



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

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**Title 7—DEPARTMENT OF
TRANSPORTATION**

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

Chapter 10—Motor Carrier Operations

7 CSR 265-10.010 Definitions

PURPOSE: This rule prescribes definitions for certain words and terms used in the rules within 4 CSR 265-10 and interprets certain words and terms as used in Chapters 386, 387 and 390, RSMo.

(1) Unless otherwise specifically provided, or unless the context clearly indicates otherwise, the provisions of 4 CSR 265-2.010 defining words and terms shall apply to and determine the meaning of all those words and terms as used in this chapter, and in Chapters 386, 387 and 390, RSMo.

(2) As used in this chapter, in 4 CSR 265-2 and in Chapters 386, 387 and 390, RSMo, unless the context clearly requires otherwise, the following words and terms mean:

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

(B) Contract carrier means a person who engages in the transportation of passengers or property by motor vehicle upon the public highways for hire or compensation under individual, continuing contracts or agreements. Contracts for the transportation of passengers or household goods shall meet the following requirements:

1. The contract shall impose material bilateral obligations upon both the shipper and the carrier;

2. Under every contract or agreement for intrastate transportation service as a contract carrier, the carrier must provide some consideration beyond that which is required

by law of a common carrier, such as dedicating specific equipment to the exclusive use of a shipper, or providing specialized equipment or services designed to meet the unique needs of the shipper;

3. The contract or agreement must specify the shipper's obligation to the contract carrier in terms of the quantity of service to be rendered, such as by the number of loads or tonnage of freight to be tendered to the carrier, which must be more than merely a nominal quantity, in order to distinguish the relationship from the unilateral agreement between a shipper and a common carrier. The quantity of service also may be stated in terms which require exclusive dealings between the contracting parties, or commit the shipper to tender all his/her output to the carrier, or commit the carrier to meet the entire transportation requirements of the shipper;

4. The contract or agreement for the transportation of passengers or household goods must either state an expiration date, or provide for cancellation by either party after not less than thirty (30) days' notice to the other contracting party and to the division;

5. The contract or agreement also must include either a statement of the rates to be charged, or a specific provision which incorporates by reference a schedule of rates, in writing, to be effective between the carrier and shipper.

*AUTHORITY: section 622.027, RSMo 1994. * This rule originally filed as 4 CSR 265-10.010. Original rule filed Nov. 4, 1992, effective July 8, 1993. Emergency amendment filed Dec. 1, 1994, terminated Dec. 19, 1994. Emergency amendment filed Dec. 20, 1994, effective Jan. 1, 1995, expired April 30, 1995. Emergency amendment filed April 20, 1995, effective May 1, 1995, expired Aug. 28, 1995. Emergency amendment filed Aug. 18, 1995, effective Aug. 29, 1995, expired Feb. 24, 1996. Amended: Filed Aug. 3, 1995, effective Feb. 25, 1996. Moved to 7 CSR 265-10.010, effective July 11, 2002.*

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

7 CSR 265-10.020 Licensing of Vehicles

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

PUBLISHER'S NOTE: The secretary of state has determined that the publication of

the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) No motor carrier shall operate any motor vehicle on the public highways in Missouri intrastate or interstate commerce under any property carrier registration, certificate or permit issued by the Missouri Highways and Transportation Commission, unless the vehicle is accompanied by a valid regulatory license which shall be carried or displayed on the vehicle in compliance with this rule. As used in this rule, the terms "regulatory license" and "license" include a license sticker (decal), license stamp, or registration receipt issued in compliance with this rule. Except as otherwise provided in this rule or the *Single State Registration System (SSRS) Procedures Manual*, prepared by the National Conference of State Transportation Specialists, and published by the National Association of Regulatory Utility Commissioners, 1101 Vermont Avenue, N.W., Washington, DC 20005, (revised June 16, 2004), which is incorporated by reference in this rule and which does not incorporate any subsequent amendments, the following requirements are applicable to all regulatory licenses, license fees and motor carriers within the jurisdiction of the commission:

(A) The mere presence of a regulatory license on a vehicle gives no authority to any person to operate as a motor carrier;

(B) Every application to the commission for the issuance of regulatory licenses shall be accompanied by payment in conformity with the requirements of subsection (I) of this section, in the amount of the required regulatory license fees, which shall be as follows:

1. Annual license fee for each motor vehicle operated by a motor carrier on the public highways in Missouri, whether in intrastate commerce or interstate commerce, shall be ten dollars (\$10); and

2. Seventy-two (72)-hour license fee for each motor vehicle operated by a motor carrier on the public highways in Missouri, either in intrastate commerce, or in interstate commerce transporting property or passengers exempt from the economic jurisdiction of the Federal Motor Carrier Safety Administration (FMCSA), shall be five dollars (\$5);



(C) When a motor carrier has paid the annual regulatory license fee for a motor vehicle used in interstate commerce and displays or carries the proper regulatory license as required, and the carrier uses the vehicle in interstate commerce transporting property or passengers exempt from FMCSA economic jurisdiction, or in intrastate commerce, the provisions of this rule shall not require any additional payment or form of regulatory license;

(D) The commission shall issue regulatory licenses under this rule only to motor carriers authorized under valid property carrier registration, certificates or permits issued by this commission, to motor carriers who have registered their Interstate Commerce Commission (ICC) or FMCSA authority in compliance with the SSRS Procedures Manual, or to authorized employees or agents acting on behalf of these motor carriers. The motor carrier to whom these licenses are issued may use them as required in this rule for any motor vehicle operated under the carrier's property carrier registration, certificate or permit. However, the licenses shall not be transferable to any person or carrier other than the motor carrier's own employees, agents, or persons operating vehicles leased to or from the motor carrier in compliance with 7 CSR 265-10.040, except that after a motor carrier has paid the required regulatory license fee and has attached a valid license sticker to a particular vehicle as provided in this rule, that license shall remain with the vehicle, and no motor carrier shall be required to pay another regulatory license fee for the use of that vehicle for that license year, unless the motor carrier elects to remove the license in conformity with the provisions of subsection (4)(C) of this rule;

(E) The commission may replace license stickers, stamps or registration receipts which the carrier claims have been lost, stolen, damaged, destroyed, or removed from the vehicle to which it was affixed, upon receipt of a verified statement of the motor carrier or its authorized representative, declaring in detail the facts and circumstances under which the license sticker, stamp or registration receipt was lost, stolen, damaged or destroyed, or declaring that the motor carrier has removed the license sticker from a motor vehicle which is to be permanently removed from service under the carrier's authority. The commission may waive the license fee for a replacement sticker, stamp or registration receipt where a refusal to do so would result in manifest injustice to the carrier. The motor carrier may use the form of Verified Statement for Free Replacement of Regulatory License Sticker or Stamp, published by the

Missouri Department of Transportation, Motor Carrier Services Division, 1320 Creek Trail Drive, Jefferson City, MO 65109 (July 2002), which is incorporated by reference in this rule. The referenced form does not include any later amendments or additions. The commission shall waive the fee for the replacement sticker if the carrier removed the original sticker because the vehicle was permanently removed from service, and the carrier has submitted along with the verified statement the remnants of the removed sticker, including that portion on which the serial number is imprinted. Registration receipts issued in compliance with section (2) of this rule shall not be replaced except as provided in the SSRS Procedures Manual;

(F) The commission shall not pay any refunds of regulatory license fees for unused license stickers, stamps or registration receipts. Motor carriers should request only the regulatory licenses needed for their actual operations;

(G) All regulatory licenses issued by the commission, including license stickers (decals), license stamps and registration receipts, shall be effective from January 1 through December 31 of the year for which they are issued, and shall expire at 12:01 A.M. on the first day of January in the next year succeeding the year for which they were issued.

