

Title 7—DEPARTMENT OF TRANSPORTATION  
Division 10—Missouri Highways and Transportation Commission  
Chapter 16—Rest Areas

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SECRETARY OF STATE  
ADMINISTRATIVE RULES

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PROPOSED AMENDMENT

**7 CSR 10-16.035 Commission Responsibilities and Requirements.** The Missouri Highways and Transportation Commission is amending the purpose statement, section (1), and subsections (2)(A) through (2)(E).

*PURPOSE: This amendment clarifies the type of bins permitted in the rest areas and deletes unnecessary and restrictive wording.*

*PURPOSE: This rule provides the commission's responsibilities and requirements for the placement of publication vending machines on interstate highway rest areas for [sale or] distribution of publications to the public.*

*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) Location of Bins and Machines. In order to ensure the safety of patrons of rest areas, to protect the physical integrity of the rest area building and facilities, and to provide for the general aesthetics of the rest areas, *[no] only* publication vending machines *[shall be] owned and installed by the commission are permitted* at a rest area. *[except those machines owned and installed by the commission. At each rest area, t]The commission [shall provide one (1) publication vending machine bin which may hold up to four (4) individual machines to allow the vending of publications as provided in 7 CSR 10-16.020 through 7 CSR 10-16.050. The commission, in its sole discretion, shall locate and install the bins on the exterior of the rest area buildings and adjacent to the entrance and exit doors of the rest areas. The commission will provide additional bins and machines provided there are publishers that have made application under 7 CSR 10-16.045 to lease such additional machine spaces. No machine shall dispense more than one (1) publication], in its sole discretion as provided in 7 CSR 10-16.020 through 7 CSR 10-16.050, will provide and install publication vending machines in easily accessible locations on the exterior, near doors, of the rest area buildings. Only one (1) publication will be dispensed in each bin.*

(2) Procedures for Noncompliance with Rules.

(A) *[Prohibitions. A publisher shall not—]*Noncompliance. The following are identified as a publisher's noncompliance with these rules:

1. *[Install its own newsrack(s)]* Installation of noncommission equipment for purpose of publication distribution;
2. Failure to pay required license fee(s);

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3. Damage to commission bin(s) and/or machine(s); or
4. Failure to pay the cost of the commission's remedial action(s).

(B) Notice of Violation and Commission Remedial Action. The commission *[shall]*, **in its sole discretion as provided in 7 CSR 10-16.020 through 7 CSR 10-16.050**, may take any remedial action *[it deems]* **deemed** necessary and appropriate to address the publisher's noncompliance *[with 7 CSR 10-16.020 through 7 CSR 10-16.050]*. Such remedial action *[shall include, but]* is not limited to~~[,]~~ the following:

1. Seizure and removal of the publisher's *[newsracks]* **noncommission equipment and storage of such equipment at a site determined in the commission's sole discretion;**

2. Revocation of the publisher's authority to participate in the publication vending machine program, removal of all the publisher's publications in any commission machines, and prevention of such publisher from future use of commission machines; and/or

3. Repair of the damaged commission bin(s) and/or machine(s).

(C) Timing and Costs of Remedial Action. The commission may take such remedial action(s) immediately and without prior approval of the publisher. The **publisher is responsible to pay all costs of *[any]* remedial actions taken by the commission under 7 CSR 10-16.035(2)(B) *[shall be paid by the publisher]*.**

(D) Notice of Remedial Action. After the commission takes any remedial action(s) authorized by 7 CSR *[10-16.030(2)(B)]***10-16.035(2)(B)**, the commission shall **provide written notice to the publisher, either by certified U.S. mail or by electronic mail** within ten (10) days *[send written notice to the publisher, either by certified U.S. mail or by electronic mail, stating]*. **The written notice will include** the alleged violation, the remedial action(s) taken by the commission, and the action(s) the publisher is required to take~~[,]~~ *including, but not limited to 1) retrieving the noncompliant publisher newsracks and 2) payment of all delinquent license fees and payment of all costs incurred by the commission to carry out the remedial action(s). If the commission is unable to determine the mailing address or electronic mail address of the publisher, it shall make]*. **The commission will make** reasonable effort to locate either the mailing address or the electronic address of the publisher in order to send the written notice. In the event the mailing address or electronic mail address cannot be determined in the ten (10) days, *[notice shall be satisfied by]* the commission **will post~~[ing]~~** a written notice consistent with this 7 CSR *[10-16.030(2)(D)]***10-16.035(2)(D)** in a conspicuous place located at the rest area and on the Missouri Department of Transportation website.

(E) Opportunity for Informal Hearing. If the publisher disagrees with the allegation(s) of noncompliance and the remedial action(s) taken as set forth in the commission's written notice, the publisher *[shall have thirty (30) days from the date on the notice to]* **may** request an informal hearing before the department's *[State Maintenance Engineer]* **General Services Director**, or the *[State Maintenance Engineer's]* **General Services Director's** designee, **no later than thirty (30) days from the date on the notice**. Such request for an informal hearing shall be addressed to the Commission Secretary, PO Box 270, Jefferson City, MO 65102. *[Such informal hearing shall be conducted at a date, time, and location as determined by the]* **The** department's *[State Maintenance Engineer]* **General Services Director**, or the *[State Maintenance Engineer's]* **General Services Director's** designee, **determines the date, time, and location of the informal hearing**. A publisher's failure to request a hearing within the time allowed under this 7 CSR 10-16.035(2)(E), or a publisher's failure to appear at the hearing, will result in the publisher's forfeiture of the opportunity for the informal hearing.

*AUTHORITY: section 29 of Art. IV, Mo. Const., sections 226.020, 226.150, 226.750–226.790, and 227.030, RSMo 2000,\* Title 23, **United States Code** section 111(b), and Title 23, **Code of Federal Regulations** part 752. Original rule filed July 2, 2010, effective Feb. 28, 2011. Amended: Filed February 9, 2018.*

*\*Original authority: 226.020, RSMo 1939; 226.150, RSMo 1939, amended 1977; 226.750–226.790, RSMo 1965; and 227.030, RSMo 1939.*

*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, 105 W. Capitol Avenue, PO Box 270, Jefferson City, MO 65102 or [Pamela.Harlan@modot.mo.gov](mailto: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.*