exclusive use or space reservation service. These changes clarify and simplify the requirements for motor carriers transporting household goods.*

**PURPOSE:** *The [Division of] Missouri Highways and Transportation Commission has authority to establish rules concerning motor carrier operations. This rule sets forth definitions of terms used by that segment of the motor carrier industry which transports household goods, requires the distribution of an informational pamphlet, provides for the preparation of inventories, sets forth the requirements of a bill of lading, establishes guidelines for delivery when actual charges exceed estimated charges, establishes guidelines for handling claims for loss or damage to property, [provides for the filing of agency agreements,] establishes guidelines for record keeping and requires tariff provisions pertaining to exclusive use of vehicles and reservations for a portion of a vehicle. This rule is promulgated to protect the consumer when utilizing household goods carriers.*

**EMERGENCY STATEMENT:** *By authority delegated from the Missouri Highways and Transportation Commission (MHTC), the Missouri Department of Transportation (MoDOT) finds that an immediate danger to the public health, safety or welfare requires emergency action, or that this emergency amendment is necessary to preserve a compelling governmental interest that requires an early effective date, to ensure the transporters of household goods currently operating within areas of the state that are exempt from registration under current law and providing service to Missouri citizens will be able to continue business transporting household goods after January 1, 2008.*

**History:** *Section 390.030, Revised Statutes of Missouri (RSMo), was amended by Truly Agreed to and Finally Passed Senate Bill 30 (TAFP SB 30), so that beginning January 1, 2008, all intrastate motor carriers that transport household goods exclusively within one (1) municipality, or between contiguous municipalities, or exclusively within a "commercial zone" (hereinafter, "exempt areas") of a city must obtain operating authority from MHTC to continue their for-hire intrastate household goods transportation services. No grandfather clause was written into the bill for existing household goods movers operating exclusively within the above-mentioned exempt areas. It is estimated that approximately eight hundred (800) such movers will be required to file a state operating authority application after August 28, 2007, file proof of insurance, show they are safe operators, file their rates and charges and receive a certificate of authority from MHTC to continue to operate their current household goods moving business after January 1, 2008. In sum, eight hundred (800) unlicensed household goods movers operating in exempt areas will have a little over four (4) months to obtain their state operating authority from MHTC in order to continue their existing household goods moving business.*

**Compelling Governmental Interest for this Emergency Amendment:** *Currently, there are only eighty-three (83) registered motor carriers who are authorized by MHTC to transport household goods between points within the state outside of municipalities, contiguous municipalities or within commercial zones. The mere process of registering eight hundred (800) new household goods movers within four (4) months to meet the January 1, 2008 state operating authority deadline is daunting and sets forth a risk to small and large household goods moving businesses, who are located within these formerly exempt areas, that such businesses may not be able to obtain their state operating authority by the January 1, 2008 statutory deadline. These household goods moving businesses reside in various cities throughout the state and they continue to solicit business to move customers' household goods, thereby putting their customer's future household goods moving needs in jeopardy if state operating authority cannot be obtained by the January 1, 2008 deadline (although MoDOT is not yet aware of specific examples where these eight hundred (800) household goods movers have contracted for household goods moving services after January 1, 2008). Motor carriers that are required by TAFP SB 30 to enter the regulated market place for the first time, and to do so by January 1, 2008, should not be*

*required to comply with current state operating authority application rules and regulations that are outdated and unnecessary. This is further encouraged by language in section 390.051.6, RSMo, which requires MHTC and MoDOT to "streamline and simplify to the maximum extent practicable the process for issuance of certificates" of state operating authority. The changes in this emergency amendment do not adversely affect the consumer protection provisions for the household goods moving consumer.*

*In order to simplify regulatory requirements, and streamline the filing requirements to obtain state operating authority, an emergency amendment is necessary to allow the commission to eliminate the need for these eight hundred (800) household goods movers to file unnecessary agency agreements with the commission as part of the application for state operating authority process and the need for the carrier to request the consumer to complete an unnecessary form that is part of the state operating authority application process.*

**Proposed Permanent Amended Rule Filed:** *Also, MHTC is filing an identical, proposed permanent amended administrative rule regarding this same subject with the secretary of state's office and the Joint Committee on Administrative Rules, which will appear in the October 15, 2007, Missouri Register but is not intended to become effective until March 30, 2008, well after the January 1, 2008 statutory deadline for the currently exempt eight hundred (800) household goods movers to obtain their state operating authority. Because of the lengthy delay in the effective date of the proposed permanent amended administrative rule that would streamline and simplify the application process for state operating authority, an emergency amendment is necessary.*

**Limited Scope:** *Finally, the scope of this emergency amendment is limited to the circumstances creating the emergency (i.e., enactment of TAFP SB 30) and complies with the protections extended in the Missouri and United States Constitutions. It is limited to correcting the references from the Motor Carrier and Railroad Safety Division (division) to the Missouri Highways and Transportation Commission, eliminates the need to file agency agreements with the commission at the time of application for state operating authority; clarifies the use of terms for new household goods movers who are required to provide certain services to its consumer for exclusive use and space reservation; and eliminates the form required to be completed by the household goods moving consumer for exclusive use and space reservation during the application process.*

**Fairness to All Interested Parties and Support from Industry:** *MHTC believes this emergency amendment is fair to all interested persons and parties under the circumstances. On July 17, 2007, staff met with a number of representatives from the household goods moving industry along with representatives from the Missouri Movers Association. The group discussed TAFP SB 30 and how MoDOT would best implement the new law, including the filing of amended administrative rules.*

**Effective Date and Duration:** *MHTC filed this emergency amendment on September 13, 2007, which becomes effective on October 3, 2007, and will expire on March 30, 2008.*

(1) The following definitions are applicable to the transportation of household goods in intrastate commerce:

(C) Household goods carrier means the holder of a certificate of public convenience and necessity issued by this [division] commission either specifically authorizing the transportation of household goods [or authorizing the transportation of general commodities] and the carrier has filed with the [division] commission rates, charges and rules concerning the transportation of household goods; and

(3) Every household goods carrier who receives household goods for transportation shall issue and provide to the shipper a bill of lading

for these goods, which bill of lading shall contain, at a minimum, the following information:

(B) *[Division of Transportation certificate]* **United States Department of Transportation (USDOT)** number and bill of lading number;

(6) Agency Agreements.

*[(A) Each household goods carrier shall file with the division a copy of all active agency agreements in which it is acting as a principal-carrier.]*

*[(B)]* All agency agreements shall be in writing and signed by both the principal-carrier and the agent. Agreements will be **made** available *[by]* to the *[division]* **commission** for public inspection.

(7) Each household goods carrier, whether or not it operates as a principal-carrier, shall maintain a complete file of consecutively numbered bills of lading for not less than two (2) years after the date of issuance for inspection and audit by the *[division]* **commission**. A separate series of bills of **lading** may be used for different agents. All correspondence, complaints and claims relating to particular movements of household goods shall be the responsibility of the household goods carrier under whose authority the transportation was performed.

(8) A household goods carrier, by a tariff filed with and approved by the *[Division of Transportation]* **commission**, may provide for exclusive use service. For purposes of this rule, the term exclusive use service means a transportation service in which only those household goods designated by the shipper shall be loaded on the vehicle. *[Subject to the carrier's equipment availability, a shipper may reserve a portion of the capacity of a vehicle by ordering a specific quantity of space.]* The charge for the service shall be based on the *[actual cubic feet occupied by the shipment]* **length of the vehicle ordered** in accordance with a tariff filed with and approved by the *[Division of Transportation]* **commission**. **If the carrier is unable to furnish a vehicle of specific length ordered and furnishes a longer vehicle, the charge to the shipper shall be based on the specific length ordered not on the vehicle length provided by the household goods carrier.**

(9) *[The]* **Subject to the availability of carrier equipment, the shipper may reserve a portion of the space of a vehicle.** Space reservation service shall be offered at seven (7) pounds per cubic foot, with a minimum space to be reserved of not less than one hundred fifty (150) cubic feet, and a maximum total space to be reserved of not more than one thousand (1,000) cubic feet with the following cubic feet increments:

**Personal Effects and Property  
Used or to be Used in a Dwelling  
When a Part of the Equipment or  
Supply of the Dwelling:**

150 cubic feet or less . . . . .	1,050 pounds
200 cubic feet . . . . .	1,400 pounds
300 cubic feet <b>or less</b> . . . . .	2,100 pounds
400 cubic feet . . . . .	2,800 pounds
500 cubic feet <b>or less</b> . . . . .	3,500 pounds
600 cubic feet . . . . .	4,200 pounds
700 cubic feet <b>or less</b> . . . . .	4,900 pounds
800 cubic feet . . . . .	5,600 pounds
900 cubic feet <b>or less</b> . . . . .	6,300 pounds
1,000 cubic feet . . . . .	7,000 pounds

(10) If a shipper elects to use space reservation service or exclusive use service for the transportation of personal effects and property used or to be used in a dwelling when a part of the equipment or supply of the dwelling, the **household goods** carrier shall document the

fact that s/he or his/her agent explained these types of service to the shipper or his/her representative and that the shipper or his/her representative elected to use space reservation or exclusive use service. *[The attached form, Appendix A, signed by the shipper will satisfy the requirements of this rule.]* **The agreed upon loading dates, delivery dates, vehicle size, shipment weight and costs of space reservation or exclusive use service shall be specified on the bill of lading.**



**[Appendix A  
Moving Company Name  
Types of Service Offered**

Dear Prospective Shipper:

For movements of household goods within Missouri there are four types of service that you may choose from. YOUR MOVING COMPANY REPRESENTATIVE WILL EXPLAIN EACH TYPE OF SERVICE IN DETAIL. Your choice will depend upon your individual need. Your signature is required only if you select option three or option four. An example of the four different types of service and their costs is outlined below. This example is based on the line haul charges from St. Louis to Jefferson City or 122 miles based on a weight of 2500 lbs. for the following options:

**OPTION ONE**

**Service at Example Weight**

**Service at Estimated Weight**

SERVICE WILL BE PERFORMED **WITHOUT** AGREED PICKUP OR DELIVERY DATES WHEN YOUR SHIPMENT WEIGHS LESS THAN 5000 POUNDS.

