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Rebecca McDowell Cook
Secretary of State

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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule.

Missouri Depository Libraries

The *Missouri Register* and the *Code of State Regulations*, as required by the Missouri Depository Documents Law (section 181.100, RSMo 1994), are available in the listed depository libraries, as selected by the Missouri State Library:

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| Eden Theological Seminary/ Webster University Eden/Webster Library 475 East Lockwood Ave. St. Louis, MO 63119-3192 (314) 961-2660 | Rutland Library Three Rivers Community College 2080 Three Rivers Blvd. Poplar Bluff, MO 63901-2393 (573) 840-9656 | Missouri Southern State College Spiva Library 3950 East Newman Road Joplin, MO 64801-1595 (417) 625-9770 | ESTEP Library Southwest Baptist University 1601 S. Springfield Street Bolivar, MO 65613-2597 (417) 326-5281 |
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| Truman State University Pickler Memorial Library 100 E. Normal Kirksville, MO 63501-4221 (660) 785-7416 | | | |

HOW TO CITE RULES AND RSMo

RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 24, *Missouri Register*, page 27. The approved short form of citation is 24 MoReg 27.

The rules are cited in the *Code of State Regulations* in this system—

| Title | Code of State Regulations | Division | Chapter | Rule |
|------------|---------------------------|------------------|------------------------|-------------------------|
| 1 | CSR | 10- | 1. | 010 |
| Department | | Agency, Division | General area regulated | Specific area regulated |

They are properly cited by using the full citation, i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—Cite material in the RSMo by date of legislative action. The note in parentheses gives the original and amended legislative history. The Office of the Revisor of Statutes recognizes that this practice gives users a concise legislative history.

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo Supp. 1998. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than 180 calendar days or 30 legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

ways which when loaded exceed the limitations on length, width, height and weight established in Chapter 304, RSMo, and provides for the public safety and to prevent damage to public property along with the motoring public. This emergency rescission is industry driven. The economy of Missouri depends on the emergency rescission allowing increases to the present overdimension and overweight limits for the motor carrier industry and establishes public safety. This emergency rescission is necessary to ensure the effective and timely implementation of the commission's new overdimension and overweight permits system. If this does not become effective as an emergency rescission, then the commission will be unable to immediately implement its new overdimension and overweight permits system. The scope of this rule is limited to the circumstances creating the emergency and complies with the protections extended by the *Missouri* and *United States Constitutions*. The commission believes this emergency rescission to be fair to all interested parties under the circumstances. Emergency rescission filed November 9, 1999, effective November 19, 1999, expires May 16, 2000.

AUTHORITY: section 304.200, RSMo Supp. 1988. Original rule filed Aug. 11, 1972, effective Aug. 21, 1972. Amended: Filed Sept. 18, 1972, effective Sept. 28, 1972. Amended: Filed Feb. 1, 1973, effective Feb. 11, 1973. Amended: Filed Sept. 21, 1973, effective Oct. 1, 1973. Amended: Filed July 1, 1974, effective July 11, 1974. Amended: Filed July 27, 1976, effective Nov. 15, 1976. Amended: Filed Oct. 13, 1978, effective Jan. 15, 1979. Amended: Filed Dec. 8, 1978, effective April 15, 1979. Amended: Filed Sept. 2, 1980, effective Dec. 15, 1980. Amended: Filed Oct. 6, 1982, effective Jan. 15, 1983. Amended: Filed June 1, 1984, effective Oct. 15, 1984. Amended: Filed Dec. 16, 1985, effective March 15, 1986. Amended: Filed Sept. 17, 1986, effective Dec. 15, 1986. Amended: Filed June 10, 1988, effective Oct. 13, 1988. Amended: Filed Nov. 9, 1989, effective Feb. 11, 1990. Emergency rescission filed Nov. 9, 1999, effective Nov. 19, 1999, expires May 16, 2000. A proposed rescission covering this same material is published in this issue of the *Missouri Register*.

**Title 7—DEPARTMENT OF HIGHWAYS
AND TRANSPORTATION
Division 10—Missouri Highways and
Transportation Commission
Chapter 2—Traffic Regulation**

EMERGENCY RESCISSION

7 CSR 10-2.010 Overdimension and Overweight Permits. This rule provided a uniform system for issuing special permits to regulate vehicles used on the state highways which when loaded exceed the limitations on length, width, height and weight established in Chapter 304, RSMo, to provide for the public safety and to prevent damage to public property.

PURPOSE: The purpose of this emergency rescission is to promulgate emergency rules in order to respond to the tremendous growth of the motor carrier operations and the need for effective regulation and enforcement of oversize overweight movement.

EMERGENCY STATEMENT: The Missouri Highways and Transportation Commission finds an immediate danger to the public safety, health and welfare of the citizens which requires immediate action to implement the commission's new overdimension and overweight permits system. The commission's new overdimension and overweight permits system will provide a uniform system for issuing special permits to regulate vehicles used on the state high-

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and
Transportation Commission
Chapter 2—Traffic Regulation**

EMERGENCY RULE

7 CSR 10-2.010 Overdimension and Overweight Permits

PURPOSE: This rule provides a uniform system for issuing special permits to regulate vehicles used on the state highways which when loaded exceed the limitations on length, width, height and weight established in Chapter 304, RSMo, to provide for the public safety and to prevent damage to public property.

EMERGENCY STATEMENT: The Missouri Highways and Transportation Commission finds an immediate danger to the public safety, health and welfare of the citizens which requires immediate action to implement the commission's new overdimension and overweight permits system. The commission's new overdimension and overweight permits system will provide a uniform system for issuing special permits to regulate vehicles used on the state highways which when loaded exceed the limitations on length, width, height and weight established in Chapter 304, RSMo, and provides for the public safety and to prevent damage to public property along with the motoring public. This emergency rule is industry driven. The economy of Missouri depends on the emergency rule

allowing increases to the present overdimension and overweight limits for the motor carrier industry and establishes public safety. This emergency rule is necessary to ensure the effective and timely implementation of the commission's new overdimension and overweight permits system. If this does not become effective as an emergency rule, then the commission will be unable to immediately implement its new overdimension and overweight permits system. The scope of this rule is limited to the circumstances creating the emergency and complies with the protections extended by the *Missouri and United States Constitutions*. The commission believes this emergency rule to be fair to all interested parties under the circumstances. Emergency rule filed November 9, 1999, effective November 19, 1999, expires May 16, 2000.

(1) Administrative Regulations.

(A) In the design and fabrication of all vehicles, machinery, equipment, structures, buildings or other units or components, careful consideration must be given to the legal and physical limitations applicable to all available forms of transportation between point of fabrication and the original or subsequent destinations.

(B) Permits will not be granted for travel on Missouri highways for movement of a load reducible in dimension(s) or weight, except for farm products as permitted in sections (7) and (10). Reducible portions of any overdimension or overweight load shall include, but are not limited to, any attachment, accessory, member or assembly designed to be detached with hand tools.

(C) Unladen vehicles or combinations are to comply with legal size and weight limitations as listed in Chapter 304, RSMo unless exceptions can be justified by safety considerations based on an overdimension or overweight object to be transported by the vehicle.

(D) Economic factors in either the saving of time or costs for routing will not be considered of primary importance in the routing process and the department reserves the right to designate routing and travel time for all movements. Safety, structure capacities and clearances, roadway widths, and traffic volumes will all be considered in route determination. The routing will use the designated highway system as shown on the Missouri Vehicle Route Map and/or be as direct as possible. When other streets or highways off the state system are used, it will be the responsibility of the applicant to obtain approval from the agency responsible and adhere to all bridge capacity postings on all routes.

(E) Limitations for all overdimension and overweight load movements will be determined by the least hazardous road conditions and volume of traffic which will be encountered and the practical capacity of the roadway, structures and the vehicle involved, based upon axle loads. All requests for routing approval prior to application is furnished for general information only (due to constant changing highway conditions such routing approval is subject to change without notice).

(F) Exceptions may be made for feasible overdimension and/or overweight movements certified as essential to national defense, upon receipt of written documentation by designated officials within the Defense Department.

