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**Title 7--Department of Transportation
Division 10--Missouri Highways and Transportation Commission
Chapter 21--Transportation Corporations**

MAR 09 2018

**SECRETARY OF STATE
ADMINISTRATIVE RULES**

PROPOSED AMENDMENT

7 CSR 10-21.010 Procedures for Authorizing Transportation Corporations to Enforce Collection of Tolls. The Missouri Highways and Transportation Commission is amending sections (2) and (6) and subsections (1)(A), (1)(O), (2)(F), (6)(A), and (6)(B); deleting sections (3) through (5) and subsections (1)(B), (1)(F), (1)(G), (1)(I), and (1)(M) through (1)(N); and renumbering as necessary.

PURPOSE: This proposed amendment eliminates redundant provisions existing in state law and clarifies the application process for transportation corporations to enforce tolls.

(1) Definitions.

(A) "Act" means the Missouri Transportation Corporation Act, sections 238.300 to 238.367, RSMo[Cum. Supp. 1997, as amended].

[(B) "Authorized emergency vehicles" means vehicles of fire departments, police departments, the department and the state highway patrol; ambulances, emergency vehicles of public service companies, and other vehicles approved and authorized by the corporation when performing emergency business.]

[(C) "Commission" means the Missouri Highways and Transportation Commission.

[(D) "Corporation" or "transportation corporation" means any transportation corporation organized under the Act.

[(E) "Department" means the Department of Transportation of the state of Missouri.

[(F) "Motor driven cycles" means every motorcycle or motor scooter with less than one hundred fifty (150)-cubic centimeter piston displacement, including motorized pedal cycles.

[(G) "Pay" means paying a toll by cash, by permitting a charge against a valid account with the authority or by another means of payment approved by the corporation at the time.]

[(H) "Person" means any individual, firm, corporation, cooperative, association, trust, partnership, joint venture or other legally recognized entity.

[(I) "Photo monitoring system" means a vehicle sensor installed to work in conjunction with a toll collection facility which automatically produces one (1) or more photographs, one (1) or more microphotographs, a videotape or other recorded images of each vehicle at the time it is used or operated in violation of toll collection regulations.]

[(J) "Project" includes any bridge, street, road, highway, access road, interchange, intersection, signing, signalization, parking lot, bus stop, station, garage, terminal, hangar, shelter, rest area, dock, wharf, lake or river port, airport, railroad, light rail, or other mass transit and any similar or related improvement or infrastructure.

[(K) "Toll" or "tolls" means charges prescribed by the corporation for the use of its property.

[(L) "Toll collection regulations" means those rules and regulations of a corporation providing for and requiring the payment of tolls for the use of bridges under its jurisdiction or those rules and regulations of a corporation making it unlawful to refuse to pay or to evade or to attempt to evade the payment of all or part of any toll for the use of bridges under the jurisdiction of the corporation.

[(M) "Toll collector" means a person authorized by the corporation to collect tolls for use of the

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project.

(N) "Vehicle" or "motor vehicle" means every device in, upon or by which a person or property is or may be transported or drawn upon a highway except devices used exclusively upon stationary rails or tracks.]

(O) "Violation" or "toll evasion" means one (1) or more acts [prohibited] **not authorized** by the Act and/or any rules or regulations promulgated [thereto] **as a result of the Act** relating to the payment or failure to pay tolls.

(2) Application. Transportation corporations seeking authority to enforce payment of tolls shall file with the commission an application [which shall set forth] **with** the following information:

(F) A copy of the transportation corporation's proposed toll collection regulations [which shall] **that compl[y]ies** with the provisions of the Act.

[(3) Transportation corporation's toll collection regulations shall include, but not be limited to, the following:

(A) Payment of Tolls. All persons driving vehicles upon the project, except as provided in subsection (3)(B) below, are required to pay the prescribed toll. Tolls may be paid for in the following manner:

1. By currency or change presented to a toll collector, or by correct change deposited in an automatic coin machine; or

2. By a valid and current billing account, charge plate, commuter pass, or electronic recording or identification device issued by the corporation and presented to the toll collector;

(B) Tolls shall not be required of corporation officers and employees while on corporation business, department vehicles, state highway patrol vehicles, or of public police, public fire or public ambulance vehicles when on emergency business or duty necessitating the use of the project, and when the vehicle is readily identifiable as such;

(C) Any person who shall fail to pay the prescribed toll shall be deemed guilty of an infraction and is subject to fines and punishment as provided in sections 238.365–238.367, RSMo of the Act; and

(D) Any person who shall use or attempt to use any currency or coins other than legal tender of the United States of America, counterfeit, expired, or unauthorized credit cards of any type, counterfeit tickets, coupons or tokens or any electronic device or equipment not authorized by the corporation in lieu of or to avoid payment of a toll shall be deemed guilty of an infraction and shall be subject to a fine for each such offense, as provided in sections 238.365–238.367, RSMo of the Act.

