

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

PROPOSED AMENDMENT

**7 CSR 10-16.050 Publisher Responsibilities and Requirements.** The Missouri Highways and Transportation Commission is amending the purpose statement and sections (1) through (8), deleting sections (2) and (9), and renumbering sections (3) through (7).

*PURPOSE: This amendment clarifies only bins and machines owned by the commission may be installed at rest areas, deletes the unnecessary language regarding coin mechanisms, clarifies the terms of the agreement, expands on the publisher's responsibilities, deletes redundant language regarding a publisher's liability for damage caused to commission bins and machines, and deletes unnecessary restrictive wording.*

*PURPOSE: This rule provides the publisher's responsibilities and requirements for the [sale] distribution of publications in publication vending machines in interstate highway rest areas.*

(1) *[Newsrack Prohibition]***Publication Vending Machines.** *[No bin or machine shall be installed at a rest area except the] Only bins and machines owned and provided by the commission may be installed at a rest area. [If any newsrack is installed at a rest area by a publisher or its agent, such newsrack shall be removed from the rest area and stored by the commission, and all removal and storage costs incurred by the commission shall be borne by the licensee, or the publisher, or its agent.]*

*[(2) Coin Mechanism. The coin mechanism for a machine is the responsibility of the licensee, or the publisher or agent who rents the machine space from the licensee.]*

*[(3)](2) Duration of Rental Agreement.* Each agreement between a licensee and a publisher or the publisher's agent authorizing the rental of one (1) or more *[machine spaces]* **bins** may be for no less than (1) year in duration. Occupants of any rental space will be evicted from the rental space thirty (30) days after the expiration of the rental agreement unless renewed by agreement prior to the end of the thirty (30) days. *[Any renewal leases of machine space shall have]* **To renew the lease of machine space, all license fees are required to be paid in full to the licensee [by the publisher or its agent from the date of the start of the renewal period]. Failure to pay [all license fees shall result in the cancellation of the license] the license fee in full results in cancellation of the license** and assignment of the machine space to the next party on the licensee's waiting list *[pursuant to a validly executed agreement].*

*[(4)](3) Termination of Sub-licensing Agreement.* Both the licensee and the publisher or its agent *[shall have the right to]* **may** terminate their sub-licensing agreement, provided no less than thirty (30)-days written notice is given. Upon termination of the sub-licensing agreement, the licensee shall refund *[to the publisher the portion of the license fee covering the entire term of the agreement paid in advance by the publisher that is equal to one-twelfth (1/12) of the annual license fee]* **the pro-rata share of the annual license fee** for any remaining unused

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months of the term of the agreement.

*[(5)](4) Publisher Responsible for Damages to Bins and Machines. The **commission is responsible for the** total cost to purchase, install, and improve a bin or machine *[shall be borne by the commission]. [The licensee, or the publisher or its agent, shall bear the costs of installing, maintaining, and removing the coin mechanism. The publisher or its agent shall provide the licensee with the key or other device that allows for the removal of the coin mechanism.]* The publisher shall:*

*(A) be responsible for any damage caused by it or its agents to the **commission bin(s) or machine(s) and the contents thereof**; and [shall]*

*(B) reimburse the commission any costs incurred by the commission in repairing the damage, including the cost of replacement of the bin(s) or machine(s), as determined in the commission's sole discretion.*

*[(6)](5) Restocking of Publications. **Stocking the bins at all rest areas with the current edition of a publication at least as often as the publication is published, weekend or special editions excluded, is the responsibility of [E]**each licensee, or a publisher or its agent *[, shall restock the machines at all rest areas with the current edition of a publication at least as often as the publication is published, weekend or special editions excluded].* The licensee, or a publisher or its agent, *[shall]* **is also [remove] responsible for removal of** any outdated issues of such publication from within each *[machine] bin* and *[remove]* all debris *[which is not properly placed in rest area trash containers]* from the rest area grounds.*

*[(7)](6) No Advertisements on Machines. [Commission] **No advertisements are to be displayed on commission bins and machines** [shall have no advertisement displayed].*

*[(8)](7) Notice Requirements. [On a prominent place on each machine, the licensee, or a publisher or its agent, shall affix and display] **It is the responsibility of the licensee, and if applicable to a publisher, based on information supplied by the publisher or its agent, to display** the following notice, "For Information Regarding Any Problems With Your Use of This Machine Call \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_, or write \_\_\_\_\_." [The notice shall provide] **in a prominent place on each bin with** the appropriate telephone number (with area code) and the mailing address of a contact person or agent for the licensee, or a publisher or its agent*[, for refund requests or other vending problems. Such notice shall be created by the licensee, and if applicable to a publisher, shall be based on information supplied by the publisher or its agent].**

*[(9) Publisher Liability. Each publisher and its agents shall be liable for damage sustained to the commission's bins, machines, and the contents thereof that is caused by the publisher or its agents.]*

*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.*