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The GR Capitol Report

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2008 LEGISLATIVE WRAP-UP REPORT

The following is a summary of the transportation-related bills that passed during the 2008 legislative session. These legislative proposals now wait for the Governor's consideration to be signed into law. All bills signed into law by the Governor will go into effect August 28, unless an emergency clause for immediate implementation has been indicated.

SCS HB 1422 – UNIFIED CARRIER REGISTRATION: This bill authorizes the Missouri Highways and Transportation Commission (MHTC) to implement and administer a state plan to conform to the federal Unified Carrier Registration (UCR) Act of 2005. The UCR Act eliminates the state's registration system and replaces it with the federal UCR Agreement.

The MHTC may submit to the proper federal authorities, amend, and carry out a state plan to qualify as a base-state and to participate in the UCR Program and administer the UCR Agreement. The MHTC is authorized to administer the registration of Missouri domiciled motor carriers, motor private carriers, brokers, freight forwarders and leasing companies, and persons domiciled in nonparticipating states who have designated Missouri as their base-state under the UCR Act; to handle registration fees; and to enter into an agreement with any United States agency.

Every motor carrier, motor private carrier, broker, and freight forwarder and leasing company that has its principal place of business in Missouri and every person who has designated this state as his or her base-state must timely complete and file with the MHTC all the forms and registration fees required by the UCR Program.

Implementing the UCR Act will not be construed as exempting any motor carrier or any person controlled by a motor carrier from any state regulation regarding motor carriers. The bill also repeals provisions regarding the issuance of interstate motor carrier permits. Certain motor carriers who transport agricultural products are exempt from the provisions of the act and agreement.

The passage of UCR legislation was a top priority for the MHTC this session.

CCS SS HCS HB 1549, 1771, 1395 & 2366 - ILLEGAL ALIENS AND IMMIGRATION

STATUS VERIFICATION: This bill changes the laws regarding illegal aliens and immigration status verification by:

MISCLASSIFICATION OF EMPLOYEES - Employers are prohibited from knowingly and willfully misclassifying a worker as an independent contractor by failing to claim the worker as

an employee when the employer knows that the worker is an employee. The Attorney General is given certain investigative and prosecutorial powers regarding misclassification of workers. Anyone violating this provision will be subject to a fine of \$50 per day per misclassified worker up to \$50,000.

FEDERAL EMPLOYMENT AUTHORIZATION - Business entities and employers are prohibited from knowingly employing, hiring, or continuing to employ illegal aliens to perform work in Missouri. Participation in a federal work authorization program which enables employers to electronically verify employment eligibility is required for all public employers and business entities receiving a state contract or grant in excess of \$5,000 or a state-administered tax credit, tax abatement, or loan from the state. Participation in a federal program is an affirmative defense to an allegation that a business entity knowingly hired an illegal alien.

A general contractor or subcontractor will not be held liable under the provisions prohibiting employment of illegal aliens, even if the general contractor's or subcontractor's direct subcontractor hires an illegal alien, if the contract binding the contractor and subcontractor states that the direct subcontractor is not knowingly in violation of the prohibition and will not violate the prohibition and the contractor or subcontractor receives a sworn affidavit under penalty of perjury attesting to the fact that the direct subcontractor's employees are lawfully present in the United States.

A violation of the prohibition against employing illegal aliens by a business entity awarded a state contract or grant or state-administered tax credit, tax abatement, or loan from the state will result in the termination of the contract and the suspension or debarment of the business entity from doing business in this state for a period of three years. A second or subsequent violation will result in the termination of the contract and the permanent suspension or debarment of the business entity from doing business in this state. The state may withhold up to 25 percent of the total amount due to the business entity upon termination of the contract.

Only the federal government can determine whether a worker is an unauthorized alien.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA) TRAINING - Effective August 28, 2009, contractors and subcontractors who contract to work on public works projects must provide a 10-hour OSHA construction safety program, or similar program approved by the Department of Labor and Industrial Relations, to be completed by their on-site employees within 60 days of beginning work on the construction project. Contractors and subcontractors in violation of this provision will forfeit to the public body \$2,500 plus \$100 a day for each employee who is employed without training. Public bodies and contractors may withhold assessed penalties from the payment due to contractors and subcontractors.

COMMUNICATION WITH FEDERAL OFFICIALS - No government entity or official or political subdivision can prohibit or restrict any other government entity or official from communicating or cooperating with federal officials on the immigration status of any person in this state. No person or agency can prohibit or restrict any public employee from communicating or cooperating with local, state, or federal officials on the immigration status of any person in this state.

