

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

RECEIVED

FEB 09 2018

SECRETARY OF STATE
ADMINISTRATIVE RULES

PROPOSED AMENDMENT

7 CSR 10-16.045 Licensee Responsibilities and Requirements. The Missouri Highways and Transportation Commission is amending the purpose statement and sections (1) through (4).

PURPOSE: This amendment clarifies the responsibilities of the licensee, expands on the purpose of the license fees, and deletes unnecessary restrictive wording.

PURPOSE: This rule provides the licensee'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) Commission Licensee. The commission may grant *[to a licensee]* an exclusive license to *[authorize publishers to lease machine space. This licensee shall regulate and administer all machines at all Missouri rest and recreation areas in accordance with 1) a contract between the commission and the licensee and 2) 7 CSR 10-16.020 through 7 CSR 10-16.050,]* **a licensee to regulate and administer all machines at all Missouri rest areas. Regulation will be in accordance with: (1) a contract between the commission and the licensee; and (2) 7 CSR 10-16.020 through 7 CSR 10-16.050. The licensee may either [by operating] operate the machines itself or [by executing] execute sub-licensing agreements with the publisher or the publisher's agent [which]with such sub-licensing agreement [shall become] effective upon execution by both parties. However, that license between the commission and the licensee [shall be terminated] terminates effective with the date [that] the [Bureau of] Rehabilitation Services for the Blind assumes regulation and jurisdiction of machines in rest areas, and upon the effective date of that occurrence all sub-licensing agreements between the licensee and a publisher or its agent [shall be terminated]terminate.**

(2) *[Machine Space] Bin Rental.* The licensee may lease *[machine spaces within the] bins* to such publishers or such publishers' agents *[and such spaces shall be available]* only on a first-come, first-served basis. The licensee may maintain a waiting list for interested publishers *[for whom space in the existing] if a bin is not available.*

(3) License Fees Authorized. *[The licensee shall collect a] Payment of a license fee [of] to the licensee is a legal condition precedent before a publication may be vended in a rest area bin. The twelve dollars (\$12) per year license fee is due from each publisher or its agent for each*

JOINT COMMITTEE ON

FEB 09 2018

ADMINISTRATIVE RULES

[machine space in a rest area] bin to cover the administrative and maintenance costs the licensee, or its affiliated organization or agent, [shall] sustains due to the operation of the machine and the debris the machine will generate. [Payment of this license fee to the licensee is a legal condition precedent before a publication may be vended in a rest area machine.]

(4) Publication Display Requirements. The visible contents of the publication as displayed in the machine shall not be offensive to members of the general public. The licensee, through its authorized representatives, retains final approval of the manner in which a publication is ultimately displayed for *[sale or]* distribution in a machine in a rest area.

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.*

**Original authority: 226.020, RSMo 1939; 226.150, RSMo 1939, amended 1977; 226.750–226.790, RSMo 1965; and 227.030, RSMo 1939. Amended: Filed February 9, 2018.*

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. 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.*