(4) Compliance with Orders or Directions of State Highway Patrol Officer or Patrolman and Corporation Employees. No person shall willfully fail or refuse to comply with any lawful order or direction of any Missouri State Highway Patrol officer or patrolman, toll collector, or other corporation employee or agent at the scene of an emergency, or willfully fail or refuse to comply with an order or direction from such person to comply with this chapter at any other time or place while using the project, or while on corporation right-of-way, whether or not traffic related.

(5) Procedure to Issue Citations. The following procedures must be taken for the collection of tolls and the issuance of traffic citations under this rule:

(A) Any toll collector witnessing a violation of the toll collection regulations is authorized to

report such violation to a law enforcement official or agency. The report may be in one (1) of the following forms:

1. A telephone call from a toll collector to a law enforcement agency indicating a violation, and a reasonable description of the vehicle violating the toll enforcement regulations including, but not limited to, the license plate of the vehicle, the make, model and color of the vehicle; or

2. A certificate, or written report sworn to or affirmed by a toll collector, agent of the corporation, Missouri state highway patrolman or sheriff's department deputy which charged that the violation occurred, or facsimile thereof, based upon inspection of photographs, microphotographs, videotape or other recorded images produced by a photo monitoring system or a photo from a photo monitoring system, shall be prima facie evidence of the facts contained therein, subject to foundation evidence to establish the authenticity of such photographs, microphotographs, videotape or other recorded images produced by a photo monitoring system, and shall be admissible in any proceeding charging a violation of toll collection regulations, provided that any photographs, microphotographs, videotape or other recorded images evidencing such a violation shall be available for inspection and admission into evidence in any proceeding to adjudicate the liability for such violations.

(B) After a report has been given to a Missouri law enforcement agency, such agency is authorized to issue a traffic citation for failure to pay the required toll.

(C) The law enforcement agency issuing the traffic citation is responsible for prosecution of such citation.

(D) The provisions of this section supplement the enforcement of the Act by law enforcement officers, and this section does not prohibit a law enforcement officer from issuing a citation for a violation of the Act or any violation of traffic regulations in accordance with normal traffic enforcement procedures.]

([6]3) Commission Review and Decision [to Grant Authority]Process. Upon receipt of a completed application, the commission [shall] reviews the application at its next scheduled meeting **and makes a decision to either approve or disapprove it.** The applicant shall be provided an opportunity **at the commission meeting** to describe its proposal to the commission and can make any modifications and revisions at the commission's meeting that the commission deems advisable. [The commission shall approve or disapprove the application at the meeting.]

(A) If the application is approved, the transportation corporation [shall be deemed] **is** authorized to enforce collection of tolls at its project as described in its proposed toll collection regulations.

(B) If the application is disapproved, the reasons for said disapproval shall be provided to the transportation corporation in writing within thirty (30) days of said meeting and the transportation corporation [shall have ninety (90) days in which to] **is authorized to resubmit an application that** addresses the deficiencies. After receiving information from the transportation corporation addressing the deficiencies, the commission [shall] approves or den[y]ies the application at its next scheduled meeting. The transportation corporation may **be provided an opportunity to** describe its proposal and any supplemental information it supplied to the commission at the commission's meeting.

([7]4) Appeal. A transportation corporation aggrieved by any decision of the commission may appeal the commission's decisions in the manner prescribed by Missouri's Administrative Procedures and Review Act.

AUTHORITY: sections 238.347, RSMo 1994 and 238.362, 238.365 and 238.367, RSMo Supp. 1997. Emergency rule filed Jan. 13, 1998, effective March 5, 1998, expired Aug. 31, 1998. Original rule filed Jan. 13, 1998, effective July 30, 1998. Amended: Filed March 9, 2018.*

**Original authority: 238.347, RSMo 1990; 238.362, RSMo Supp. 1997; 238.365, RSMo Supp. 1997; and 238.367, RSMo Supp. 1997.*

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 rulemaking with the Missouri Department of Transportation, 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.*