(H) Registration receipts, license stickers, license stamps and cab cards accompanying any vehicle shall be exhibited by the driver, on demand, to any authorized commission personnel, officers of the Missouri State Highway Patrol, or other law enforcement officers; and

(I) Payment of all required regulatory license fees shall be tendered to this commission in the form of a certified check, money order or other guaranteed funds, payable to the Director of Revenue. However, in the discretion of the commission, a personal or company check, electronic funds transfer, or other negotiable instrument may be accepted by the commission as payment of the regulatory license fees, and if accepted it shall be subject to the following conditions:

1. Every check, negotiable instrument or electronic funds transfer shall be made payable to the Director of Revenue;

2. By tendering payment in the form of a check or other negotiable instrument, the applicant or motor carrier gives its "Implied Consent" that the division may, at any time, request information from the financial institution on which the check or negotiable instrument was drawn (drawee), and the applicant/motor carrier "Further Consents" that the drawee institution may provide the com-

mission with additional information, including financial information concerning the applicant/motor carrier, or the financial institution, or both, sufficient to satisfy the commission that the negotiable instrument will, in fact, be paid in due course by the drawee institution;

3. Receipt or deposit of any check or other negotiable instrument by the commission, or by any other agency or official of the state of Missouri, shall not be deemed as payment of the instrument, but only payment in fact of the full face amount of the instrument by the drawee, in due course, shall constitute payment thereof; and

4. If actual payment of a check or other negotiable instrument received by the commission from an applicant or motor carrier for any regulatory license fee is declined or refused by the drawee financial institution, then the commission may immediately suspend every property carrier registration, certificate and permit issued to that applicant, in accordance with the commission's applicable procedures for suspension. Until the property carrier registration, certificate or permit is reinstated by order of the commission, any further operation by the applicant or motor carrier of any motor vehicle bearing a regulatory license issued by this commission upon the public highways in this state shall be an unlawful use of that regulatory license in violation of this rule. The commission's chief counsel may prosecute a complaint or other action as provided by law, to recover the amount of the unpaid instrument, together with a civil penalty and interest thereon, or to obtain an injunction or mandamus to prohibit the unlawful use of the license or receipt, or both.

(2) Except as provided in subsection (1)(C) or section (7), motor carriers engaged in interstate transportation in Missouri under authority issued by the ICC or FMCSA shall pay the annual regulatory license fee for each vehicle operated within Missouri under that authority. The fees shall be paid to the registration state in which the carrier registers its ICC or FMCSA authority as required in the SSRS Procedures Manual before the vehicles begin operating within Missouri. The required regulatory license for these vehicles shall be a true copy of the registration receipt issued by the registration state, showing that the carrier has paid the required Missouri annual license fees, which shall be carried in each vehicle while operating under ICC or FMCSA authority in this state.

(3) Except as provided in subsection (1)(C), every motor carrier operating in intrastate



commerce, or interstate commerce transporting property or passengers exempt from FMCSA economic jurisdiction, or both, under a property carrier registration, certificate or permit issued by this commission, shall apply to the commission for the issuance of regulatory licenses no earlier than the first day of August, for each motor vehicle which it intends to operate on the public highways in Missouri during the ensuing year. Applications for these annual licenses shall be in writing and shall contain the following information:

- (A) Name and address of applicant;
- (B) If any applicant is an individual, that individual's Social Security number;
- (C) The property carrier registration, certificate or permit number issued to applicant by this commission; and
- (D) The number of license stamps or stickers desired.

(4) Except as provided in subsection (1)(C), motor carriers shall display on each motor vehicle operated in intrastate commerce an annual license in the form of a license sticker (decals) issued by this commission.

(A) The motor carrier may attach the sticker to any vehicle operated under its property carrier registration certificate or permit, irrespective of who owns the vehicle. The motor carrier shall display the sticker on the upper outside portion of the right-hand door of the power unit, as near the center as practicable, except as follows:

1. If a motor carrier elects to license the trailer of a tractor-trailer combination, it shall display the sticker on the right side of the trailer near the front end, and at a sufficient height to avoid obliteration by mud, dirt or similar causes; and

2. If a motor carrier operates a passenger-carrying vehicle having twelve (12) passengers or less capacity, it may display the sticker on the passenger side of the windshield in the lower corner;

(B) The sticker shall be securely fastened to a permanent part of the vehicle. Any sticker which is affixed to any removable device upon the vehicle, or which has been altered or reinforced with tape, paper or cardboard or any other substances, shall be deemed void and any vehicle bearing a sticker in this condition will not be considered licensed, except that this shall not prohibit the application of a clear shellac or similar substance to the sticker after it has been securely affixed to the vehicle. A returned license sticker shall not be replaced by the commission if it appears that it was attached with any removable device, or has been altered or reinforced other than as allowed in this subsection.

(C) After a motor carrier has paid the required regulatory license fee and has attached a valid license sticker to a particular vehicle as provided in this rule, if that vehicle is to be sold, assigned or otherwise transferred to another owner, then the transferor may leave the license sticker affixed to the vehicle when it is sold, assigned or transferred, and while the sticker remains affixed to that vehicle no motor carrier shall be required to pay another regulatory license fee for the use of that vehicle for that license year. In the alternative, the transferor may elect to remove the sticker from the vehicle to be transferred, taking care to preserve that portion of the sticker on which the serial number was imprinted. The transferor may then return the removed sticker to the commission, along with an affidavit explaining the facts and circumstances in conformity with the provisions of subsection (E) of section (1) of this rule, and the commission shall waive the license fee and issue a replacement license sticker to the carrier.

(5) Except as provided in subsection (1)(C), motor carriers shall carry on each motor vehicle operated in Missouri interstate commerce transporting property or passengers exempt from FMCSA economic jurisdiction an annual license in the form of a license stamp issued by this commission. These stamps shall be issued and displayed as follows:

(A) Upon the filing of the required application, and payment by a qualified applicant of the required annual license fee in conformity with the payment requirements of subsection (1)(I) of this rule, the commission shall issue a license stamp which shall be permanently attached to a Form D-1—Uniform Cab Card which shall be carried in the licensed vehicle. The Form D-1 Uniform Identification Cab Card for Vehicle or Driveaway Operation Exempt from ICC Regulation, published by the National Association of Regulatory Utility Commissioners, 1101 Vermont Avenue, N.W., Washington, DC 20005 (May 1968), which is incorporated by reference in this rule. The referenced form does not include any later amendments or additions;

(B) Each motor carrier shall apply to the National Association of Regulatory Utility Commissioners for the issuance of a sufficient supply of Form D-1—Uniform Cab Cards for use with the vehicles which it intends to license and operate, or driveaway operations which it intends to conduct, within Missouri during the ensuing year;

(C) Before operating a vehicle in Missouri, each motor carrier shall permanently attach one (1) license stamp to the back of the Form D-1—Uniform Cab Card in the square bear-

ing the name of this state. The motor carrier shall complete and execute the form printed on the front of the Uniform Cab Card so as to identify itself and the vehicle;

(D) The motor carrier shall keep the completed cab card in the cab of the vehicle for which it was prepared whenever the vehicle is operated under the motor carrier's authority in Missouri. In the case of a driveaway operation, the motor carrier shall keep the cab card in the cab of the vehicle furnishing the motive power for the driveaway operations;

(E) A typewriter or indelible ink shall be used in entering information in the blank spaces on a cab card. Any erasure or improper alteration of a cab card shall render it void. If a cab card is lost or destroyed, the motor carrier shall apply for a new license stamp and shall pay with the application the same fee prescribed for the original issuance of the cab card. If a new license stamp is issued by the commission, the carrier shall prepare a new cab card and shall attach the new stamp to it as provided in this section; and

(F) A motor carrier discontinuing the use of a vehicle, for which a cab card has been prepared, shall nullify the cab card at the time of the discontinuance; except that if the carrier provides a newly acquired vehicle in substitution, and retains possession of the cab card, each identification stamp and number on the cab card for the discontinued vehicle may be transferred to the substitute vehicle by compliance with the following procedures:

1. The motor carrier shall complete and execute the certificate on the front of a new cab card to identify itself and the substitute vehicle, and shall enter the appropriate expiration date in the space provided below the certificate;

2. The motor carrier shall indicate when it terminated use of the discontinued vehicle by entering that date in the space provided for an early expiration date, which appears below the certificate of the cab card prepared for the vehicle; and

3. The motor carrier shall attach the cab card prepared for the substitute vehicle to the front of the cab card prepared for the discontinued vehicle, by permanently attaching the upper left-hand corners of both cards together to permit inspection of the contents of both cards. Each identification stamp or number appearing on the back of the card prepared for the discontinued vehicle shall then be deemed to apply to the operation of the substitute vehicle.

(6) A seventy-two (72)-hour license will be issued by the commission or at any state weigh station to a motor carrier authorized to



operate in intrastate commerce, or in interstate commerce transporting property or passengers which are exempt from the economic jurisdiction of the FMCSA, upon request, for use in case of emergency, temporary, unusual or peak demand for transportation. Applications for seventy-two (72)-hour licenses shall show the correct name, address and the certificate or permit number of the applicant. The application shall state the number of the licenses desired and shall be accompanied by payment of the required regulatory license fee in conformity with the payment requirements of subsection (1)(I) of this rule.

