



Procedures Manual of  
Motor Carrier Services

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## Application For Intrastate Authority

1. **General.** Every application for the issuance or transfer of a common carrier certificate, permit or property registration for authorization of the transportation of passengers or property on the public highways in Missouri intrastate commerce shall be made in writing to the state Highways and Transportation Commission and shall contain such information as the state Highways and Transportation Commission shall, by rule, require and shall include the information as provided in number 3 below.
2. **Method of Applying for Authority.** The applicant shall complete and file an application form, including all exhibits required by the application form, which is prescribed as follows: Form MO-1, Application to Operate in Intrastate Commerce. The application form shall be filed for applications under sections 390.051, 390.061, 390.063, 390.081, 390.111, 390.270 and 390.290, RSMo. The applicant may file the application using the commission MCE web system in lieu of completing the Form MO-1. The prescribed MO-1 form is displayed in Exhibit 1.
3. **Requirement for Acceptance of a Completed Application.** Before the commission can make a determination on the application, the applicant must:
  - A. **File the information required on the application form in its entirety, including the submission of any exhibits required by the application form.**
    - 1) **Applicant Name –** The applicant name must comply with the following guidelines:
    - 2) **Social Security Number -** By law enacted in 1997, an application submitted to the commission for a motor carrier certificate, permit or property carrier registration on behalf of an individual (sole proprietor) applicant is required to include the applicant's Social Security number (SSN).
  - B. **Verification and Signature.** The information filed must be verified by the applicant's signature, or the signature of an authorized representative of the applicant under oath or penalty of perjury. Verify that the applicant has signed and completed this portion of the application.
    - 1) **Sole Proprietor -** The application must be signed by the owner.
    - 2) **Trust –** A trustee may sign the application.
    - 3) **Partnership or Limited Liability Partners -** A partner must sign the application submitted on behalf of a partnership or limited liability partnership.
    - 4) **Corporation or Limited Liability Company -** Corporate officers may sign on behalf of the corporation. Members or the manager of the LLC can sign on behalf of the business.
    - 5) **Divorce Of Party Owning Authority -** If the party owning the authority as a sole-proprietor or a partnership is ordered in a divorce decree to relinquish the authority to another individual or partner, a copy of the divorce decree must

be attached to the application for transfer and the transferor relinquishing the authority as required by the decree is not required to sign the application.

- 6) Transfer - If applying for a transfer of existing authority, both the buyer and seller must sign the application.
  - 7) Exception. An attorney, authorized to practice before the Missouri Bar or a representative who has submitted proof of power of attorney may sign the application in lieu of the applicant.
  - 8) All verifications shall be made upon personal knowledge, or reasonable information and belief of the matters verified.
- C. Filed and approved by the commission a Form E—Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance, or Form G—Uniform Motor Carrier Bodily Injury and Property Damage Surety Bond, executed by the applicant’s insurance provider, in accordance with the requirements of 7 CSR 265-10.030; or in the alternative, notice that the applicant has been approved for self-insurance by order of this commission, in accordance with the requirements of section 390.126.1., RSMo, and commission rules 7 CSR 265-10.030 and 4 CSR 265-2.068.
- D. Vehicle Licensing and Fees—Except for Not for Profit Corporations, Passengers Other than in Charter Service. The application shall include the number and type of vehicle licenses requested by the applicant for each motor vehicle to be operated in Missouri intrastate commerce under the requested operating authority during the current license year. Payment of all license fees payable under section 390.136, RSMo in accordance with the requirements of 7 CSR 265-10.020 shall be received before the commission issues the operating authority.
- E. Corporate Standing—If the applicant is a corporation or limited liability partnership, confirmation that the applicant is properly incorporated or registered and in good standing with the Office of the Missouri Secretary of State shall be required. The commission may require an applicant to file written evidence of its incorporation, registration or good standing whenever deemed necessary by the commission.
- F. Fictitious Name Registration—If the applicant operates as a motor carrier under any trade name or fictitious name, confirmation that the applicant has properly registered its fictitious name as required by law with the Office of the Missouri Secretary of State shall be required.
- G. Workers Compensation Coverage – Workers compensation insurance coverage must be verified and maintained for the transportation of household goods in accordance with section 390.054 RSMo.
- H. Equipment and Financial Status—The applicant must provide a list of all physical equipment owned or to be operated under the proposed service and information concerning the applicant’s financial status as specified within the application form

or attached thereto. Financial status will be determined upon review of the balance sheet; income statement or other financial information as required or requested by the commission.

I. Rates and Charges—

- 1) Tariffs and time schedules for the transportation of passengers other than in charter service are required to be published and filed with the commission in accordance with the requirements of 7 CSR 265-10.050 and shall be received and approved by the commission before the certificate of operating authority is issued.
- 2) Tariffs containing all rates and charges for the transportation of household goods are required to be published and kept on file at each of the motor carrier's terminals or places of business in accordance with the requirements of 7 CSR 265-10.050 and Tariff Circular 01-2013. The tariff must be available for review by the public and inspection upon demand by any person or commission personnel.

J. Copy of Contracts—A copy of each executed contract for every contracting party shall be filed with the commission before it issues the contract authority pursuant to section 390.061 RSMo. The applicant may choose not to disclose contract rates and may in lieu of disclosing those rates to include in the contract a specific provision which incorporates by reference a schedule of rates in writing between the carrier and the shipper. (B) Contract carrier means a person who engages in the transportation of passengers or property by motor vehicle upon the public highways for hire or compensation under individual, continuing contracts or agreements. Contracts for the transportation of passengers or household goods shall meet requirements as defined by the commission.

K. Form of Applications—The following requirements also apply to motor carrier applications for operating authority under this rule:

- 1) Photocopied Forms, Original Signatures, Electronic Filings—Photocopies of the prescribed application and exhibit forms may be filed in lieu of the printed forms, if they are clearly legible, but the application shall include one (1) signature of every person whose signature is required. The commission may also accept or reject an application for filing by electronic mail (email), or other approved electronic media, in conformity with section (2) of this rule. An operating authority application and supporting documentation filed with the commission pursuant to this rule through the format of photocopies, facsimile (FAX) copies, or other approved electronic means shall be at the sole discretion of the commission and shall have the same legal rights, duties and liabilities attached to such documents as if they were signed originals;
- 2) Substitution of Exhibits—If it would be unduly burdensome for the applicant to reproduce the required information as exhibits to the application form, then in lieu of filing the commission's prescribed exhibit form, the applicant may

file the required information in a writing which plainly sets forth the same information required by the prescribed exhibit form, in the same or a similarly unambiguous format, which shall be designated by the same exhibit letter as the prescribed exhibit for which it is substituted; and

- 3) Additional Information—Applications may include additional, relevant information besides the forms required in this rule, but such additional information shall not unnecessarily repeat the information required by the prescribed forms.

L. Applicable Standards, Generally—Except as otherwise provided, the commission shall grant the application if it determines on the basis of the information filed by the applicant, evidence submitted by the commission staff, and any other information received by the commission, that the applicant is in compliance with the applicable safety, licensing, insurance and workers' compensation insurance coverage requirements, and is fit, willing and able to properly perform the service of a motor carrier of property or passengers, and to conform to the applicable provisions of Chapter 390, RSMo, and the requirements of the commission established thereunder.

- 1) Exception—Not For Profit Corporations, Passengers Other Than In Charter Service— Whenever the application seeks the issuance of a certificate or permit which authorizes a not for profit corporation to perform the intrastate transportation of passengers other than in charter service exclusively as provided in section 390.063, RSMo, as a common carrier or contract carrier, the commission shall also make findings as required by subsection 3 of section 390.063, RSMo, and shall not grant the application unless it finds that the applicant is willing and able to properly perform the service proposed, and to conform to the provisions of Chapter 390, RSMo, and the rules and orders of the commission.
- 2) Exception—Temporary Authority—Whenever the application seeks the issuance of temporary authority which authorizes the intrastate transportation of household goods or passengers as a common carrier or contract carrier, under section 390.081, RSMo, the commission shall not grant the application unless it finds that there is an urgent and immediate need for the proposed motor carrier service from, to or between a point or points or within a territory having no carrier service deemed capable of meeting such need.