(G) Permits may specify maximum and minimum speeds to reduce hazards or control impact factors on pavement or structures. Power units shall have sufficient weight and power to handle the load safely and maintain reasonable speeds.

(H) Permits for round trips will not be issued. Each single trip permit covers the movement of one (1) load only, between one origin and one destination, except for the multi-stop permit designed for transportation of farm implement delivery only. Moves must be completed in seven (7) moving days, except for pre-issued permits which must be completed in five (5) days, multi-state permits which must be completed in ten (10) days, and blanket permits which are for a specified period.

(I) Movement is restricted on the following holidays: New Year's Day (January 1), Memorial Day (last Monday in May),

Independence Day (July 4), Labor Day (first Monday in September), Thanksgiving Day (fourth Thursday in November), and Christmas Day (December 25).

1. The restriction for Thanksgiving will begin at 12:00 noon on Wednesday and apply through Sunday. In the event a holiday falls on Saturday, the restriction will apply to the preceding Friday. If a holiday falls on Sunday, the restriction will apply to the following Monday. On all holidays the restriction will begin at 12:00 noon on the day preceding the holiday or the holiday weekend period.

2. All permit offices are closed on the holidays listed in subsection (1)(I) and also closed on Martin Luther King Day (third Monday in January), Presidents' day (third Monday in February), Veterans' Day (November 11), and on any date designated by the governor as a holiday; however, movement under permit is allowed on these days.

(J) Travel under permit must be with licensed vehicles and vehicles must be licensed for maximum weights in order to obtain overweight permits.

(2) Financial Responsibility.

(A) An applicant must have minimum insurance in the amount of fifty thousand dollars (\$50,000) per person and two hundred thousand dollars (\$200,000) per occurrence personal injury liability and fifty thousand dollars (\$50,000) property damage liability or a combined single limit liability amount of two hundred fifty thousand dollars (\$250,000) or qualify as a self-insurer pursuant to section 303.220, RSMo 1994 before a permit can be issued. Refer to subsection (8)(C) for financial responsibility for escorts.

(B) For moves under Section (15), the applicant is required to submit proof of insurance in the amounts of five hundred thousand dollars (\$500,000) per person and one million dollars (\$1,000,000) per occurrence personal injury liability and five hundred thousand dollars (\$500,000) property damage liability or a combined single limit amount of one million five hundred thousand dollars (\$1,500,000) before a permit can be issued. For movement of a non-commercial building (as described in Section (16)), the insurance certificate or other evidence of insurance provided by the applicant MUST INCLUDE the following statement under description of operations: "STRUCTURAL MOVING OPERATIONS OF THE NAMED INSURED INCLUDED IN THIS COVERAGE." In the case of excessive overweight, additional financial responsibility may be required to protect the state in regard to excessive damage to highway facilities.

(C) Insurance for all permit operation shall be in force for the entire permit period.

(3) Agreements and Conditions.

(A) The permittee agrees to the following conditions when a permit is issued.

1. The permittee named therein agrees to assume full responsibility for injury to persons or damage to public or private property, including highway facilities, caused by the movement of the vehicle or its load under the special permit involved;

2. The permittee agrees to hold harmless the Missouri Highways and Transportation Commission, its agents, servants and employees, from any and all claims, judgments, damages or expense of any kind on the part of the applicant, permittee or any person, firm or corporation having an interest in either the vehicle, the load or other property involved in the movement over the route prescribed in said permit;

3. The permittee, as a condition to the issuance of a special permit, agrees to indemnify the Missouri Highways and Transportation Commission, its agents, servants or employees, for any sums which it, its agents, servants or employees are, or may be, required to expend in defense of any claims or actions for damages and to indemnify the Missouri Highways and Transportation Commission, its agents, servants or employees, arising out of the

movement, under this special permit, of a vehicle or load over the route prescribed by the Missouri Department of Transportation, its agents, servants or employees;

4. The permittee will cause the operator of the motor vehicle involved to take all necessary precautions to avoid hazards existing along the prescribed route, such as, but not limited to, construction projects, physical restrictions or conditions which will not permit the movement of the vehicle and its load without detriment to the highway or its drainage structure, signs, guardrails, signals, shoulders, pavement or right-of-way;

5. Should the permittee, their officers, agents or employees, encounter a condition on the route prescribed not contemplated by the permit, or signs or markings indicating an emergency condition creating a reasonable doubt as to the continuance of the trip, the operator of the vehicle will call the appropriate official or employee of the Missouri Department of Transportation for a suggested course of action. In any event, departure from a prescribed route, except by specific authorization of the department, renders the permit void;

6. Any misrepresentation in the application for a special permit or any operation not made in strict compliance with the permit and in compliance with the laws of Missouri and the United States, except as specifically exempted, is unlawful and renders the permit void;

7. Any permit used for a movement other than that for which granted, is void in its entirety and the movement involved will be in violation of the law, as though such permit had never been granted;

8. Permits voided by a violation shall be surrendered to any law enforcement officer or to any employee of the Missouri Department of Transportation and permits so surrendered should be returned to the Missouri Department of Transportation, Motor Carrier Services Unit, OD/OW Permit Section, 3348 American Drive, P. O. Box 270, Jefferson City, MO 65102;

9. A new permit covering the remainder of the movement will "Not" be issued until all charges arising out of the violation have been satisfied and the routing or movement modified to meet the regulations established herein;

10. Permits are issued by authority of law only when the public safety or public interest justifies their issuance. Any misrepresentation in the application or violation of the terms of the permit may result in denial of future applications by the violator.

11. Permission granted is only for weights and dimensions as specified and compliance in all other respects is required with Chapters 301 and 304, RSMo, as amended, all other applicable state and federal laws and rules and regulations of state and federal regulatory bodies.

(B) In addition to these agreements and conditions, the following will apply:

1. All violations or misrepresentations will be recorded and the permittee may be requested to submit a written explanation for the offense involved.

2. The applicant may be required to submit a bond with acceptable surety providing penalties for future violations.

3. Flagrant or repeated violations are not in the interest of public safety and the permittee will be advised in writing, if his/her record is such that future permits should not be granted in the opinion of the chief engineer of the Missouri Department of Transportation.

(4) Permit Applications, Permit Transmissions and Permit Fees.

(A) All overdimension and overweight movements should be anticipated and applications and fees filed at least two (2) days prior to the date of movement, except permits covered by sections 15 and 16 should allow two (2) weeks advance notice. This will allow sufficient time for any investigations, studies or analysis necessary for the issuance of the official permit.

(B) Application for permits are accepted in person, by mail, by telephone, and by computer modem.

(C) Applications shall be submitted with adequate information to complete the "Application for Overweight and/or Overdimension Permit Form" (15A). This form may be reproduced or copies will be furnished upon request. Each application shall show all information requested in regard to applicant, load description (including make, model, serial number and dimensions) and vehicle. The type of power unit (truck or tractor) and trailer (semi or other configuration) may also be questioned.

(D) Application for an overdimension permit must show overall width, length, length of trailer and load, overhang front and/or rear, empty deck space front and/or rear, and overall height. Application for an overweight permit must show axle loads and axle spacings measured center-to-center between each axle. Additional information may be requested for further clarification.