(A) Each license issued will show the name of the purchasing carrier and its property carrier registration, certificate or permit number and the license may be used only on vehicles operated under authority of the property carrier registration, certificate or permit of the purchaser. In order to validate the license, the carrier licensing the vehicle must insert in the provided spaces, in ink or with a typewriter, the make, serial number and state license number of the vehicle; the year, month, day and hour the equipment to be licensed is put into movement within this state. Any license not properly validated that is lacking the required data or which has been altered, mutilated, erased or changed in any way shall not be valid, and any vehicle bearing the altered or mutilated license shall be deemed to be improperly licensed.

(B) Upon compliance with this section by the motor carrier, and at the carrier's request and expense, the commission will transmit seventy-two (72)-hour licenses by telephone facsimile transmission.

(7) Any motor vehicle, trailer or semi-trailer operated by a nonresident motor carrier under proper interstate permits issued by this commission, or under ICC or FMCSA interstate authority which has been registered in the carrier's registration state as required by the SSRS Procedures Manual, may traverse the highways of this state in interstate commerce without being accompanied by a license issued by this commission, if the vehicle is fully licensed and the motor carrier has paid full regulatory fees applicable to the vehicle in the state of residence of the motor carrier and the state of residence has entered into a contract with this state by which like reciprocal privileges are extended by that state to resident motor carriers of this state. Any vehicle operated on Missouri highways in interstate commerce by a nonresident carrier pursuant to a reciprocal agreement with its state of residence shall be accompanied by evidence of qualification as required by its state of residence.

(A) Motor carriers shall follow the procedures provided in the SSRS Procedures Manual on reciprocal exemptions from regulatory license fees relating to vehicles used in interstate commerce as authorized by the ICC or FMCSA.

(B) In lieu of issuing the license stamp for vehicles used in interstate commerce which is exempt from the economic jurisdiction of FMCSA, if the motor carrier meets all qualifications required by its state of residence, the motor vehicle operator shall show the number of the permit issued to it by this commission in the square bearing the name of this state on the back of the Uniform Cab Card, and the Uniform Cab Card shall be carried on the vehicle as the regulatory license.

AUTHORITY: sections 390.041(1), 390.138 and 622.027, RSMo 2000 and 226.008 and 390.136, RSMo Supp. 2004. This rule originally filed as 4 CSR 265-10.020. Emergency rule filed June 14, 1985, effective July 1, 1985, expired Oct. 28, 1985. Original rule filed Aug. 1, 1985, effective Oct. 29, 1985. Emergency amendment filed Sept. 21, 1988, effective Oct. 1, 1988, expired Jan. 28, 1989. Amended: Filed Oct. 17, 1988, effective Dec. 29, 1988. Amended: Filed May 17, 1989, effective Sept. 11, 1989. Amended: Filed May 2, 1991, effective Dec. 9, 1991. Amended: Filed Nov. 4, 1992, effective July 8, 1993. Emergency amendment filed Dec. 1, 1994, terminated Dec. 19, 1994. Emergency amendment filed Dec. 20, 1994, effective Jan. 1, 1995, expired April 30, 1995. Emergency amendment filed April 20, 1995, effective May 1, 1995, expired Aug. 28, 1995. Emergency amendment filed Aug. 18, 1995, effective Aug. 29, 1995, expired Feb. 24, 1996. Amended: Filed Aug. 3, 1995, effective Feb. 25, 1996. Emergency amendment filed Aug. 19, 1996, effective Aug. 29, 1996, expired Feb. 24, 1997. Amended: Filed June 22, 1998, effective Feb. 28, 1999. Moved to 7 CSR 265-10.020, effective July 11, 2002. Emergency amendment filed Aug. 15, 2005, effective Aug. 26, 2005, expired Feb. 23, 2006. Amended: Filed Aug. 15, 2005, effective Feb. 28, 2006.*

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

7 CSR 265-10.025 Marking of Vehicles

PURPOSE: This rule, which includes portions of former rule 4 CSR 265-10.020, prescribes the content and manner of markings

to be displayed on motor vehicles operated by motor carriers on public highways in interstate or intrastate commerce within the jurisdiction of the division.

PUBLISHER'S NOTE: The publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4, RSMo. Such material will be provided at the cost established by state law.

(1) Every motor carrier that transports passengers or property in intrastate or interstate commerce, and is subject to the jurisdiction of this division, shall obtain a USDOT number. Each motor vehicle operated by the motor carrier shall be marked in conformity with the applicable requirements of this rule, and in conformity with the requirements of section 390.21 of Title 49, *Code of Federal Regulations* (CFR), or if applicable, subpart D of Title 49, CFR. 49 CFR section 390.21, and subpart D of 49 CFR part 390, as those regulations have been and periodically may be amended, are incorporated by reference in this rule, and are made applicable to all motor vehicles operated by these motor carriers, except vehicles that are exempted under section 390.030, RSMo. This rule does not prohibit a motor carrier from continuing to display on its vehicle, in addition to the markings required by this section, the identifying number of any certificate, permit or property carrier registration that was issued by the division and in force with reference to that carrier on the effective date of this amendment.

(A) This division shall issue USDOT numbers to motor carriers that are authorized to perform intrastate transportation, or that have their principal place of business within this state and are registered with the division to provide interstate transportation that is exempt from Federal Highway Administration (FHWA) regulation, upon the filing with and approval by the division of a completed Form MCS-150, in the form now or hereafter published by the U.S. Department of Transportation. If the carrier's USDOT number is issued by this division, then the letters "MO" shall be included in the vehicle markings, immediately following the carrier's USDOT number. For example: "USDOT 654321 MO." Each intrastate carrier shall give written notice to the Federal Highway Administration of its intent to engage in interstate



operations, and shall register its interstate operations within this state in the manner provided in division rule 4 CSR 265-2.065, before providing interstate transportation in this state. After giving that notice and registering its interstate operations, the carrier may delete the letters “MO” from its vehicle markings, but shall continue to display the USDOT number and any other vehicle markings required by this rule.

(B) If an intrastate motor carrier sells, assigns or otherwise transfers its entire right, title and interest in a motor vehicle that was subject to the provisions of this rule, the transferor or seller shall first remove its required markings from the vehicle.

(2) Motor carriers transporting motor vehicles in driveaway or towaway operations may display the markings prescribed in section (1) of this rule on both sides or at the rear of a single driven vehicle. Motor carriers transporting a combination of vehicles in driveaway or towaway operations may display the prescribed markings on both sides of any one (1) of the units comprising the combination, or at the rear of the rearmost unit of this combination.

(3) Notwithstanding any other provisions of this rule, a motor carrier of passengers in intrastate commerce operating a passenger-carrying vehicle having a capacity of twelve (12) passengers or less, excluding the driver, may display on the vehicle’s rear bumper, rear window or otherwise on the rear of the vehicle, the USDOT number assigned to the motor carrier, which shall be marked in readily legible figures not less than two inches (2”) in height, which shall contrast sharply in color with the background on which the figures are placed.

AUTHORITY: section 622.027, RSMo Supp. 1998. This rule originally filed as 4 CSR 265-10.025. Emergency rule filed Dec. 1, 1994, terminated Dec. 19, 1994. Emergency rule filed Dec. 20, 1994, effective Jan. 1, 1995, expired April 30, 1995. Emergency rule filed April 20, 1995, effective May 1, 1995, expired Aug. 28, 1995. Emergency rule filed Aug. 18, 1995, effective Aug. 29, 1995, expired Feb. 24, 1996. Original rule filed Aug. 3, 1995, effective Feb. 25, 1996. Amended: Filed Aug. 5, 1999, effective March 30, 2000. Moved to 7 CSR 265-10.025, effective July 11, 2002.*

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

7 CSR 265-10.030 Insurance

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

PUBLISHER’S NOTE: The publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4, RSMo. Such material will be provided at the cost established by state law.

(1) Definitions. As used in this rule, unless the context clearly indicates otherwise, the following words and terms mean:

(A) Bodily injury—Injury to the body, sickness, or disease, including death resulting from any of these.

(B) Cancellation—The termination of insurance coverage by either the insurer or the insured.

(C) Endorsement—A written amendment to the insurance policy.