ACTUAL WEIGHT

AGREED LOADING DATES: May 1, 1982

LOADING DATES \_\_\_\_\_

AGREED DELIVERY DATES May 2, 1982

DELIVERY DATES \_\_\_\_\_

**OPTION TWO**

**Specific Day Service At Example Weight**

**Specific Day Service Actual**

MINIMUM CHARGE SHALL BE BASED ON 5000 POUNDS.

Example Weight and Charges 2500 as 5000 × 12.23 = \$611.50

Cost \_\_\_\_\_

AGREED LOADING DATES: May 1, 1982

LOADING DATES \_\_\_\_\_

AGREED DELIVERY DATES May 2, 1982

DELIVERY DATES \_\_\_\_\_

**OPTION THREE**

**Space Reservation**

**Space Reservation**

BASED UPON A MINIMUM OF 150 CUBIC FEET AT 7 POUNDS PER CUBIC FOOT OFFERED IN INCREMENTS OF 100 CUBIC FEET TO A MAXIMUM OF 1000 CUBIC FEET (2500 lbs. + 7 lbs. per cubic foot or 400 cubic feet = 2800 × 15.01 = \$400.28).

AGREED LOADING DATES: May 1, 1982

LOADING DATES \_\_\_\_\_

AGREED DELIVERY DATES \_\_\_\_\_

DELIVERY DATES \_\_\_\_\_

**OPTION FOUR**

**Exclusive Use of a Vehicle**

**Exclusive Use Actual**

(No other goods shall be loaded on the vehicle with yours.)

VEHICLE SIZE 14 Foot Van

VEHICLE SIZE \_\_\_\_\_

SHIPPING WEIGHT (minimum 5000 × 12.23 = \$611.50)

SHIPPING WEIGHT \_\_\_\_\_

(1000 as 8000 × 10.24 = \$819.24)

AGREED LOADING DATES: May 1, 1982

LOADING DATES \_\_\_\_\_

AGREED DELIVERY DATES \_\_\_\_\_

DELIVERY DATES \_\_\_\_\_

The four options above have been explained to me and I have chosen

Option \_\_\_\_\_ .

\_\_\_\_\_  
Shipper's Signature]

[Optional service offerings are available dependent upon the particular needs of the shipper. If a shipper elects to use space reservation service or exclusive use service for the transportation of personal effects and property used or to be used in a dwelling when a part of the equipment or supply of the dwelling, the carrier is required to obtain the shipper's signature on a form to insure that the options have been explained to the shipper and that the shipper has chosen a specific service.]

**AUTHORITY:** section 622.027, RSMo [1994] 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. For intervening history, please consult the *Code of State Regulations*. Emergency amendment filed Sept. 13, 2007, effective Oct. 3, 2007, expires March 30, 2008. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

**Title 7—DEPARTMENT OF TRANSPORTATION  
Division 265—Motor Carrier and Railroad Safety  
Chapter 10—Motor Carrier Operations**

**EMERGENCY RULE**

**7 CSR 265-10.120 Household Goods Tariffs**

**PURPOSE:** This emergency rule will implement a streamlined tariff filing process for motor carriers transporting household goods for hire in intrastate commerce.

**EMERGENCY STATEMENT:** By authority delegated from the Missouri Highways and Transportation Commission (MHTC), the Missouri Department of Transportation (MoDOT) finds that an immediate danger to the public health, safety or welfare requires emergency action, or that this emergency rulemaking is necessary to preserve a compelling governmental interest that requires an early effective date, to ensure the transporters of household goods currently operating within areas of the state that are exempt from registration under current law and providing service to Missouri citizens will be able to continue business transporting household goods after January 1, 2008.

**History:** Section 390.030, *Revised Statutes of Missouri* (RSMo), was amended by Truly Agreed to and Finally Passed Senate Bill 30 (TAFP SB 30), so that beginning January 1, 2008, all intrastate motor carriers that transport household goods exclusively within one (1) municipality, or between contiguous municipalities, or exclusively within a "commercial zone" (hereinafter, "exempt areas") of a city must obtain operating authority from MHTC to continue their for-hire intrastate household goods transportation services. No grandfather clause was written into the bill for existing household goods movers operating exclusively within the above-mentioned exempt areas. It is estimated that approximately eight hundred (800) such movers will be required to file a state operating authority application after August 28, 2007, file proof of insurance, show they are safe operators, file their tariff schedules showing their rates and charges for transporting household goods and receive a certificate of authority from MHTC to continue to operate their current household goods moving business after January 1, 2008. In sum, eight hundred (800) unlicensed household goods movers operating in exempt areas will have a little over four (4) months to obtain their state operating authority from MHTC in order to continue their existing household goods moving business.

The approximately eight hundred (800) motor carriers transporting household goods that are required to obtain their state operating

authority by the January 1, 2008 deadline established by TAFP SB 30, are required as part of the state operating authority application process to file and maintain a tariff schedule that shows these mover's rates and charges for their household goods moving services. The prescribed form of a tariff filing and the governing rules and regulations were previously adopted by administrative rule 4 CSR 265-6.020 Freight Tariffs and was promulgated in the 1930s. This one hundred fifty-one (151)-page tariff circular is antiquated, difficult to understand and many of the requirements are not needed in order to protect the household goods moving services consumer. This emergency rule does not address the periodic rate adjustment provisions enacted by TAFP SB 30 and located in section 387.075, RSMo.

**Compelling Governmental Interest for this Emergency Rule:** Currently, there are only eighty-three (83) registered motor carriers who are authorized by MHTC to transport household goods between points within the state outside of municipalities, contiguous municipalities or within commercial zones. The mere process of registering eight hundred (800) new household goods movers within four (4) months to meet the January 1, 2008 state operating authority deadline is daunting and sets forth a risk to small and large household goods moving businesses, who are located within these formerly exempt areas, that such businesses may not be able to obtain their state operating authority by the January 1, 2008 statutory deadline. These household goods moving businesses reside in various cities throughout the state and they continue to solicit business to move customers' household goods, thereby putting their customer's future household goods moving needs in jeopardy if state operating authority cannot be obtained by the January 1, 2008 deadline (although MoDOT is not yet aware of specific examples where these eight hundred (800) household goods movers have contracted for household goods moving services after January 1, 2008). The approximately eight hundred (800) household goods movers that are required by TAFP SB 30 to enter the regulated market place for the first time, and to do so by January 1, 2008, should not be required to comply with current state operating authority application rules and regulations that are outdated and unnecessary. This is further encouraged by language in section 390.051.6, RSMo, which requires MHTC and MoDOT to "streamline and simplify to the maximum extent practicable the process for issuance of certificates" of state operating authority. The changes in this emergency rule do not adversely affect the consumer protection provisions for the household goods moving consumer.

In order to update, simplify and streamline the tariff filing requirement for the state operating authority application process for the approximately eight hundred (800) currently exempt household goods movers that are required to obtain their operating authority by January 1, 2008, an emergency rule is necessary. A simplified tariff filing system is needed to indicate the rates the household goods mover applicant intends to charge to its customer and specific rules and regulations are needed to protect the rights of the consumer upon the tendering of their household goods to the household goods mover with the knowledge that their possessions will not be held hostage.

**Proposed Permanent Rule Filed:** Also, the commission is filing an identical, proposed permanent administrative rule regarding this same subject, with the secretary of state's office and the Joint Committee on Administrative Rules, which will appear in the October 15, 2007, *Missouri Register* but is not intended to become effective until March 30, 2008, well after the January 1, 2008 statutory deadline for the currently exempt eight hundred (800) household goods movers to obtain their state operating authority. Because of the lengthy delay in the effective date of the proposed permanent administrative rule that would streamline and simplify the tariff filing process as part of the overall application process to obtain state operating authority by the January 1, 2008, deadline, an emergency rule is necessary.

**Limited Scope:** Finally, the scope of this emergency rule is limited to the circumstances creating the emergency (i.e., enactment of TAFP SB 30) and complies with the protections extended in the Missouri and United States Constitutions. This emergency rule is needed to eliminate the complicated and outdated existing tariff filing requirements that are currently necessary as part of the state operating authority application process for the approximately eight hundred (800) currently exempt household goods movers that require state operating authority by the January 1, 2008 deadline. If the current administrative rule tariff filing requirements remain in effect, the commission would be hard pressed to educate these currently exempt, approximately eight hundred (800) household goods movers of how to comply with these antiquated tariff filing requirements and thereby would hinder the commission's ability to timely register these carriers for their state operating authority by the January 1, 2008 deadline.

**Fairness to All Interested Parties and Support from Industry:** MHTC believes this emergency rule is fair to all interested persons and parties under the circumstances. On July 17, 2007, staff met with a number of representatives from the household goods industry along with representatives from the Missouri Movers Association. The participants discussed the new legislation and how MoDOT could best implement the new law through administrative rules.

**Effective Date and Duration:** MHTC filed this emergency rule on September 13, 2007, which becomes effective on October 3, 2007, and will expire on March 30, 2008.

(1) Definitions. As used in this chapter the following words and terms mean:

(A) Adoption notice—A formalized statement adopting a tariff or supplement when the operating authority, ownership or control of a carrier is transferred from one company or entity to another or when the true name, trade name or fictitious name is changed;

(B) Item—A particular provision or rate in a tariff or supplement. Each item is given an "item number;"

(C) Rate—The price or charge for a motor carrier's transportation and household goods moving-related services;

(D) Section—One or a series of consecutive items in the tariff, which is identified as a group;

(E) Supplement—One or more new pages of the tariff that contain any amendment, correction, addition or cancellation to all or part of a tariff. After a supplement is filed with the commission's tariff office, it becomes a part of the tariff it supplements;

(F) Tariff—A written schedule containing rates and related rules, regulations or other provisions published by one (1) or more motor carriers;

(G) Tariff office—The office within the Missouri Department of Transportation, Motor Carrier Services Division, which is delegated by the commission to process motor carrier tariffs;

(H) Tariff agent—A person, association or other entity (other than the motor carrier or its employee) authorized to publish and file rates, tariffs, supplements and provisions on behalf of a carrier; and

(I) Valuation—Level of liability assumed by the motor carrier for loss or damage of household goods.

(2) General Requirements. All statements in a tariff or supplement shall be in clear and precise terms regarding the rates and rules as necessary to remove all doubt as to the proper application. The tariff shall contain any exceptions to the application of rates and charges. The commission reserves the right to require a tariff or any item in the tariff to be modified, corrected or reissued. Any erroneous statement of fact or of law contained in a tariff shall not be binding or controlling upon the commission, even if the commission has approved the tariff. Unless otherwise specified, the term tariff includes all current supplements to the tariff.

