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Title [4]7—DEPARTMENT OF [ECONOMIC DEVELOPMENT] TRANSPORTATION
Division 265—[Division of]Motor Carrier and Railroad Safety
Chapter [2]10—[Practice and Procedure]Motor Carrier Operations

SECRETARY OF STATE
ADMINISTRATIVE RULES

PROPOSED AMENDMENT

COPY

[4 CSR 265-2.055]7 CSR 265-10.052 Name and Address Changes for Motor Carriers[, Railroad Corporations and Certain Contracting Shippers]. The Missouri Highways and Transportation Commission is amending sections (2) and (5), deleting sections (1), (3), (4), (6) and (7); and renumbering sections (2), (5) and (8).

PURPOSE: This proposed amendment removes obsolete programs, procedures and references and updates the location reference of a coordinating rule.

[Editor's Note: The following material is incorporated into this rule by reference:

*1) Missouri Division of Transportation, **Single State Registration System SSRS Procedures Manual** (Jefferson City, MO: Department of Economic Development, Revised July 1, 1994). In accordance with section 536.031(4), RSMo, the full text of material incorporated by reference will be made available to any interested person at the Office of the Secretary of State and the headquarters of the adopting state agency.*

(1) A motor carrier's change of address from one (1) state to a different state and a motor carrier's change of name shall not be recognized by the division until approved by order of the division's administrative law judge. Until the carrier has filed with this division the request and documentation required under this rule, and until an order approving any motor carrier's change of address to a different state or motor carrier's change of name has been issued, the division may continue to mail or deliver any notices, orders and other correspondence to the carrier in the previous name and at the previous address as it appears on record with the division, and this mailing or delivery shall be valid as if no change of name or address had occurred.

(2)](1) Motor carriers holding intrastate operating authority from th[is]e Missouri Department of Transportation Motor Carrier Services division shall file with the division, not later than five (5) days after a change of name [(including any fictitious name)]or change of address of their principal place of business becomes effective, a written request that the division record the carrier's change of name, change of address, or both. The request shall state the numbers of every certificate and permit issued to that carrier by the division and currently in force, including both active and suspended authority. The division shall not recognize or approve a change of name or change of address under this section until the carrier has complied with the following requirements:

(A) New certificates of insurance or surety bonds setting forth the carrier's new name and address shall be filed with and approved by the division, in accordance with [4]7 CSR 265-10.0[30]52;

(B) If the change involves any change of name by a corporation, limited liability partnership or any change of fictitious name of any person holding intrastate operating authority, notice of the change of name or change of fictitious name shall be filed with the Missouri secretary of state, as

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otherwise required by law; and

(C) If the carrier becomes a nonresident as a result of a change of address and the carrier does not maintain an office or agent in this state, it shall file with the division a writing which designates *[the director of this division as]* the carrier's authorized agent upon whom legal service may be *[had]* made in all actions arising in this state from any operation of a motor vehicle under authority of any certificate or permit issued to the carrier.

[(3) Motor carriers holding Interstate Commerce Commission (ICC) operating authority which have been registered with this division, as required under 4 CSR 265-2.065, shall notify this division of every change of name or address as required by the Single State Registration System (SSRS) Procedures Manual.

(4) Motor carriers holding an interstate permit issued by this division authorizing operations exempt from ICC regulation shall notify this division of every change of name (including fictitious names), and every change of address of their principal place of business, in writing, within five (5) days after the effective date of the change. The division shall not recognize or approve a change of name or change of address under this section until the carrier has complied with the following requirements:

(A) In the case of a change of name, the carrier shall file with the division a new Uniform Application for Registration of Interstate Operations Exempt from Economic Jurisdiction of ICC (Form A-1), clearly marked in the upper right-hand corner with the words Name Change Only or Name and Address Change and the carrier's interstate permit number assigned by this division; and

(B) New certificates of insurance or surety bonds setting forth the carrier's new name and address shall be filed with and approved by the division, in accordance with 4 CSR 265-10.030.]

*[(5)2] If a motor carrier's change of name involves any change in the form of business entity owning the operating authority, such as changing from an individual to a partnership or corporation, or changing from a corporation or partnership to an individual, these changes are transfers within the meaning of section 390.111, RSMo. *[Except as otherwise provided under subsections (3)(A) and (4)(A) of this rule, b]*Both the transfer[or] and transferee shall apply to the division for approval of every transfer as required under *[4]7 CSR 265-[2.066]10.015.**

[(6) Motor carriers holding authority from this division to operate both in intrastate and interstate commerce shall comply with all applicable provisions of sections (1)–(5) of this rule.

(7) Every railroad corporation, within the meaning of section 386.020, RSMo, which owns, holds, operates, controls or manages a railroad located within this state shall notify this division of every change of its true name, fictitious or assumed name, address of its principal office, and mailing address, if different, within five (5) days after the change of name or address becomes effective, by filing with the division a written request by an authorized employee, officer or agent of the railroad corporation, that the division record the carrier's new name and address. Until the carrier has filed with this division the request and documentation required under this rule, and until an order approving any rail carrier's change of address to a different state or rail carrier's change of name has been issued, the division may continue to mail or deliver any notices, orders and other correspondence to the carrier in the previous name and at the previous address as it appears on record with the division, and this mailing or delivery shall be valid as if

no change of name or address had occurred.]

(/8/3) Every contract carrier holding a contract carrier permit issued by the division under section 390.061, RSMo, which authorizes the intrastate transportation of passengers or household goods, shall file with the division, not later than five (5) days after learning of any change of name or change of address of a contracting shipper named in the permit, a written request that the division record the shipper's change of name, change of address, or both. The request shall state the carrier's own name and the number assigned to the contract carrier permit by the division, together with the former name and address of the shipper, and the new name and address of the shipper. The carrier shall attach a copy of a letter or other writing from the shipper giving notice of the change of name or address, or both. This section shall also apply if the shipper's change of name involves any change of the entity under contract with the carrier, by incorporation, merger or consolidation of the shipper, or by the shipper's assignment or delegation of the contract or contract rights to another entity.

AUTHORITY: section 622.027, RSMo 1994. Original rule filed May 2, 1991, effective Dec. 9, 1991. Amended: 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, 1995. Amended: Filed Aug. 3, 1995, effective Feb. 25, 1996. Amended: Filed October 14, 2016.*

**Original authority: 622.027, RSMo 1985, 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.*