Upon complaint by any state resident or before the provision or award of any funds or grants to any government agency or political subdivision, any member of the General Assembly may request that the Attorney General issue an opinion as to whether the government agency or political subdivision has policies prohibiting or restricting public officials or employees from communicating or cooperating with local, state, or federal officials on the immigration status of any person in this state.

The provisions regarding sanctuary cities, federal employment authorization, and communication with federal officials become effective Jan. 1, 2009, and the provisions regarding OSHA training become effective August 28, 2009.

HCS HB 1575 - MEMORIAL HIGHWAY: This bill designates a four-mile portion of State Highway 87 south from the intersection of State Route AA in Moniteau County as the "Lance Corporal Leon B. Deraps Memorial Highway."

SS SCS HCS HB 1779 - ONE CALL: This legislation requires that the Missouri Highways and Transportation Commission (MHTC) be part of the notification center, known as Missouri One Call.

To make this conducive to the department's operations, MoDOT was able to gain several changes to this bill that included:

- Preserving the issuance of permits;
- Having the notification center operators ask excavators to identify whether or not the proposed excavation will be on a public right-of-way or easement dedicated to public use for vehicular traffic;
- Having water; storm drainage; cross road drainage and sewer lines owned by the MHTC not to be considered underground facilities; and
- Requiring one of the board members of the notification center is a representative of the MHTC, as long as the commission is a participant in the notification center.

Finally, the bill was amended to include a sunset provision that provides the MHTC will not be required to be a notification center participant after Dec. 31, 2011, but not be prohibited from voluntarily choosing to be a notification center participant after that date.

HB 1887 - MEMORIAL HIGHWAY: This bill designates a portion of State Highway 13 from the intersection of State Highway 83 to the intersection of State Route Y in Polk County as the "Rick Seiner Memorial Highway."

HCS HB 1888 – ANNEXATION OF LAND WITHIN THE SPRINGFIELD AIRPORT ZONE: Currently, no municipality is allowed to annex land located within the airport zone of the City of Springfield. This bill allows a municipality to annex land in the airport zone if it enters into an agreement to adopt, enforce, and administer Springfield's airport zoning ordinance. If the municipality fails to enforce or administer the airport zoning ordinance or the agreement, it will be subject to an injunction, quo warranto, mandamus, declaratory judgment, or any other remedy provided by the agreement. A combined board of adjustment as determined by the agreement will have the powers of a board of adjustment, except that the concurring vote of eight

members of the combined board will be necessary to reverse administrative official decisions or to approve ordinance variations.

HB 1952 – MEMORIAL BRIDGE: This bill designates the bridge over the Gasconade River on U.S. Highway 63 in Maries County as the "Roy Bassett Memorial Bridge."

HCS SCS SB 753, 728, 906 & 1026 – MEMORIAL HIGHWAY DESIGNATIONS: This bill makes the following memorial highway designations:

- A portion of State Highway 84 in Pemiscot County from the Interstate 55 exit to the city limits of Caruthersville as the "Corporal Rickey L. Bell Memorial Highway";
- A portion of U. S. Highway 169 from its intersection with State Highway 6, north to its intersection with Gene Field Road as the "Deputy Charles M. Cook Memorial Highway";
- A four-mile portion of State Highway 87 in Moniteau County south from its intersection with State Route AA as the "Lance Corporal Leon B. Deraps Memorial Highway"; and
- A portion of State Highway 13 in Polk County from its intersection with State Highway 83 to the intersection of State Route Y as the "Rick Seiner Memorial Highway."

SCS SB 806 & HB 1784 - FLAGS FLOWN OVER STATE BUILDINGS: SCS SB 806 provides that the U.S. and Missouri state flags shall be flown at half-staff for one full day whenever a Missouri resident is killed in the line of duty during military service. The Missouri Veterans' Commission shall make ongoing reasonable efforts to determine if any residents have been killed in the line of duty, and shall notify the governor of any such death. The governor, who shall determine the day on which the resident shall be honored, shall then notify the office of administration. HB 1784 requires any Missouri or American flag flown on state property to be manufactured in the United States.