(3) Form and Size of Tariffs. Except as expressly provided otherwise, all tariffs shall conform to these requirements:

(A) Tariffs shall be typed on durable paper measuring eight and one-half inches by eleven inches (8 1/2" × 11"). The type style shall be easily readable. Every tariff page shall contain a left margin of not less than one inch (1");

(B) Tariffs consisting of four (4) pages or less may be permanently bound or stapled on the left margin only. Tariffs consisting of more than four (4) pages and all supplements shall not be permanently bound, but may be loose-leaf bound in the left margin only;

(C) Every page including the title page shall show the tariff number in the upper left hand corner and the original or revised page number in the upper right hand corner of the page;

(D) Each page shall show at the bottom of the page the date when issued, the effective date and the name, address and telephone number of the carrier or tariff agent issuing the tariff;

(E) A tariff that consists of more than four (4) pages must be printed on one (1) side only and each page shall be consecutively numbered; and

(F) Each section shall be listed in item number order.

(4) Number of Copies. The carrier or its tariff agent shall send one (1) copy only of each tariff or supplement for official filing with the commission.

(5) If the tariff or supplement is filed by any tariff agent, employee or other person on behalf of the motor carrier, then the person shall sign the letter of transmittal, which shall state that the person is authorized to act on behalf of the motor carrier to file the tariff or supplement.

(6) Legal Rate to be Charged. The carrier shall charge for its household goods mover services only the rates specified in the tariff provisions in effect at the time the carrier provides that service.

(7) Effective Date of Tariffs or Supplements.

(A) When the tariff or supplement is filed with the commission, it is deemed to be approved by the commission on the effective date stated in the tariff or supplement without further action of the commission.

(B) The commission may suspend the tariff or supplement with or without a hearing either before or after its effective date. The commission may set aside the tariff or supplement after hearing as provided by law.

(C) Before the effective date of the tariff or supplement, the carrier or its agent may rescind the filing by letter or notice to the commission.

(D) The effective date for increases in rates and charges shall not be less than two (2) days after the tariff is received in the commission's tariff office.

(E) The effective date for decreases in rates and charges shall not be less than one (1) day after the tariff or supplement is received in the commission's tariff office.

(F) If the tariff is issued with reference to a commission decision, action or order, the effective date shall be on or after the effective date of the decision or order.

(G) If the commission tariff office receives a tariff or supplement on which the stated effective date is earlier than this section requires, then the commission may, with approval from the carrier or its tariff agent, strike the stated effective date and insert the earliest effective date as authorized by this section or any later effective date approved by the carrier or its tariff agent.

(H) The commission's receipt and filing of a tariff or supplement does not relieve the carrier from liability for any violation of or non-compliance with applicable laws, rules or orders of the commission, nor from the liability for any actions or omissions by a common carrier in reliance upon an unlawful, invalid or erroneous tariff or supplement.

## (8) Parts of a Tariff.

(A) A tariff shall contain the following parts except as otherwise provided in subsection (8)(H) of this rule:

1. A title page;
2. Index table, section 1;
3. List of participating carriers, section 2;
4. Each participating carrier's operating authority granted by the commission, section 3;
5. The carrier's rules that pertain to the application of the tariff, section 4;
6. Rates, section 5 or higher;
7. Supplements; and
8. Any adoption notice.

(B) Title Page. The title page of every tariff shall include the following items in the order named:

1. MO number. Each carrier or tariff agent shall assign to each tariff a consecutive serial number starting with one (1) for a new authority granted by the commission to a carrier. Example: "MO 1." If a new tariff is filed to replace a tariff being cancelled, the title page should show the new MO number and directly under that number state that it "Cancels MO (Number)." Example: "MO 2 Cancels MO 1." A separate series of MO numbers shall be used for tariffs filed on behalf of more than one (1) participating carrier;

2. Name of carrier. The true name of the carrier as registered with the commission plus the carrier's trade name or dba (doing business as) name. If more than one (1) carrier participates in the tariff, then the name of the carrier shall be omitted from the title page;

3. Description of service. A short description of the type of service for which the tariff applies and the territory or points between which the tariff applies. For example: "Transportation of Household Goods within Commercial Zone(s);"

4. Effective date. Each tariff shall contain the date the tariff was printed and the effective date when the tariff will take effect;

5. Tariffs issued with reference to a commission decision. If a new tariff is required to be filed pursuant to a commission decision or order, the title page of the tariff shall contain a reference to that decision or order; and

6. Person issuing the tariff. At the bottom of the title page, list the name, address and telephone number of the carrier or its tariff agent who prepared the tariff.

(C) Index Table. The index table shall be designated as section 1. The index table shall be alphabetized by subject and shall specify the item and page number where information by subject may be found within the tariff. If the tariff is four (4) pages or less in length, the index table may be omitted.

(D) List of Participating Carriers. When more than one (1) carrier participates in the same tariff, the tariff shall include a list of every participating carrier which shall be designated as section 2 of the tariff. For each participating carrier, the list shall clearly identify the carrier's name, United States Department of Transportation (USDOT) number and every tariff section or item number that applies to the participating carrier. A tariff filed on behalf of a single carrier may omit section 2.

(E) Statement of Operating Authority. Each tariff shall include a statement of operating authority for each participating carrier, which shall be designated as section 3 of the tariff.

## (F) Rules Affecting the Tariff.

1. Each tariff shall include a separate section, which shall be designated as section 4 and shall contain rules used to define terms and service or to explain what conditions would apply to a rate, charge or service. A special rule affecting a particular item or rate shall refer to that rate. Any rule that applies to one (1) or more specific rates must refer to the item numbers of all rates affected by that rule.

2. Each rule shall be identified by a separate item number.
3. No rule shall refer to a rate in any other tariff.
4. If the carrier intends to charge any rates based on mileage,

then the rules section of the tariff shall identify the mileage guide or other reference which the carrier will use to determine mileage. The carrier shall not use or refer to any mileage guide or other reference not approved by the commission.

5. Items with the tariffs shall not result in conflicting rates, charges or provisions.

## (G) Rates and Charges.

1. Rates and charges shall be plainly stated in United States monetary denominations.

2. If applicable, minimum charges for providing service shall be included.

3. The carrier shall charge and receive U.S. currency, not commodities or services, in exchange for transportation services.

4. This section of the tariff shall include the method by which the rates are determined.

5. Complicated plans or ambiguous terms shall not be used. Rates may be included for vehicles of differing size or differing use of manpower. Differing rates cannot be used for similar cost of operation.

6. A motor carrier shall not offer any discounted or reduced rates or charges except in accordance with the applicable terms and conditions in that carrier's tariff. The terms and conditions for any discounted or reduced rates shall be reasonable, and shall not unfairly discriminate between or result in any undue preference or prejudice to persons who are similarly situated.

7. Rates or charges that divide or attempt to divide this state into territorial rate areas are unjust, unreasonable and invalid.

8. No carrier shall offer or provide free transportation, except as authorized by section 387.120, RSMo.

9. The motor carrier shall include in its tariff the rates and charges for any and all services the carrier provides in connection with the transportation of household goods.

## (H) Supplements.

1. Any amendment, correction or change to the tariff is published as a supplement. Any amendment, correction or change to the tariff shall require the reprinting only of the page(s) where the change occurs. The supplement will cancel and replace the old page(s) of the tariff.

2. Any amendment, correction or change shall be shown in bold letters to symbolize the amendment, correction or change in the item within the supplement or tariff to be approved. The word "Revised" will be typed in bold letters in front of the item number being amended, corrected or changed.

3. When changes are needed to a tariff that is four (4) pages or less, a new tariff shall be filed to cancel and replace the prior one instead of filing supplement page(s).

4. Every supplement page shall show at the upper right hand corner of the page the revised page number and the page number of the page being replaced. For example: "First Revised Page 1 Cancels Original Page 1" or "Second Revised Page 1 Cancels First Revised Page 1."

5. If an additional page needs to be added between numbered pages, the additional page shall be given the same number as its preceding page plus an alpha letter. For example: "Page 6, Page 6-A, Page 6-B."

6. If an item within the tariff is cancelled, the page is reprinted and the information within the item is left blank. The word "Cancelled" will be typed in bold letters in front of the item number being cancelled. Once an item number has been cancelled or expired, the item number shall not be used again in the same tariff. The "Cancelled" item number will remain in the tariff and shown in subsequent supplements.

## (I) Adoption Notice.

1. A new title page will be created and filed with the commission's tariff office when the ownership or name of the carrier has changed. The title page will include the title "Adoption Notice" and contain the following description statement: "The (name of carrier) hereby adopts, ratifies and makes it own, in every respect as if it had

been originally filed by it, all tariffs, supplements, amendments, rules and regulations filed with the Missouri Highways and Transportation Commission by the (former carrier name) prior to (date) for Tariff Number MO (number).”

2. The adoption notice shall become effective on not less than one (1) day’s notice after the adoption notice is received in the commission’s tariff office.

(9) Pursuant to this rule, a carrier or a tariff agent shall deliver for filing all tariff and supplement documents to the commission’s tariff office by any of the following methods: personal delivery, U.S. mail, express courier delivery, photocopies, facsimile (FAX) copies, electronic mail (E-mail) or other approved electronic media. A carrier or tariff agent that offers photocopies, FAX copies, or electronic documents for filing shall be bound by them as if they were originals.

(10) A tariff or supplement filings may be rejected by commission staff if: 1) the tariff or supplement fails to give lawful notice before the effective date (two (2) day’s notice for an increase and one (1) day’s notice for a decrease) of changes in rates or provisions; 2) fails to meet the requirements of any regulation; 3) violates any decision, order or rule of the commission or of a court; or 4) violates any applicable statute. A written explanation of the reason(s) for the rejection will be provided to the motor carrier when the commission staff rejects a tariff or supplement. The rejected tariff or supplement will not be returned but shall be retained in the commission’s tariff office. Written appeals of the rejection may be filed with the commission or a hearing may be requested in writing, not later than thirty (30) days after the effective date shown above, with the Missouri Administrative Hearing Commission.