(E) Special permit fees are payable prior to the issuance of the permit and if the permit becomes invalid for any reason, the original fee shall be non-refundable and a new permit with fee will be necessary. Postal and telegraphic money orders and personal, company, certified and cashier's checks must be made payable to the director of revenue, credit state road fund. Cash is also accepted. The special permit fees are as follows:

1. Single trip overdimension permits—\$12.00;
2. Single trip overdimension permits in excess of sixteen feet (16') wide, sixteen feet (16') high or one hundred fifty feet (150') long—\$12.00 plus \$200.00 movement feasibility fee;
3. Multi-stop overdimension permit—\$20.00 (Farm Implements Only);
4. Single trip overweight permits up to one hundred fifty-two thousand, (152,000) pounds gross weight—\$12.00 plus \$15.00 per each ten thousand (10,000) pounds in excess of legal gross weight;
5. Single trip overweight permits in excess of one hundred fifty-two thousand (152,000) pounds gross weight—\$12.00 plus \$15.00 per each ten thousand (10,000) pounds in excess of legal gross weight plus bridge and roadway analysis fee of \$350.00 for each permit for moves from 0-50 miles in length; \$550.00 for 51-200 miles; \$750.00 for over 200 miles (see subsection (15)(E)).
6. Annual emergency overweight permit (round trip)—\$500.00—(fee will be prorated quarterly);
7. Annual overdimension permit—\$100.00 (fee will be prorated quarterly);
8. Annual overweight well drillers' blanket permit—\$250.00 (fee will be prorated quarterly);
9. Thirty (30)-day blanket permit—\$25.00;
10. Project permit—\$100.00;
11. Highway crossing permit—\$200.00; and
12. Non-Commercial Building movement (in excess of routine dimensions)—\$12.00 plus \$200.00 movement feasibility fee.
13. Blanket permit license transfer fee—\$10.00 (transfer of license plates to another vehicle) Original permit shall be rendered void and returned to Missouri Department of Transportation, Motor Carrier Services Unit, OD/OW Permit Office, 3348 American Drive, P.O. Box 270, Jefferson City, MO 65102.

(F) Fees will not be required for permits covering the movement of vehicles owned and operated by governmental subdivisions or agencies.

(G) Permits may be applied for at the locations listed in (4)(H) and permits will be issued during regular business hours of 7:30 a.m. to 4:00 p.m. Monday through Friday except holidays listed in section (1)(I)1. Telephone applications are accepted from 7:30 a.m. until 3:45 p.m. at 800-877-8499 or 573-751-2871 Monday through Friday except holidays listed in Section 1. Electronic modem applications are also available and may be made from 7:00 a.m. until 9:00 p.m.

(H) Office locations for Missouri Department of Transportation:

Motor Carrier Services Unit, OD/OW Permit Section, 3348 American Drive P.O. Box 270, Jefferson City, MO 65102 800-877-8499 or 573-751-2871;

District 1—3602 North Belt Highway, Box 287, St. Joseph, MO 64502 (816) 387-2350;

District 2—U.S. Route 63, P.O. Box 8, Macon, MO 63552 (660) 385-3176;

District 3—Highway 61 South, P.O. Box 1067, Hannibal, MO 63401 (573) 248-2490;

District 4—5117 East 31st Street, Kansas City, MO 64128 (816) 889-3350;

District 5—1511 Missouri Boulevard, P.O. Box 718, Jefferson City, MO 65102 (573) 751-3322;

District 6—1590 Woodlake Drive, Chesterfield, MO 63017-5712 (314) 340-4100;

District 7—3901 East 32nd Street, P.O. Box 1445, Joplin, MO 64802 (417) 629-3300;

District 8—3025 E. Kearney, P.O. Box 868, Springfield, MO 65801 (417) 895-7600;

District 9—910 Springfield Road, P.O. Box 220, Willow Springs, MO 65793 (417) 469-3134;

District 10—201 North Main Street, P.O. Box 160, Sikeston, MO 63801 (573) 472-5333.

(I) All types of permits may be picked up at any of the permit office locations. The permit fee is payable prior to the issuance of the permit. Annual blanket permits may be picked up in person or transmitted by mail only by the Motor Carrier Services Unit in Jefferson City (see section (7)).

(J) Pre-issued permits are issued by telephone by the Motor Carrier Services Unit in Jefferson City only (see section (5)).

(K) All permits, except pre-issued and blanket permits, may be transmitted by facsimile machine from the Motor Carrier Services Unit location in Jefferson City only. The transmission is made to any of the district locations or one of the receiving stations which have been approved by the Missouri Department of Transportation. Department facsimile transmission costs and telephone costs are included in the permit fee (see subsection (4)(E)). The following requirements and procedures apply for facsimile transmissions:

1. The facsimile receiving equipment must be fully automatic which may require a dedicated telephone line with unattended operation capabilities; and

2. Proper arrangement for payment of permit fee must be made either by use of escrow accounts, which must be in effect prior to permit application request (see section (6)), or by payment of the fee at the time of application. Permits cannot be received by computer, retransmitted by facsimile or modified from its original form. Upon request, receiving stations may be required to copy a message to confirm legibility of permits and mail it to the Missouri Department of Transportation, Motor Carrier Services Unit, OD/OW Permit Section, 3348 American Drive, P. O. Box 270, Jefferson City, MO 65102. Failure to comply with required procedures will result in cancellation of the privilege of receiving permits by facsimile transmission.

(5) Pre-issued Permits.

(A) Pre-issued permits may be requested for the purpose of transporting loads which are overdimension only with a maximum width of twelve feet four inches (12'4"). Travel under pre-issued permits must be completed in five (5) days. To obtain pre-issued permits, contact the Missouri Department of Transportation, Motor Carrier Services Unit, OD/OW, Permit Section, 3348 American Drive, P. O. Box 270, Jefferson City, MO 65102 for an application for pre-issued permits.

(B) The "Pre-issued Permit Form" is prepared in blocks of five (5) and sold for twelve dollars (\$12.00) for each permit in accordance with section (4).

(C) The applicant's name and complete address will be preprinted on each pre-issued form and the notation "Pre-Issued Form" typed in the upper left-hand corner.

(D) To place a pre-issued permit form into effect, the applicant is to call the Missouri Department of Transportation, Motor Carrier Services Unit, OD/OW Permit Section, 3348 American Drive, P.O. Box 270, Jefferson City, Missouri, 65102, at the number listed on the form and provide the necessary information to complete the form. This additional information is to be typed or placed on the form in ink in a legible manner by the applicant. Changes or eraser marks voids the permit. Movement may then be made under provisions of the permit and all other applicable Missouri permit regulations.

(E) Upon completion of a move, the original pre-issued permit shall be returned immediately to the Missouri Department of Transportation, Motor Carrier Services Unit, OD/OW Permit Section, 3348 American Drive, P. O. Box 270, Jefferson City, MO 65102, and mailed not later than eight (8) hours after the completion of the move. Should the permit not be used, it is to be returned to the same office and mailed not later than eight (8) hours after its assigned expiration date.

(F) Violation of or abuse of the privilege for obtaining pre-issued permits will result in immediate termination of such privilege and require relinquishment of all unused blank permit forms. No refunds will be made for any permit voided by the termination of pre-issued permit privileges.

(G) Pre-issued permit forms are non-transferable, are not to be reproduced and no refunds will be made for pre-issued forms voided, canceled, relinquished, stolen or lost. Upon written request, an account may be closed and the unused balance processed for a refund. All unused pre-issued permits must be returned to the Missouri Department of Transportation, Motor Carrier Services Unit, OD/OW Permit Section, 3348 American Drive, P.O. Box 270, Jefferson City, MO 65102 with the written request to close the account.

(6) Escrow Accounts.

(A) An escrow account may be established with the Missouri Department of Transportation in lieu of paying for each permit when it is issued. The following conditions govern the establishment and maintenance of escrow accounts:

1. An escrow account may be applied for by submitting an application supplying all the necessary information. Applications may be obtained from the Missouri Department of Transportation, Motor Carrier Services Unit, OD/OW permit section, 3348 American Drive, P.O. Box 270, Jefferson City, MO 65102.

2. Upon approval of application, the applicant will be assigned an account number that must be given with each application. The account holder is responsible for all charges filed against the account;

3. The Motor Carrier Services Unit in Jefferson City issues quarterly statements showing charges, deposits and account balance.

4. The account holder may replenish his/her escrow account at any time. However, deposits shall be made in multiples of one hundred dollars (\$100.00); and

5. An escrow account will remain open as long as there is a positive balance. Upon written request, an account may be closed and the unused balance processed for a refund.

(B) It shall be the responsibility of the account holder to maintain records for his/her knowledge of the balance remaining in his/her account. In the event there is a difference between the account holder's records and the department's records, a letter stating the difference shall be the basis for review and adjustment. The department's decision shall be final.

(C) The escrow account is available for all types of overdimension and overweight permits. The escrow account is non-transferable and

shall be used for the payment of permit fees only. The account shall be reduced by the fee amount for each permit issued.