CCS HCS SCS SB 930 & 947 – OMNIBUS TRANSPORTATION LEGISLATION: This bill changes the laws regarding several transportation topics:

AIRCRAFT-RELATED SALES TAX EXEMPTION - Currently, materials, replacement parts, and equipment purchased for use directly upon and for the repair and maintenance or manufacture of aircraft engaged as common carriers of people or property are exempt from state and local sales tax. The bill expands the exemption to include materials, replacement parts, and equipment purchased for use directly upon and for the modification, repair, replacement, and maintenance of aircraft, aircraft power plants, and aircraft accessories from Jan.1, 2009, to Jan. 1, 2015.

AVIATION TRUST FUND - The cap on the Aviation Trust Fund is increased from \$6 million to \$10 million, and if \$6 million is deposited into the fund in the previous calendar year, \$2 million may be used annually to study or promote expanded or intrastate scheduled commercial service or to assist airport sponsors participating in a federally funded air service program supporting intrastate scheduled commercial service. At least \$6 million must be deposited into the fund in the previous calendar year before moneys in the Aviation Trust Fund can be utilized for these purposes. Revenue in the fund may be used to assist communities to match federal air traffic control tower cost-share program grants. Up to \$500,000 per year may be used on a ratio of 50 percent state/50 percent local to meet the non-federal match requirement. No more than \$100,000 per year may be used for any individual air traffic control tower.

MoDOT, along with the Aviation Industry, supported this initiative as a way to promote air service in Missouri.

TAXATION OF AIRCRAFT - The definition of "commercial aircraft" is revised as it relates to the taxation of aircraft by lowering the maximum certified gross take-off weight from 7,000 to 3,000 pounds.

ELECTRONIC BIDDING - The Missouri Highways and Transportation Commission will be authorized to receive bids and bid bonds electronically via the Internet for any contract for construction, maintenance, repair, or improvement of any bridge or highway in the state highway system. At its discretion, the commission may elect to receive both electronic and paper bids or the commission may specify electronic bidding exclusively for any proposed contract. The minimum criteria for the electronic bidding program are established.

MoDOT supported this proposal as an efficiency measure.

ANNUAL BID BOND - The Missouri Highways and Transportation Commission is authorized to accept an annual bid bond for its construction and maintenance projects. The commission will prescribe the form and content of the bond.

MoDOT supported this proposal as an efficiency measure.

HIGHWAY DESIGNATIONS - The bill designates:

- The portion of Interstate 44 from mile marker 280 to mile marker 282 in St. Louis County as the "Police Officer Robert Stanze Memorial Highway";
- The one-mile portion of Interstate 55 in Jefferson County going south from the intersection of State Route M as the "Jeff McBride Memorial Highway"; and
- The Table Rock Lake Bridge on State Highway 39 in the City of Shell Knob as the "Senator Larry Gene Taylor Memorial Bridge."

SPECIAL ROAD DISTRICTS - In any special road district located in two counties with an additional fourth commissioner appointed by the county outside of the original district, the bill allows a fifth commissioner to be appointed by the same county that appointed the fourth commissioner.

TRANSPORTATION DEVELOPMENT DISTRICTS - The bill changes the procedure for forming a transportation development district within two or more counties. Fifty or more registered voters from each of the counties are allowed to sign a petition calling for the creation of joint establishment of a district for a project to be located in multiple counties. The petition may be filed in the circuit court of any of the petitioner counties. The district and proposed funding will be subject to voter approval under one election, rather than a bifurcated process.

UTILITY VEHICLES - "Utility vehicle" is defined as any motorized vehicle manufactured and used exclusively for off-highway purposes which is 63 inches or less in width, has an unladen dry weight of 1,850 pounds or less, travels on four or six wheels, and is used primarily for landscaping, lawn care, or maintenance purposes.

The bill establishes the restrictions and guidelines for the operation of these vehicles in this state. Any person violating the provisions regarding the operation of a utility vehicle will be guilty of a class C misdemeanor. In addition to other legal remedies, the Attorney General or county prosecuting attorney may institute a civil action for injunctive relief and the assessment of a penalty of up to \$1,000 per day.

EXEMPTION FROM LICENSE PLATE REISSUANCE REQUIREMENT - Permanent nonexpiring license plates issued to commercial motor vehicles and trailers will be exempt from the new design license plate requirement.