M. Documentation Noncompliance. If the applicant has failed to file the required documentation as set forth in section (4) of this rule within forty-five (45) days from the date the application form has been received by the commission, the applicant will be notified that no further consideration will be taken upon the applicant's request for authority. The applicant has the right to submit a new application and all new documentation required requesting approval by the commission to issue a certificate or permit to operate in intrastate commerce.

- N. Findings. If the commission determines that the applicant is qualified or if the application seeks the issuance of temporary authority for the intrastate transportation of household goods or passengers as a common carrier or contract carrier as authorized by section 390.081 RSMo, the application shall be granted.
4. Denial of Request of Authority. If the commission determines that the information on record concerning the applicant's qualifications is not adequate to finally determine the application, staff may investigate the applicant's qualifications more thoroughly before making a final determination of the application. If the commission or the commission staff opposes granting the application, the commission shall deny the application by notice to the applicant. The denial shall give the applicant the opportunity to apply to the Administrative Hearing Commission to conduct a hearing to determine the merits of the application. At that time, the Administrative Hearing Commission shall make the final determination whether to grant the operating authority requested by the applicant.
  5. Dismissal of Authority – The commission shall dismiss on its motion any application for substantially the same common authority that has been previously denied within six months of filing the subsequent application.
  6. Transfers—Commission staff's review of each proposed transfer of a certificate or permit shall include a consideration of how the proposed transfer will affect the transferor's and transferee's other operating authority, if any. Commission staff shall prepare a proposed certificate or permit for the transferee and, if the transferor is to retain any authority from the commission after the transfer, a proposed certificate or permit for the transferor also, setting forth the proposed authority as if the proposed transfer were approved by the commission. In setting forth the proposed operating authority, commission staff shall apply the principles of merger with reference to duplicated or overlapping authority as provided in 4 CSR 265-2.190 and, in accordance with those principles, may edit or modify the authority to delete extra pieces of authority that are deemed to be merged and no longer effective as separate pieces of authority, or to correct spelling, typographical, grammatical or format errors not altering the substance of the authority. Commission staff shall serve copies of the proposed certificate(s) or permit(s) upon both the transferor and the transferee. If neither of the applicants object to the proposed certificate(s) or permit(s) before the effective date of the order of transfer, then their objections, if any, shall be waived and the commission may issue the resulting certificate(s) or permit(s) as proposed by commission staff, unless otherwise ordered by the commission. If any objections are timely-filed to commission staff's proposed certificate(s) or permit(s), the application will be sent to the Administrative Hearing Commission for a hearing and final determination.

## Complaints

The Safety and Compliance Section will process complaints received by the commission as outlined below.

1. **Who Can File a Complaint?** Complaints may be made against any motor carrier subject to regulation by the commission by any person, business entity or governmental entity upon the filing of such complaint with the commission. If a complaint is filed by a business or governmental entity, the complaint must be filed by the officer, member, partner, employee or agent that is legally authorized by such entity to take action on behalf of such entity.
2. **Required Complaint Information.** The complainant (person making the complaint) shall provide to MCS the required information in writing as follows:
  - A. Name, address, signature and telephone of each complainant, including a copy of the power of attorney if the individual filing the complaint is not legally authorized to act on the entity's behalf;
  - B. Name, address and available phone number of the person or entity (respondent) subject of the complaint that may be contacted;
  - C. A clear and concise description of the complaint, including the approximate time and date of the act or omission performed by the respondent and all references to violations of any law, rule or order of the commission, if known;
  - D. Description of any attempt by the complainant to resolve the complaint with the respondent and the response, if any, by the respondent to those attempts; and
  - E. Any documents that support the complaint being filed.
3. **Filing of a Complaint.** The complainant must file the required complaint information via mail, fax, an approved website, Email or other electronic media as approved by the director of MCS.
4. **Dismissal.** The filed complaint shall be dismissed without action if:
  - A. The complainant fails to file all of the information as required;
  - B. The description or documentation of the complaint is unclear and not sufficient to determine what act or omission is being described within the complaint;
  - C. The complaint is not within the jurisdiction of the commission; or
  - D. The complaint is unfounded.
5. **Required Data Retention.** The following information shall be recorded during the course of its investigation:
  - A. The names of each person contacted and date of contact in relation to the complaint;
  - B. Status, summary of findings and outcome of the complaint; and
  - C. Explanation of reason(s) for dismissal of any complaint.
6. **Household Good Movers Complaints.** Upon receipt of a complaint for the movement of household goods in intrastate commerce, the complainant shall be notified as

described in Item 8 below, receipt of the filed complaint; the status of the complaint at the beginning of each quarter for all outstanding household goods complaints until final disposition of the complaint; unless otherwise provided by Section 387.139 RSMo.

7. Disclosure of Complaint Information. Only information open for public inspection shall be divulged to the complainant.
8. Method of Notification. Notification of information as required by this procedure may be made in writing by mail, Email or phone using the information on file with the commission. If the notification is made by phone, the contact will be documented as to who was contacted, the date and time of the contact.
9. Coordinating Complaint Activity with FMCSA. Interstate complaint investigations may be performed by the Safety and Compliance Section in coordination with the U.S. Department of Transportation, Federal Motor Carrier Safety Administration in accordance with the process established by FMCSA.
10. Complaint Resolution. The complaint may be resolved without any approval of the complainant.
11. Prosecution. If a complaint is not resolved between the MCS staff of the Safety and Compliance Section and the respondent, the complaint shall be forwarded to the Chief Counsel's Office for prosecution or further legal action.

## **Inspection of Books, Records, Property, Equipment, and Roadside Stops by Commission Personnel.**

1. **Inspection Authority.** Under sections 386.320, 387.310 and 390.150.4, RSMo, commission personnel are authorized to inspect and copy all books, records, documents and papers of motor carriers and their affiliates, entities under common control, and other related parties, at any time, and are further empowered to enter in and upon and to inspect the property, equipment, buildings and offices of all motor carriers and express, freight or freightline companies. Commission personnel shall notify a person or corporation before beginning to inspect their books, records, documents, papers, property, equipment, buildings or offices. Commission personnel may give the notice of inspection orally or in writing, in advance or immediately before beginning the inspection, and shall display official identification if requested to do so by the person or corporation to be inspected. Persons and corporations subject to inspection under section 386.320 or 390.150.4, RSMo, shall not fail or refuse to allow inspection and copying after receiving notification as provided in this section.
2. **Access to Documents and Records.** Commission personnel may use copying equipment offered by the motor carrier or related party, copying equipment provided by the commission and commercially available copying services to copy documents pursuant to their inspections. The motor carrier or related party shall allow reasonable access by commission personnel to available electrical outlets to operate copying, calculating and other equipment brought by commission personnel for use in connection with the inspection and copying. Commission personnel, with the permission of the person or corporation may take custody of any books, papers, documents and records for purposes of performing the requested inspection, copying and other activities reasonably incidental to those activities, and will return them to the person or corporation promptly after that.
3. **Stop and Detention.** Every person operating a commercial motor vehicle shall comply with the applicable requirements of sections 304.022 and 390.045, RSMo concerning stop and detention by the enforcement personnel of the commission. The operator of the commercial motor vehicle shall remain stopped so long as it is lawfully detained by the enforcement personnel, and shall not leave the scene or remove the commercial motor vehicle until the enforcement personnel gives permission to do so. During the stop and detention, the operator shall cooperate with the enforcement personnel by complying with all reasonable instructions given by the enforcement personnel in relation to the stop and detention, giving all relevant information requested and producing all books, papers, documents and records, as required by law or by the rules or orders of the commission.

## Insurance

1. Definitions. As used in this rule, unless the context clearly indicates otherwise, the following words and terms mean:
  - A. Bodily injury—Injury to the body, sickness, or disease, including death resulting from any of these.
  - B. Cancellation—The termination of insurance coverage by either the insurer or the insured.
  - C. Endorsement—A written amendment to the insurance policy.
  - D. Form—The standard form document that is currently specified for use by the commission, including any electronic forms or data that may be approved by the commission as acceptable equivalents pursuant to this rule or section 390.128, RSMo. Forms E, F, G, H, I, J, K and L referred to in this rule are incorporated by reference in this rule. The commission may add, amend, or eliminate any standard forms, which may include joint or common forms used by the commission in cooperation with other public governmental agencies or officials.
  - E. Property damage—Damage to or loss of use of tangible property, except property that the carrier transports as cargo on its motor vehicle.
  - F. Public liability—Liability for bodily injury or property damage; and with reference to the transportation of any hazardous material, hazardous substance or hazardous waste in intrastate commerce, the term includes liability for environmental restoration.
  
