

Title 7—DEPARTMENT OF TRANSPORTATION
Division 265—Motor Carrier and Railroad Safety
Chapter 10 – Motor Carrier Operations

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SECRETARY OF STATE
ADMINISTRATIVE RULES

PROPOSED AMENDMENT

7 CSR 265-10.140 Discontinuance of Service; Suspension and Revocation of Certificates, Permits, and Property Carrier Registrations. The Missouri Highways and Transportation Commission is amending sections (1), (3), and (4) and deleting section (2).

PURPOSE: This proposed amendment removes unnecessary language, and changes the responsibility of ordering revocation from the Administrative Hearing Commission to the Commission.

[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. Therefore, the material which is so incorporated is on file with the agency who filed this rule, and with the Office of the Secretary of State. Any interested person may view this material at either agency's headquarters or the same will be made available at the Office of the Secretary of State at a cost not to exceed actual cost of copy reproduction. The entire text of the rule is printed here. This note refers only to the incorporated by reference material.]

(1) The **Missouri Highways and Transportation** [c]Commission may cancel a certificate, permit, or property carrier registration which authorizes the transportation of passengers or property, upon receiving written notice from the person to whom the authority was issued which indicates that the person has discontinued that transportation service. *[The commission may cancel such a certificate or permit without a hearing, unless the person requests a hearing before the effective date of the cancellation.]*

(2) *[If a common carrier of passengers who has both intrastate authority and interstate authority issued by the Secretary of the Department of Transportation (Secretary) or its predecessor under 49 U.S.C. section 13902, to provide transportation over routes on which the carrier proposes to discontinue intrastate service, a copy of the order authorizing discontinuance or reduction of the interstate service must be attached to the written notice before the commission considers the cancellation request.]*

(3) *[Whenever the commission suspends the certificate, permit, or property carrier registration of a motor carrier as provided under section 390.106, RSMo, the commission shall immediately notify the carrier of the suspension by mailing a copy of the suspension order to the carrier's principal place of business or mailing address, if different, as shown upon the commission's records. Within a reasonable time after suspension, the commission may request the carrier [shall send the matter to the Administrative Hearing Commission for a hearing to] show cause why his/her certificate, [or]permit or property carrier registration should not be revoked.*

*[(4)3] [After the hearing, and u]Upon a finding that any of the grounds exist for revocation as set forth in subdivisions (1), (2), (3), or (4) of section 390.106, RSMo, the [Administrative Hearing Commission] **commission** may order the revocation of the carrier's certificate, permit, or*

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property carrier registration upon not less than thirty (30) days notice to the carrier. The notice shall be sent by mail to the carrier's principal place of business or mailing address, if different, as shown upon the commission's records, to any carrier who holds intrastate authority.

(/5/4) When a carrier has been given notice as provided in this rule, a certificate, permit, or property carrier registration shall not be reinstated or restored to active status after the effective date of an order which has revoked that certificate or permit.

AUTHORITY: section 622.027, RSMo 2000. This rule originally filed as 4 CSR 265-2.180. Original rule filed Nov. 4, 1992, effective July 8, 1993. Emergency amendment filed Dec. 1, 1994, effective Dec. 11, 1994, expired Dec. 19, 1994. Emergency amendment filed Dec. 20, 1994, effective Jan. 1, 1995, expired April 30, 1995. Emergency amendment filed April 20, 1995, effective May 1, 1995, expired Aug. 28, 1995. Emergency amendment filed Aug. 18, 1995, effective Aug. 29, 1995, expired Feb. 24, 1996. Amended: Filed Aug. 3, 1995, effective Feb. 25, 1996. Emergency amendment filed Aug. 16, 1996, effective Aug. 28, 1996, expired Feb. 23, 1997. Moved to 7 CSR 265-10.140 and amended: Filed May 2, 2013, effective Dec. 30, 2013. Amended: Filed October 14, 2016.*

**Original authority: 622.027, RSMo 1985, amended 1993, 1995.*

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 (\$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 Department of Transportation, Pam Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. 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.*