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OCT 14 2016

SECRETARY OF STATE
ADMINISTRATIVE RULES

Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation Commission
Chapter 1—Organization; General Provisions

PROPOSED AMENDMENT

COPY

7 CSR 10-1.020 Subpoenas. The Missouri Highways and Transportation Commission is amending sections (1) and (2).

PURPOSE: This proposed amendment removes an obsolete job title and expands and elevates the signature authority for subpoenas to the executive level of the department.

(1) A request for a subpoena as authorized by section 622.360, RSMo, requiring a person to appear and give sworn testimony, or to appear and produce documents, records, or other physical evidence, shall be by signed writing directed to either the director[*of administrative services*], **chief engineer, chief financial officer, assistant chief engineer,**[*or*] **director of motor carrier services, or director of multimodal operations.** The signed, written request shall include the name and address of the witness to be served, propose a suitable time and place for the witness's appearance, and reasonably describe the documents, records, or other physical evidence to be produced. In the case of corporate entities, the request may name the corporation and its registered agent for service of process, and defer to the corporation the designation of [*the person*] **an informed corporate officer or safety designee** to appear to so testify or produce the particular documents, or records, or other physical evidence to be produced.

(2) Upon receipt of a request under section (1) of this rule, the director[*of administrative services*], **chief engineer, chief financial officer, assistant chief engineer, director of motor carrier services, or director of multimodal operations** may sign and issue a subpoena. A subpoena may be served by Missouri Department of Transportation (MoDOT) employees and such other persons authorized by law to serve process. Service shall be by personal service on the named witness or service on the registered agent of any named corporation. Within ten (10) days of service of a subpoena, a return of service shall be made to the [*director*]**individual** that signed and issued the subpoena.

*AUTHORITY: section 226.008, RSMo Supp. 2003. * Original rule filed Jan. 27, 2004, effective Aug. 30, 2004. Amended: Filed October 14, 2016.*

**Original authority: 226.008, RSMo 2002.*

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 Department of Transportation, Pam Harlan,

JOINT COMMITTEE ON
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*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.*