IGNITION INTERLOCK - The bill specifies that anyone who has had his or her license and driving privilege suspended or revoked for a second or subsequent alcohol-related traffic offense cannot obtain a restricted driving privilege until the person has completed 30 days of a suspension and has filed proof with the Director of the Department of Revenue that his or her motor vehicle is equipped with a functioning, certified ignition interlock device as a required condition of the person's restricted driving privilege. The ignition interlock device must be maintained on all motor vehicles operated by the person for a period of at least six months following the date of reinstatement. If the person fails to maintain the proof, the restricted driving privilege will be terminated and the person will be guilty of a class A misdemeanor. Any person who has had his or her driving privilege revoked must also file proof of financial responsibility prior to reinstatement.

The bill requires that a plea of guilty or a finding of guilty followed by a fine, incarceration, a suspended imposition of sentence, suspended execution of sentence, probation or parole, or any combination thereof in any intoxication-related traffic offense in a state, county, municipal court, or any combination thereof, must be treated as a prior plea or guilty or finding of guilty when determining if a person is a prior, persistent, aggravated, or chronic offender.

MoDOT supported this initiative as a method to make our state highways safer.

SCHOOL BUS ENDORSEMENTS - The renewal and examination fee for a school bus endorsement is waived for an individual who is 70 years of age or older.

DRIVERS' LICENSES - The bill requires the Director of the Department of Revenue, in cases where the driver's license of an individual has been suspended for failure to dispose of any charges and fines, to return the license and remove the suspension from the individual's driving record upon proof of the disposition of charges and payment of all fines and court costs.

THIRD-PARTY TESTING - Beginning August 28, 2008, the Department of Revenue will certify as a third-party tester any municipality that owns, leases, or maintains its own fleet, requires certain employees as a condition of employment to hold a valid commercial driver's license, and prior to August 28, 2006, administered in-house testing for its employees.

HIGHWAY LANE USE - Trucks having a gross weight of 48,000 or more pounds will be prohibited from operating in the far left-hand lane of all interstate highways, freeways, or expressways located within urbanized areas having three or more lanes of traffic proceeding in the same direction. This restriction will not apply when traffic is directed to use a lane other than the right lane or if the right lane is closed to traffic while under construction or repair.

REGULATION OF VEHICULAR TRAFFIC - The bill exempts first classification counties from the procedural requirements when establishing regulations related solely to speed limits. The speed limits in these counties will take effect immediately upon the approval of the county commission.

IDLE REDUCTION TECHNOLOGY - The bill increases the maximum gross weight limit and axle weight limit for heavy-duty vehicles equipped with idle reduction technology to compensate for the additional weight of the idle reduction system. The additional weight increase cannot be greater than 400 pounds.

INCREASED TRUCK WEIGHTS: Any vehicle or combination of vehicles hauling livestock may have a gross weight of up to 85,500 pounds while operating on U. S. Highway 36 from St. Joseph to U. S. Highway 65 and on U.S. Highway 65 from the Iowa state line to U. S. Highway 36.

Current weight limits on all highways is 80,000 pounds. MoDOT has concerns this legislative proposal is “the nose of the camel under the tent” and could lead to additional increased weight limits for a specific entity in the future.

COMMERCIAL MOTOR VEHICLE ENFORCEMENT OFFICERS - The State Highway Patrol is required to establish an approved program for local law enforcement officers regarding the enforcement of the commercial motor vehicle laws. The certification procedures approved by the patrol must include training, testing, on-the-job experience, data collection, and other specified criteria. The certification procedures must meet the requirements established by the Commercial Vehicle Safety Alliance. The patrol is authorized to establish reasonable fees to recover the costs of training and certification.

Law enforcement officers who have received commercial vehicle safety alliance certification prior to Jan. 1, 2009, will be exempt from these requirements. Beginning Jan. 1, 2009, only law enforcement officers who have been approved by the patrol under the bill, members of the patrol, or commercial vehicle enforcement officers will have the authority to conduct random roadside examinations or inspections to determine compliance with the commercial motor vehicle weight and size limit laws, and with or without probable cause to believe that the size or weight is in excess of that permitted by law, to require the driver, operator, owner, lessee, or bailee to stop, drive, or otherwise move to a location to determine compliance. A law enforcement officer not certified may stop a vehicle that has a visible external safety defect that could cause immediate harm to the traveling public. The law enforcement officer must identify to the driver the defect that caused the stop. If the vehicle passes the roadside inspection, the law enforcement officer, highway patrolman, or other authorized person will issue a Commercial Vehicle Safety Alliance inspection decal to be affixed to the vehicle.

The bill requires commercial vehicle enforcement officers to meet the mandatory standards for basic training and licensure of peace officers. Officers who are employed and performing their duties on Aug. 28, 2008, will have until July 1, 2012, to comply with the mandatory standards.