(11) When a tariff is in effect and discrepancies are found within the tariff, the tariff or specific items in the tariff may be suspended by order of the commission. Any tariff, schedule or item suspended shall not be used while under suspension. The carrier or tariff agent shall immediately file a supplement or amendment quoting the items, rules and pages that were suspended. The supplement shall be effective on one (1) day’s notice. If the item, tariff or supplement is later required to be cancelled, the carrier will comply with the cancellation requirements established in subsection (8)(H) of this rule.

*AUTHORITY: section 622.027, RSMo 2000. Emergency rule filed Sept. 13, 2007, effective Oct. 3, 2007, expires March 30, 2008. A proposed rule covering this same material is published in this issue of the Missouri Register.*

**Title 13—DEPARTMENT OF SOCIAL SERVICES**  
**Division 70—[Division of Medical Services]**  
**MO HealthNet Division**  
**Chapter 10—Nursing Home Program**

**EMERGENCY AMENDMENT**

**13 CSR 70-10.015 Prospective Reimbursement Plan for Nursing Facility Services.** The division is adding paragraphs (13)(A)11. and 12.

*PURPOSE: This amendment provides for a per diem increase to nursing facility reimbursement rates by granting a trend adjustment resulting in an increase of three dollars and zero cents (\$3.00) effective for dates of service beginning February 1, 2007 and an increase of an additional six dollars and zero cents (\$6.00) effective for dates of service beginning July 1, 2007.*

*EMERGENCY STATEMENT: The Department of Social Services, MO HealthNet Division by rule and regulation must define the reasonable costs, manner, extent, quantity, quality, charges and fees of*

*medical assistance. Effective for dates of service beginning February 1, 2007, the appropriation by the General Assembly included additional funds to increase nursing facilities’ reimbursements to account for a trend adjustment for SFY 2007. Effective for dates of service beginning July 1, 2007, the appropriation by the General Assembly included additional funds to increase nursing facilities’ reimbursements to account for a trend adjustment for SFY 2008. The MO HealthNet Division is carrying out the General Assembly’s intent by providing for a per diem increase to nursing facility reimbursement rates through the implementation of a trend adjustment effective for dates of service beginning February 1, 2007 of three dollars and zero cents (\$3.00) and effective for dates of service beginning July 1, 2007 of an additional six dollars and zero cents (\$6.00). The trend adjustments are necessary to ensure that payments for nursing facility per diem rates are in line with the funds appropriated for that purpose. There is a total of four hundred ninety-nine (499) nursing facilities currently enrolled in Missouri Medicaid, which will receive a per diem increase to its reimbursement rate of three dollars and zero cents (\$3.00) effective for dates of service beginning February 1, 2007 and an additional six dollars and zero cents (\$6.00) effective for dates of service beginning July 1, 2007. This emergency amendment will ensure payment for nursing facility services to approximately twenty-five thousand (25,000) senior Missourians in accordance with the appropriation authority. This emergency amendment must be implemented on a timely basis to ensure that quality nursing facility services continue to be provided to Medicaid patients in nursing facilities during state fiscal years 2007 and 2008 in accordance with the appropriation authority. As a result, the MO HealthNet Division finds an immediate danger to public health, safety and/or welfare and a compelling governmental interest, which requires emergency action. The Missouri Medical Assistance program has a compelling governmental interest in providing continued cash flow for nursing facility services. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended by the Missouri and United States Constitutions. The MO HealthNet Division believes this emergency amendment is fair to all interested persons and parties under the circumstances. A proposed amendment covering the three dollars and zero cent (\$3.00) increase was published in the Missouri Register on May 1, 2007 (32 MoReg 700-715). The final order of rulemaking relating to that proposed amendment reflects the six dollar and zero cent (\$6.00) increase and was filed with the secretary of state on August 23, 2007. Therefore, the division believes this emergency to be fair to all interested persons and parties under the circumstances. This emergency amendment was filed September 17, 2007, effective October 1, 2007, expires March 28, 2008.*

(13) Adjustments to the Reimbursement Rates. Subject to the limitations prescribed elsewhere in this regulation, a facility’s reimbursement rate may be adjusted as described in this section.

(A) Global Per Diem Rate Adjustments. A facility with either an interim rate or a prospective rate may qualify for the global per diem rate adjustments. Global per diem rate adjustments shall be added to the specified cost component ceiling.

1. FY-96 negotiated trend factor—

A. Facilities with either an interim rate or prospective rate in effect on October 1, 1995, shall be granted an increase to their per diem effective October 1, 1995, of 4.6% of the cost determined in paragraphs (11)(A)1., (11)(B)1., (11)(C)1. and the property insurance and property taxes detailed in paragraph (11)(D)3. of this regulation; or

B. Facilities that were granted a prospective rate based on paragraph (12)(A)2. that is in effect on October 1, 1995, shall have their increase determined by subsection (3)(S) of this regulation.

2. FY-97 negotiated trend factor—

A. Facilities with either an interim rate or prospective rate in effect on October 1, 1996, shall be granted an increase to their per diem effective October 1, 1996, of 3.7% of the cost determined in paragraphs (11)(A)1., (11)(B)1., (11)(C)1. and the property insurance and property taxes detailed in paragraph (11)(D)3. of this regulation; or

B. Facilities that were granted a prospective rate based on paragraph (12)(A)2. that is in effect on October 1, 1995, shall have their increase determined by subsection (3)(S) of this regulation.

3. NFRA. Effective October 1, 1996, all facilities with either an interim rate or a prospective rate shall have its per diem adjusted to include the current NFRA as an allowable cost in its reimbursement rate calculation.

4. Minimum wage adjustment. All facilities with either an interim rate or a prospective rate in effect on November 1, 1996, shall be granted an increase to their per diem effective November 1, 1996, of two dollars and forty-five cents (\$2.45) to allow for the change in minimum wage. Utilizing Fiscal Year 1995 cost report data, the total industry hours reported for each payroll category was multiplied by the fifty-cent (50¢) increase, divided by the patient days for the facilities reporting hours for that payroll category and factored up by 8.67% to account for the related increase to payroll taxes. This calculation excludes the director of nursing, the administrator and assistant administrator.

5. Minimum wage adjustment. All facilities with either an interim rate or a prospective rate in effect on September 1, 1997, shall be granted an increase to their per diem effective September 1, 1997, of one dollar and ninety-eight cents (\$1.98) to allow for the change in minimum wage. Utilizing Fiscal Year 1995 cost report data, the total industry hours reported for each payroll category was multiplied by the forty-cent (40¢) increase, divided by the patient days for the facilities reporting hours for that payroll category and factored up by 8.67% to account for the related increase to payroll taxes. This calculation excludes the director of nursing, the administrator and assistant administrator.

6. FY-98 negotiated trend factor—

A. Facilities with either an interim rate or prospective rate in effect on October 1, 1997, shall be granted an increase to their per diem effective October 1, 1997, of 3.4% of the cost determined in paragraphs (11)(A)1., (11)(B)1., (11)(C)1. and the property insurance and property taxes detailed in paragraph (11)(D)3. of this regulation; or

B. Facilities that were granted a prospective rate based on paragraph (12)(A)2. that is in effect on October 1, 1995, shall have their increase determined by subsection (3)(S) of this regulation.

7. FY-99 negotiated trend factor—

A. Facilities with either an interim rate or prospective rate in effect on October 1, 1998, shall be granted an increase to their per diem effective October 1, 1998, of 2.1% of the cost determined in paragraphs (11)(A)1., (11)(B)1., (11)(C)1., the property insurance and property taxes detailed in paragraph (11)(D)3. of this regulation and the minimum wage adjustments detailed in paragraphs (13)(A)4. and (13)(A)5.; or

B. Facilities that were granted a prospective rate based on paragraph (12)(A)2. that is in effect on October 1, 1998, shall have their increase determined by subsection (3)(S) of this regulation.

8. FY-2000 negotiated trend factor—

A. Facilities with either an interim rate or prospective rate in effect on July 1, 1999, shall be granted an increase to their per diem effective July 1, 1999, of 1.94% of the cost determined in subsections (11)(A), (11)(B), (11)(C), the property insurance and property taxes detailed in paragraph (11)(D)3. and the minimum wage adjustments detailed in paragraphs (13)(A)4. and (13)(A)5. of this regulation; or

B. Facilities that were granted a prospective rate based on paragraph (12)(A)2. that is in effect on July 1, 1999, shall have their increase determined by subsection (3)(S) of this regulation.

9. FY-2004 nursing facility operations adjustment—

A. Facilities with either an interim rate or prospective rate in effect on July 1, 2003, shall be granted an increase to their per diem effective for dates of service beginning July 1, 2003 through June 30, 2004 of four dollars and thirty-two cents (\$4.32) for the cost of nursing facility operations. Effective for dates of service beginning July 1, 2004, the per diem adjustment shall be reduced to three dollars and seventy-eight cents (\$3.78).

B. The operations adjustment shall be added to the facility's current rate as of June 30, 2003 and is effective for payment dates after August 1, 2003.

10. FY-2007 quality improvement adjustment—

A. Facilities with either an interim rate or prospective rate in effect on July 1, 2006, shall be granted an increase to their per diem effective for dates of service beginning July 1, 2006 of three dollars and seventeen cents (\$3.17) to improve the quality of life for nursing facility residents.

B. The quality improvement adjustment shall be added to the facility's current rate as of June 30, 2006 and is effective for dates of service beginning July 1, 2006 and after.

11. FY-2007 trend adjustment.

A. Facilities with either an interim rate or a prospective rate in effect on February 1, 2007, shall be granted an increase to their per diem rate effective for dates of service beginning February 1, 2007, of three dollars and zero cents (\$3.00) to allow for a trend adjustment to ensure quality nursing facility services.

B. The trend adjustment shall be added to the facility's reimbursement rate as of January 31, 2007 and is effective for dates of service beginning February 1, 2007 for payment dates after March 1, 2007.

12. FY-2008 trend adjustment.

A. Facilities with either an interim rate or a prospective rate in effect on July 1, 2007, shall be granted an increase to their per diem rate effective for dates of service beginning July 1, 2007 of six dollars and zero cents (\$6.00) to allow for a trend adjustment to ensure quality nursing facility services.

B. The trend adjustment shall be added to the facility's current rate as of June 30, 2007 and is effective for dates of service beginning July 1, 2007.

