

RECEIVED

By Administrative Rules SOS at 11:01 am, Dec 08, 2023

**Title 7—MISSOURI DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation Commission
Chapter 25—Motor Carrier Operations**

PROPOSED AMENDMENT

7 CSR 10-25.030 Apportion Registration Pursuant to the International Registration Plan.

The Missouri Highways and Transportation Commission is amending sections (6) and (12).

PURPOSE: The amendment updates the rule to match the commission's current practice of accepting International Registration Plan applications in electronic form only. It also updates information regarding an affidavit form that is incorporated by reference into the rule.

PUBLISHER'S NOTE: The secretary of state has determined that publication of the entire text of the material that 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.

(6) Properly prepared proportional applications will be accepted *[by mail, in person, or]* electronically **through the commission's secure MoDOT Carrier Express business application or as otherwise prescribed by the commission in the division's procedure manual** and **shall be** subject to audit. The commission may refuse to accept applications which list operations that do not appear to be based in or accumulating distance in Missouri, or from applicants or operations whose registration privileges are currently revoked or suspended in another member jurisdiction. The commission reserves the right to obtain further documentation or information to verify compliance with this section. All plates and cab cards and reciprocal exemptions are subject to cancellation and revocation in the event of erroneous issuance or if any fees remain unpaid.

(12) The commission shall require the following prerequisite documentation to support an application for apportioned registration:

(A) Personal Property Tax Receipt Required. A Missouri tax receipt or a statement certified by the county or township collector of the county or township in which the applicant's property was assessed showing payment of the personal property tax or that no tax is due by the owner is a prerequisite to the registration of qualified vehicles. A detailed vehicle listing or copy of the assessment form filed by the vehicle owner with the county assessor may be requested in addition to the tax receipts when the receipt does not include complete vehicle information. Carriers using Missouri as the base jurisdiction for apportioned registration purposes asserting no distance was operated by specific vehicles in Missouri shall submit to the commission the Affidavit Affirming No Missouri Distance Traveled, which is incorporated herein by reference and made a part of this rule as published by the Missouri Highways and Transportation Commission, 105 W. Capitol Avenue, PO Box 270, Jefferson City, MO 65102, effective *[August 1/***September 25, 20***07/23,* which lists those specific vehicles and requires the signatures of both the county collector and assessor. This rule does not incorporate any subsequent amendments or additions of this affidavit. Such affidavit shall not be used as a waiver by any registrant. The Affidavit Affirming No Missouri

RECEIVED

By JCAR at 10:12 am, Dec 08, 2023

Distance Traveled may be obtained from the Motor Carrier Services Division website at: [http://www.modot.org/\[mcs\]sites/default/files/\[documents/\[AFFIDAVITAFFIRMINGNOMISSOURIMILES.docxJUNE\]Affidavit-NoMOMiles.pdf](http://www.modot.org/[mcs]sites/default/files/[documents/[AFFIDAVITAFFIRMINGNOMISSOURIMILES.docxJUNE]Affidavit-NoMOMiles.pdf);

(B) Federal Heavy Vehicle Use Tax Receipt Required. Qualified vehicles that have a taxable gross weight of fifty-five thousand pounds (55,000 lbs.) or more are required to show proof of payment of Federal Heavy Vehicle Use Tax or that no tax is due as a prerequisite to the registration of a qualified vehicle;

(C) Liability Insurance. Effective July 1, 1987, each Missouri-based registrant must maintain liability insurance coverage or provide proof of self-insurance, if applicable, on all vehicles bearing a Missouri-apportioned license plate. Proof of liability insurance coverage is a prerequisite to the registration of a qualified vehicle;

(D) Lease Agreement. A copy of all lease agreement(s), if applicable, will be required for all vehicles under the control and possession of the registrant. Such lease agreement shall comply with the requirements of 7 CSR 265-10.040; and

(E) Titles. Proof of certificate of ownership is required for all vehicles. When the vehicle is owned by the registrant, a Missouri certificate of ownership in the legal name of the registrant will be required. When a vehicle is owned by another entity other than the registrant, the certificate of ownership from the entity's resident jurisdiction will be accepted.

*AUTHORITY: sections 142.617, 226.008, 226.130, and 301.275, RSMo 2016. * This rule originally filed as 12 CSR 20-3.010. Original rule filed July 22, 1965, effective Aug. 1, 1965. Amended: Filed Oct. 28, 1974, effective Nov. 7, 1974. Amended: Filed Oct. 15, 1986, effective Jan. 30, 1987. Amended: Filed Nov. 1, 1991, effective March 9, 1992. Emergency amendment filed Feb. 8, 2007, effective March 3, 2007, expired Aug. 29, 2007. Moved and amended: Filed Feb. 8, 2007, effective Aug. 30, 2007. Amended: Filed Aug. 9, 2007, effective July 1, 2008. Amended: Filed May 15, 2015, effective Dec. 30, 2015. Amended: Filed Oct. 14, 2016, effective July 30, 2017. Amended: Filed June 3, 2022, effective Jan. 30, 2023. Amended: Filed Dec. 8, 2023.*

**Original authority: 142.617, RSMo 1988, amended 1998; 226.008, RSMo 2002, amended 2014; 226.130, RSMo 1939, amended 1993, 1995; and 301.275, RSMo 1958.*

Brady Motorfrate, Inc. v. State Tax Commission, 517 SW2d 133 (1974). Court concluded that the statute under which this rule was promulgated did not expressly or by implication provide for the automatic modification of the agreement by one of the contracting states (Missouri) upon the occurrence of a breach of the terms of the agreement by any other contracting state (Iowa), and does not countenance, authorize or compel unilateral retaliatory action following such a breach.

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.*