(D) FMCSA—Federal Motor Carrier Safety Administration, including any successor agency or official that hereafter is authorized by federal law to administer the licensing of interstate motor carriers.

(E) Form—The standard form document that is currently specified for use by the division, including any electronic forms or data that may be approved by the division as acceptable equivalents pursuant to this rule or section 390.128, RSMo. Forms E, F, G, H, I, J, K and L referred to in this rule are incorporated by reference in this rule. The division may add, amend, or eliminate any standard forms, which may include joint or common forms used by the division in cooperation with other public governmental agencies or officials.

(F) Property damage—Damage to or loss of use of tangible property, except property that the carrier transports as cargo on its motor vehicle.

(G) Public liability—Liability for bodily injury or property damage; and with reference to the transportation of property in interstate commerce pursuant to authority granted by the FMCSA, or the transportation of any

hazardous material, hazardous substance or hazardous waste in interstate or intrastate commerce, the term includes liability for environmental restoration.

(H) SSRS—The Single State Registration System established pursuant to section 14504 of Title 49, *United States Code*, and part 365 of Title 49, *Code of Federal Regulations*, including any successor motor carrier registration system that may be created pursuant to section 13908 of Title 49, *United States Code*, and any federal regulations implementing that section, as those statutes and regulations have been or periodically may be amended.

(2) Filing of Documents. Insurance companies offering motor carrier insurance certificates, surety bonds, cancellation notices, or other documents for filing with the division pursuant to this rule, shall deliver the documents to the attention of the division’s registration section, in the division’s main office, by any of the following methods: personal delivery, U.S. mail, express courier delivery, and unless otherwise specifically ordered by the division, photocopies or FAX copies may be offered for filing instead of originals. Whenever the division determines that it has the capability, it may also receive and accept or reject these documents for filing through any national clearinghouse or private database, electronic mail (E-mail), or other approved electronic media, in conformity with section (10) of this rule. A person or company that offers photocopies, FAX copies, or electronic documents for filing shall be bound by them as if they were signed originals. All documents offered for filing shall comply with the applicable requirements and be properly signed or otherwise authenticated in accordance with this rule.

(A) Upon request, the division will acknowledge receipt of any document offered for filing pursuant to this rule by stamping or marking the document, or other method approved by the division, which shall specify the date when received. The division shall receive these documents between the hours of 8:00 a.m. and 5:00 p.m. daily, except on Saturdays, Sundays and state holidays. If any document is received by the division by FAX, E-mail, or any other electronic medium on a Saturday, Sunday or state holiday, or on any other day after 5:00 p.m. but before 8:00 a.m. on the next succeeding day, then the division shall deem it as received at 8:00 a.m. on the next succeeding day that is neither a Saturday, Sunday, nor state holiday.

(B) A document offered for filing pursuant to this rule is filed with the division when the designated division personnel have—



1. Received the completed document;
2. Made a preliminary review and determination that the document received is complete, properly authenticated, and satisfies all applicable legal requirements; and
3. Confirmed the filing by stamping or marking the document, or other method approved by the division, which shall record the date when filed.

(C) Except as provided in section (10) of this rule, whenever a document form is specified by this rule, the document shall be filed using that form.

(D) The division may reject any document filed or offered for filing pursuant to this rule, or declare it invalid at any time, and shall notify the motor carrier of the rejection or invalidity, if—

1. The motor carrier fails to comply, or to obtain compliance by its insurer or surety, with any applicable requirement of the division pursuant to this rule, section 390.126, or section 390.128, RSMo;

2. The person or persons purporting to have signed or authenticated the document fail to give the division adequate assurance of the authenticity of the document, including any signatures or copies, when requested by the division; or

3. The document is filed on paper that is either larger than eight and one-half inches wide by eleven inches high (8 1/2" × 11"), or smaller than eight and one-half inches wide by five and one-half inches high (8 1/2" × 5 1/2").

(E) Insurance certificates and surety bonds filed with the division shall not be removed from the division's custody, except as provided by law or by permission of the division director or personnel authorized by the director.

(3) Proof of Coverage and Minimum Limits of Public Liability for Intrastate Carriers Generally. Except as provided in section (4), every motor carrier operating any motor vehicles in intrastate commerce by authority of this division shall at all times have on file with and approved by the division a surety bond or a certificate of public liability insurance (on a form approved by the division) which shall show specifically that the required uniform endorsements are attached to the policy covering each motor vehicle in amounts not less than the following amounts:

(A) Passenger vehicles—twelve (12)-passenger or less capacity, \$100,000 for injury or death of one (1) person; \$300,000 for any one (1) accident; \$50,000 property damage for any one (1) accident. More than twelve (12)-passenger capacity, \$100,000 for injury or death of one (1) person; \$500,000 for any

one (1) accident; \$50,000 property damage for any one (1) accident; and

(B) Freight vehicles—\$100,000 for injury or death of one (1) person; \$300,000 for any one (1) accident; \$50,000 property damage for any one (1) accident.

(4) Proof of Coverage and Minimum Limits of Public Liability for Interstate or Hazardous Materials Carriers. Every motor carrier operating any motor vehicles in interstate commerce in or through Missouri, and every motor carrier operating any motor vehicles in intrastate commerce transporting those types of commodities designated in the following table, at all times shall have on file with and approved by the division a surety bond or a certificate of public liability insurance; except that, before operating any motor vehicles within this state, a motor carrier whose Missouri vehicle operations are exclusively in interstate commerce under FMCSA authority shall file proof of insurance with its registration state as required by the *Single State Registration System (SSRS) Procedures Manual* which is incorporated by reference in this rule, or in accordance with any succeeding SSRS requirements. Except as otherwise required to comply with SSRS, every surety bond and insurance certificate filed pursuant to this section shall show specifically that the required uniform endorsements are attached to the policy covering each motor vehicle in amounts not less than the amounts depicted on the following table:



SCHEDULE OF MINIMUM LIMITS OF PUBLIC LIABILITY

Type of Carriage	Commodity Transported	Amount
1) Motor carriers operating in interstate commerce, with a gross vehicle weight rating of 10,000 or more pounds	Property (nonhazardous)	\$ 750,000
2) Motor carriers operating in interstate commerce or intrastate commerce, with a gross vehicle weight rating of 10,000 or more pounds	Hazardous substances, as defined in 49 CFR 171.8, transported in cargo tanks, portable tanks or hopper-type vehicles with capacities in excess of 3500 water gallons; or in bulk ¹ Division 1.1, 1.2 and 1.3 materials, Division 2.3, Hazard Zone A, or Division 6.1, Packing Group I, Hazard Zone A materials; or in bulk Division 2.1 or 2.2; or highway route controlled quantities of a Class 7 material as defined in 49 CFR 173.403	\$5,000,000
3) Motor carriers operating in interstate commerce or intrastate commerce, with a gross vehicle weight rating of 10,000 or more pounds	Oil listed in 49 CFR 172.101; hazardous waste, hazardous materials and hazardous substances defined in 49 CFR 171.8 and listed in 49 CFR 172.101, but not mentioned in 2) or 4)	\$1,000,000
4) Motor carriers operating in interstate commerce, with a gross vehicle weight rating of LESS THAN 10,000 pounds	Any quantity of Division 1.1, 1.2 or 1.3 material; any quantity of a Division 2.3, Hazard Zone A or Division 6.1, Packing Group I, Hazard Zone A material; or highway route controlled quantities of a Class 7 material as defined in 49 CFR 173.403	\$5,000,000
5) Motor carriers operating in interstate commerce	Passengers—Any vehicle with a seating capacity of 16 passengers or more Passengers—Any vehicle with a seating capacity of 15 passengers or less	\$5,000,000 \$1,500,000

¹NOTE: As used in row number 2) of the above table, the following definitions apply:

“In bulk” means the transportation, as cargo, of property, except Division 1.1, 1.2 or 1.3 materials, and Division 2.3, Hazard Zone A gases, in containment systems with capacities in excess of 3,500 water gallons;

“In bulk” (Division 1.1, 1.2 and 1.3 explosives) means the transportation, as cargo, of any Division 1.1, 1.2 or 1.3 materials in any quantity; and

“In bulk” (Division 2.3, Hazard Zone A, or Division 6.1, Packing Group I, Hazard Zone A materials) means the transportation, as cargo, of any Division 2.3, Hazard Zone A or Division 6.1, Packing Group I, Hazard Zone A material in any quantity.