(7) Blanket Permits. Blanket permits may be issued for specific moves up to twelve feet four inches (12'4") in width and one hundred fifty feet zero inches (150'0") in overall length. Height and weight shall be in accordance with Chapter 304, RSMo. The fee schedule for blanket permits is outlined in subsection (4)(E). Separate permits are required for each power unit. To qualify for an annual blanket permit, insurance must be in force for the entire period (see section (2)) and vehicles must be properly licensed. Annual blanket permits are issued only by the Missouri Department of Transportation, Motor Carrier Services Unit, OD/OW Permit Section, 3348 American Drive, P. O. Box 270, Jefferson City, MO 65102. All annual permits will have an expiration date of December 31. Violation of a blanket permit shall be cause for revocation of the current blanket permit and may result in loss of the privilege of obtaining future blanket permits. Blanket permit moves shall be made in accordance with all other regulations and requirements. The permittee is required to obtain current travel restrictions prior to movement with blanket permits.

(A) Applications for blanket permits will be considered for manufactured and sectional home units, farm implements, farm products (hay), road-building equipment, soil-conservation equipment, implements of husbandry, repeated moves of like objects with similar dimensions and governmental agencies. These permits authorize travel over state-maintained highways only. Movement from origin to destination must be by the most feasible direct route. Under all conditions, safety considerations, bridge loading and clearance postings must be complied with. Permittee must properly warn traffic, adjust speed, and if necessary, stop traffic when crossing bridges where the load exceeds one-half (1/2) the roadway width of the bridge. Travel over structures, on which load limits are posted for lesser weights, is not allowed. Permittees traveling on interstate highways must maintain the posted minimum speed.

1. Manufactured and sectional home units. Annual blanket permits are available for the movement of manufactured and sectional home units up to twelve feet four inches (12'4") in width and one hundred fifty feet (150') in overall length. Height and weight shall be legal.

2. Farm implements, farm products (hay), road-building equipment, soil-conservation equipment. Annual blanket permits are available for these moves up to twelve feet four inches (12'4") in width. All other dimensions and weight shall be legal. Farm implements or equipment not designed for towing at highway speeds must be hauled. If the equipment is designed to be towed, it shall meet all regulatory safety requirements. Permittees shall comply with all existing Missouri overdimension permit regulations. Farm products (hay) will not be required to comply with the reducible load requirement. For road-building or soil-conservation equipment, the permit shall specify make, model and serial number of the listed equipment.

3. Implements of husbandry and transporting vehicle. Annual blanket permits are available for movement up to 12'4" in width. All other dimensions and weight shall be legal. Implements of husbandry are machines designed specifically for the application of commercial plant-food materials or agricultural chemicals and off-road usage. Such units shall not operate under own power on the interstate system.

4. Repeated moves of like objects. Annual blanket permits for the movement of specific nonreducible commodities may be issued to a maximum width of twelve feet four inches (12'4") and/or overall length up to a maximum of one hundred fifty feet (150'). Height and weight shall be legal. The following items may be considered: boats, portable buildings, wood trusses, steel trusses, plates, beams, angles, pipe or piling, reinforcing steel mesh, rods or bars, tanks, mobile office trailers, grain carts, cotton trailers,

park trailers, precast concrete panels, aluminum plates, wood beams and concrete girders. The permit will describe and specify the object to be hauled and is not intended for and will not be issued for machinery. A blanket permit may be issued for the repeated movement of objects for permanent use in their transported form. Such objects may vary in size as long as the largest is within the width and/or length limit specified on the permit. Multipiece loads must be nonreducible and nondivisible in dimension; and

5. Governmental agencies. Annual blanket permits may be issued to a governmental division, subdivision or agency for the transporting of equipment for reasons clearly in the public interest, up to twelve feet four inches (12'4") in width. All other dimensions and weight shall be legal. The permit shall specify make, model and serial number of the listed equipment. If the equipment is designed to be towed, it shall meet all regulatory safety requirements. Permits for emergency situations will be considered according to section (12).

(B) Blanket permits are also available for items that may be overdimension or overweight with varying operation areas and time periods. These blanket permits may be issued as explained in the following paragraphs:

1. Thirty (30)-day blanket. Blanket permits up to twelve feet four inches (12'4") wide and/or overall length up to one hundred fifty feet (150') covering specified travel over listed routes may be issued for a period not exceeding thirty (30) days to expedite construction or repair of public utilities, or public works, clearly in the public interest.

2. Annual water well-drilling blanket. Annual blanket permits for water well-drilling rigs may be issued to a maximum width of twelve feet four inches (12'4"), and/or overlength to a maximum of sixty feet (60') for single units and weights not to exceed twenty thousand (20,000) pounds or legal weight on a single axle, forty thousand (40,000) pounds on a tandem axle group or sixty thousand (60,000) pounds on a triple or quadrum axle group and a gross weight not to exceed the maximum allowable gross weight according to the number of axles and the specified axle spacings as shown on the weight table in section 11(G). Equipment classified for use in water well drilling work is a single unit designed primarily to drill water wells. The unit shall be reduced in dimension as much as practical. Drill bits and other necessary drilling tools may be carried with the drill rig provided the permitted axle and gross vehicle weight are not exceeded. The permit authorizes travel over state-maintained highways only and must be able to maintain minimum speed on the interstate system. Travel over bridge structures on which a load limit is posted for lesser weights is not allowed.

3. Emergency response blanket. Annual blanket permits for the initial response and direct return from an emergency are available up to 12'4" in width, 150' in length and maximum axle weights and gross weight as allowed in section (11). Height shall be legal. This permit authorizes travel over state-maintained highways only. Travel over bridge structures on which a load limit is posted for lesser weight is not allowed. The restriction prohibiting travel at night and holidays or holiday weekend periods will be waived for the initial response to the emergency site. Clearance lights in lieu of flags and reflectorized oversize load signs are required for night travel. See section (12) for additional procedures for emergency travel.

4. Public utility. Annual blanket overlength permits not exceeding one hundred fifty feet (150') in length, (width, height and weight must be legal) may be issued to a public utility company, a public agency or their contractor to transport poles or pipe for minor construction, reconstruction, replacements or emergency repairs. Such permits will be issued for each power unit to travel from the nearest available pole or pipe storage yard. The restriction prohibiting travel at night and holidays or holiday weekend periods will be waived for emergency repairs. Clearance lights

in lieu of flags and reflectorized oversize load signs shall be used for emergency night movement (see subsection (12)(I)).

5. Sludge disposal units. Annual blanket permits are available for travel on all state maintained highways other than the interstate and shall not exceed 11'6" in width. All other dimensions and weight shall be legal.

6. Overlength semi-trailer. Annual blanket permits are available for the movement of semi-trailers up to fifty-eight feet (58') in length. All other dimensions and weight shall be legal. Operation is limited to the interstate and designated truck routes plus ten (10) miles therefrom with origin or destination within the state. When in combination with a power unit the distance between the fifth wheel kingpin and the center of the rearmost semi-trailer axle shall not exceed forty-five feet six inches (45'6").

7. Projects. Blanket permits are available for the movement and/or operation of overdimension and overweight road-building equipment within the limits of a specific highway project, or combination of projects, for a period not to exceed the completion date of that project. The permittee shall coordinate movement and/or operation necessity and procedures with the project engineer and collectively submit a permit application containing all pertinent information to include any special or unusual circumstances with a recommendation to the Missouri Department of Transportation, Motor Carrier Services Unit, OD/OW Permit Section, 3348 American Drive, P. O. Box 270, Jefferson City, MO 65102.

8. Longer Combination Vehicles (LCV) blanket permits. Combinations defined as Rocky Mountain Doubles (RMD), Turnpike Doubles (TPD), and Triple-trailers currently allowed to operate on turnpikes in other states. Annual blanket permits are available for longer combination vehicles up to one hundred twenty feet (120') in overall length to travel to and from locations within 20 miles of the western border. All other dimensions and weight shall be legal. This permit authorizes travel over specified routes.