2. Filing of Documents. Insurance companies offering motor carrier insurance certificates, surety bonds, cancellation notices, or other documents for filing with the commission pursuant to this rule, shall deliver the documents to the attention of the commission's Motor Carrier Services Division registration section, in the division's main office located at 1320 Creek Trail Drive, Jefferson City, MO 65109, by any of the following methods: personal delivery, U.S. mail, express courier delivery, and unless otherwise specifically ordered by the commission, photocopies or FAX copies may be offered for filing instead of originals. Whenever the commission determines that it has the capability, it may also receive and accept or reject these documents for filing through any national clearinghouse or private database, electronic mail (E-mail), or other approved electronic media, in conformity of this procedure. A person or company that offers photocopies, FAX copies, or electronic documents for filing shall be bound by them as if they were signed originals. All documents offered for filing shall comply with the applicable requirements and be properly signed or otherwise authenticated in accordance with this rule.
  - A. Upon request, the commission will acknowledge receipt of any document offered for filing pursuant to this rule by stamping or marking the document, or other method approved by the commission, which shall specify the date when received. The commission shall receive these documents between the hours of 7:30 a.m. and 5:00 p.m. daily, except on Saturdays, Sundays and state holidays (when commission offices are closed). If any document is received by the commission

- by FAX, E-mail, or any other electronic medium on a Saturday, Sunday or state holiday (when commission offices are closed), or on any other day after 5:00 p.m. but before 7:30 a.m. on the next succeeding day, then the commission shall deem it as received at 7:30 a.m. on the next succeeding day that is neither a Saturday, Sunday, nor state holiday.
- B. A document offered for filing pursuant to this rule is filed with the commission when the designated commission personnel have—
- Received the completed document;
  - Made a preliminary review and determination that the document received is complete, properly authenticated, and satisfies all applicable legal requirements; and
  - Confirmed the filing by stamping or marking the document, or other method approved by the commission, which shall record the date when filed.
- C. Except as provided in section (10) of this rule, whenever a document form is specified by this rule, the document shall be filed using that form.
- D. The commission may reject any document filed or offered for filing pursuant to this rule, or declare it invalid at any time, and shall notify the motor carrier of the rejection or invalidity, if—
- 1) The motor carrier fails to comply, or to obtain compliance by its insurer or surety, with any applicable requirement of the commission pursuant to this rule, section 390.126, or section 390.128, RSMo;
  - 2) The person or persons purporting to have signed or authenticated the document fail to give the commission adequate assurance of the authenticity of the document, including any signatures or copies, when requested by the commission; or
  - 3) The document is filed on paper that is either larger than eight and one-half inches wide by eleven inches high (8 1/2" × 11"), or smaller than eight and one-half inches wide by five and one-half inches high (8 1/2" × 5 1/2").
- E. Insurance certificates and surety bonds filed with the commission shall not be removed from the commission's custody, except as provided by law or by permission of the commission.
3. Proof of Coverage and Minimum Limits of Public Liability for Intrastate Carriers
- Generally. Every motor carrier operating any motor vehicles in intrastate commerce by authority of this commission shall at all times have on file with and approved by the commission a surety bond or a certificate of public liability insurance (on a form approved by the commission) which shall show specifically that the required uniform endorsements are attached to the policy covering each motor vehicle in amounts not less than the following amounts.
- A. Passenger Vehicles – twelve (12) passenger or less capacity, \$100,000 for injury or death of one (1) person; \$300,000 for any one (1) accident; \$50,000 property damage for any one (1) accident; and
- B. Passenger Vehicles – more than twelve (12) passenger capacity, \$100,000 for injury or death of one (1) person; \$500,000 for any one (1) accident; \$50,000 property damage for any one (1) accident.

C. Freight Vehicles - \$100,000 for injury or death of one (1) person; \$300,000 for any one (1) accident, \$50,000 property damage for any one (1) accident.

4. Proof of Coverage and Minimum Limits of Public Liability for Hazardous Materials Carriers. Every motor carrier operating any motor vehicles in intrastate commerce transporting those types of commodities designated below shall at all times have on file with and approved by the commission a surety bond or a certificate of public liability insurance before operating any vehicles within this state. Every surety bond and insurance certificate filed pursuant to this section shall show specifically that the required uniform endorsements are attached to the policy covering each motor vehicle in amount not less than the following:

A. Hazardous substances, as defined in 49 CFR 171.8, transported in cargo tanks, portable tanks, or hopper-type vehicles with capacities in excess of 3500 water gallons; or in bulk Division 1.1, 1.2 and 1.3 materials, Division 2.3, Hazard Zone A, or Division 6.1, Packing Group I, Hazard Zone A materials; or in bulk Division 2.1 or 2.2; or highway route controlled quantities of a Class 7 material as defined in 49 CFR 173.403 - \$5,000,000 combined single limits; or

B. Oil listed in 49 CFR 172.101; hazardous waste, hazardous materials and hazardous substances defined in 49 CFR 171.8 and listed in 49 CFR 172.101, but not mentioned in (A) - \$1,000,000 combined single limits.

“In bulk” means the transportation, as cargo, of property, except Division 1.1, 1.2 or 1.3 materials, and Division 2.3, Hazard Zone A gases, in containment systems with capacities in excess of 3,500 gallons;

“In bulk” (Division 1.1, 1.2 or 1.3 explosives) means the transportation, as cargo, of any Division 1.1, 1.2 or 1.3 materials in any quantity; and

“In bulk” (Division 2.3, Hazard Zone A, or Division 6.1, Packing Group I, Hazard Zone A materials) means the transportation, as cargo, of any Division 2.3, Hazard Zone A or Division 6.1, Packing Group I, Hazard Zone A material in any quantity.

5. Public Liability Insurance and Surety Bond Forms. The certificate of public liability insurance (form E) shall state that the insurer has issued to the motor carrier a policy of insurance which by endorsement provides automobile bodily injury and property damage liability insurance covering the obligations imposed upon the motor carrier by the provisions of the law of this state. The certificate shall be on form E—Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance. The certificate shall be duly completed and executed by the insurer. The endorsement shall be attached to the insurance policy and form a part of it. True copies of the policy with the endorsement attached shall be maintained at the motor carrier’s principal place of business, and upon request shall be produced for inspection by the commission within this state. The endorsement shall be on form F—Uniform Motor Carrier Bodily Injury and Property Damage Liability Insurance Endorsement. The endorsement shall be duly completed and executed by the insurer. The form F

endorsement amends the insurance policy to which it is attached to assure compliance with this rule by the motor carrier. The surety bond shall be in the form set forth in form G—Uniform Motor Carrier Bodily Injury and Property Damage Surety Bond. The bond shall be duly completed and executed by the surety and principal.