(5) Public Liability Insurance and Surety Bond Forms. The certificate of public liability insurance (form E) shall state that the insurer has issued to the motor carrier a policy of insurance which by endorsement provides automobile bodily injury and property damage liability insurance covering the obligations imposed upon the motor carrier by the provisions of the law of this state. The certificate shall be on form E—Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance. The certificate shall be duly completed and executed by the insurer. The endorsement shall be attached to the insurance policy and form a part of it. True copies of the policy with the endorsement attached shall be maintained at the motor carrier's principal place of business, and upon request shall be produced for inspection by the division within this state. The endorsement shall be on form F—Uniform Motor Carrier Bodily Injury and Property Damage Liability Insurance Endorsement. The endorsement shall be duly completed and executed by the insurer. The form F endorsement amends the insurance policy to which it is attached to assure compliance with this rule by the motor carrier. The surety bond shall be in the form set forth in form G—Uniform Motor Carrier Bodily Injury and Property Damage Surety Bond. The bond shall be duly completed and executed by the surety and principal. Except as otherwise required pursuant to SSRS, this section is applicable to interstate as well as intrastate motor carriers.

(6) Intrastate Household Goods Cargo Liability—Proof of Coverage, Minimum Limits and Forms. Except as otherwise provided in this rule or by division order, each vehicle while transporting household goods in intrastate commerce within this state shall be covered by a surety bond or certificate of cargo insurance filed with, and approved by, the division in amounts not less than the following: for loss or damage to household goods cargo on any one (1) motor vehicle—\$2500; for loss or damage to or aggregate of losses or damages of or to household goods cargo occurring at any one (1) time and place—\$5000.

(A) The certificate of cargo liability insurance shall state that the insurer has issued to the motor carrier of household goods a policy of insurance which by endorsement provides cargo insurance covering the obligations imposed upon the motor carrier by provisions of the law of this state. The certificate shall be on form H—Uniform Motor Carrier Cargo Certificate of Insurance. The certificate shall be duly completed and executed by the insurer. The endorsement shall

be attached to the insurance policy and form a part of it. True copies of the policy with the endorsement attached shall be maintained at the motor carrier's principal place of business, and upon request shall be produced for inspection by the division within this state. The endorsement shall be on form I—Uniform Motor Carrier Cargo Insurance Endorsement, which shall be duly completed and executed by the insurer. The form I endorsement amends the insurance policy to which it is attached to assure compliance with this rule by the motor carrier. The surety bond shall be in the form set forth in form J—Uniform Motor Carrier Cargo Surety Bond. The bond shall be duly completed and executed by the surety and principal.

(B) An insurance company or surety shall file separate certificates or bonds, whenever it provides both cargo liability and public liability coverage for a motor carrier of household goods.

(C) Any shipper and contract carrier of household goods may agree upon different limits of cargo insurance than this section requires, or the shipper may expressly waive cargo insurance coverage for all household goods shipments transported by the contract carrier. The agreement or waiver shall be evidenced in writing and filed with the division. When agreements or waivers are filed and in effect regarding all contracting shippers that a contract carrier may serve, upon the carrier's request, the division shall waive the filing of a cargo liability insurance certificate or surety bond for that carrier.

(7) Cancellation and Reinstatement. Except as provided in section (8) of this rule, an insurer under the provisions of this rule shall give the division not less than thirty (30) days' notice of the cancellation of motor carrier bodily injury and property damage liability insurance or motor carrier cargo insurance, by filing with the division the form of notice set forth in form K—Uniform Notice of Cancellation of Motor Carrier Insurance Policies. The notice shall be duly completed and executed by the insurer. A surety under the provisions of the rule shall give the division not less than thirty (30) days' notice of the cancellation of motor carrier bodily injury and property damage liability surety bond or motor carrier cargo surety bond, by filing with the division the form of notice set forth in form L—Uniform Notice of Cancellation of Motor Carrier Surety Bond. The notice shall be duly completed and executed by the surety or motor carrier. After cancellation in accordance with this section, a new certificate of insurance or surety bond must be filed to reinstate coverage for the motor

carrier. Except as otherwise required pursuant to SSRS, this section is applicable to interstate as well as intrastate motor carriers.

(8) Replacement Coverage. Policies of insurance and surety bonds required pursuant to this rule may be replaced by other policies of insurance or surety bonds. The liability of the retiring insurer or surety shall be considered as having terminated on the effective date of the replacement policy of insurance or surety bond if accepted by the division; except that if a cancellation notice under section (7) of this rule is received prior to receipt of the replacement certificate of insurance or surety bond, the liability of the retiring insurer or surety shall be considered as having terminated at the end of the thirty (30)-day cancellation period required in section (7) of this rule.

(9) Authorization of Insurer or Surety. Except as otherwise required pursuant to SSRS, upon request of the division, any insurance company that has filed or offers to file an insurance certificate shall furnish evidence satisfactory to the division that the insurance company issuing the policy is duly authorized to transact business in Missouri and to issue the policy offered, and that it is financially able to meet its obligations.

(10) Electronic Filing of Insurance Documents. Whenever the division determines that it has the capability, it may also accept insurance certificates, surety bonds, cancellations, or any other documents offered for filing pursuant to this rule, or section 390.126 or 390.128, RSMo, on behalf of intrastate or interstate motor carriers, or both, through any national clearinghouses or private databases, by electronic mail (E-mail), or by any other electronic media approved by the division.

(A) Every motor carrier, insurance company, surety or other person that files a document electronically shall use the same document form as otherwise required by this rule, except that the division may accept for filing an electronic document containing only the particular information required of that motor carrier and insurance company, surety or other person, and the division shall incorporate by reference all other provisions of the required form. Whenever an electronic document is filed in this manner, all provisions of the required form shall be binding upon the motor carrier, insurance company, surety or other person identified in the document, to the same extent as if a fully executed paper document were filed.



(B) The division may require insurance or surety companies to use account numbers, passwords, and other forms of identification or authorization before filing a document electronically. Before the division accepts electronic documents for filing, each document shall be authenticated in a manner authorized by law and approved by the division. The division may require or accept electronic signatures, digital signatures, or other forms of authentication. The division will give public notice through the division's Internet web site, or other conspicuous manner, of the approved methods of offering and authenticating documents for filing electronically.

AUTHORITY: sections 390.041, 390.071, 390.126, 390.128, and 622.027, RSMo 2000.* This rule originally filed as 4 CSR 265-10.030. Emergency rule filed June 14, 1985, effective July 1, 1985, expired Oct. 28, 1985. Original rule filed Aug. 1, 1985, effective Oct. 29, 1985. Amended: Filed April 16, 1986, effective June 30, 1986. Emergency amendment filed Sept. 21, 1988, effective Oct. 1, 1988, expired Jan. 28, 1989. Amended: Filed Oct. 18, 1988, effective Dec. 29, 1988. Amended: Filed May 17, 1989, effective Sept. 11, 1989. Amended: Filed Nov. 4, 1992, effective July 8, 1993. Emergency amendment filed Dec. 1, 1994, terminated Dec. 19, 1994. Emergency amendment filed Dec. 20, 1994, effective Jan. 1, 1995, expired April 30, 1995. Emergency amendment filed April 20, 1995, effective May 1, 1995, expired Aug. 28, 1995. Emergency amendment filed Aug. 18, 1995, effective Aug. 29, 1995, expired Feb. 24, 1996. Amended: Filed Aug. 3, 1995, effective Feb. 25, 1996. Amended: Filed June 22, 1998, effective Feb. 28, 1999. Emergency amendment filed Dec. 15, 2000, effective Jan. 2, 2001, expired June 30, 2001. Amended: Filed Dec. 15, 2000, effective June 30, 2001. Moved to 7 CSR 265-10.030, effective July 11, 2002.

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

7 CSR 265-10.040 Motor Vehicle Leasing

PURPOSE: This rule prescribes requirements to properly identify leased motor vehicles and drivers when they are operated under certificates and permits issued by the division, to ensure that leased vehicles operated by motor carriers are safely equipped, maintained and

operated, and properly insured and licensed, and to prevent the evasion of motor carrier regulatory requirements through regulating the leasing of motor vehicles under certain circumstances.

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

1) Federal Aviation Administration Authorization Act of 1994 (H.R. 2739, 103d Congress, 2d Session) (49 U.S. Code sections 11501(h) and 41713(b)). (Washington: U.S. Government Printing Office, 1994).