(8) Escorts and Flaggers. It is the responsibility of the permittee to see that escorts which accompany their moves, adhere to these regulations in addition to the regulations specifying when escorts and flaggers are required, as listed in sections (9), (13) and (14);

(A) An "escort" is defined as a vehicle with operator which accompanies oversize moves to serve as a warning to other traffic that extra caution is required. Operators of escort vehicles must obey all traffic laws and shall be at least 18 years of age;

(B) The escort vehicle must be a properly licensed single unit vehicle of standard size with unobstructed vision to the front and rear and in safe operating condition. The unit may be an automobile, pickup truck, utility vehicle, station wagon or equivalent;

(C) Minimum financial responsibility such as automobile personal injury liability in the amounts of fifty thousand dollars (\$50,000) each person, two hundred thousand dollars (\$200,000) each accident, and property damage liability in the amount of fifty thousand dollars (\$50,000) or a combined single limit liability in the amount of two hundred fifty thousand dollars (\$250,000) is required on the escort vehicle. It is the responsibility of the permittee to see that this is in force;

(D) Oversize load signs shall be displayed on the front and/or rear of the escort vehicle, whichever is applicable for the move. A sign mounted on the top of the vehicle with printing on both sides is acceptable. Signs are to be a minimum size of five feet (5') long by one foot (1') high with minimum eight inch (8") high letters. The sign's background shall be yellow with black lettering and visible for at least three hundred feet (300'). The legend shall read "OVERSIZE LOAD";

(E) Escort vehicles are to be equipped with at least two (2) red or orange fluorescent warning flags mounted on a staff at the two (2) front extremities of the vehicle for a front escort and at the rear extremities for a rear escort. The escort vehicle for overweight loads (see subsection (9)(H)(3)) shall have a vertical clearance detection device and have direct communication with the power

unit. Flags used for flagging and on permit vehicles shall be clean, red or orange fluorescent warning flags, in good condition, with no advertising or wording and be at least eighteen inches (18") square; and

(F) Flaggers are required as outlined in subsection (9)(J). Flaggers shall have proper training in directing traffic and must be courteous, alert and have a high sense of responsibility for the safety of all concerned.

(9) Regulations for All Permits. The following regulations apply to all movements of overdimension and/or overweight loads except as stipulated in sections (7), (11), (12), (13), (14), (15), and (16):

(A) The permit must accompany the move until the move is completed;

(B) Travel is limited to one-half hour before sunrise to one-half hour after sunset, except as permitted in subsection (9)(E) of this rule and sections (7), (11), (12), (13), and (14). No movement is allowed when road conditions are hazardous, such as snow and ice covered or when hazardous cross winds affect the movement or when weather conditions are such to limit the visibility to less than five hundred feet (500');

(C) No movement is allowed during specified holiday periods listed in section (1);

(D) No movement is allowed on Saturdays and Sundays in the Lake of the Ozarks and Branson areas as follows:

1. Lake of the Ozarks Area—restriction applies June 1st through Labor Day (first Monday in September);

A. Route 54—between the junctions with Routes 52 east and AA in Camden County.

B. Route 5—between the junction with Route 54, northerly to Gravois Mills.

C. Route 42—between the junctions with Routes 54 and 134.

D. Business 54—between the east and west junctions with Route 54;

2. Branson Area—restriction applies June 1st through October 31st;

A. Route 76—between the junctions with Routes 13 and 160.

B. Route 13—between Reeds Spring and junction with Route 86 west; and

3. The restrictions mentioned in subsection (9)(D) will include all intersecting routes within a distance of ten (10) miles, with the exception of Route 65 in the Branson area, which is NOT restricted.

(E) For safety and to reduce traffic congestion, Monday through Friday travel in the metropolitan areas of St. Louis, St. Charles, Kansas City and Springfield is restricted as follows: (The metropolitan area curfews indicated in subsection (9)(E) do not apply to loads that are overweight only.)

1. St. Louis City and County, with the exception of route 370, is restricted between the hours of 6:30 a.m. to 9:00 a.m. and 3:30 p.m. to 6:30 p.m.;

2. St. Charles County on I-70, eastbound travel between the Jct. with route 61 and the Missouri River Bridge is restricted from 6:30 a.m. to 9:00 a.m. and I-70 westbound between the Missouri River Bridge and the Jct. with route 61 is restricted from 3:30 p.m. to 6:30 p.m.; route 40/61 (both directions) between the Missouri River Bridge and I-70 and route 94 (both directions) between route 370 and route 40/61 are restricted from 6:30 a.m. to 9:00 a.m. and 3:30 p.m. to 6:30 p.m.;

3. Jefferson County on I-55 (both directions) between the St. Louis County Line and route 67; route 21 and route 30 (both directions) between St. Louis County Line and route BB; route 141 (both directions) between the St. Louis County Line and route 61/67 is restricted between the hours of 6:30 a.m. to 9:00 a.m. and 3:30 p.m. to 6:30 p.m.;

4. In the Kansas City area on the routes or inside of the area bounded by routes 150, 291, I-470, 291, 152 west, to I-435 (Platte county) exit 24 south to the Kansas state line, travel is restricted between the hours of 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.; and

5. Inside the city limits of Springfield, travel is restricted between the hours of 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m., except on I-44 and route 65.

(F) Movements of major equipment or other special loads for short distances with origin and destination within major urban areas may be permitted between the hours of 1:00 a.m. and 6:00 a.m. Monday through Friday, except for these time periods on and immediately following a holiday period and on Sunday from 1:00 a.m. to 12:00 noon, except where this time conflicts with a holiday period. Such movements must be pre-planned and all protection must be provided for the safety of the public as follows:

1. Required signing must be lighted or reflectorized. Amber lights at the extreme ends or projection of the load or vehicle must be provided in lieu of flags; and

2. Additional escorts over the standard requirements may be required dependent on the complexity or size of the movement;

(G) Maximum speed for all moves shall be ten (10) miles per hour less than the posted speed limit unless otherwise specified on the permit. Movements over routes where minimum speed limits are posted shall operate at least at the minimum speed posted;

(H) Escort requirements are as follows:

1. Overwidth. No escort is required for loads up to and including twelve feet four inches (12'4") in width. Escort requirements for loads exceeding twelve feet four inches (12'4") in width are in sections (13), (14), (15) and (16);

2. Overlength. A rear escort is required for movements when the vehicle and load exceed ninety feet (90') for a combination unit on all highways except divided highways and as required in sections (12) and (15); and

3. Overheight. A height detection vehicle is required to precede overheight loads exceeding fifteen feet six inches (15'6"). The height detection vehicle shall have a vertical clearance detection device and have direct communication with the power unit; and

4. Special escort requirements may be specified whenever the size, speed or operation of movement may require. A separate escort shall be provided for each load and travel in convoy is not allowed.

(I) Front escorts shall travel approximately three hundred feet (300') in front of the load and rear escorts approximately three hundred feet (300') to the rear of the load. In heavy traffic or when traveling within cities or towns, the escort vehicle should maintain a distance consistent with existing traffic conditions; and

(J) Flagging is required whenever the dimensions of overwidth loads are equal to or exceed the width of the traveled lane on two (2) lane bridges or whenever the movement is of such width or length that it infringes on the adjacent lane of traffic. The operator of the escort vehicle may act as the flagger. On shorter bridges it may not be necessary to actually stop traffic if sight distance is good, but on longer bridges or where sight distance is short, a flagger must be used to direct traffic and be prepared to stop traffic if necessary. A flagger is also required if the permitted vehicle and load must stop due to a breakdown with all or part infringing on the traveled roadway. Additional traffic control may be required for large complex moves. All traffic control devices shall meet the requirements listed in the Manual on Uniform Traffic Control Devices (MUTCD) published by the Federal Highway Administration (FHWA).