6. Intrastate Household Goods Cargo Liability— Proof of Coverage, Minimum Limits and Forms. Except as otherwise provided in this rule or by commission order, each vehicle while transporting household goods in intrastate commerce within this state shall be covered by a surety bond or certificate of cargo insurance filed with, and approved by, the commission in amounts not less than the amounts prescribed in 7 CSR 265-10.030.
  - A. The certificate of cargo liability insurance shall state that the insurer has issued to the motor carrier of household goods a policy of insurance which by endorsement provides cargo insurance covering the obligations imposed upon the motor carrier by provisions of the law of this state. The certificate shall be on form H—Uniform Motor Carrier Cargo Certificate of Insurance. The certificate shall be duly completed and executed by the insurer. The endorsement shall be attached to the insurance policy and form a part of it. True copies of the policy with the endorsement attached shall be maintained at the motor carrier’s principal place of business, and upon request shall be produced for inspection by the commission within this state. The endorsement shall be on form I—Uniform Motor Carrier Cargo Insurance Endorsement, which shall be duly completed and executed by the insurer. The form I endorsement amends the insurance policy to which it is attached to assure compliance with this rule by the motor carrier. The surety bond shall be in the form set forth in form J— Uniform Motor Carrier Cargo Surety Bond. The bond shall be duly completed and executed by the surety and principal.
  - B. An insurance company or surety shall file separate certificates or bonds, whenever it provides both cargo liability and public liability coverage for a motor carrier of household goods.
  - C. Any shipper and contract carrier of household goods may agree upon different limits of cargo insurance than this section requires, or the shipper may expressly waive cargo insurance coverage for all household goods shipments transported by the contract carrier. The agreement or waiver shall be evidenced in writing and filed with the commission. When agreements or waivers are filed and in effect regarding all contracting shippers that a contract carrier may serve, upon the carrier’s request, the commission shall waive the filing of a cargo liability insurance certificate or surety bond for that carrier.
7. Cancellation and Reinstatement. Except as provided in section (8) of this rule, an insurer under the provisions of this rule shall give the commission not less than ten (10) days’ notice of the cancellation of motor carrier bodily injury and property damage liability insurance or motor carrier cargo insurance, by filing with the commission the form of notice set forth in form K—Uniform Notice of Cancellation of Motor Carrier Insurance Policies. The notice shall be duly completed and executed by the insurer. A surety under the provisions of the rule shall give the commission not

less than ten (10) days' notice of the cancellation of motor carrier bodily injury and property damage liability surety bond or motor carrier cargo surety bond, by filing with the commission the form of notice set forth in form L—Uniform Notice of Cancellation of Motor Carrier Surety Bond. The notice shall be duly completed and executed by the surety or motor carrier. After cancellation in accordance with this section, a new certificate of insurance or surety bond must be filed to reinstate coverage for the motor carrier.

8. Replacement Coverage. Policies of insurance and surety bonds required pursuant to this rule may be replaced by other policies of insurance or surety bonds. The liability of the retiring insurer or surety shall be considered as having terminated on the effective date of the replacement policy of insurance or surety bond if accepted by the commission; except that if a cancellation notice under section (7) of this rule is received prior to receipt of the replacement certificate of insurance or surety bond, the liability of the retiring insurer or surety shall be considered as having terminated at the end of the thirty (30)-day cancellation period required in section (7) of this rule.
9. Authorization of Insurer or Surety. Upon request of the commission, any insurance company that has filed or offers to file an insurance certificate shall furnish evidence satisfactory to the commission that the insurance company issuing the policy is duly authorized to transact business in Missouri and to issue the policy offered, and that it is financially able to meet its obligations.
10. Electronic Filing of Insurance Documents. Whenever the commission determines that it has the capability, it may also accept insurance certificates, surety bonds, cancellations, or any other documents offered for filing pursuant to this rule, or section 390.126 or 390.128, RSMo, on behalf of intrastate motor carriers through any national clearinghouses or private databases, by electronic mail (E-mail), or by any other electronic media approved by the commission.
  - A. Every motor carrier, insurance company, surety or other person that files a document electronically shall use the same document form as otherwise required by this rule, except that the commission may accept for filing an electronic document containing only the particular information required of that motor carrier and insurance company, surety or other person, and the commission shall incorporate by reference all other provisions of the required form. Whenever an electronic document is filed in this manner, all provisions of the required form shall be binding upon the motor carrier, insurance company, surety or other person identified in the document, to the same extent as if a fully executed paper document were filed.
  - B. The commission may require insurance or surety companies to use account numbers, passwords, and other forms of identification or authorization before filing a document electronically. Before the commission accepts electronic documents for filing, each document shall be authenticated in a manner authorized by law and approved by the commission. The commission may require or accept electronic signatures, digital signatures, or other forms of authentication.

The commission will give public notice through the commission's Internet web site, or other conspicuous manner, of the approved methods of offering and authenticating documents for filing electronically.

## **Joint Service, Interlining and Tacking by Passengers or Household Good Carriers**

1. Every motor carrier, to the extent it is authorized by this commission to transport passengers or household goods between points in Missouri over regular routes, may establish joint service at joint through rates between any point in Missouri on its own regular route where service is authorized by its own certificate or permit, and any other point in Missouri on the regular route of another motor carrier of passengers or household goods where service is authorized by that carrier's certificate or permit, subject to the following requirements:
  - A. In providing this joint or interline service, each carrier shall transport passengers or household goods only upon its owned or leased vehicles, over its own authorized regular routes and between authorized points on those routes, and shall actually interchange passengers or household goods with the other carrier at an authorized point common to both carriers' certificates or permits. If either participating carrier is a regular route contract carrier, then this interline service shall be limited to transportation for the contracting parties identified in that contract carrier's permit;
  - B. No carrier shall participate in joint or interline service until it has complied with the applicable tariff requirements of 4 CSR 265-6.010 with reference to passenger carriers, or 7 CSR 265-10.050 with reference to household goods carriers; and
  - C. Motor carriers of passengers or household goods shall not provide joint or interline service over irregular routes, nor over any combination of regular routes and irregular routes.
  
2. A motor carrier of passengers or household goods shall not consolidate or tack together separate routes within its own certificate or permit, to provide through service between points on its separate routes, unless the commission has expressly authorized the carrier to perform that consolidation, tacking or through service in its certificate or permit. The commission may authorize the consolidation, tacking or through service by a carrier subject to the following limitations:
  - A. No carrier who is authorized by the commission to perform this consolidation, tacking or through service between separate routes shall begin providing this through service until it has complied with the applicable tariff requirements of 4 CSR 265-6.010 with reference to passenger carriers, or 7 CSR 265-10.050 with reference to household goods carriers; and
  - B. The commission may authorize a motor carrier of passengers or household goods to consolidate, tack together or provide through service between points on regular routes only. The following incompatible authorities shall not be consolidated or tacked together within a carrier's certificate or permit:
    - 1) Two (2) or more irregular routes; or
    - 2) One (1) or more regular routes and one (1) or more irregular routes.

## Leasing

1. Effective January 1, 1995, the Federal Aviation Administration Authorization Act of 1994 (H.R. 2739, 103d Congress, 2d Session) (49 U.S.C. sections 11501(h) and 41713(b)), generally preempts the states from enacting or enforcing any law, regulation, or other provision having the force and effect of law relating to the prices, routes and services of motor carriers of property (except household goods). However, this Act expressly states that its general rule of preemption shall not restrict the safety regulatory authority of a state with respect to motor vehicles, and shall not restrict the authority of a state to regulate motor carriers with regard to minimum amounts of financial responsibility relating to insurance requirements and self-insurance authorization. Therefore, the commission concludes that the requirements of this rule are not preempted, because the requirements under this rule are necessary, in the exercise of the commission's powers to regulate safety and insurance of motor carriers, to properly identify and enforce the commission's requirements on motor vehicles and drivers when they are operated under certificates and permits issued by the commission to persons other than the owners, to prevent the evasion of regulatory requirements through certain vehicle leasing arrangements, and to assure that the leased vehicles operated by motor carriers are safely equipped, maintained and operated, and properly insured and licensed.
2. Every lease of motor vehicles to which the provisions of this rule are applicable, and the lessor and lessee under the lease, shall comply with the following requirements:
  - A. The lease must be reduced to writing and at least two (2) copies shall be prepared and duly executed. One (1) copy of the executed lease shall be retained by the lessee for not less than two (2) years after the expiration of the lease; the other required copy shall accompany the driver of the leased vehicle at all times while the vehicle is in operation under the lease, and shall be available for inspection by personnel of the commission, the state highway patrol, and any other officials authorized to enforce the motor vehicle or transportation laws of this state;
  - B. Except when a vehicle is subleased by a motor carrier in compliance with subsection (3)(D) of this rule, the lessee shall be deemed the operator of the motor vehicle for the term of the lease. The terms of the lease shall provide, and the surrounding facts shall reflect, that the leased equipment is exclusively committed to the lessee's use during the term of the lease, and that the lessee shall actually control the operation of the vehicle, including its equipment, physical condition, insurance coverage, licensing, markings, drivers, drivers' qualifications, drivers' hours of service, and all other related matters, to the same extent as if the lessee were the actual owner of the vehicle;
  - C. The lessee shall accept responsibility to the public for any injury to persons or property caused in the course of operations of the leased vehicle pursuant to the lease and during the term of the lease. If the lessee is a motor carrier authorized by this commission to perform intrastate transportation, the lessee shall comply with all commission requirements relating to insurance coverage under 7 CSR 265-10.030, with respect to the leased vehicle;