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

(1) Effective January 1, 1995, the Federal Aviation Administration Authorization Act of 1994 (H.R. 2739, 103d Congress, 2d Session) (49 U.S.C. sections 11501(h) and 41713(b)), generally preempts the states from enacting or enforcing any law, regulation, or other provision having the force and effect of law relating to the prices, routes and services of motor carriers of property (except household goods). However, this Act expressly states that its general rule of preemption shall not restrict the safety regulatory authority of a state with respect to motor vehicles, and shall not restrict the authority of a state to regulate motor carriers with regard to minimum amounts of financial responsibility relating to insurance requirements and self-insurance authorization. Therefore, the division concludes that the requirements of this rule are not preempted, because the requirements under this rule are necessary, in the exercise of the division's powers to regulate safety and insurance of motor carriers, to properly identify and enforce the division's requirements on motor vehicles and drivers when they are operated under certificates and permits issued by the division to persons other than the owners, to prevent the evasion of regulatory requirements through certain vehicle leasing arrangements, and to assure that the leased vehicles operated by motor carriers are safely equipped, maintained and operated, and properly insured and licensed.

(2) Every lease of motor vehicles to which the provisions of this rule are applicable, and the lessor and lessee under the lease, shall comply with the following requirements:

(A) The lease must be reduced to writing and at least two (2) copies shall be prepared and duly executed. One (1) copy of the executed lease shall be retained by the lessee for

not less than two (2) years after the expiration of the lease; the other required copy shall accompany the driver of the leased vehicle at all times while the vehicle is in operation under the lease, and shall be available for inspection by personnel of the division, the state highway patrol, and any other officials authorized to enforce the motor vehicle or transportation laws of this state;

(B) Except when a vehicle is subleased by a motor carrier in compliance with subsection (3)(D) of this rule, the lessee shall be deemed the operator of the motor vehicle for the term of the lease. The terms of the lease shall provide, and the surrounding facts shall reflect, that the leased equipment is exclusively committed to the lessee's use during the term of the lease, and that the lessee shall actually control the operation of the vehicle, including its equipment, physical condition, insurance coverage, licensing, markings, drivers, drivers' qualifications, drivers' hours of service, and all other related matters, to the same extent as if the lessee were the actual owner of the vehicle;

(C) The lessee shall accept responsibility to the public for any injury to persons or property caused in the course of operations of the leased vehicle pursuant to the lease and during the term of the lease. If the lessee is a motor carrier authorized by this division to perform intrastate transportation, the lessee shall comply with all division requirements relating to insurance coverage under 4 CSR 265-10.030, with respect to the leased vehicle;

(D) The lessee shall display appropriate markings to identify all leased equipment as operated by the lessee during the performance of the transportation. If the lessee is a motor carrier authorized by this division to perform intrastate transportation, the lessee shall comply with all division requirements relating to licensing of the leased vehicle under 4 CSR 265-10.020, and vehicle markings under 4 CSR 265-10.025;

(E) The lessee shall maintain and operate leased motor vehicles in conformity with the applicable laws of this state and the rules of this division; and

(F) Immediately upon the termination of the lease, and whenever a motor carrier subleases the vehicle in compliance with subsection (3)(D) of this rule, the lessee shall remove or obliterate all its distinctive markings from the vehicle, and the vehicle shall not be operated on the public highways until the lessee's distinctive markings are removed or obliterated. If the lease is cancelled prior



to the expiration date, the lessee shall immediately remove the cancelled lease from the vehicle.

(3) Motor carriers shall not transport passengers or property in intrastate commerce in motor vehicles not owned by them, except in compliance with the following requirements:

(A) Every lease entered into by a motor carrier, and all operations under the lease, shall comply with section (2) of this rule;

(B) The motor carrier shall actually control all transportation of passengers or property performed in the leased vehicle during the term of the lease. If the motor carrier does not actually control the transportation performed in the leased vehicle, then the transportation is not covered and authorized by the lessee's operating authority. Every lessee motor carrier who knowingly or recklessly fails to control the transportation performed in the leased vehicle shall be deemed to be procuring, aiding and abetting any transportation performed in the leased vehicle during the term of the lease;

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

(D) Motor carriers shall not sublease a leased vehicle, with or without driver, unless the lease expressly authorizes the lessee motor carrier to sublease the vehicle to another authorized motor carrier during the lease. Whenever a vehicle is subleased under this subsection, the sublease shall comply with this rule, except that a sublease shall not authorize further subleasing of the vehicle to any person, and while the sublease is in effect, the sublessee shall be deemed the lessee and operator of the vehicle, and shall be exclusively responsible for the operation of the vehicle as required by this rule, instead of the original lessee. One (1) copy of both the sublease and the original lease shall accompany the driver, and be available for inspection as provided in subsection (2)(A) of this rule, at all times while the vehicle is in operation under the sublease;

(E) Motor carriers authorized to transport household goods may transport household goods in motor vehicles owned or leased by the carrier's agent under an agency agreement in compliance with 4 CSR 265-10.080; and

(F) This rule does not authorize the leasing of any certificate or permit or operating authority. Motor carriers shall not lease certificates or permits, or any operating authority to any person, unless the leasing is approved by order of the division as a transfer of authority under section 390.111, RSMo.

(4) The following requirements are applicable to intrastate transportation performed in commercial motor vehicles which are owned and operated by persons who are not authorized by the division to engage in intrastate transportation:

(A) Whenever a person who is not authorized by this division to engage in intrastate transportation leases its equipment, with or without driver, to an authorized intrastate motor carrier, the lease and all operations under it shall comply with this subsection and sections (2) and (3) of this rule. The lessor shall submit the actual control of all transportation provided in the leased vehicle to the lessee. If the lease and all operations of the motor vehicle during the term of the lease meet these requirements, then those vehicle operations shall be covered and authorized by the lessee's intrastate certificate or permit to the same extent as if the vehicle were owned by the lessee. If the lease or any motor vehicle operations during the term of the lease do not actually comply with all of these requirements, then those operations are not covered and not authorized by the lessee's certificate or permit; and

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

*AUTHORITY: section 622.027, RSMo 1994. * This rule originally filed as 4 CSR 265-10.040. Emergency rule filed June 14, 1985, effective July 1, 1985, expired Oct. 28, 1985. Original rule filed Aug. 1, 1985, effective Oct. 29, 1985. Amended: Filed May 17, 1989, effective Sept. 11, 1989. Amended: Filed Nov. 4, 1992, effective July 8, 1993. Emergency amendment filed Dec. 1, 1994, terminated Dec. 19, 1994. Emergency amendment filed Dec. 20, 1994, effective Jan. 1, 1995, expired April 30, 1995. Emergency amendment filed April 20, 1995, effective May 1, 1995, expired Aug. 28, 1995. Emergency amendment filed Aug. 18, 1995, effective Aug. 29, 1995, expired Feb. 24,*

1996. Amended: Filed Aug. 3, 1995, effective Feb. 25, 1996. Emergency amendment filed Aug. 19, 1996, effective Aug. 29, 1996, expired Feb. 24, 1997. Moved to 7 CSR 265-10.040, effective July 11, 2002.

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

7 CSR 265-10.045 Passenger Service Requirement

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

(1) Motor carriers of passengers shall keep all passenger-carrying vehicles in a clean and sanitary condition while in operation. They shall provide and maintain adequate restrooms and facilities, or shall stop at locations with adequate public restrooms and facilities, at sufficient intervals and for sufficient periods of time for the reasonable accommodation of passengers. The restrooms and facilities provided or selected by the carrier shall be clean and well lighted, in a sanitary condition, and reasonably comfortable for the use of the traveling public.

(2) Each passenger-carrying vehicle operated intrastate over a regular route or between fixed terminals shall have attached to the front of the vehicle a sign, with letters or figures not less than four inches (4") in height, designating the destination of the vehicle. Vehicles operated other than over a regular route or between fixed terminals shall have no signs, letters or other matter that would be interpreted in any manner as solicitation of passengers or freight for a particular destination or for transportation over a route for which a certificate has been granted for transportation of persons or property over a regular route or between fixed terminals. In no case shall any vehicle have on the windshield, rear windows or windows on either side of the operator any lettering, papers or other matter that obstructs or interferes with the view of the operator.