*AUTHORITY: sections 208.153, 208.159 and 208.201, RSMo 2000 CCS for SCS for HCS for HB 14, 94th General Assembly and CCS for SCS for HCS for HB 11, 94th General Assembly. Emergency rule filed Dec. 21, 1994, effective Jan. 1, 1995, expired April 30, 1995. Emergency rule filed April 21, 1995, effective May 1, 1995, expired Aug. 28, 1995. Original rule filed Dec. 15, 1994, effective July 30, 1995. For intervening history, please consult the Code of State Regulations. Amended: Filed March 30, 2007. Emergency amendment filed Sept. 17, 2007, effective Oct. 1, 2007, expires March 28, 2008.*

**Title 13—DEPARTMENT OF SOCIAL SERVICES**  
**Division 70—[Division of Medical Services]**  
**MO HealthNet Division**  
**Chapter 10—Nursing Home Program**

**EMERGENCY AMENDMENT**

**13 CSR 70-10.080 Prospective Reimbursement Plan for HIV Nursing Facility Services.** The division is adding paragraphs (13)(A)7. and 8.

*PURPOSE: This amendment provides for a per diem increase to HIV nursing facility reimbursement rates by granting a trend adjustment resulting in an increase of three dollars and zero cents (\$3.00) effective for dates of service beginning February 1, 2007 and an increase of an additional six dollars and zero cents (\$6.00) effective for dates of service beginning July 1, 2007.*

**EMERGENCY STATEMENT:** *The Department of Social Services, MO HealthNet Division by rule and regulation must define the reasonable costs, manner, extent, quantity, quality, charges and fees of medical assistance. Effective for dates of service beginning February 1, 2007, the appropriation by the General Assembly included additional funds to increase HIV nursing facilities' reimbursements to account for a trend adjustment for SFY 2007. Effective for dates of service beginning July 1, 2007, the appropriation by the General Assembly included additional funds to increase HIV nursing facilities' reimbursements to account for a trend adjustment for SFY 2008. The MO HealthNet Division is carrying out the General Assembly's intent by providing for a per diem increase to HIV nursing facility reimbursement rates through the implementation of a trend adjustment effective for dates of service beginning February 1, 2007 of three dollars and zero cents (\$3.00) and effective for dates of service beginning July 1, 2007 of an additional six dollars and zero cents (\$6.00). The trend adjustments are necessary to ensure that payments for HIV nursing facility per diem rates are in line with the funds appropriated for that purpose. There is a total of one (1) HIV nursing facility currently enrolled in Missouri Medicaid, which will receive a per diem increase to its reimbursement rate of three dollars and zero cents (\$3.00) effective for dates of service beginning February 1, 2007 and an additional six dollars and zero cents (\$6.00) effective for dates of service beginning July 1, 2007. This emergency amendment will ensure payment for nursing facility services to approximately thirteen (13) disabled Missourians in accordance with the appropriation authority. This emergency amendment must be implemented on a timely basis to ensure that quality nursing facility services continue to be provided to Medicaid patients in HIV nursing facilities during state fiscal years 2007 and 2008 in accordance with the appropriation authority. As a result, the MO HealthNet Division finds an immediate danger to public health, safety and/or welfare and a compelling governmental interest, which requires emergency action. The Missouri Medical Assistance program has a compelling governmental interest in providing continued cash flow for HIV nursing facility services. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended by the Missouri and United States Constitutions. The MO HealthNet Division believes this emergency amendment is fair to all interested persons and parties under the circumstances. A proposed amendment covering the three dollars and zero cent (\$3.00) increase, was published in the Missouri Register on May 1, 2007 (32 MoReg 716-717). The final order of rulemaking relating to that proposed amendment reflects the six dollar and zero cent (\$6.00) increase and was filed with the secretary of state on August 23, 2007. Therefore, the division believes this emergency to be fair to all interested persons and parties under the circumstances. This emergency amendment was filed September 17, 2007, effective October 1, 2007, expires March 28, 2008.*

(13) Adjustments to the Reimbursement Rates. Subject to the limitations prescribed elsewhere in this regulation, a facility's reimbursement rate may be adjusted as described in this section.

(A) Global Per Diem Rate Adjustments. A facility with either an interim rate or a prospective rate may qualify for the global per diem rate adjustments. Global per diem rate adjustments shall be added to the specified cost component ceiling.

1. Minimum wage adjustment. All facilities with either an interim rate or a prospective rate in effect on September 1, 1997, shall be granted an increase to their per diem effective September 1, 1997, of one dollar and ninety-eight cents (\$1.98) to allow for the change in minimum wage. Utilizing Fiscal Year 1995 cost report data, the total industry hours reported for each payroll category was multiplied by the forty-cent (40¢) increase, divided by the patient days for the facilities reporting hours for that payroll category and factored up by 8.67% to account for the related increase to payroll taxes. This calculation excludes the director of nursing, the administrator and assistant administrator.

2. FY-98 negotiated trend factor.

A. Facilities with either an interim rate or prospective rate in effect on October 1, 1997, shall be granted an increase to their per diem effective October 1, 1997, of 3.4% of the cost determined in paragraphs (11)(A)1., (11)(B)1., (11)(C)1. and the property insurance and property taxes detailed in paragraph (11)(D)3. of this regulation; or

B. Facilities that were granted a prospective rate based on paragraph (12)(A)2. that is in effect on October 1, 1995, shall have their increase determined by subsection (3)(S) of this regulation.

3. FY-99 negotiated trend factor.

A. Facilities with either an interim rate or prospective rate in effect on October 1, 1998, shall be granted an increase to their per diem effective October 1, 1998, of 2.1% of the cost determined in paragraphs (11)(A)1., (11)(B)1., (11)(C)1., the property insurance and property taxes detailed in paragraph (11)(D)3. of this regulation and the minimum wage adjustment detailed in paragraph (13)(A)1.; or

B. Facilities that were granted a prospective rate based on paragraph (12)(A)2. that is in effect on October 1, 1998, shall have their increase determined by subsection (3)(S) of this regulation.

4. FY-2000 negotiated trend factor.

A. Facilities with either an interim rate or prospective rate in effect on July 1, 1999, shall be granted an increase to their per diem effective July 1, 1999, of 1.94% of the cost determined in subsections (11)(A), (11)(B), (11)(C), the property insurance and property taxes detailed in paragraph (11)(D)3. and the minimum wage adjustment detailed in paragraph (13)(A)1. of this regulation; or

B. Facilities that were granted a prospective rate based on paragraph (12)(A)2. that is in effect on July 1, 1999, shall have their increase determined by subsection (3)(S) of this regulation.

5. FY-2004 nursing facility operations adjustment.

A. Facilities with either an interim rate or prospective rate in effect on July 1, 2003, shall be granted an increase to their per diem effective for dates of service beginning July 1, 2003 through June 30, 2004 of four dollars and thirty-two cents (\$4.32) for the cost of nursing facility operations. Effective for dates of service beginning July 1, 2004, the per diem adjustment shall be reduced to three dollars and seventy-eight cents (\$3.78).

B. The operations adjustment shall be added to the facility's current rate as of June 30, 2003 and is effective for payment dates after August 1, 2003.

6. FY-2007 quality improvement adjustment.

A. Facilities with either an interim rate or prospective rate in effect on July 1, 2006, shall be granted an increase to their per diem effective for dates of service beginning July 1, 2006 of three dollars and seventeen cents (\$3.17) to improve the quality of life for nursing facility residents.

B. The quality improvement adjustment shall be added to the facility's current rate as of June 30, 2006 and is effective for dates of service beginning July 1, 2006 and after.

7. FY-2007 trend adjustment.

A. Facilities with either an interim rate or a prospective rate in effect on February 1, 2007, shall be granted an increase to their per diem rate effective for dates of service beginning February 1, 2007 of three dollars and zero cents (\$3.00) to allow for a trend adjustment to ensure quality nursing facility services.

B. The trend adjustment shall be added to the facility's reimbursement rate as of January 31, 2007 and is effective for dates of service beginning February 1, 2007 for payment dates after March 1, 2007.

8. FY-2008 trend adjustment.

A. Facilities with either an interim rate or a prospective rate in effect on July 1, 2007, shall be granted an increase to their per diem rate effective for dates of service beginning July 1, 2007 of six dollars and zero cents (\$6.00) to allow for a trend adjustment to ensure quality nursing facility services.

**B. The trend adjustment shall be added to the facility's current rate as of June 30, 2007 and is effective for dates of service beginning July 1, 2007.**

*AUTHORITY: sections 208.153 and 208.201, RSMo 2000 CCS for SCS for HCS for HB 14, 94th General Assembly and CCS for SCS for HCS for HB 11, 94th General Assembly. Original rule filed Aug. 1, 1995, effective March 30, 1996. For intervening history, please consult the Code of State Regulations. Amended: Filed March 30, 2007. Emergency amendment filed Sept. 17, 2007, effective Oct. 1, 2007, expires March 28, 2008.*

**Title 19—DEPARTMENT OF HEALTH  
AND SENIOR SERVICES**

**Division 40—Division of Maternal, Child and Family  
Health**

**Chapter 7—Metabolic Formula [Distribution] Program**

**EMERGENCY RULE**

**19 CSR 40-7.040 Definitions**

*PURPOSE: This rule defines the terms used in this chapter.*

*EMERGENCY STATEMENT: This emergency rule is necessary to preserve a compelling governmental interest to provide health care to individuals eligible for the Metabolic Formula Program (MFP). An early effective date is required because the emergency rule implements House Bill 948, 94th General Assembly, First Regular Session (2007), which expands the income eligibility of individuals eligible for the MFP. The Missouri Department of Health and Senior Services also finds an immediate danger to public health and welfare, which requires this emergency action. If this emergency rule is not enacted, there would be a significant cash flow shortage causing a financial strain on the state due to the inability to collect premiums on a sliding scale. This in turn will impact the health and welfare of the participants. The scope of this emergency rule limits the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Missouri Department of Health and Senior Services believes this emergency rule to be fair to all interested parties under the circumstances. This emergency rule filed September 7, 2007, effective September 17, 2007, expires March 14, 2008.*

(1) Applicant is a person who meets eligibility requirements as defined by 19 CSR 40-7.050 Program Eligibility, and is approved for participation in the Metabolic Formula Program (MFP).

(2) Department is the Missouri Department of Health and Senior Services.

(3) The Metabolic Formula Program is a program of the department through which low-protein formula, a special dietary product, is provided to individuals diagnosed as having phenylketonuria (PKU), maple syrup urine disease (MSUD) and other metabolic conditions as recommended to the department by the Missouri Genetic Advisory Committee.