- D. The lessee shall display appropriate markings to identify all leased equipment as operated by the lessee during the performance of the transportation. If the lessee is a motor carrier authorized by this commission to perform intrastate transportation, the lessee shall comply with all commission requirements relating to licensing of the leased vehicle under 7 CSR 265-10.020, and vehicle markings under 7 CSR 265-10.025;
  - E. The lessee shall maintain and operate leased motor vehicles in conformity with the applicable laws of this state and the rules of this commission; and
  - F. Immediately upon the termination of the lease, and whenever a motor carrier subleases the vehicle in compliance with subsection (3)(D) of this rule, the lessee shall remove or obliterate all its distinctive markings from the vehicle, and the vehicle shall not be operated on the public highways until the lessee's distinctive markings are removed or obliterated. If the lease is cancelled prior to the expiration date, the lessee shall immediately remove the cancelled lease from the vehicle.
3. Motor carriers shall not transport passengers or property in intrastate commerce in motor vehicles not owned by them, except in compliance with the following requirements:
- A. Every lease entered into by a motor carrier, and all operations under the lease, shall comply with section (2) of this rule;
  - B. The motor carrier shall actually control all transportation of passengers or property performed in the leased vehicle during the term of the lease. If the motor carrier does not actually control the transportation performed in the leased vehicle, then the transportation is not covered and authorized by the lessee's operating authority. Every lessee motor carrier who knowingly or recklessly fails to control the transportation performed in the leased vehicle shall be deemed to be procuring, aiding and abetting any transportation performed in the leased vehicle during the term of the lease;
  - C. Motor carriers shall not lease vehicles with or without drivers to shippers or receivers of property or to passengers or chartering groups;
  - D. Motor carriers shall not sublease a leased vehicle, with or without driver, unless the lease expressly authorizes the lessee motor carrier to sublease the vehicle to another authorized motor carrier during the lease. Whenever a vehicle is subleased under this subsection, the sublease shall comply with this rule, except that a sublease shall not authorize further subleasing of the vehicle to any person, and while the sublease is in effect, the sublessee shall be deemed the lessee and operator of the vehicle, and shall be exclusively responsible for the operation of the vehicle as required by this rule, instead of the original lessee. One (1) copy of both the sublease and the original lease shall accompany the driver, and be available for inspection as provided in subsection (2)(A) of this rule, at all times while the vehicle is in operation under the sublease;
  - E. Motor carriers authorized to transport household goods may transport household goods in motor vehicles owned or leased by the carrier's agent under an agency agreement in compliance with [4]7 CSR 265-10.080; and

- F. This rule does not authorize the leasing of any certificate or permit or operating authority. Motor carriers shall not lease certificates or permits, or any operating authority to any person, unless the leasing is approved by order of the commission as a transfer of authority under section 390.111, RSMo.
4. The following requirements are applicable to intrastate transportation performed in commercial motor vehicles which are owned and operated by persons who are not authorized by the commission to engage in intrastate transportation:
- A. Whenever a person who is not authorized by this commission to engage in intrastate transportation leases its equipment, with or without driver, to an authorized intrastate motor carrier, the lease and all operations under it shall comply with this subsection and sections (2) and (3) of this rule. The lessor shall submit the actual control of all transportation provided in the leased vehicle to the lessee. If the lease and all operations of the motor vehicle during the term of the lease meet these requirements, then those vehicle operations shall be covered and authorized by the lessee's intrastate certificate or permit to the same extent as if the vehicle were owned by the lessee. If the lease or any motor vehicle operations during the term of the lease do not actually comply with all of these requirements, then those operations are not covered and not authorized by the lessee's certificate or permit; and
  - B. If a person who is not authorized by this commission to engage in intrastate transportation leases its own motor vehicle and driver to a shipper, receiver, passenger or chartering group, the lessor's intrastate transportation under that lease shall be presumed to result in private carriage by the lessee if the lease, and all operations under it, comply with section (2) of this rule and the term of the lease is not less than thirty (30) consecutive days. If a lease or other arrangement between a shipper, receiver, passenger or chartering group and the owner of a motor vehicle who is not authorized by this commission to engage in intrastate transportation does not comply with these requirements, then the lessor's motor vehicle operations shall not be presumed to be private carriage by the lessee.

## Licensing of Vehicle in Intrastate Operations

1. Definitions
  - A. “Annual regulatory license” is a credential issued by the commission that can be carried on the motor vehicle that serves as verification that the proper registration has been completed as required by law.
  - B. A “Seventy-two (72)-hour license” is a credential issued by the commission in lieu of the annual regulatory license and can be used for one intrastate movement and is valid from seventy-two (72) hours from the time issued.
2. General Requirements. No motor carrier can operate any motor vehicle in intrastate commerce under any property carrier registration, certificate or permit issued by the commission unless the carrier has applied for and received a regulatory license. The license must be carried in the vehicle. Regulatory licenses will be issued under this procedure only to motor carriers authorized under a valid (not suspended) authority at the time of the request. The mere presence of a regulatory license on a vehicle gives no authority to any person to operate as a motor carrier.
3. Application for license. The motor carrier shall apply either through the MCE online web system or the filing of the B-1R form to the commission for the issuance of an annual or seventy-two (72) hour license. The commission will, no earlier than the first day of August, issue the annual regulatory license for each motor vehicle the carrier intends to operate on the public highways in Missouri during the ensuing year.
4. Required information. The following information is required for the issuance of any license request submitted to the commission:
  - A. Name and address of the motor carrier;
  - B. The United States Department of Transportation (USDOT) number issued to the motor carrier;
  - C. The number and type of regulatory licenses desired;
  - D. Vehicle description including make, serial number (VIN) and state license number of the vehicle;
5. Verification of continued compliance of workers’ compensation insurance coverage for motor carriers transporting household goods in intrastate commerce as required by section 390.054 RSMo and chapter 287 RSMo; and .
6. Accompanied by payment of the required regulatory license fee in conformity with the payment requirements of subsection 7 of this procedure.
7. Application for seventy-two (72)-hour license. Applications or information supplied shall include:
  - A. The correct name, address and USDOT number of the motor carrier;
  - B. The number of the licenses desired;

- C. Vehicle description including make, serial number (VIN) and state license number of the vehicle;
- D. The year, month, day and hour the equipment to be licensed is put into movement within this state; and
- E. Accompanied by payment of the required regulatory license fee in conformity with the payment requirements of subsection 7 of this procedure.

Any application lacking the required data or which has been altered, mutilated, erased or changed in any way shall not be valid, and any vehicle bearing the altered or mutilated license shall be deemed to be improperly licensed.

- 8. License Fee. Every application for the issuance of regulatory licenses shall be accompanied by payment in conformity with the requirements subsection 7 of this procedure, in the amount of the required regulatory license fees for each motor vehicle as follows:
  - A. Annual license fee of ten dollars (\$10); or
  - B. Seventy-two (72)-hour license fee of five dollars (\$5).
- 9. Display of License—Motor carriers transporting property or passengers in intrastate commerce shall carry the annual regulatory license or seventy-two (72)-hour license in the cab of each motor vehicle operated. Any alteration or change to the license shall render this license as void. Any vehicle carrying a voided license will not be considered licensed.
- 10. Payment of Regulatory License Fees—Payment shall be tendered to MCS in the form of a certified check, money order or other guaranteed funds, payable to the Director of Revenue as described in MCS “Internal Control Cash Walk-In Policy”.
- 11. Expiration of Annual Regulatory Licenses. All annual regulatory licenses issued by the commission shall be effective from January 1 through December 31 of the year for which they are issued, and shall expire at 12:01 A.M. on the first day of January in the next year succeeding the year for which they were issued.
- 12. Refunds. The commission shall not pay any refunds for a regulatory license issued as requested by the motor carrier. Motor carriers should request only the regulatory licenses needed for their actual operations.
- 13. Transfer of Annual Regulatory Licenses. After a motor carrier has paid the required license fee for a vehicle as provided in this procedure, if that vehicle is sold, assigned or otherwise transferred to another owner, the transferor may request that the commission re-issue the annual regulatory license without fee for any replacement vehicle for that license year.
- 14. Failure to Purchase an Annual Regulatory License. MCS may immediately suspend every property carrier registration, certificate and permit issued to the motor carrier,

in accordance with the commission's applicable procedures for suspension, for failure to purchase and annual regulatory license. Until the property carrier registration, certificate or permit is reinstated by order of the commission, any further operation by the applicant or motor carrier of any motor vehicle upon the public highways in this state shall be an unlawful. The commission's chief counsel may prosecute a complaint or other action as provided by law.