(3) Except as provided in this section, no driver or operator of any motor vehicle used in the transportation of passengers in common carrier operations shall refuse to carry any person offering him/herself at any regular stopping place for carriage who tenders the regular fare to any regular stopping place on the route of the vehicle, or between the terminals, if under the certificate for that route the carrier is allowed to carry passengers to that point, unless at the time of the offer the



vehicle is loaded to capacity. The driver or operator of any motor vehicle may refuse transportation to any person if that person:

(A) Is intoxicated, using profane language or behaving in a boisterous or disorderly manner;

(B) Affected with a contagious disease;

(C) Presenting an unsanitary condition so as to unduly annoy other passengers; or

(D) Aged under six (6) years and unaccompanied by an adult.

(4) Passenger vehicles used under a certificate or permit authorizing the transportation of passengers and their baggage must be equipped to carry and properly shelter the baggage of the passengers. No carrier shall be bound to accept baggage in excess of fifty (50) pounds per passenger in weight of six (6) cubic feet per passenger in volume. A motor carrier authorized to transport passengers and their baggage shall issue without charge a baggage check to each passenger offering baggage to be transported and shall transport the baggage from origin to destination of the passenger. The carrier shall attach to the baggage a duplicate of the check given to the passenger on which shall be written or printed the destination of the passenger.

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

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

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

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

(1) Every common carrier, to the extent it is authorized by this division to engage in intrastate transportation of passengers or

household goods between points in Missouri, shall publish and file with the division and keep for public inspection at each of its terminals, tariff schedules specifying its rates and charges and which shall—

(A) Indicate definitely and clearly the scope of the carrier's authority as granted in the certificate of convenience and necessity issued to the carrier;

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

(C) Conform, if filed by common carriers of passengers and their baggage, to the rules contained in 4 CSR 265-6.010 and in any tariff schedule and the tariff schedules of any common carrier not conforming to the rules may be rejected; and

(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 upon not less than one (1) day's notice. This permission to file and publish tariff schedules, including supplements where otherwise permitted by division 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 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.

(3) 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 ship-

pers, 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) 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 delivering 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) 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;
- (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) 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 deadhead mileage, separately noted; and
- (I) The total and itemized rates and charges for the transportation, and any other charges incidental to the transportation.

(7) 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 CSR 265-10.080(3) for each shipment of household goods being transported listing all shipments of household goods on the vehicle.

(8) 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 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.

(9) 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; 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 and shall be posted at each station or stopping place as required by subsection (11)(D), at least fifteen (15) days before the date upon which they are to become effective, unless otherwise authorized by the division. In case of actual emergency or for other good cause shown, the division 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 permitting the short notice filing and posting; and

(F) Time schedules received for filing too late to give the division 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) 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 certificate 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.

(11) 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) All intrastate transportation provided for hire by a motor carrier who is subject to the jurisdiction of the division under Chapter 390, RSMo shall be presumed to be transportation subject to the division'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) 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. This rule originally filed as 4 CSR 265-10.050. Emergency rule filed June 14, 1985, effective July 1, 1985, expired Oct. 28, 1985. Original rule filed Aug. 1, 1985, effective*

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

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

7 CSR 265-10.060 Inspection of Books, Records, Property, Equipment, and Roadside Stops by Division Personnel

PURPOSE: This rule implements the provisions of sections 386.320 and 390.150.4, RSMo, which subject the books, records, documents, papers, property, equipment, buildings and offices of persons and corporations regulated by the division to inspection by the division's representatives at any time, and the provisions of sections 304.022 and 390.045, which authorize the division's enforcement personnel to stop commercial motor vehicles and obtain information to determine whether the vehicle is operated in violation of Chapter 390, RSMo, or the division's rules.

(1) Under sections 386.320, 387.310 and 390.150.4, RSMo, division personnel are authorized to inspect and copy all books, records, documents and papers of motor carriers and their affiliates, entities under common control, and other related parties, at any time, and are further empowered to enter in and upon and to inspect the property, equipment, buildings and offices of all motor carriers and express, freight or freightline companies. Division personnel shall notify a person or corporation before beginning to inspect their books, records, documents, papers, property, equipment, buildings or offices. Division personnel may give the notice of inspection orally or in writing, in advance or immediately before beginning the inspection, and shall display official identification if requested to do so by the person or corporation to be inspected. Persons and corporations subject to inspection under section 386.320 or 390.150.4, RSMo, shall not fail or refuse to allow inspection and copying after receiving notification as provided in this section.

(2) Division personnel may use copying equipment offered by the motor carrier or related party, copying equipment provided by the division and commercially available copying services to copy documents pursuant to their inspections. The motor carrier or related party shall allow reasonable access by division personnel to available electrical outlets to operate copying, calculating and other equipment brought by division personnel for use in connection with the inspection and copying. Division personnel, with the permission of the person or corporation may take custody of any books, papers, documents and records for purposes of performing the requested inspection, copying and other activities reasonably incidental to those activities, and will return them to the person or corporation promptly after that.

(3) Every person operating a commercial motor vehicle shall comply with the applicable requirements of sections 304.022 and 390.045, RSMo concerning stop and detention by the enforcement personnel of the division. The operator of the commercial motor vehicle shall remain stopped so long as it is lawfully detained by the enforcement personnel, and shall not leave the scene or remove the commercial motor vehicle until the enforcement personnel gives permission to do so. During the stop and detention, the operator shall cooperate with the enforcement personnel by complying with all reasonable instructions given by the enforcement personnel in relation to the stop and detention, giving all relevant information requested and producing all books, papers, documents and records, as required by law or by the rules or orders of the division.

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

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



7 CSR 265-10.070 Classification of Common Carriers by Services Performed

PURPOSE: Except as preempted by Section 601 of the Federal Aviation Administration Authorization Act of 1994 (H.R. 2379, 103d Congress, 2d Session)(49 U.S.C. sections 11501(h) and 41713(b)), the Division of Transportation has authority to establish just and reasonable classifications of types of carriers included in the terms common carriers or contract carriers as the special nature of the service performed by the carriers shall require. This rule establishes and defines the service authorized for these classifications of carriers.

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

1) Federal Aviation Administration Authorization Act of 1994 (H.P. 2739, 103d Congress, 2d Session) 49 U.S. Code sections 11501(h) and 41713(b) (Washington: U.S. Government Printing Office, 1994).

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

(1) The following classifications of types of common and contract carriers are established pursuant to section 601 of the Federal Aviation Administration Authorization Act of 1994 along with the special nature of the service that each shall be entitled to perform:

(A) Motor carriers of passengers in school bus type equipment shall be authorized to transport passengers and their baggage on the highways of Missouri only in vehicles designed for the transportation of students to or from school, and shall specifically exclude vehicles which have reclining seats, special head or foot rests, lavatories, restrooms or snack bars, air-conditioning or other conveniences or comforts not normally found in school buses. When the vehicles are operated under a certificate or permit issued by the division, the designation school bus shall be covered and the stop arm shall be deactivated;

(B) Motor carriers of passengers in "charter service," as described in section 390.020(3), RSMo;

(C) Motor carriers of passengers in "non-charter service," or "other than in charter service," whose operations do not wholly conform to the definition of "charter service" under section 390.020(3), RSMo. This classification includes, but is not limited to, the following subclassifications:

1. "Non-profit special passenger carriers," not-for-profit corporations authorized by a certificate or permit issued under House Bill No. 1433, 86th General Assembly, 2d Regular Session, 1992 (section 390.063, RSMo) when exclusively transporting passengers who are—

A. "Elderly," meaning any person who is sixty (60) years of age or older;

B. "Handicapped," meaning any person having a physical or mental condition, either permanent or temporary, which would substantially impair ability to operate or utilize available transportation;

C. Preschool disadvantaged children transported for the purpose of participating in a federal Head Start program; or

D. Persons 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, 49 U.S.C. section 1614, 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 carrier's certificate or permit. The term "urbanized area" means an area so designated by the United States Bureau of Census as provided under section 12(c)(11) of the Urban Mass Transportation Act of 1964, which has a population of more than fifty thousand (50,000) persons; and

(D) Motor carriers transporting "household goods" as defined in section 390.020(12), RSMo.

