




---



---

**Rules of**  
**Department of Transportation**  
**Division 10—Missouri Highways and Transportation**  
**Commission**  
**Chapter 25—Motor Carrier Operations**

<b>Title</b>	<b>Page</b>
<b>7 CSR 10-25.010</b> Skill Performance Evaluation Certificates For Commercial Drivers .....	3
<b>7 CSR 10-25.040</b> Notice to be Given to Consumers by Household Goods Carriers— Timing of Delivery, Form and Contents .....	4



## Title 7—DEPARTMENT OF TRANSPORTATION

### Division 10—Missouri Highways and Transportation Commission

#### Chapter 25—Motor Carrier Operations

##### 7 CSR 10-25.010 Skill Performance Evaluation Certificates For Commercial Drivers

*PURPOSE: This rule implements the provisions of section 622.555, RSMo, as enacted by House Bills No. 1270 and No. 2032, 91st General Assembly, Second Regular Session, 2002, by prescribing requirements relating to applications for skill performance evaluation certificates, and the issuance, renewal, suspension and revocation of those certificates by the commission. These certificates authorize certain individuals, who cannot satisfy the physical qualifications generally required by federal regulations, to drive commercial motor vehicles in intrastate commerce if they satisfy alternative requirements, which demonstrate their ability to maintain an equivalent or greater level of safety while operating commercial motor vehicles.*

*PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. Therefore, the material which is so incorporated is on file with the agency who filed this rule, and with the Office of the Secretary of State. Any interested person may view this material at either agency's headquarters or the same will be made available at the Office of the Secretary of State at a cost not to exceed actual cost of copy reproduction. The entire text of the rule is printed here. This note refers only to the incorporated by reference material.*

(1) Definitions and Substitutions. Except when the context clearly suggests otherwise, the words and terms used in this rule, or in any federal regulation incorporated by reference in this rule, shall have the meaning stated in this section.

(A) Whenever the terms “application,” “letter of application,” “written request,” or any similar terms used in the federal regulation refer to a document to be filed with a federal agency or official, the word “application” shall be substituted for those terms, which means a writing filed with the director, which shall contain all information required to complete the applicable form provided for that purpose by the department.

(B) Whenever the term “commercial motor vehicle” is used in the federal regulation, the

term shall include any motor vehicle, or the operation or driver of any motor vehicle, within the jurisdiction of the commission pursuant to the provisions of section 226.008, RSMo.

(C) The word “commission” means the Missouri Highways and Transportation Commission.

(D) The word “department” means the Missouri Department of Transportation.

(E) The word “director” means the director of Motor Carrier Services of the Missouri Department of Transportation.

(F) Whenever the term “exemption” is used in or has reference to 49 CFR part 381, the term “SPE certificate” shall be substituted for the term “exemption.” “SPE certificate” means a skill performance evaluation certificate, as defined in subsection 4 of section 622.555, RSMo.

(G) Whenever the term “FMCSA,” “field service center, FMCSA” or any comparable term is used in the federal regulation, then the words “Missouri Department of Transportation, Motor Carrier Services” shall be substituted for those terms. If the federal regulation prescribes an address applicable to any of these terms, then the current business address of the director of Motor Carrier Services shall be substituted for that address.

(H) Whenever the terms “Federal Motor Carrier Safety Administrator,” “Federal Highway Administrator,” “State Director, FMCSA” or any comparable terms are used in the federal regulation, then the words “Missouri Department of Transportation, director of Motor Carrier Services” shall be substituted for those terms. If the federal regulation prescribes an address applicable to any of these terms, then the current business address of the director of Motor Carrier Services shall be substituted for that address.

(I) Whenever the term “Federal Register” or any comparable term is used in the federal regulation, the term “Missouri Register” shall be substituted for that term.

(J) Whenever the word “interstate” is used in the federal regulation, the word “intrastate” shall be substituted for “interstate.”

(2) Delegation of Authority. The commission authorizes the director to administer the skill performance evaluation program for intrastate drivers of commercial motor vehicles, as provided in section 622.555, RSMo, and this rule. The director, at his/her discretion, may delegate any part of this authority to other department personnel.

(3) Filing and Determination of Applications; Demonstration and Verification of Ability to Operate Commercial Motor Vehicles. Appli-

cations for an intrastate SPE certificate, and related documents, shall be filed with the director of Motor Carrier Services, at the current business address of the director. Every application shall include all information and supporting documents required by section 622.555, RSMo, this rule, and the latest form of “Application for Skill Performance Evaluation Certificate” and related instructions approved by the director, and any additional information reasonably required by the director.

(A) The director may dismiss, grant or deny applications for SPE certificates, in accordance with the provisions of section 622.555, RSMo, and this rule.

(B) The director may issue SPE certificates that include reasonable limitations, conditions, and requirements to protect public safety, or to promote the department’s effective administration of SPE certificates, or both.