TRAVEL SAFE ZONES - The fines imposed for a moving or speeding violation when committed in a designated travel safe zone are doubled. A “travel safe zone” is defined as any

area upon or around any highway, visibly marked by MoDOT, where a highway safety analysis shows the number of fatal or disabling vehicle crashes exceeds a predicted safety performance level for comparable roadways as determined by the department.

MOTOR VEHICLE PROTECTION ACT - The Missouri Vehicle Protection Product Act is established regarding any person selling or offering a vehicle protection warranty agreement. A person will be prohibited from selling or offering for sale a vehicle protection product in Missouri unless the seller, warrantor, or any administrator complies with the provisions of the bill. A vehicle protection product warrantor, a seller of a vehicle protection product, or a warranty administrator who complies with the provisions of the bill will not be subject to any other state insurance code. Vehicle warrantor requirements, vehicle protection product warranty contents, vehicle warranty cancellation provisions, and rule-making authority are specified.

The bill will apply to all warranted products sold or offered for sale on or after Jan. 1, 2009. The failure of any person to comply with the provisions of the bill before its effective date will not be admissible in any court proceeding, administrative proceeding, arbitration, or alternative dispute resolution proceeding and may not be used to prove that the action of any person or the vehicle protection product was unlawful or otherwise improper.

UNIFIED CARRIER REGISTRATION ACT – This provision was identical to SCS HB 1422.

MOTOR CARRIER INDEMNIFICATION AGREEMENTS - Any indemnity agreement in a motor carrier transportation contract which exempts a party for any losses from negligence or intentional acts will be void and unenforceable. Motor carrier transportation contracts must not include the Uniform Intermodal Interchange and Facilities Access Agreement or similar agreements.

PRIOR INTOXICATION-RELATED OFFENSES - A plea of guilty or a finding of guilty followed by incarceration, a suspended imposition of sentence, suspended execution of sentence, probation or parole, or any combination thereof in any intoxication-related traffic offense in a state, county, or municipal court will be treated as a prior conviction for purposes of enhanced punishment.

CONTINUING EDUCATION REQUIREMENTS FOR PEACE OFFICERS - Currently, peace officers who make traffic stops are required to receive annual training concerning the prohibition of race profiling. The bill changes the training requirement to three hours within the law enforcement continuing education three-year reporting period.

The bill has an effective date of Jan. 1, 2009, for the provisions regarding the Motor Vehicle Protection Act and July 1, 2009, for the provisions regarding ignition interlocks.

HCS/SCS/SB 939 - LEVEE DISTRICTS: Under current law, the board of supervisors of a levee district must levy a uniform tax of not more than one dollar per acre upon each acre of land and each mile of right-of-way of all public service corporations within such district. The tax is used to pay expenses incurred before the board is empowered to levy a property tax. This act would require a levee district to levy such a tax for not more than eight dollars.

Also under current law, only owners of 25 percent of the property in certain drainage districts can petition a court for readjustment of the assessment of benefits for the property in the district.

This act allows the district board of supervisors to petition for readjustment for some or all of the property in the district as identified in the petition. The act also specifies that property owners or the board of supervisors in levee districts can petition a court for readjustment of the assessment of benefits for just a particular part of the property in the district as identified in the petition. Drainage districts in St. Louis County are authorized to adopt an alternative procedure with respect to voting rights. All drainage districts are authorized to adopt an alternative procedure for the apportionment of installment taxes after a readjustment of the assessment of benefits.

MoDOT currently pays about \$300,000 a year in levee district assessments. This legislation could increase the dollar amount the department currently pays a levee district. However, in many cases, MoDOT officials have implemented the practice of negotiating with local levee districts the assessment dollar amount, because, in numerous incidents, the state highway system is built out of the flood plain, which has resulted in the roadway acting as a levee itself. This has resulted as an opportunity for MoDOT to work with local levee districts.

GENERAL ASSEMBLY APPROVES THREE PERCENT PAY RAISE FOR STATE

EMPLOYEES: The House and Senate debated over a state pay raise this session adopting a three percent annual increase. The House historically favors a flat pay increase while the Senate favors the percentage increase. Discussion took place that if pay increases are discussed in the session next year they may consider a combination of the flat rate and percentage rate.

The general assembly also approved an increase in the state match contribution to deferred compensation from \$25 to \$35.