(4) Maple syrup urine disease (MSUD) is a metabolic disorder due to a defect in the enzyme that is responsible for the metabolism of the essential branched-chain amino acids isoleucine, leucine and valine.

(5) Metabolic treatment center is a medical facility with the capacity to diagnose metabolic conditions and to provide comprehensive medical management.

(6) Phenylketonuria (PKU) is a hereditary disorder of phenylalanine metabolism characterized by brain damage and mental retardation due to accumulation of toxic metabolic products.

(7) Resident is an individual having a domicile in Missouri with the intention to live in Missouri on a permanent basis.

(8) Sliding fee scale is the tool utilized to determine the monthly premium to be paid for the MFP program services.

*AUTHORITY: sections 191.315, RSMo 2000; 191.331, (HCS HB 948, 94th General Assembly, First Regular Session (2007)); and 191.332, RSMo Supp. 2006. Emergency rule filed Sept. 7, 2007, effective Sept. 17, 2007, expires March 14, 2008.*

**Title 19—DEPARTMENT OF HEALTH  
AND SENIOR SERVICES**

**Division 40—Division of Maternal, Child and Family  
Health**

**Chapter 7—Metabolic Formula [Distribution] Program**

**EMERGENCY RULE**

**19 CSR 40-7.050 Program Eligibility**

*PURPOSE: The Department of Health and Senior Services (DHSS) provides low-protein formula, a special dietary product, to individuals diagnosed as having phenylketonuria (PKU), maple syrup urine disease (MSUD) and other metabolic conditions as approved by the Newborn Screening Standing Committee, a subcommittee of the Missouri Genetic Advisory Committee which makes recommendations to the department on newborn screening issues. This rule establishes the criteria by which the Metabolic Formula Program accepts clients for service.*

*EMERGENCY STATEMENT: This emergency rule is necessary to preserve a compelling governmental interest to provide health care to individuals eligible for the Metabolic Formula Program (MFP). An early effective date is required because the emergency rule implements House Bill 948, 94th General Assembly, First Regular Session (2007), which expands the income eligibility of individuals eligible for the MFP. The Missouri Department of Health and Senior Services also finds an immediate danger to public health and welfare, which requires this emergency action. If this emergency rule is not enacted, there would be a significant cash flow shortage causing a financial strain on the state due to the inability to collect premiums on a sliding scale. This in turn will impact the health and welfare of the participants. The scope of this emergency rule limits the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Missouri Department of Health and Senior Services believes this emergency rule to be fair to all interested parties under the circumstances. This emergency rule filed September 7, 2007, effective September 17, 2007, expires March 14, 2008.*

(1) Conditions of eligibility for the Metabolic Formula Program (MFP) include:

(A) An applicant must be diagnosed as having phenylketonuria (PKU), maple syrup urine disease (MSUD) or other metabolic conditions as approved by the Newborn Screening Standing Committee and recommended to the department. The diagnosis must be made by a physician who practices at a metabolic treatment center;

(B) An applicant must be a resident of Missouri and cannot reside in a state facility. Proof of residency will consist of submitting a copy of the previous month's utility bill with the applicant's home address clearly printed;



(C) The physician treating the applicant must submit the following information to the department:

1. A letter requesting the applicant be placed on the MFP;
2. The name and address of the applicant; and
3. A prescription, signed by the treating physician, stating the name of the low-protein formula, a special dietary product the individual will be using; and

(D) Financial eligibility guidelines for enrollment in the MFP shall be based upon the Poverty Income Guidelines as established by the United States Department of Health and Human Services. Determination of individual applicant eligibility shall be based upon the following:

1. Applicants five (5) years or under shall have no income qualification requirements;
2. Applicants six (6) years through eighteen (18) years whose family income is below three hundred percent (300%) of the federal poverty level shall be eligible for enrollment in the MFP;
3. Applicants six (6) years through eighteen (18) years whose family income is at three hundred percent (300%) of the federal poverty level or above shall be eligible based on a sliding fee scale for enrollment in the MFP;
4. Applicants nineteen (19) years and above whose income does not exceed one hundred eighty-five percent (185%) of the federal poverty level shall be eligible for enrollment in the MFP;
5. Size of family unit shall be the number of persons in the household, including the responsible party(ies) and dependents allowable by the Internal Revenue Service as federal income tax exemptions. The family size may be increased by two (2) additional family members per affected individual nineteen (19) years and above for the cost of low-protein formula; and
6. Funding to eligible clients may be adjusted by the department based on available funding.

(2) A sliding fee scale shall be used to determine the amount of monthly premium and assistance to be provided by the department for those individuals six (6) years through eighteen (18) years having no insurance, Medicaid or Medicare and whose adjusted gross income places the family at three hundred percent (300%) of the federal poverty level or above. The sliding fee scale shall be updated based on changes in the federal poverty guidelines. The adjusted gross income line from Internal Revenue Service recognized tax forms shall be the income used to determine financial eligibility with adjustments for child support received or paid. The table for establishing a sliding scale fee of premiums is provided below.

**Sliding Fee Scale for those Applicants Age 6 through 18 Years  
Based on Family Adjusted Gross Income**

Adjusted Gross Income is:	Approximate Family Monthly Premium for Formula*
299% of poverty or below	0
300%-399% of poverty	25%
400%-499% of poverty	40%
500% of poverty and above	50%

\*Based upon Department of Health and Senior Services (DHSS) cost of formula and subject to available funding for the program.

(3) Approved applicants having no insurance coverage for metabolic formula, Medicaid benefits or other third party payor will have formula provided as prescribed by the person's genetic disease physician or a general physician in consultation with the genetic disease physician at the metabolic treatment center.

*AUTHORITY: sections 191.315, RSMo 2000; 191.331, (HCS HB 948,*

*94th General Assembly, First Regular Session (2007)); and 191.332, RSMo Supp. 2006. Emergency rule filed Sept. 7, 2007, effective Sept. 17, 2007, expires March 14, 2008.*

**Title 19—DEPARTMENT OF HEALTH  
AND SENIOR SERVICES  
Division 40—Division of Maternal, Child and Family  
Health  
Chapter 7—Metabolic Formula [Distribution] Program**

**EMERGENCY RULE**

**19 CSR 40-7.060 Application Process**

*PURPOSE: This rule establishes how individuals apply for participation in the Metabolic Formula Program.*

*EMERGENCY STATEMENT: This emergency rule is necessary to preserve a compelling governmental interest to provide health care to individuals eligible for the Metabolic Formula Program (MFP). An early effective date is required because the emergency rule implements House Bill 948, 94th General Assembly, First Regular Session (2007), which expands the income eligibility of individuals eligible for the MFP. The Missouri Department of Health and Senior Services also finds an immediate danger to public health and welfare, which requires this emergency action. If this emergency rule is not enacted, there would be a significant cash flow shortage causing a financial strain on the state due to the inability to collect premiums on a sliding scale. This in turn will impact the health and welfare of the participants. The scope of this emergency rule limits the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Missouri Department of Health and Senior Services believes this emergency rule to be fair to all interested parties under the circumstances. This emergency rule filed September 7, 2007, effective September 17, 2007, expires March 14, 2008.*

(1) Application for participation in the Metabolic Formula Program (MFP) shall be made on forms designated by the Department of Health and Senior Services. Application forms may be requested from the Department of Health and Senior Services, PO Box 570, Jefferson City, MO 65102-0570.

(2) The applicant, or if the applicant is a minor or incapacitated, the applicant's parent(s) or legal guardian, shall:

(A) Submit a copy of their most current federal 1040 tax form and complete a Metabolic Formula Program application that includes: the applicant's last name, first name, middle initial; date of birth; gender; race; marital status; Social Security number; address (street, city, state, zip); county of residence; home telephone number; cell telephone number; work telephone number; responsible party (last name, first name, middle initial), relationship and phone number); a copy of any applicable court appointed guardian/custodian document; dependents claimed on federal income tax filing (last name, first name, middle initial), relationship to the applicant and social security number of the dependents; alternate contact (last name, first name, middle initial), relationship to the applicant and phone number; Medicaid number (if applicable); amount of Medicaid spend down per month (if applicable); copy of the front and back on any third party payors (if applicable); other proof of income if the most recent federal income tax filing is not reflective of the current financial status; yearly amount of child support received; and yearly amount of child support paid;

(B) Submit a copy of the previous month's utility bill with the client's home address clearly printed as proof of residency; and

(C) Report any major changes in income, household composition, insurance, Medicaid coverage or address within ten (10) working

days after the date the applicant or the applicant's parent(s) or legal guardian becomes aware of the change.

(3) When the applicant is eligible, payments shall be made for such services through Medicaid or other insurance benefits available to the client to the fullest possible extent. The benefits available under the provisions of section 191.331, RSMo 2000 shall not replace those provided under other federal or state law or under other contractual or legal entitlements of the persons receiving them.

(4) The applicant is responsible for paying for any amount of debt incurred above the program amount paid by the department based on the established sliding fee scale in 19 CSR 40-7.050.

(5) The applicant or the applicant's parent(s) or legal guardian shall provide the department with complete and accurate information concerning their financial status.

(6) To maintain eligibility, an applicant shall submit a new application prior to the end of the eligibility period. The eligibility period shall be the state fiscal year, July 1 through June 30. Each new application submitted must meet the eligibility requirements and the most recent federal 1040 tax form must be submitted with the application. Applications may be accepted any time during the fiscal year.

(7) If the applicant or the applicant's parent(s) or legal guardian does not meet the requirements of sections (1)–(3) of this rule, the MFP shall discontinue services. The applicant may retain eligibility for service coordination services if the applicant's income exceeds income eligibility guidelines.

(8) Any applicant determined ineligible for the MFP may reapply based on changes, which may make them eligible.