(C) At any time while an application is pending, or after the person is issued a SPE certificate, the director may require the person to demonstrate or verify the person’s present ability to operate a commercial motor vehicle safely with his/her physical deficiency or impairment. These requirements may include:

1. Successfully completing a road test, using a commercial motor vehicle and associated equipment of the type which the applicant drives or seeks to drive pursuant to the SPE certificate;

2. Obtaining additional or periodic physical examinations by a physician or optometrist; and

3. Filing additional or periodic reports with the director concerning the person’s medical or vision examinations, treatment, prognosis, employment, driving record, accidents, traffic violations, and other pertinent information.

(4) Limb Exemption. The commission incorporates by reference in this rule the provisions of 49 CFR section 391.49 (Alternative physical qualification standards for the loss or impairment of limbs), as those regulations have been and periodically may be amended. Except to the extent they are inconsistent with any provisions of section 622.555, RSMo, or of this rule, those regulations are hereby made applicable to the issuance of intrastate SPE certificates to persons who are not physically qualified to drive pursuant to paragraphs (1) or (2), or both paragraphs (1) and (2), of subsection (b) of 49 CFR section 391.41, because of the person’s loss or



impairment of one (1) or more of the following: a foot, leg, hand, arm, or any part thereof.

(5) Vision Exemption. The commission incorporates by reference in this rule the provisions of subpart A (General) and subpart C (Procedures for Applying for Exemptions) of part 381 (Waivers, Exemptions and Pilot Programs) of Title 49, *Code of Federal Regulations*, and 49 CFR section 391.64 (Grandfathering for certain drivers participating in vision and diabetes waiver study programs), as those regulations have been and periodically may be amended. Except to the extent those regulations are inconsistent with any provisions of section 622.555, RSMo, or of this rule, those regulations are hereby made applicable to the issuance of intrastate SPE certificates to persons who are not physically qualified to drive pursuant to paragraph (10) of subsection (b) of 49 CFR section 391.41, because of impaired vision. Notwithstanding any provisions of 49 CFR part 381 to the contrary, this rule shall not authorize waivers or pilot programs, as defined in part 381.

(A) Every application filed pursuant to this section shall include one (1) or more affidavits describing the applicant's motor vehicle driving experience during the three (3)-year period immediately before the date of the application. Each affidavit shall contain all information required by the latest form of "Affidavit of Driving Experience" and pertinent instructions approved by the director.

(B) Notwithstanding any requirement of Title 49 CFR, or of any federal agency or officer made pursuant to Title 49 CFR, to the contrary, the director may determine that an applicant has adequately demonstrated the ability to operate a commercial motor vehicle safely with the vision impairment for the three (3)-year period immediately before the date of the application, if the director reasonably finds that:

1. During that three (3)-year period, the applicant safely and continuously operated commercial motor vehicles, or other motor vehicles licensed and used on public highways, with the vision impairment; and

2. If the driving experience required by paragraph 1. of this subsection was not performed in a commercial motor vehicle, then within sixty (60) days immediately before the date of the application, or while the application is pending, the applicant has successfully completed a road test as provided in subpart D of 49 CFR part 391, with the vision impairment, using a commercial motor vehicle and associated equipment of the type which the applicant seeks to drive pursuant to the SPE certificate.

(6) Other Physical Deficiencies. Persons who are physically unqualified to drive commercial motor vehicles pursuant to any provision of 49 CFR section 391.41(b), except paragraphs (1), (2) and (10), may apply for intrastate SPE certificates, and the director may issue intrastate SPE certificates to those applicants, only if:

(A) The Federal Motor Carrier Safety Administration (FMCSA) is currently administering a program for issuing SPE certificates, or exemptions from the physical qualification requirements, to interstate drivers who are physically unqualified because of the same physical deficiency or impairment affecting the applicant;

(B) The applicant files an application for SPE certificate with the director, which conforms to all applicable requirements of section 622.555, RSMo, and this rule, and conforms to the same standards and procedures that are applicable under FMCSA's comparable interstate SPE certificate or exception program, as modified and supplemented by any applicable provisions of section 622.555, RSMo, or this rule.

(7) Multiple Physical Conditions. The director may deny applications for SPE certificates, and may suspend or revoke SPE certificates, regarding any person who is not physically qualified pursuant to the requirements of two (2) or more separate paragraphs within subsection (b) of 49 CFR section 391.41, except a person who is physically unqualified only pursuant to paragraphs (1) and (2) of that subsection.

(8) Federal Exemption or SPE Certification. Upon the filing of an application containing such information as the director may require, the director may waive any procedural requirements pursuant to this rule and shall issue an intrastate SPE certificate to any driver who is authorized to operate commercial motor vehicles in interstate commerce by a currently valid SPE certificate or vision exemption issued by the FMCSA. Each SPE certificate issued pursuant to this section shall be conditioned upon the driver's continued possession of the federal SPE certificate in good standing, and the driver's compliance with all applicable requirements, including all conditions specified in the driver's federal SPE certificate, and any other conditions imposed by the director.