(10) Regulations for Overdimension Permits. In addition to the regulations in sections (7), (9), (13), (14), (15), and (16); the following applies to all overdimension permits:

(A) Red or orange fluorescent flags in good condition with a minimum size of eighteen inches (18") square shall be displayed at the extreme ends or projections of all overwidth and overlength loads, and all four (4) corners of manufactured and sectional home units. Oversize load signs at least seven feet (7') long by eighteen inches (18") high with ten inch (10") letters of one and five-eighths inch (1-5/8") stroke shall be displayed front and rear for loads exceeding ten feet six inches (10'6") in width on all highways and when the overall length of a combination unit exceeds ninety feet (90') or the overall length of a single unit exceeds fifty feet (50') an oversize load sign is required on the rear of the load. The sign's background shall be yellow with black lettering. The legend for these signs shall read "OVERSIZE LOAD";

(B) The following Missouri and Mississippi River bridges, may be used for the movement of loads in excess of ten feet six inches (10'6") in width. If the load exceeds one-half (1/2) the width of the roadway on the two (2)-lane bridges, a flagger must be used to stop all oncoming traffic at the far end of the structure before the vehicle and load can proceed across. No movement will be allowed where flagging is necessary between the hours of 6:30 to 9:00 a.m. and 3:00 to 6:00 p.m.

MISSOURI RIVER BRIDGES

| Location | Route | Roadway Width |
|-------------|-------|---------------|
| Brownsville | 136 | 22'6" |
| Rulo | 159 | 20'0" |
| St. Joseph | 36 | Dual Lanes |
| Atchison | 59 | 24'0" |
| Leavenworth | 92 | 26'0" |

Kansas City Area

| | | |
|------------------|-----------|--------------|
| Platte County | I-435 | Dual Lanes |
| Riverside | I-635 | Dual Lanes |
| Fairfax | 69 | Dual Bridges |
| Broadway | 169 | Dual Lanes |
| Heart of America | 9 | Dual Lanes |
| Paseo | I-29/I-35 | Dual Lanes |
| Randolph | I-435 | Dual Lanes |
| Liberty | 291 | 24'0" |
| Waverly | 65/24 | 20'0" |
| Miami | 41 | 22'0" |
| Boonville | 5 | 44' |
| Glasgow | 240 | 20'3" |
| Rocheport | I-70 | Dual Lanes |
| Jefferson City | 63/54 | Dual Bridges |
| Washington | 47 | 22'0" |
| St. Charles | I-70 | Dual Bridges |
| St. Charles | 370 | Dual Lanes |
| Weldon Springs | 40/61 | Dual Bridges |
| West Alton | 67 | Dual Lanes |

MISSISSIPPI RIVER BRIDGES

| Location | Route | Roadway Width |
|--------------------------------|-------|------------------------------|
| Hannibal | 36 | 22'0" |
| Louisiana | 54 | 20'0" |
| Quincy, Illinois | 24 | Dual Bridges |
| Alton, Illinois | 67 | Dual Lanes |
| St. Louis (Chain of Rocks) | I-270 | Dual Lanes |
| St. Louis (Jefferson Barracks) | I-255 | Dual Bridges |
| Chester, Illinois | 51 | 22'0" |
| Cape Girardeau | 74 | 20'0" (NO OVER-WEIGHT LOADS) |
| Cairo, Illinois | I-57 | Dual Lanes |

Caruthersville I-155 Dual Lanes
No permit movement on the following Mississippi River Bridges

| Location | Route |
|-----------------|-------------------------------------|
| St. Louis | I-70/I-55/I-64—Poplar Street Bridge |
| Cairo, Illinois | 60/62 |

No permit movement exceeding 10'6" in width on the following Missouri River Bridges

| Location | Route |
|-----------|-------|
| Lexington | 13 |
| Hermann | 19 |

(C) Overlength permits shall be limited to a nonreducible vehicle and load with an overall length for a single unit not exceeding sixty feet (60') and for combination units not exceeding one hundred fifty feet (150'). Steering mechanisms may be required on rear axles of combination units;

(D) Overheight permits for all movements will be limited to a nonreducible combination of vehicle and load height not exceeding the vertical clearance of the structures on the most feasible direct route between origin and destination. Arrangements for the raising or removal of overhead lines will be the responsibility of the permittee. It is also the responsibility of the permittee to check all structures and overhead wires for clearances before movement;

(E) The movement of non commercial buildings exceeding routine special permit dimension limitations will be determined on an individual basis dependent on building size, roadway and structure width and clearances, traffic volumes and other applicable factors. Permits for movement of such buildings shall be issued by the district offices (see section (16)); and

(F) Movement of farm products up to, but not exceeding, fourteen feet (14') in width will be allowed by permit. These movements must comply with all existing Missouri overdimension and overweight permit regulations except reference to reducible loads in subsection (1)(B) shall not apply. The hauling unit must be properly licensed.

(G) Night movement for hauling hay up to fourteen feet (14') in width will be allowed by single trip permit. This movement will require a front and a rear escort on all two (2)-lane and multi-lane undivided highways. A rear escort is required on interstate and other dual lane divided highways. Oversize load signs are required and shall be lighted or reflectorized. Clearance lights in lieu of flags shall be mounted at extreme ends or load projections when moving after daylight hours and/or when visibility is less than 500'. Two way communication is required between the power unit and all escort vehicles. Movement is restricted for urban and tourist areas as outlined in section (9)(D) and (9)(E). Movement is restricted for holiday periods as outlined in section (1)(I).

(11) Regulations for Overweight Permits. The following regulations apply to routine overweight permit moves to transport nonreducible and nondivisible loads (see section (15) for super heavy and large load movement):

(A) Overweight permits may specify maximum and minimum speeds and method of vehicle operation to reduce hazards or control impact factors and load distribution on pavements and bridges. Overweight loads moving with routine hauling unit configurations, not overdimensional and not exceeding the gross weight limit as listed in subsection (C), will be granted day and night movement except travel during holiday and holiday weekend periods as listed in subsection (1)(I) and except for movement in metropolitan and tourist areas listed in subsection (9)(E). All movements authorized under overweight permits will be over specified routes only.

(B) Axles included in tandem axle, triple axle or quadrum axle groups on all hauling units shall be equipped with dual wheels or equivalent tread width.

DEFINITIONS:

1. The term "axle" shall mean a common axis of rotation of one or more wheels whether power-driven or freely rotating, and regardless of the number of wheels carried thereon; and

2. The term "axle group" shall mean an assembly of two or more consecutive axles considered together in determining their combined load effect on pavement or structures. Axle groups must have a common equalization system which will equalize the load between or among axles in both static and dynamic conditions. Any combination of mechanically equalized axles with either air suspension or any other suspension system used to form axle groups is not allowed; and

3. The term "spread axles" shall mean two (2) axles which are more than ninety-six inches (96") apart and are considered single axles; and

4. The term "tandem axle" shall mean a group of two (2) or more axles arranged one behind another, where the distance between the extreme centers is more than forty inches (40") and not more than ninety-six inches (96") apart; and

5. The term "triple axle or tridem" shall mean a group of three (3) axles which are fully equalized, automatically or mechanically and the distance between the centers of the extreme is more than ninety-six inches (96") and not more than one hundred forty-four inches (144"); and

6. The term "quadrum axle" shall mean a group of four (4) axles which are fully equalized automatically or mechanically, the distance between each of the four (4) axles is evenly spaced and the distance between the centers of the extreme is not more than one hundred ninety-two inches (192"); and

7. The term "lift axle" shall mean any axle designed with the capabilities of manipulation or adjustment of the weight on it or the axle group by use of manual valve(s). Under no circumstances will "lift axles" be recognized in weight computations. An additional axle may be added to an existing axle group provided:

- a. All axles have a common equalization system; and
- b. All equalization is accomplished with automatic valves;

and

- c. Axle lifting mechanism is located outside the cab, not readily accessible to driver; and

8. The term "booster axle" shall mean an extension of a hauling unit which when attached to the trailer adds a single axle or tandem axle group. A booster axle is acceptable provided the distance of the center of the rearmost trailer axle to the center of the first booster axle is at least fourteen feet (14') but not more than twenty feet (20') and the axle connects to the vehicle frame in such a manner as to equalize the load between axles.

(C) The allowable combination configurations for overweight special permits are as follows:

5-Axle Configurations

Single-Tandem-Tandem (1-2-2)

Single-Tandem-Spread (1-2-2)

Minimum distance between the centers of the first and last axles is 51 feet.

Maximum gross weight allowed on a 5 axle configuration is 92,000 pounds.