*AUTHORITY: sections 191.315, RSMo 2000, 191.331, (HCS for HB 948, 94th General Assembly, First Regular Session (2007)); and 191.332, RSMo Supp. 2006. Emergency rule filed Sept. 7, 2007, effective Sept. 17, 2007, expires March 14, 2008.*

**Title 19—DEPARTMENT OF HEALTH  
AND SENIOR SERVICES**

**Division 40—Division of Maternal, Child and Family  
Health**

**Chapter 10—Forensic Examinations for Sexual Assault**

**EMERGENCY RULE**

**19 CSR 40-10.010 Payments for Sexual Assault Forensic Examinations**

*PURPOSE: The Department of Health and Senior Services makes payments to appropriate medical providers to cover the charges of the forensic examination of persons who may be a victim of a sexual offense. This rule establishes the criteria by which forensic examination charges are paid.*

*EMERGENCY STATEMENT: This emergency rule is necessary to preserve a compelling governmental interest to provide forensic examinations to victims of sexual assault. An early effective date is required because the emergency rule implements House Bill 583, 94th General Assembly, First Regular Session (2007), which requires the Department of Health and Senior Services to be the payer of first resort for sexual assault forensic examinations. The Missouri Department of Health and Senior Services also finds an immediate danger to public health and welfare, which requires this emergency action. If this emergency rule were not enacted, there would be a significant impact on victims of sexual assault in obtaining appropri-*

*ate forensic examinations. This in turn will impact the health and welfare of the victims. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Missouri Department of Health and Senior Services believes this emergency rule is fair to all interested parties under the circumstances. This emergency rule filed September 6, 2007, effective September 16, 2007, expires March 13, 2008.*

(1) The victim or the victim's guardian shall consent in writing to the examination.

(2) The medical provider shall not charge the victim for the forensic examination.

(3) All appropriate medical provider charges for the sexual assault forensic examinations shall be submitted to the Missouri Department of Health and Senior Services, Bureau of Genetics and Healthy Childhood, Sexual Assault Forensic Examination Program, 930 Wildwood Drive, PO Box 570, Jefferson City, MO 65102 for payment.

(4) Claims for sexual assault forensic examination charges shall be made on forms provided by the Department of Health and Senior Services. The Sexual Assault Forensic Examination Program Report form is included herein and is also available on the Department's website at <http://www.dhss.mo.gov/ApplicationsAndForms/index.html>.

(5) For the purposes of billing the Missouri Department of Health and Senior Services under section 191.225, RSMo (SS for SCS for HCS for HB 583, 94th General Assembly, First Regular Session, (2007)), claims shall not include the medical treatment. Medical treatment means the treatment of all injuries and health concerns relating directly from a patient's sexual assault or victimization including, but not limited to the following:

- (A) Testing for sexually transmitted diseases (STD) or human immunodeficiency virus (HIV) (unless victim is under fourteen (14) years of age);
- (B) Treatment/prophylaxis of STD or HIV;
- (C) Any antibiotic prophylaxis;
- (D) Pregnancy testing;
- (E) Emergency contraception;
- (F) Tetanus immunization;
- (G) Wound care, laceration repair;
- (H) Fractures/sprain treatment;
- (I) Surgical procedures;
- (J) Discharge instruction counseling; and
- (K) Out patient follow-up.

(6) Effective January 1, 2008 all claims for sexual assault forensic examination charges must be submitted to the department within one hundred twenty (120) days from the date of the forensic examination.

(7) The department, at its discretion, may require proof of completion of forensic examinations for auditing purposes.



MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES  
SEXUAL ASSAULT FORENSIC EXAMINATION PROGRAM REPORT

EXAMINATION AND INCIDENT INFORMATION			
DATE OF EXAMINATION	TIME <input type="checkbox"/> a.m. <input type="checkbox"/> p.m.	COUNTY WHERE INCIDENT OCCURRED	DATE OF INCIDENT
EVALUATION FOR SUSPECTED ABUSE <input type="checkbox"/> Sexual <input type="checkbox"/> Physical <input type="checkbox"/> Emotional <input type="checkbox"/> Neglect <input type="checkbox"/> Other:			ALLEGED ABUSER
AGENCY PERSON REFERRING VICTIM FOR EXAM (CHECK ALL THAT APPLY)			
<input type="checkbox"/> Victim <input type="checkbox"/> Children's Division <input type="checkbox"/> Health Care	<input type="checkbox"/> Parent or Guardian <input type="checkbox"/> Law Enforcement <input type="checkbox"/> Other _____	REFERRING AGENCY OR PERSON NAME	PHONE NUMBER
		ADDRESS	
VICTIM INFORMATION			
VICTIM NAME		DATE OF BIRTH	SEX <input type="checkbox"/> Female <input type="checkbox"/> Male
RACE CODES <input type="checkbox"/> American Indian/Alaska Native <input type="checkbox"/> Asian <input type="checkbox"/> Black/African American <input type="checkbox"/> Native Hawaiian or Pacific Islander <input type="checkbox"/> White			HISPANIC ETHNICITY <input type="checkbox"/> Yes <input type="checkbox"/> No
AUTHORIZATION FOR EXAMINATION REQUESTED BY VICTIM PARENT GUARDIAN			
Parental consent for a sexual assault forensic exam is not required in cases of known or suspected child abuse. I hereby request a forensic examination for evaluation of sexual assault. I understand the collection of evidence may include photographing injuries and that photographs may include the genital area. I understand that a copy of this form will be sent to the Prosecuting Attorney in the county where the alleged sexual assault occurred. I further understand that hospitals and physicians are required by law to notify the Children's Division of known or suspected child abuse. If child abuse is found or suspected, this form and any evidence will be released to the Children's Division, the Juvenile Justice Office, Law Enforcement and/or the Prosecuting Attorney. This form will be submitted to the Department of Health and Senior Services for billing purposes.			
SIGNATURE OF (CHECK ONE) <input type="checkbox"/> Victim <input type="checkbox"/> Parent <input type="checkbox"/> Guardian		SIGNATURE	
AUTHORIZATION FOR FORENSIC EXAMINATION REQUESTING AGENCY			
I request a forensic examination and collection of evidence for suspected sexual abuse:			
AGENCY	SIGNATURE		DATE
EXAMINING PROVIDER: I verify that a sexual assault forensic examination has been completed for this victim and a copy of this form has been submitted within three business days to the prosecuting attorney in the county where the alleged offense occurred.			
FACILITY NAME		FACILITY ADDRESS	
MEDICAL PROVIDER NAME AND TITLE		COUNTY OF FACILITY	PHONE NUMBER
STATE MEDICAL/NURSING LICENSE NUMBER			
SIGNATURE OF MEDICAL PROVIDER		SIGNATURE OF CO-EXAMINER (IF APPLICABLE)	
FOR CHILDREN'S DIVISION USE ONLY			
Incident Number:	Report Date:	Conclusion:	
BILLING INSTRUCTIONS			
Effective August 28, 2007, the Department of Health and Senior Services (DHSS) is the first payer for all sexual assault forensic examination charges (RSMo 191.225). Medical providers shall not bill victims for the sexual assault forensic examination. The DHSS will only pay for the forensic exam, not the medical treatment, for sexual assault victims. All other medical charges should be billed to the appropriate billing agency. For payments, submit an itemized invoice (including CPT codes if available), the completed checklist and this form to: <b>Missouri Department of Health and Senior Services Bureau of Genetics and Healthy Childhood Sexual Assault Forensic Examination Program PO Box 570 Jefferson City, MO 65102-0570</b>			
NAME AND TITLE OF PERSON COMPLETING THE BILLING INFORMATION			PHONE
REMIT TO ADDRESS:			

**Checklist Missouri DHSS Sexual Assault Forensic Exam Billing Checklist**

Check all items as they apply to the level of care provided during the sexual assault forensic exam. The guidelines for levels of care are: Level 1: 0-99 points, Level 2: 99-199 points, Level 3: 200-299 points, Level 4: 300-399 points, and Level 5: over 400 points.

- Completed screening exam for Emergency Medical Condition. 25 pts.
- Activated bedside advocacy. 30 pts.
- Activated interpreter. 30 pts.
- Specialized interpreter services. 60 pts.
- Interventions for disabilities. 60 pts.
- Obtained history of assault (including narrative). 30 pts (Non-drug facilitated sexual assault)
- Obtained history of DFSA 40 pts.
- Obtained consent for evaluation and treatment. 5 pts.
- Obtained consent evidentiary SAFE exam. 5 pts.
- Obtained consent photography. 5pts.
- Obtained consent drug screening. 5 pts.
- Obtained consent release of information. 5 pts.
- Obtained consent for release of information to law enforcement. 5 pts.
- Obtained consent for & law enforcement activation. 30 pts. \*
- Collected urine for drug facilitated sexual assault. 20 pts.
- Collected underwear patient put on immediately after vaginal or anal penetration. 10 pts.
- Collected clothing, as forensically indicated, in brown paper bags, sealed and labeled. 10 pts.
- Obtained swabs & smear from all areas that victim states was bitten or licked (if forensically indicated). 10 pts.
- Obtained swabs & smear from all positive light source areas. 10 pts.
- Collected blood standard. 20 pts.
- Utilized crime scene investigators for bite mark impressions. 10 pts.
- Collected oral swab for DNA Standard. 10 pts. (if forensically indicated).
- Collected oral swabs & smear (if orally assaulted). 10 pts.
- Collected anal swabs & smear (if forensically indicated). 10 pts.
- Collected vaginal swabs & smear (if forensically indicated) 30 pts
- Collected cervical swabs & smear (if forensically indicated). 30 pts
- Collected penile swabs & smear. (if forensically indicated). 20 pts
- Collected head hair standard (if forensically indicated). 10 pts
- Collected pubic hair standard (if forensically indicated). 30 pts.
- Completed toulidine dye exam. 30 pts.
- Collected unknown sample(s) (if forensically indicated). 15 pts.
- Describe:

- 
- Collected fingernail scrapings. 10 pts.
  - Photography: Colposcopic or Digital
    - Genital Digital photography by forensic examiner. 25 pts.
    - Non-Genital Digital photography by forensic examiner.
      - Less than 10 photos. 20 pts.
      - More than 10 photos. 40 pts.
    - Colposcopic photography by forensic examiner. 30 pts.
  - Forensic evidence storage. 20 pts.
  - Completion of DHSS Sexual Assault Forensic Examination Program Report. 60 pts.
  - Separate confidential medical record file. 40 pts.
  - Forensic exam conducted by physician or forensically trained healthcare provider such as SANE. 100 pts.
- \* VAWA prohibits mandatory reporting to law enforcement to obtain services.