15. Exceptions: Not for profit corporations transporting passengers other than charter service and every motor carrier required to comply with the regulatory requirements of the Unified Carrier Registration (UCR) Agreement (revised May 20, 2010) prepared by the Unified Registration Board of Directors **is not required to comply with the requirements of this procedure.** The UCR agreement is published on the website of the National Association of Regulatory Utility Commissioners (NARUC) at <http://www.naruc.org>.

## Marking of Vehicles

1. **Vehicle Markings.** Every motor carrier that transports passengers or property in intrastate and/or interstate commerce and is subject to the jurisdiction of the Missouri Highways and Transportation Commission, shall obtain a USDOT number and shall be marked in conformity with the applicable requirements of this rule, and in conformity with the requirements of section 390.21 of Title 49, *Code of Federal Regulations* (CFR), or if applicable, subpart D of Title 49, CFR part 390.
2. All motor vehicles operated by these motor carriers are subject to the markings requirement, except vehicles that are exempted under section 390.030 RSMo.
3. A motor carrier may continue to display on its vehicle, in addition to the markings required by the commission, the identifying number of any certificate, permit or property carrier registration that was issued by the commission and in force with reference to that carrier. If the carrier's USDOT number is issued by the commission, then the letters "MO" shall be included in the vehicle markings, immediately following the carrier's USDOT number. For example: "USDOT 654321 MO." When a carrier receives authorization to operating as a motor carrier in interstate commerce, the carrier may delete the letters "MO" from its vehicle markings, but shall continue to display the USDOT number and any other vehicle markings required by this rule.
4. If an intrastate motor carrier sells, assigns or otherwise transfers its entire right, title and interest in a motor vehicle that was used under authority issued by the commission, the transferor or seller shall remove its required markings from the vehicle.
5. **Driveway or Towaway Operations.** Motor carriers transporting motor vehicles in driveway or towaway operations may display the markings prescribed on both sides or at the rear of a single driven vehicle. Motor carriers transporting a combination of vehicles in driveway or towaway operations may display the prescribed markings on both sides of any one (1) of the units comprising the combination, or at the rear of the rearmost unit of this combination.
6. **Passenger Vehicles.** A motor carrier of passengers in intrastate commerce operating a passenger carrying vehicle having a capacity of twelve (12) passengers or less, excluding the driver, may display on the vehicle's rear bumper, rear window or otherwise on the rear of the vehicle, the USDOT number assigned to the motor carrier, which shall be marked in readily legible figures not less than two inches (2") in height that contrasts sharply in color with the background on which the figures are placed.

## Passenger Requirements

1. Expense Bill. Every common motor carrier of passengers providing intrastate charter service shall issue an expense bill for each chartering group's trip, containing the following information:
  - A. Serial number, consisting of one (1) of a series of consecutive whole numbers assigned in advance and imprinted on the bill;
  - B. Name of carrier;
  - C. Name of the chartering group for which transportation is performed and, if different, the payer for the transportation service;
  - D. Date(s) transportation is performed;
  - E. Origin, destination and general routing of trip;
  - F. Identification and seating capacity of each vehicle used;
  - G. Name of each driver transporting the group;
  - H. Mileage upon which charges are based, including any deadhead mileage, separately noted; and
  - I. The total and itemized rates and charges for the transportation, and any other charges incidental to the transportation.
  
2. Time Schedules. Every regular route common carrier of passengers other than in charter service shall publish, post and file time schedules in accordance with the following:
  - A. Time schedules shall be printed or typewritten on good quality paper size eight and one-half by eleven inches (8 1/2" × 11");
  - B. The title page must be made up as follows:
    - 1) Time schedules must be numbered consecutively beginning with number one (1) and must show the number of the time schedule, if any, cancelled thereby. The number shall be shown in the upper right-hand corner;
    - 2) Name of the passenger carrier;
    - 3) The terminals or points between which the time schedule applies briefly stated;
    - 4) Date issued and date effective; and
    - 5) The name, title and address of the official issuing the time schedule, including street address;
  - C. The time schedule must show—
    - 1) The time of arrival at and departure from all terminals and the time of departure from intermediate points between terminals;
    - 2) The distance between all points shown in the time schedule; and
    - 3) Points at which vehicles do not regularly stop, except on signal or under other conditions, with proper indication of service rendered at that point. Regular rest stops must also be indicated;
  - D. Two (2) copies of all time schedules shall be filed with the commission; one (1) copy shall be posted in a conspicuous place at each station or stopping place

- affected; and one (1) copy shall be in the possession of the driver operating the vehicle;
- E. All time schedules shall be filed with the commission and shall be posted at each station or stopping place as required by subsection at least fifteen (15) days before the date upon which they are to become effective, unless otherwise authorized by the commission. In case of actual emergency or for other good cause shown, the commission may permit a time schedule to be filed and posted on less than fifteen (15) days' notice, in which case the time schedule must show on its title page, directly under the effective date, the number and date of the special authority or order of the commission permitting the short notice filing and posting; and
  - F. Time schedules received for filing too late to give the commission fifteen (15) days' notice or a shorter notice as may otherwise be authorized, or which do not refer to the number and date of the special authority or order for the short notice, will not be accepted for filing.
3. Claims for Loss and Damage to passengers or baggage. Every motor common carrier who receives a written claim for loss or damage to passengers or baggage transported by it shall acknowledge receipt of that claim, in writing, to the claimant within thirty (30) calendar days after the carrier receives the written claim. The carrier, at the time the claim is received, shall cause the date of receipt to be recorded on the claim and shall maintain a claim register. The carrier, within one hundred twenty (120) days after the receipt of the claim, shall tender payment, decline payment or make a firm compromise settlement offer in writing to the claimant.
  4. Exception—A not-for-profit corporation authorized to transport passengers as described in RSMo 390.063 subsection 2 shall not be required to file with the commission or publish tariff schedules setting forth their rates and charges for such transportation.
  5. Signage on Vehicles. In no case shall any vehicle have on the windshield, rear windows or windows on either side of the operator any lettering, papers or other matter that obstructs or interferes with the view of the operator.
  6. Baggage Check. A motor carrier authorized to transport passengers and their baggage shall issue without charge a baggage check to each passenger offering baggage to be transported and shall transport the baggage from origin to destination of the passenger. The carrier shall attach to the baggage a duplicate of the check given to the passenger on which shall be written or printed the destination of the passenger.

## **Suspension Procedures of Authority by Court Orders Relating to Child Support or Paternity**

1. Definition: “License” as referenced in 454.1000 to 454.1025, RSMo, means a license, certificate, registration or authorization issued by the commission granting a person a right or privilege to engage in a business or occupation that is subject to suspension, revocation, forfeiture or termination by the commission prior to its date of expiration. This “license” includes, certificate, permits and property carrier registrations. This “license” does not include regulatory licenses such as decals, sticker or other license registration credentials.
2. Whenever MoDOT receives a court order which suspends an individual motor carrier’s operating authority by reason of the carrier’s:
  - A. Failure of payments of child support of either \$2,500 or 3 months’ support payments whichever is less;
  - B. Failure or refusal to comply with a subpoena of a court or the Director of the Division of Child Support Enforcement (DCSA) in an action to determine paternity or to establish, modify or enforce a support order; or
  - C. Failure or refusal to comply with an order of the DCSE Directory requiring the person to be genetically tested.