(9) Operation in Conformity with Terms of SPE Certificate. No person shall operate a commercial motor vehicle by authority of any SPE certificate issued pursuant to this rule, unless the vehicle is operated in conformity

with all limitations, requirements and other terms specified in that SPE certificate.

(10) Suspension and Revocation. For good cause, the director may revoke a person's SPE certificate after notice and an opportunity for hearing before the Administrative Hearing Commission, or may suspend the certificate until it is determined whether the certificate should be revoked.

*AUTHORITY: sections 226.008 and 622.555, RSMo Supp. 2003.\* Emergency rule filed June 6, 2003, effective June 16, 2003, expired Feb. 26, 2004. Original rule filed June 6, 2003, effective Dec. 30, 2003.*

*\*Original authority: 226.008, RSMo 2002; 622.555, RSMo 2002.*

#### **7 CSR 10-25.040 Notice to be Given to Consumers by Household Goods Carriers—Timing of Delivery, Form and Contents**

*PURPOSE: This rule requires motor carriers of household goods to provide an informational pamphlet to customers or potential customers at appropriate times, informing them of their rights and obligations as consumers of intrastate household goods carriage services. The intent of the rule is to better inform consumers and reduce the likelihood of disputes arising between household goods carriers and their customers.*

(1) Motor carriers transporting or offering to transport household goods in intrastate commerce on the public roads of this state shall provide a notice of consumer rights and obligations as set forth herein to their shipper customers or potential customers.

(2) The notice shall be provided to the shipper customer or potential customer at the first occurrence of the following events between the carrier and the shipper customer:

(A) When the carrier presents to the shipper customer any binding or non-binding estimate of charges for carriage of household goods in intrastate commerce;

(B) When the carrier takes any action in furtherance of assuming the carriage rights and responsibilities of any other carrier, which has become incapable, for any reason, to complete a shipment of household goods in intrastate commerce;

(C) When the carrier presents to the shipper customer any contract or offer to provide for carriage of household goods.



(3) The notice to be provided shall be delivered by hand delivery, in person, when the contact with the shipper customer or potential customer as described in section (2) above is in person contact. When the contact with the shipper customer or potential customer is by telephone or mail, the notice to be provided shall be delivered by depositing the notice brochure, enveloped and addressed properly to the shipper customer or potential customer, into United States mail, first class postage prepaid, within two (2) working days of the telephone or mail contact. Carriers may send the notice via facsimile transmission, e-mail, or any other electronic medium which accurately duplicates the prescribed form and content of the notice, within two (2) working days after an event described in section (2) of this rule. Carriers shall send the notice by such an electronic medium, if available, whenever the shipper customer or potential customer has requested notice via that medium, or has contacted the carrier by that medium and has not requested notice by a different medium.

(4) Motor carriers of household goods shall maintain a permanent written record which certifies that they delivered the required notice pamphlet to the shipper customer or potential customer as required by this rule, including the date and manner of delivery. This record shall be kept at the carrier's principal place of business or terminal of operations responsible for that move.

(5) The notice of customer rights and obligations shall contain words and phrases set forth in the current form of notice printed by the Department of Transportation (MoDOT), in not less than nine (9)-point type, in a readily legible format. The Department of Transportation shall make copies of the notice available in reasonable quantities at no cost to the household goods carriers registered for intrastate carriage in this state. The notice is provided at the following website: <http://www.carrier.state.mo.us/mcs/registration/info.htm>.

(6) Motor carriers of household goods in intrastate commerce shall, prior to delivery of the notice brochure required by this rule, insert or affix their company name, address and telephone number by imprint, stamp or decal affixed to the blank space provided for such information in the notice form prescribed by MoDOT.

(7) Motor carriers of household goods in intrastate commerce shall maintain records of delivery of the notice required by this rule at their principal place of business or terminal

of operations responsible for the move, for a minimum period of twelve (12) months following the contact with the shipper customer or potential customer, and shall produce such records for inspection upon demand at any time by authorized Motor Carrier Services Inspectors or other authorized personnel from the Department of Transportation.

(8) Nothing in this rule shall be construed to cause, work, provide or effect any representation, guarantee, warranty, indemnification or other assurance by the state of Missouri, the Missouri Highways and Transportation Commission or the Missouri Department of Transportation, of the services, representations or compensations for damages of any motor carrier to any shipper customer or potential customer of any motor carrier.

*AUTHORITY: sections 226.008, RSMo Supp. 2004 and 387.060, RSMo 2000.\* Original rule filed Aug. 16, 2004, effective March 30, 2005.*

*\*Original authority: 226.008, RSMo 2002 and 387.060, RSMo 1939, amended 1996.*