TOTAL POINTS FOR COMPLETING THIS FORENSIC EXAMINATION \_\_\_\_\_

**\*Missouri DHSS Sexual Assault Forensic Exam Checklist**

**Check all items as provided during the sexual assault forensic exam.**

- Completed screening exam for Emergency Medical Condition.
  - Activated bedside advocacy.
  - Activated interpreter.
  - Specialized interpreter services.
  - Interventions for disabilities.
  - Obtained history of assault (including narrative).
  - Obtained history of DFSA
  - Obtained consent for evaluation and treatment.
  - Obtained consent evidentiary SAFE exam.
  - Obtained consent photography.
  - Obtained consent drug screening.
  - Obtained consent release of information. .
  - Obtained consent for release of information to law enforcement.
  - Obtained consent for & law enforcement activation.
  - Collected urine for drug facilitated sexual assault.
  - Collected underwear patient put on immediately after vaginal or anal penetration.
  - Collected clothing, as forensically indicated, in brown paper bags, sealed and labeled.
  - Obtained swabs & smear from all areas that victim states was bitten or licked (if forensically indicated).
  - Obtained swabs & smear from all positive light source areas.
  - Collected blood standard.
  - Utilized crime scene investigators for bite mark impressions.
  - Collected oral swab for DNA Standard. (if forensically indicated).
  - Collected oral swabs & smear (if orally assaulted).
  - Collected anal swabs & smear (if forensically indicated).
  - Collected vaginal swabs & smear (if forensically indicated).
  - Collected cervical swabs & smear (if forensically indicated).
  - Collected penile swabs & smear. (if forensically indicated).
  - Collected head hair standard (if forensically indicated).
  - Collected pubic hair standard (if forensically indicated).
  - Completed toulidine dye exam.
  - Collected unknown sample(s) (if forensically indicated).
  - Describe:
- 
- Collected fingernail scrapings.
  - Photography: Colposcopic or Digital
    - Genital Digital photography by forensic examiner.
    - Non-Genital Digital photography by forensic examiner.
      - Less than 10 photos.
      - More than 10 photos.
    - Colposcopic photography by forensic examiner.
  - Forensic evidence storage.
  - Completion of DHSS Sexual Assault Examination Form.
  - Separate confidential medical record file.
  - Forensic exam conducted by physician or forensically trained healthcare provider such as SANE.
    - VAWA prohibits mandatory reporting to law enforcement to obtain services.

\*U.S. Department of Justice, National Protocol for Sexual Assault Medical Forensic Examinations (9/04).  
American College of Emergency Physicians Standards of Care.

*AUTHORITY: section 191.225, (SS for SCS for HCS for HB 583, 94th General Assembly, First Regular Session (2007)). Emergency rule filed Sept. 6, 2007, effective Sept. 16, 2007, expires March 13, 2008.*

**T**he Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo Supp. 2006.

## EXECUTIVE ORDER 07-27

**WHEREAS**, I have been advised by the Director of the Department of Natural Resources that parts of the State of Missouri have suffered a prolonged period of low precipitation since June 2007; and

**WHEREAS**, the prolonged shortage of precipitation, low stream levels, low soil moisture conditions, and a low Palmer Drought Index have persisted for several months, indicating a moderate drought level; and

**WHEREAS**, early response to pending drought can greatly reduce negative impacts upon Missouri citizens; and

**WHEREAS**, state and federal agencies have many interdependent roles in identifying and mitigating drought impacts; and

**WHEREAS**, the State Water Resources Plan established pursuant to section 640.415, RSMo, has authorized the development of the Missouri Drought Response Plan; and

**WHEREAS**, the Missouri Drought Response Plan calls for intergovernmental communication, cooperation, and coordination of efforts in drought mitigation activities.

**NOW THEREFORE, I, MATT BLUNT, GOVERNOR OF THE STATE OF MISSOURI**, by virtue and authority vested in me by the Constitution and laws of the State of Missouri, do hereby declare a drought alert for the counties of Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Franklin, Iron, Jefferson, Madison, Mississippi, New Madrid, Pemiscot, Perry, Reynolds, Ripley, St. Charles, St. Francois, St. Louis, Ste. Genevieve, Scott, Stoddard, Washington, and Wayne.

I order and direct the Director of the Department of Natural Resources to activate and designate a chairperson for the Drought Assessment Committee and request that all Missouri agencies and federal agencies participate as needed.

All state agencies are hereby directed to examine how we may assist affected communities, as well as those communities that may be affected in the future, through temporary suspension of administrative rules, appropriation, or other means of support to mitigate the effects of the drought conditions.

This Executive Order shall be effective immediately and shall remain in effect until termination by my further order.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 7th day of September, 2007.

**Matt Blunt**  
Governor

**ATTEST:**

**Robin Carnahan**  
Secretary of State



**EXECUTIVE ORDER**  
**07-28**

The Executive Order denoted 05-16 is hereby rescinded.



IN WITNESS WHEREOF, I have  
hereunto set my hand and caused to be  
affixed the Great Seal of the State of  
Missouri, in the City of Jefferson, on this  
10th day of September, 2007.

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Matt Blunt  
Governor

ATTEST:

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Robin Carnahan  
Secretary of State

**EXECUTIVE ORDER  
07-29**

WHEREAS, the Governor's Advisory Council on Aging ("the Council") was formed in 1973 pursuant to the authority granted by the federal Older Americans Act of 1965 and organized within the Missouri Department of Social Services; and

WHEREAS, the Council serves a necessary function in that it investigates and advises the Governor regarding the needs, concerns, and potential of Missouri's elderly population. Additionally, the Council reviews and advises the Governor regarding the general direction of statewide aging services, conducts groups to study issues, and promotes public awareness; and

WHEREAS, in 1986, the Missouri Department of Social Services promulgated rules to direct the operations of the Council; and

WHEREAS, the Council and the rules governing it were transferred from the Missouri Department of Social Services to the Missouri Department of Health and Senior Services with the 2001 transfer of the Missouri Division of Aging; and

WHEREAS, at this time, it is necessary to amend the membership and the duties of the Governor's Advisory Council on Aging.

NOW, THEREFORE, I MATT BLUNT, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and Laws of the State of Missouri, do hereby reorganize the Governor's Advisory Council on Aging as follows:

The Governor's Advisory Council on Aging shall be composed of a total of twelve members appointed by the Governor. The Governor shall designate the Chairperson of the Council. Three members of the Council appointed by the Governor shall be appointed for a term expiring September 17, 2008; three members of the Council appointed by the Governor shall be appointed for a term expiring September 17, 2009; three members of the Council appointed by the Governor shall be appointed for a term expiring September 17, 2010; and three members of the council appointed by the Governor shall be appointed for a term expiring September 17, 2011. At the expiration of these terms, each succeeding member of the Council appointed by the Governor shall be appointed for a term for four years. No fewer than fifty-percent of the members appointed to the Council shall be sixty years of age or older. Membership shall include participants in aging services and low-income minority Missourians. .

When a term is completed, the term shall extend until a successor is appointed and duly qualified. No member shall serve more than two consecutive four-year terms. In the event a vacancy on the Council arises before a term is completed, the Governor shall appoint a person to fill out the remainder of the term.

I hereby charge the Council with the following duties:

1. Advise the Governor on state government's impact on the independence and dignity of Missouri's elders;
2. Advise the director of the Missouri Department of Health and Senior Services and the director of the Division of Senior and Disability Services as to the administration of those

- programs that impact aging Missourians, including Older Americans Act programs, Social Services Block Grant programs, and long-term care functions;
3. Encourage the coordination of all the state's agencies, both public and private, as they provide services to the elderly by encouraging appropriate services, discouraging duplication and recommending new initiatives.
  4. Serve on the Missouri State Senior Games Steering Committee, Finals Organizing Committee, and any other committee formed to assist in the promotion and implementation of the Missouri State Senior Games.

The Chairperson of the Council shall appoint special committees, subcommittees, and ad hoc committees as deemed necessary.

The Council will meet a minimum of four times a year, one of which will be designated as the annual meeting of the Council. The place and time of the meetings shall be determined by the Chairperson of the Council.

Any committees created within the Council shall submit annual reports of the committee's activities and recommendations to the Council chairperson at least thirty days prior to the annual meeting.

An annual report to the Governor of the council's activities and recommendations shall be presented by the Council Chairperson and approved by the Council at the annual meeting. Once approved, the Council shall submit the report to the Governor. Other reports will be made as deemed necessary by the Council and submitted to the Governor, director of the Department of Health and Senior Services, and the director of the Division of Senior and Disability Services.

The Council is assigned for administrative purposes to the Missouri Department of Health and Senior Services. The director of the Department of Health and Senior Services or his or her designee shall be available to assist the Council as necessary and shall provide the Council with any staff assistance they may require from time to time.

Members of the Council shall receive no compensation for their services to the people of Missouri but may seek reimbursement of their reasonable and necessary expenses incurred as members of the Council.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 17th day of September, 2007.

A handwritten signature in black ink, appearing to read "Matt Blunt", written over a horizontal line.

**Matt Blunt**  
**Governor**

**ATTEST:**

A handwritten signature in black ink, appearing to read "Robin Carnahan", written over a horizontal line.

**Robin Carnahan**  
**Secretary of State**

**EXECUTIVE ORDER**  
**07-30**

WHEREAS, Section 105.454(5), RSMo, requires the Governor to designate those members of his staff who have supervisory authority over each department, division or agency of the state government.

NOW, THEREFORE, I, MATT BLUNT, GOVERNOR OF MISSOURI, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri, do hereby designate the following members of my staff as having supervisory authority over the following departments, divisions or agencies:

Office of Administration	Ed Martin
Department of Agriculture	Chuck Pryor
Department of Conservation	Ed Martin
Department of Corrections	Henry Herschel
Department of Economic Development	John Russell
Department of Elementary and Secondary Education	Bill Anderson
Department of Health and Senior Services	Jodi Stefanick
Department of Higher Education	Bill Anderson
Department of Insurance	Jody Larison
Department of Labor and Industrial Relations	Jody Larison
Department of Mental Health	Jodi Stefanick
Department of Natural Resources	Chuck Pryor
Department of Public Safety	Adam Gresham
Department of Revenue	Bill Anderson
Department of Social Services	Jodi Stefanick
Department of Transportation	Chuck Pryor
Missouri Housing Development Commission	Ed Martin
Boards Assigned to the Governor	Ed Martin
Unassigned Boards and Commissions	Ed Martin



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 13<sup>th</sup> day of September, 2007.

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**Matt Blunt**  
**Governor**

**ATTEST:**

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**Robin Carnahan**  
**Secretary of State**