## **Notice To Be Given To Consumers By Household Goods Carriers – Timing of Delivery, Form and Contents**

1. Motor carriers transporting or offering to transport household goods in intrastate commerce on the public roads of this state shall provide a notice of consumer rights and obligations as set forth herein to their shipper customers or potential customers.
2. The notice shall be provided to the shipper customer or potential customer at the first occurrence of the following events between the carrier and the shipper customer:
  - A. When the carrier presents to the shipper customer any binding or non-binding estimate of charges for carriage of household goods in intrastate commerce;
  - B. When the carrier takes any action in furtherance of assuming the carriage rights and responsibilities of any other carrier which has become incapable, for any reason, to complete a shipment of household goods in intrastate commerce;
  - C. When the carrier presents to the shipper customer any contract or offer to provide for carriage of household goods.
3. The notice to be provided shall be delivered by hand delivery, in person, when the contact with the shipper customer or potential customer as described in section 2 above is in person contact. When the contact with the shipper customer or potential customer is by telephone or mail, the notice to be provided shall be delivered by depositing the notice brochure, enveloped and addressed properly to the shipper customer or potential customer, into United States mail, first class postage prepaid, within two working days of the telephone or mail contact.
4. Motor carriers of household goods shall maintain a written record in their file on the cube sheet, binding or non-binding estimate or bill or lading of having delivered the required notice pamphlet to the shipper customer or potential customer as required by this rule.
5. The notice of customer rights and obligations shall be in a brochure and shall be in a format and layout provided by the Department of Transportation and made available in quantities at no cost to the household goods carriers registered for intrastate carriage in this State.

## Classification of common carriers by services performed.

1. The following classifications of types of common and contract carriers are established pursuant to section 601 of the Federal Aviation Administration Authorization Act of 1994 along with the special nature of the service that each shall be entitled to perform:
  - A. Motor carriers of passengers in school bus type equipment shall be authorized to transport passengers and their baggage on the highways of Missouri only in vehicles designed for the transportation of students to or from school, and shall specifically exclude vehicles which have reclining seats, special head or foot rests, lavatories, restrooms or snack bars, air-conditioning or other conveniences or comforts not normally found in school buses. When the vehicles are operated under a certificate or permit issued by the division, the designation school bus shall be covered and the stop arm shall be deactivated;
  - B. Motor carriers of passengers in “charter service,” as described in section 390.020(3), RSMo;
  - C. Motor carriers of passengers in “noncharter service,” or “other than in charter service,” whose operations do not wholly conform to the definition of “charter service” under section 390.020(3), RSMo. This classification includes, but is not limited to, the following subclassifications:
    - 1) “Non-profit special passenger carriers,” not-for-profit corporations authorized by a certificate or permit issued under House Bill No. 1433, 86th General Assembly, 2d Regular Session, 1992 (section 390.063, RSMo) when exclusively transporting passengers who are—
    - 2) “Elderly,” meaning any person who is sixty (60) years of age or older;
    - 3) “Handicapped,” meaning any person having a physical or mental condition, either permanent or temporary, which would substantially impair ability to operate or utilize available transportation;
    - 4) Preschool disadvantaged children transported for the purpose of participating in a federal Head Start program; or
    - 5) Persons transported in areas other than “urbanized areas,;” for which the motor carrier is authorized to be subsidized or reimbursed under section 18 of the Urban Mass Transportation Act of 1964, 49 U.S.C. section 1614, with federal funds administered by the Missouri Highways and Transportation Department, except that priority shall be given to serving passengers who are elderly, handicapped or preschool disadvantaged children under the carrier’s certificate or permit. The term “urbanized area” means an area so designated by the United States Bureau of Census as provided under section 12(c)(11) of the Urban Mass Transportation Act of 1964, which has a population of more than fifty thousand (50,000) persons; and
  - D. Motor carriers transporting “household goods” as defined in section 390.020(12), RSMo.

## Exhibit 1: MO-1 Application Form

### FORM MO-1 – APPLICATION TO OPERATE IN INTRASTATE COMMERCE

**IT IS STRONGLY RECOMMENDED THAT YOU USE THE INSTRUCTIONS PROVIDED WITH THIS FORM AS A GUIDE. INCOMPLETE OR INCORRECT APPLICATIONS WILL DELAY THE ISSUANCE OF AUTHORITY.**

#### SECTION 1. TYPE OF REQUEST

**A. APPLICANT REQUESTS APPROVAL FOR NEW OR ENLARGED AUTHORITY AS A** (check all that apply)

- COMMON CARRIER** (Haul for general public)  **CONTRACT CARRIER** (Named company(s) only – Attach copy of contract)

**B. TO TRANSPORT WHOLLY WITHIN ALL POINTS IN MISSOURI** (check all that apply)

- 1. PROPERTY** (Excluding Household Goods or Passengers)  
 **2. HOUSEHOLD GOODS**  Temporary Authority (Urgent need must be shown)  
 **3. PASSENGERS OTHER THAN IN CHARTER SERVICE**  Temporary Authority (Urgent need must be shown)  
 **4. PASSENGERS IN CHARTER SERVICE**  
 **5. PASSENGERS OTHER THAN IN CHARTER SERVICE AS A NOT-FOR-PROFIT CORPORATION** (check all that apply)  
 Elderly  
 Handicapped  
 Preschool disadvantaged children transported for the purpose of participating in the federal Head Start Program.  
 Passengers transported in areas other than “urbanized areas,” to be subsidized or reimbursed under section 18 of the Urban Mass Transportation Act of 1964, as amended, section 5311 of title 49 USC, with federal funds administered by MoDOT.

**6. HAZARDOUS MATERIALS**

**C. APPLICANT REQUESTS MODOT TO APPROVE A TRANSFER OF**

- ALL INTRASTATE AUTHORITY**  **A PORTION OF INTRASTATE AUTHORITY** (Attach Exhibit 1C describing authority to be transferred)

USDOT NO. \_\_\_\_\_ NAME OF CARRIER \_\_\_\_\_

#### SECTION 2. GENERAL INFORMATION

|           |           |          |                                     |
|-----------|-----------|----------|-------------------------------------|
| USDOT NO. | FMSCA NO. | FEIN NO. | SOCIAL SECURITY NO. (If sole owner) |
|-----------|-----------|----------|-------------------------------------|

NAME OF CARRIER

TRADE OR DBA (DOING BUSINESS AS) NAME

**PRINCIPAL PLACE OF BUSINESS ADDRESS** (Not a PO Box)  
STREET

**MAILING ADDRESS** (If different from Principal address)  
STREET

CITY STATE ZIP CODE

CITY STATE ZIP CODE

**MISSOURI TERMINAL ADDRESS** (If any)  
STREET

**DAYTIME PHONE NO.**

**FAX NO.**

CITY STATE ZIP

**E-MAIL OR INTERNET ADDRESS**

#### SECTION 3. FORM OF BUSINESS

**A. APPLICANT IS A**  Sole Proprietorship  Partnership  Limited Partnership (LP)  Limited Liability Limited Partnership (LLP)  
 Corporation – Date Incorporated \_\_\_\_\_  Limited Liability Company (LLC) – Date Incorporated \_\_\_\_\_  Trust

**B. IF YOUR COMPANY IS ORGANIZED OUTSIDE OF MISSOURI, WHAT IS THE STATE OF ORIGIN?** \_\_\_\_\_

**C. NAME OF COMPANY OFFICERS OR PARTNERSHIP** (Please Print)

- |   |  |
|---|--|
| <input type="checkbox"/> President      | <input type="checkbox"/> Organizing Member |
| <input type="checkbox"/> Vice President | <input type="checkbox"/> Organizing Member |
| <input type="checkbox"/> Secretary      | <input type="checkbox"/> Organizing Member |
| <input type="checkbox"/> Treasurer      | <input type="checkbox"/> Organizing Member |

#### SECTION 4. PUBLIC LIABILITY SECURITY – INSURANCE

Applicant is required to file proof of insurance to the limits of liability prior to issuance of authority.

**CONTACT YOUR INSURANCE COMPANY TO FILE THE REQUIRED INSURANCE FORM(S) WITH MoDOT.** (See Instructions for insurance required)

#### SECTION 5. REGISTERED AGENT FOR SERVICE OF PROCESS IN MISSOURI

If the state of your principal place of business (as shown above) is NOT Missouri, you must provide a person's name and physical address (not a PO Box) in Missouri where legal documents may be accepted on your behalf.