GENERAL REVENUES EARMARKED FOR VARIOUS TRANSPORTATION-

RELATED PROGRAMS: Through the passage of two separate appropriations bills this session (CCS SCS HB 2004 & CCS SCS HCS HB 2023) MoDOT was the recipient of increased general revenues to be dedicated for:

- The support of Amtrak services between Kansas City and St. Louis an investment of \$6.9 million. This will again allow for two trains a day to operate across the state;
- \$5 million appropriated for targeted rail capacity improvements on Union Pacific's mainline to accommodate longer freight trains and improve Amtrak's on-time performance;
- Port authority capital improvements for infrastructure development a total investment of \$6.65 million to be shared among the following Missouri port authorities:
 - Howard/Cooper County - \$84,000
 - Pemiscot County - \$3,066,000
 - New Bourbon Regional - \$550,000
 - New Madrid County - \$1,150,000
 - Southeast Missouri Regional - \$1,046,558
 - City of St. Louis - \$225,000
 - St. Joseph Regional - \$528,442
- For distributing funds to urban, small urban, and rural transportation systems an investment of \$3.8 million;
- For an operating subsidy for not-for-profit transporters of the elderly, people with disabilities, and low-income individuals, \$2.3 million was appropriated for distribution to the Missouri Elderly and Handicapped Transportation Assistance Program (MEHTAP);

- For the purpose of funding the Mississippi River Parkway Commission, \$50,000 was appropriated; and
- For the Blood Alcohol Program expenses of the Division of Highway Safety, \$83,377 appropriated.

To acquire additional general revenues during the 2008 legislative session was one of the Missouri Highways and Transportation Commission's legislative priorities. MoDOT achieved its goal by working with elected officials to increase the state's investment in transportation services. The push was a success especially with respect to passenger rail, air service and ports.

....AND THEN THERE WERE THOSE BILLS THAT JUST DIDN'T HAVE ENOUGH SUPPORT FOR PASSAGE

SOVEREIGN IMMUNITY LEGISLATION: SCS HB 2590 was passed by the House, but failed to reach final approval in the Senate. This bill specified that the terms "public employees" and "employee of the public entity" not include offenders in the custody of the Department of Corrections or prisoners in the custody of a county or municipal jail for the purpose of state sovereign immunity protection.

This legislation was introduced after the Missouri Supreme Court issued the Dec. 4, 2007 opinion in *Cain v Missouri Highways and Transportation Commission*. Cain was an inmate who participated in a work release program for the department and was injured when a tree fell that she and the inmates on her crew negligently cut down. The Supreme Court held the inmate who attempted to cut down the tree was a "public employee" of the department, which qualified Cain for recovery of her damages under the state's sovereign immunity law.

AUTOMATED SPEED ENFORCEMENT IN WORK ZONES: This Missouri Highways & Transportation Commission (MHTC) proposal would allow the MHTC the authority to contract with the Missouri State Highway Patrol (MSHP) to operate speed cameras in work zones and would further establish the authority for the patrol to issue the speeding tickets through the mail. This proposal would not only protect the highway workers but would also protect the motorists traveling through a work zone. The proposal was heard during session, however was never voted out of committee.

Many key legislators oppose using cameras to issue traffic citations. The automated speed enforcement issue was closely tied to the red light camera debate viewing it as an invasion of privacy issue and arguing whether the tickets issued have any real legal basis. MoDOT will work over the summer months with the MSHP, contractor groups and labor organizations, Office of State Courts Administrator, and other stakeholders, to hopefully develop a consensus that elective officials can support during the 2009 legislative session.

HB 1908 was sponsored by Rep. Neal St. Onge (R-Ballwin).

INCREASED PENALTIES FOR ASSAULTING A HIGHWAY WORKER: This Missouri Highways and Transportation Commission (MHTC) proposal would increase penalties against drunk or drugged motorists who seriously injure or kill a highway worker while working in a

work zone and would have required jail time as part of the sentence. The proposal (HB 1421, sponsored by Rep. Neal St. Onge (R-Ballwin) received very little debate, as there was no committee hearing on the standalone bill.

Many elected officials considered the highway worker safety legislation passed during the 2006 session as the safety fix and commented that “enforcement” is the key to protecting highway workers. The proposal was amended onto several bills but the provision was removed from all consideration during the last days of session. MoDOT will consider working over the summer months with stakeholders to educate prosecutors about the recent endangerment and aggravated endangerment of a highway worker law that went into effect in August 2006 and encourage them to enforce the new law.