6-Axle Configurations

Single-Tandem-Triple (1-2-3)

Single-Triple-Tandem (1-3-2)

Minimum distance between the centers of the first and last axle is 43 feet.

Maximum gross weight allowed on a 6 axle configuration is 112,000 pounds.

7-Axle Configurations

Single-Triple-Triple (1-3-3) (Routine Configuration)

Single-Tandem-Triple-Single Booster (1-2-3-1)

Single-Triple-Tandem-Single Booster (1-3-2-1)

Single-Tandem-Tandem-Tandem Booster (1-2-2-2)

Minimum distance between the centers of the first and last axle is 55 feet. (Routine Configuration)

Booster Axle (Tandem or Single) requires a minimum distance between the centers of the last trailer axle and the first booster axle:

Minimum of 14'

Maximum of 20'

Minimum distance between the centers of the first and last axle is 69 feet for the Booster Configurations.

Maximum gross weight allowed on a 7 axle configuration is 132,000 pounds.

8-Axle Configurations

Single-Triple-Quad (1-3-4) (Routine Configuration)

Single-Triple-Triple-Single Booster (1-3-3-1)

Single-Triple-Tandem-Tandem Booster (1-3-2-2)

Minimum distance between the centers of the first and last axle is 61 feet. (Routine Configuration)

Booster Axle (Tandem or Single) requires a minimum distance between the centers of the last trailer axle and the first booster axle:

Minimum of 14'

Maximum of 20'

Minimum distance between the centers of the first and last axle is 75 feet for the Booster Configurations.

Maximum gross weight allowed on the 8 axle Routine Configuration is 132,000 pounds.

Maximum gross weight allowed on an 8 axle configuration is 152,000 pounds for Booster Configurations.

9-Axle Configurations

Single-Triple-Quad-Single Booster (1-3-4-1)

Single-Triple-Triple-Tandem Booster (1-3-3-2)

Booster Axle (Tandem or Single) requires a minimum distance between the centers of the last trailer axle and the first booster axle:

Minimum of 14'

Maximum of 20'

Minimum distance between the centers of the first and last axle is 75 feet.

Maximum gross weight allowed on a 9 axle configuration is 152,000 pounds.

(D) The maximum allowable axle weights for special permits are as follows:

1. Single axle—20,000 pounds;
2. Tandem Axle Group—40,000 pounds but not more than 21,000 pounds for any one (1) axle of a multi-axle group;
3. Triple axle group—60,000 pounds but not more than 21,000 pounds for any one (1) axle of a multi-axle group;
4. Quadrum axle group—60,000 pounds but not more than 16,000 pounds for any one (1) axle of a quadrum axle group;

(E) Prior to issuing an overweight permit, the equalization system of the axle groups on the power unit and the trailer must be accepted by the Missouri Department of Transportation, Motor Carrier Services Unit, OD/OW Permit Section, 3348 American Drive, P. O. Box 270, Jefferson City, MO 65102. Detailed schematic drawings may be requested. It will be the responsibility of the applicant to contact the OD/OW Permit Office for approval or disapproval.

(F) When it is necessary to move specialized equipment, such as mobile cranes, rock crushers, drilling equipment or other equipment which cannot be reasonably reduced in weight to comply with legal weights, consideration will be given for a special permit for these moves. The applicant must first give assurance that the unit has been reasonably reduced in weight and dimension (exclusive of attachments that are an intricate part necessary for the operation of the machine and/or machine adjustments necessary for

weight distribution). After the weight has been reduced to a reasonable minimum, a special permit may be issued for weights not to exceed twenty thousand (20,000) pounds or legal weight on a single axle, forty thousand (40,000) pounds on a tandem axle, sixty thousand (60,000) pounds on a triple axle group or sixty thousand (60,000) pounds on a quadrum axle group. Axle and axle groups are defined in subsection (B)

(G) The maximum allowable gross weight in pounds shall be determined by the number of axles and the distance between the external axles as indicated in the following chart:

GROSS WEIGHT TABLE
Specialized Equipment 2 - 3 - 4 - 5 - 6 Axles

| <u>Feet</u> | <u>Legal Wt. 2 Axle</u> | <u>Permit Max. 2 Axle</u> | <u>Legal Wt. 3 Axle</u> | <u>Permit Max. 3 Axle</u> | <u>Legal Wt. 4 Axle</u> | <u>Permit Max. 4 Axle</u> | <u>Legal Wt. 5 Axle</u> | <u>Permit Max. 5 Axle</u> | <u>Legal Wt. 6 Axle</u> | <u>Permit Max. 6 Axle</u> |
|-------------|-------------------------|---------------------------|-------------------------|---------------------------|-------------------------|---------------------------|-------------------------|---------------------------|-------------------------|---------------------------|
| 4 | 34,000 | 40,000 | | | | | | | | |
| 8 | 34,000 | 40,000 | 34,000 | 42,500 | | | | | | |
| 9 | 39,000 | 40,000 | 42,500 | 53,125 | | | | | | |
| 10 | 40,000 | 40,000 | 43,500 | 54,375 | | | | | | |
| 11 | | | 44,000 | 55,000 | | | | | | |
| 12 | | | 45,000 | 56,250 | 50,000 | 62,500 | | | | |
| 13 | | | 45,500 | 56,875 | 50,500 | 63,125 | | | | |
| 14 | | | 46,500 | 58,125 | 51,500 | 64,375 | | | | |
| 15 | | | 47,000 | 58,750 | 52,000 | 65,000 | | | | |
| 16 | | | 48,000 | 60,000 | 52,500 | 65,625 | 58,000 | 72,500 | | |
| 17 | | | 48,500 | | 53,500 | 66,875 | 58,500 | 73,125 | | |
| 18 | | | 49,500 | | 54,000 | 67,500 | 59,000 | 73,750 | | |
| 19 | | | 50,000 | | 54,500 | 68,125 | 60,000 | 75,000 | | |
| 20 | | | 51,000 | | 55,500 | 69,375 | 60,500 | 75,625 | 66,000 | 85,260 |
| 21 | | | 51,500 | | 56,000 | 70,000 | 61,000 | 76,250 | 66,500 | 86,840 |
| 22 | | | 52,500 | | 56,500 | 70,625 | 61,500 | 76,875 | 67,000 | 88,420 |
| 23 | | | 53,000 | | 57,500 | 71,875 | 62,500 | 78,125 | 68,000 | 90,000 |
| 24 | | | 54,000 | | 58,000 | 72,500 | 63,000 | 78,750 | 68,500 | 91,500 |
| 25 | | | 54,500 | | 58,500 | 73,125 | 63,500 | 79,375 | 69,000 | 93,160 |
| 26 | | | 55,500 | | 59,500 | 74,375 | 64,000 | 80,000 | 69,500 | 94,740 |
| 27 | | | 56,000 | | 60,000 | 75,000 | 65,000 | 81,250 | 70,000 | 96,320 |
| 28 | | | 57,000 | | 60,500 | 75,625 | 65,500 | 81,875 | 71,000 | 97,900 |
| 29 | | | 57,500 | | 61,500 | 76,875 | 66,000 | 82,500 | 71,500 | 99,480 |
| 30 | | | 58,500 | | 62,000 | 77,500 | 66,500 | 83,125 | 72,000 | 101,050 |
| 31 | | | 59,000 | | 62,500 | 78,125 | 67,500 | 84,375 | 72,500 | 102,630 |
| 32 | | | 60,000 | | 63,500 | 79,375 | 68,000 | 85,000 | 73,000 | 104,210 |
| 33 | | | | | 64,000 | 80,000 | 68,500 | 85,625 | 74,000 | 105,790 |
| 34 | | | | | 64,500 | | 69,000 | 86,250 | 74,500 | 107,370 |
| 35 | | | | | 65,500 | | 70,000 | 87,500 | 75,000 | 108,950 |
| 36 | | | | | 66,000 | | 70,500 | 88,125 | 75,500 | 110,530 |
| 37 | | | | | 66,500 | | 71,000 | 88,750 | 76,000 | 112,110 |
| 38 | | | | | 67,500 | | 72,000 | 90,000 | 77,000 | 113,680 |
| 39 | | | | | 68,000 | | 72,500 | 90,625 | 77,500 | 115,260 |
| 40 | | | | | 68,500 | | 73,000 | 91,250 | 78,000 | 116,890 |
| 41 | | | | | 69,500 | | 73,500 | 91,875 | 78,500 | 118,420 |
| 42 | | | | | 70,000 | | 74,000 | 92,500 | 79,000 | 120,000 |
| 43 | | | | | 70,500 | | 75,000 | 93,750 | 80,000 | |
| 44 | | | | | 71,500 | | 75,500 | 94,375 | | |
| 45 | | | | | 72,000 | | 76,000 | 95,000 | | |
| 46 | | | | | 72,500 | | 76,500 | 95,625 | | |
| 47 | | | | | 73,500 | | 77,500 | 96,875 | | |
| 48 | | | | | 74,000 | | 78,000 | 97,500 | | |
| 49 | | | | | 74,500 | | 78,500 | 98,125 | | |
| 50 | | | | | 75,500 | | 79,000 | 98,750 | | |
| 51 | | | | | 76,000 | | 80,000 | 100,000 | | |
| 52 | | | | | 76,500 | | | | | |
| 53 | | | | | 77,500 | | | | | |
| 54 | | | | | 78,000 | | | | | |
| 55 | | | | | 78,500 | | | | | |
| 56 | | | | | 79,500 | | | | | |
| 57 | | | | | 80,000 | | | | | |