**Name and Address:** \_\_\_\_\_

**SECTION 6. REGULATORY LICENSE FEES** (Not Required for Not-for-Profit Corporations)**CHECK ONLY ONE BOX:**

- Applicant will need to purchase \_\_\_\_\_ door decals or \_\_\_\_\_ window decals. (See instructions for decal type and payment options)  
(number) (number)
- Applicant has interstate authority and has/will pay regulatory fees under the Unified Carrier Registration (UCR) program.

**SECTION 7. HAZARDOUS MATERIALS** (Required ONLY for Hazardous Materials Applicants)**APPLICANT WILL TRANSPORT HAZARDOUS MATERIALS REQUIRING:**

- \$1 Million in Public Liability & Property Damage in accordance with 4 CSR 265-10.030; **OR**
- \$5 Million in Public Liability & Property Damage in accordance with 4 CSR 265-10.030

**APPLICANT DESIRES TO TRANSPORT THE FOLLOWING HAZARD CLASSES/DIVISIONS:** (Check ALL that apply)*(If you transport ALL divisions within a class check the box titled "All Divisions")***CLASS 1 EXPLOSIVES:**

- Division 1.1 Explosives that have a Mass Explosion Hazard
- Division 1.2 Explosives that have a Projection Hazard
- Division 1.3 Explosives that have a Fire Hazard and either a Minor Blast Hazard or a Minor Projection Hazard, or both
- Division 1.4 Explosive Devices that present a Minor Blast Hazard
- Division 1.5 Very Insensitive Explosives
- Division 1.6 Extremely Insensitive Detonating Substances
- ALL Divisions of Class 1 Explosives

**CLASS 2 GASSES:**

- Division 2.1 Gasses that are Flammable
- Division 2.2 Gasses that are Non-Flammable and Compressed
- Division 2.3 Gasses that are Poisonous
- ALL Divisions of Class 2 Gasses

 **CLASS 3 FLAMMABLE AND COMBUSTIBLE LIQUIDS****CLASS 4 FLAMMABLE SOLIDS**

- Division 4.1 Solids that are Flammable
- Division 4.2 Material that is Spontaneously Combustible
- Division 4.3 Material that is Dangerous When Wet.
- ALL Divisions of Class 4 Flammable Solids

**CLASS 5 OXIDIZERS AND ORGANIC PEROXIDES**

- Division 5.1 Oxidizers
- Division 5.2 Organic Peroxides
- ALL Divisions of Class 5 Oxidizers and Organic Peroxides

**CLASS 6 POISONS**

- Division 6.1 Material that is Poisonous (PG I, Inhalation Hazard Only)
- Division 6.1 Material that is Poisonous (PG I, OR II Other than PG I Inhalation Hazard)
- Division 6.1 Material that is Poisonous (PG III, Keep Away From Food)
- Division 6.2 Material that is an Infectious Substance (Etiologic Agent)
- All Divisions of Class 6 Poisons

 **CLASS 7 RADIOACTIVE MATERIALS** **CLASS 8 CORROSIVES** **CLASS 9 MISCELLANEOUS** **ORM-D (Other Regulated Materials)****SECTION 8. SAFETY COMPLIANCE & SIGNATURE** (An Attorney is NOT required to sign the application on behalf of a Corporation)

- Commercial motor vehicle safety regulations apply to motor carriers operating in intrastate commerce. For more information about Safety Regulations that apply to your operation visit the Safety & Compliance section of our website at [www.modot.org/mcs/index.htm](http://www.modot.org/mcs/index.htm).
- Under penalty of perjury under the laws of the State of Missouri and the United States of America, the information in this application or attached hereto is true and correct, that I am authorized to sign this Application on behalf of the Applicant and that the signature below is my own true and correct signature made by me or my legal representative and by no other person.

|   |  |              |                            |
|---|--|--------------|----------------------------|
| <b>Applicant(s)/Attorney Name Printed</b>                             | <b>Applicant(s)/Attorney Signature</b> | <b>Title</b> | <b>Date</b>                |
| <b>If Attorney signed on behalf of Applicant above, print address</b> |  |              | <b>Attorney MO Bar No.</b> |



**SECTION 12. FINANCIAL FITNESS**

THIS SECTION IS REQUIRED FOR

- HOUSEHOLD GOODS APPLICANTS
- PASSENGER OTHER THAN CHARTER APPLICANTS WITH CAPACITY OF LESS THAN 16 PASSENGERS
- CHARTER APPLICANTS WITH CAPACITY OF LESS THAN 16 PASSENGERS

**A. BALANCE SHEET**

If applicant is an **individual partnership**, complete Column A. **For Partnerships**, also complete a balance sheet for each partner. (Copy this sheet as needed)  
 If applicant is a **corporation or limited liability company**, complete Columns A & B.

| <i>The Balance Sheet and Income Statement (Columns A &amp; B) must be completed on a calendar year basis (January 1 through December 31). Column B reflects actual data for the current calendar year OR for new corporations just starting business. If you are an existing business and do not have any actual current year data available to report, please note N/A in this column. You may add, by attachment, supplemental information to this financial statement if you feel it will help support the application. Additional information may also be requested by our agency if your financial statement appears incomplete or questionable.</i> | (A)<br>For Year<br>Ending<br>(Month/Year)<br>_____ | (B)<br>Current Year<br>Ending<br>(Month/Year)<br>_____ |
|---|--|--|
| <b>1. Total Current Assets</b><br>Include cash in checking and savings; amounts due from others; prepaid insurance, taxes, or other payments; cost of materials and supplies on hand; and other near cash assets.   | \$   | \$   |
| <b>2. Other Assets</b><br>Include trucks, trailers (or buses) and other equipment shown in Section 10 above, minus depreciation; and other property.  | \$   | \$   |
| <b>3. Total Assets</b> (Add lines 1 and 2 above)  | \$   | \$   |
| <b>4. Total Current Liabilities</b><br>Include any amount due to others within 1 year or less on any loans, accounts due, or other debt.  | \$   | \$   |
| <b>5. Total Long Term Liabilities</b><br>Include any amount due to others after 1 year on any loans, accounts due, or other debt.   | \$   | \$   |
| <b>6. Capital Stock</b> (Corporations only)   | \$   | \$   |
| <b>7. Retained Earnings, Contributed Capital, or Equity of Limited Companies</b> (Corporations only)  | \$   | \$   |
| <b>8. Net Worth-Partners or Individuals</b>   | \$   | \$   |
| <b>9. Total Liabilities and Equity</b> (Add Lines 4 through 8)  | \$   | \$   |

**B. PRO-FORMA BALANCE SHEET**

If applicant is a **partnership, corporation, or limited liability company**, check only one box below and provide information if needed.

- In order to provide the proposed service if this authority is granted, applicant does NOT intend to acquire any additional assets or liabilities.
- In order to provide the proposed service if this authority is granted, applicant does intend to purchase additional assets or incur additional liabilities as follows:  
 (Include a description of the items, the amount of the purchase and any associated debt or loan amount)

**C. INCOME AND EXPENSE STATEMENT**

| <input type="checkbox"/> <b>WAGE EARNER ONLY (IF CHECKED, DO NOT COMPLETE LINES 1-5 BELOW)</b>  | (A)<br>For Year<br>Ending<br>(Month/Year)<br>_____ | (B)<br>Current Year<br>Ending<br>(Month/Year)<br>_____ |
|---|--|--|
| <b>1. Total Revenue</b><br>Include all sales/revenue minus any costs of goods sold.   | \$   | \$   |
| <b>2. Total Expenses</b><br>Include all operating expenses such as salaries and fringes, depreciation, insurance, repairs, fuel and oil, tires, office, and other expenses, insurance, utilities, rent paid for vehicles or office equipment, operating taxes and licenses, legal and professional fees and other expenses. | \$   | \$   |
| <b>3. Net Operating Revenue</b> (Line 1 minus Line 2)   | \$   | \$   |
| <b>4. Other Operating Income and Expenses</b><br>Include mortgage or other interest expense; and gain (or loss) on sale of assets   | \$   | \$   |
| <b>5. Net Income (or Loss)</b> (Line 3 minus Line 4)  | \$   | \$   |