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SECRETARY OF STATE
ADMINISTRATIVE RULES

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

PROPOSED AMENDMENT

7 CSR 265-10.017 Records of the Division. The Missouri Highways and Transportation Commission is amending paragraph (1)(A)3.

PURPOSE: This amendment updates the publication date of information from the United States Code that is incorporated by reference.

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

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

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

3. Under Title 49, United States Code (U.S.C.), section 523(c), which is incorporated herein by reference and made a part of this rule as published in 20/16/21 by the U.S. Government Printing Office, 732 North Capitol Street, NW, Washington, DC 20401-0001, and which does not incorporate any subsequent amendments or additions, all records or information acquired by division staff during an inspection of the equipment or records of a motor carrier or a lessor of equipment to such a carrier, if that inspection was delegated and funded or reimbursed by the Secretary of Transportation of the United States under Title 49 U.S.C. section 504, which is incorporated herein by reference and made a part of this rule as published in 20/16/21 by the U.S. Government Printing Office, 732 North Capitol Street, NW, Washington, DC 20401-0001, and which does not incorporate any subsequent amendments or additions; and

AUTHORITY: section 622.027, RSMo 2016. This rule originally filed as 4 CSR 265-2.030. Emergency rule filed June 14, 1985, effective July 1, 1985, expired Oct. 28, 1985. Original rule filed Aug. 1, 1985, effective Oct. 29, 1985. Amended: Filed May 17, 1989, effective Sept. 11, 1989. Amended: Filed Nov. 4, 1992, effective July 8, 1993. Emergency amendment filed Dec. 1, 1994, effective Dec. 11, 1994, expired Dec. 19, 1994. Emergency amendment filed Dec. 20, 1994, effective Jan. 1, 1995, expired April 30, 1995. Emergency amendment filed April 20, 1995, effective*

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By JCAR at 1:38 pm, Jun 03, 2022

May 1, 1995, expired Aug. 28, 1995. Emergency amendment filed Aug. 18, 1995, effective Aug. 29, 1995, expired Feb. 24, 1996. Amended: Filed Aug. 3, 1995, effective Feb. 25, 1996. Moved to 7 CSR 265-10.017 and amended: Filed Oct. 14, 2016, effective July 30, 2017. Amended: Filed June 3, 2022.

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

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Highways and Transportation Commission, Pamela J. Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102 or Pamela.Harlan@modot.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*