AUTHORITY: section 622.027, RSMo 1994. * This rule was previously filed as 4 CSR 265-10.060 and 4 CSR 265-10.070. Emergency rule filed June 14, 1985, effective July 1, 1985, expired Oct. 28, 1985. Original rule filed Aug. 1, 1985, effective Oct. 29, 1985. Amended: Filed April 16, 1986, effective June 30, 1986. Amended: Filed May 17, 1989, effective Sept. 11, 1989. Amended: Filed Nov. 4, 1992, effective July 8, 1993. Emergency amendment filed Dec. 1, 1994, terminated Dec. 19, 1994. Emergency amendment filed Dec. 20, 1994, effective Jan. 1, 1995, expired April 30, 1995. Emergency amendment filed April 20, 1995, effective May 1, 1995, expired Aug. 28, 1995. Emergency amendment filed Aug. 18, 1995, effective Aug. 29, 1995, expired Feb. 24, 1996. Amended: Filed Aug. 3, 1995, effective Feb. 25, 1996. Emergency amendment filed Aug. 19, 1996, effective Aug. 29, 1996, expired Feb. 24, 1997. Moved to 7 CSR 265-10.070, effective July 11, 2002.

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

7 CSR 265-10.080 Rules Governing the Transportation of Household Goods

PURPOSE: The Division of Transportation has authority to establish rules concerning motor carrier operation. 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.

Editor's Note: The secretary of state has determined that the publication of this rule in its entirety would be unduly cumbersome or expensive. The entire text of the rule has been filed with the secretary of state. The entire text of the rule may be found at the headquarters of the agency and is available to any interested person at a cost established by state law.

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

(A) Agency arrangement means a business relationship covered by a written contract or agreement under which an agent provides a transportation service for a principal-carrier;

(B) Agent means a person who acts for or in place of a principal-carrier, by the authority and on account of a principal-carrier, acting in this capacity through an agency agreement;

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

(D) Principal-carrier means a household goods carrier whose method of operation utilizes the service of agents under an agency arrangement.



(2) Each household goods carrier shall prepare an inventory of all articles to be shipped in those instances in which shipment will be mixed with another shipment and in those instances in which a shipment is bound for a storage facility. In all other instances, the carrier shall offer to give the shipper an inventory of all articles to be shipped before taking possession of the goods. An inventory shall be prepared if requested by the shipper or his/her representative, or if desired by the carrier. The inventory shall be signed by the shipper or his/her representative and by the carrier or its agent. A copy of the completed inventory shall be dated and furnished to the shipper or his/her representative at the point of origin of the shipment.

(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:

- (A) Name, address and phone number of the carrier, his/her agent, or both;
- (B) Division of Transportation certificate number and bill of lading number;
- (C) Shipper's name, address and phone number (if any);
- (D) Consignee's name, address and phone number (if any);
- (E) Shipper notification instructions (if any);
- (F) Agreed pick-up and delivery dates (if any);
- (G) Information concerning gross, tare and net weights;
- (H) Information concerning containers, packing and unpacking;
- (I) All special services requested by shipper;
- (J) Information concerning additional services performed;
- (K) Valuation information;
- (L) Information concerning estimate (if made);
- (M) An itemized statement of all charges, payments and balance due (if any);
- (N) Total amount required to be paid upon delivery of shipment; and
- (O) Signature of both shipper and carrier or his/her agent.

(4) If requested by a shipper, a household goods carrier shall provide an estimate of the total charges for the proposed shipment. If the charges are to be paid at the time of delivery and the actual charges exceed by more than ten percent (10%) the amount of the estimate, the carrier may negotiate with the shipper for a settlement of the total charge. When

the carrier and shipper are unable to negotiate a settlement, the carrier shall relinquish possession of the shipment to the shipper or his/her representative, if the shipper will pay one hundred ten percent (110%) of the estimated charge and execute a promissory note payable to the carrier in the amount of the unpaid charge with interest at a lawful rate. If the actual charges for the shipment exceed the amount of the estimate by ten percent (10%) or less, the carrier may negotiate with the shipper for a settlement of the total charge.

(5) Every household goods carrier who receives a written claim for loss or damage to household goods transported by it shall acknowledge receipt of the claim, in writing, to the claimant within thirty (30) calendar days after the household goods carrier or its agent receives the written claim. The household goods 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 household goods 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.

(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 available by the division 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 years after the date of issuance for inspection and audit by the division. A separate series of bills 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, 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 order-

ing a specific quantity of space. The charge for the service shall be based on the actual cubic feet occupied by the shipment in accordance with a tariff filed with and approved by the Division of Transportation. The 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 (1000) 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	1050 pounds
200 cubic feet	1400 pounds
300 cubic feet	2100 pounds
400 cubic feet	2800 pounds
500 cubic feet	3500 pounds
600 cubic feet	4200 pounds
700 cubic feet	4900 pounds
800 cubic feet	5600 pounds
900 cubic feet	6300 pounds
1000 cubic feet	7000 pounds

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 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.



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 x 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 x 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 x 12.23 = \$611.50) SHIPPING WEIGHT
(1000 as 8000 x 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. This rule was previously filed as 4 CSR 265-10.070 and 4 CSR 265-10.080. Emergency rule filed June 14, 1985, effective July 1, 1985, expired Oct. 28, 1985. Original rule filed Aug. 1, 1985, effective Oct. 29, 1985. Amended: Filed Nov. 4, 1992, effective July 8, 1993. Emergency amendment filed Dec. 1, 1994, terminated Dec. 19, 1994. Amended: Filed Aug. 3, 1995, effective Feb. 25, 1996. Emergency amendment filed Aug. 19, 1996, effective Aug. 29, 1996, expired Feb. 24, 1997. Moved to 7 CSR 265-10.080, effective July 11, 2002.*

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

7 CSR 265-10.100 Regulation of Advertising by Motor Carriers

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

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

(2) A contract carrier of household goods or passengers shall not hold out to the general public as being engaged in transportation of household goods or passengers by motor vehicle in intrastate commerce, except that this section shall not prohibit a contract car-

rier from advertising and performing transportation as a motor carrier which is exempted under section 390.030, RSMo, nor does it prohibit a contract carrier who also holds a certificate from this division authorizing transportation as a common carrier from holding out services authorized under that common carrier certificate. A carrier holding out transportation service to the general public is presumed to be engaged in transportation as a common carrier, which must be authorized by a certificate under section 390.051.1, RSMo, or exempted under section 390.030, RSMo. Whenever a contract carrier of household goods or passengers in charter service advertises or holds out intrastate transportation service to specific persons or specific groups, the carrier shall state in the advertisement or notice, in addition to any other information, the entire identifying number of the contract carrier permit issued to the carrier by this division, and the carrier's name or trade name as stated in the permit.

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

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

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

PURPOSE: This rule sets forth when and how motor carriers of passengers may provide service at joint through rates with other motor carriers, and through service between points on their own separate routes.

(1) Every motor carrier, to the extent it is authorized by this division to transport passengers or household goods between points in Missouri over regular routes, may establish joint service at joint through rates between any point in Missouri on its own regular route where service is authorized by its own certificate or permit, and any other point in Missouri on the regular route of another motor

carrier of passengers or household goods where service is authorized by that carrier's certificate or permit, subject to the following requirements:

(A) In providing this joint or interline service, each carrier shall transport passengers or household goods only upon its owned or leased vehicles, over its own authorized regular routes and between authorized points on those routes, and shall actually interchange passengers or household goods with the other carrier at an authorized point common to both carriers' certificates or permits. If either participating carrier is a regular route contract carrier, then this interline service shall be limited to transportation for the contracting parties identified in that contract carrier's permit;

(B) No carrier shall participate in joint or interline service until it has complied with the applicable tariff requirements of 4 CSR 265-6.010 with reference to passenger carriers, or 4 CSR 265-6.020 with reference to household goods carriers; and

(C) Motor carriers of passengers or household goods shall not provide joint or interline service over irregular routes, nor over any combination of regular routes and irregular routes.

(2) A motor carrier of passengers or household goods shall not consolidate or tack together separate routes within its own certificate or permit, to provide through service between points on its separate routes, unless the division has expressly authorized the carrier to perform that consolidation, tacking or through service in its certificate or permit. The division may authorize the consolidation, tacking or through service by a carrier subject to the following limitations:

(A) No carrier who is authorized by the division to perform this consolidation, tacking or through service between separate routes shall begin providing this through service until it has complied with the applicable tariff requirements of 4 CSR 265-6.010 with reference to passenger carriers, or 4 CSR 265-6.020 with reference to household goods carriers; and

(B) The division may authorize a motor carrier of passengers or household goods to consolidate, tack together or provide through service between points on regular routes only. The following incompatible authorities shall not be consolidated or tacked together within a carrier's certificate or permit:

1. Two (2) or more irregular routes; or
2. One (1) or more regular routes and one (1) or more irregular routes.



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

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