GROSS WEIGHT TABLE
Specialized Equipment with 7 - 8 - 9 Axles

| <u>Feet</u> | <u>Legal Wt. 7 Axle</u> | <u>Permit Max. 7 Axle</u> | <u>Legal Wt. 8 Axle</u> | <u>Permit Max. 8 Axle</u> | <u>Legal Wt. 9 Axle</u> | <u>Permit Max. 9 Axle</u> |
|-------------|-------------------------|---------------------------|-------------------------|---------------------------|-------------------------|---------------------------|
| 24 | 74,000 | 92,800 | | | | |
| 25 | 74,500 | 94,400 | | | | |
| 26 | 75,000 | 96,000 | | | | |
| 27 | 75,500 | 97,600 | | | | |
| 28 | 76,500 | 99,200 | | | | |
| 29 | 77,000 | 100,800 | | | | |
| 30 | 77,500 | 102,400 | | | | |
| 31 | 78,000 | 104,000 | | | | |
| 32 | 78,500 | 105,000 | | | | |
| 33 | 79,000 | 107,200 | | | | |
| 34 | 80,000 | 108,800 | | 108,800 | | |
| 35 | | 110,400 | | 110,400 | | |
| 36 | | 112,000 | | 112,000 | | |
| 37 | | 113,600 | | 113,600 | | |
| 38 | | 115,200 | | 115,200 | | |
| 39 | | 116,800 | | 116,800 | | |
| 40 | | 118,400 | | 118,400 | | |
| 41 | | 120,000 | | 120,000 | | |
| 42 | | 121,600 | | 121,600 | | |
| 43 | | 123,200 | | 123,200 | | 123,200 |
| 44 | | 124,800 | | 124,800 | | 124,800 |
| 45 | | 126,400 | | 126,400 | | 126,400 |
| 46 | | 128,000 | | 128,000 | | 128,000 |
| 47 | | 129,600 | | 129,600 | | 129,600 |
| 48 | | 131,200 | | 131,200 | | 132,800 |
| 50 | | 134,400 | | 134,400 | | 134,400 |
| 51 | | 135,520 | | 136,000 | | 136,000 |
| 52 | | 136,640 | | 137,600 | | 137,600 |
| 53 | | 137,760 | | 139,200 | | 139,200 |
| 54 | | 138,880 | | 140,800 | | 140,800 |
| 55 | | 140,000 | | 142,400 | | 142,400 |
| 56 | | | | 144,000 | | 144,000 |
| 57 | | | | 144,800 | | 144,800 |
| 58 | | | | 145,600 | | 145,600 |
| 59 | | | | 146,400 | | 146,400 |
| 60 | | | | 147,200 | | 147,200 |
| 61 | | | | 148,000 | | 148,000 |
| 62 | | | | 148,800 | | 148,800 |
| 63 | | | | 149,600 | | 149,600 |
| 64 | | | | 150,000 | | 150,000 |
| 65 | | | | 151,200 | | 151,200 |
| 66 | | | | 152,000 | | 152,000 |

If the specialized equipment exceeds the:

1. Allowable weight on an axle or axle group;
 2. Gross weight for the number of axles or
 3. Does not meet the required axle spacings for the number of axles
- the permit request will be considered according to the rules of section 15.

(12) Procedures for Emergency Movements.

(A) Railroad derailments and other civil disasters may create the necessity for an emergency movement by overdimension/overweight vehicles.

(B) Emergency movements into or within the state may be allowed day or night, seven (7) days a week by verbal agreement with one (1) of the following Missouri Department of Transportation representatives: special permit supervisor, motor carrier services administrator, assistant division engineer-bridge maintenance, division engineer-maintenance, assistant chief engineer, chief engineer or director.

(C) An official permit covering each emergency movement must be obtained on the first working day immediately following the move.

(D) Verbal authority for an emergency movement may be granted only after confirmation that an emergency exists by an authorized representative who will be required to furnish information on conditions at the location of the emergency and the name of the company to perform the emergency service.

(E) The Missouri Department of Transportation representative granting authority for an emergency movement will advise the Highway Patrol that the move is authorized and furnish information on the vehicle involved, such as make and license of hauling units, axle weights, load dimensions, location, routes of travel, and the estimated time of the movement. The restriction prohibiting travel at night and holidays or holiday weekend periods will be waived for the initial response to the emergency site.

(F) Permits for return trips may be issued during regular working hours only and each unit must comply with the permit regulations' limitations for weight and dimensions.

(G) Emergency movements are not exempt and will not be waived of the requirement to stop at weigh stations.

(H) Violations are not in the interest of public safety and any misrepresentation in the application, verbal request for a permit, or violation of the terms of the verbal authority for movement may result in denial of future authorizations being granted for an emergency move.

(I) Escort vehicles shall travel approximately three hundred feet (300') in front on two (2)-lane pavement or approximately three hundred (300') in rear on dual lane or multilane undivided pavement. Escort vehicles shall use clearance lights in lieu of flags and reflectorized oversize load signs when visibility is less than five hundred feet (500'). Escort vehicles will not be allowed to convoy movements.

(J) In addition to the special provisions contained herein, the permittee shall use clearance lights in lieu of flags at the extreme edges of an overwidth load and reflectorized oversize load signs mounted on the front and rear of the vehicle and load when visibility is less than five hundred feet (500') and shall observe all other Missouri overdimension and overweight permit regulations.

(K) The permittee shall be responsible for any damage to the roadway surface, shoulders, bridge structures or other highway facilities resulting from his/her operations.

(L) Blanket permits for emergency movements, if authorized, in lieu of verbal procedure, require special procedures in addition to those previously mentioned (see section (7)).

1. Such blanket permits will be valid only for the initial response to an emergency and the return trip from that emergency. Movement for purposes other than to or from an emergency response will require a single trip permit to be obtained during regular working hours and must comply with the permit regulations' limitations for weight and dimensions.

(13) Regulations for the movement of loads over twelve feet four inches (12'4") to fourteen feet (14') wide. The following requirements in addition to the requirements of overdimension and overweight permit regulations for movement of loads up to twelve feet

four inches (12'4") in width shall apply to all loads over twelve feet four inches (12'4") to fourteen feet (14') in overall width.

(A) Restrictions and Requirements. Bridge crossings may require stopping traffic on two (2)-lane highways where bridge width is less than twenty-eight feet (28'); a distance of at least one thousand feet (1000') between overdimension vehicles is required; escorts may act as flaggers.

1. Travel on interstate and other divided highways allowed from one-half (1/2) hour before sunrise to one-half (1/2) hour after sunset except where restricted in tourist and urban areas (see subsections (9)(D) and (9)(E)).

2. No movement from 6:30 a.m. to 9:00 a.m. and 3:30 p.m. to 6:00 p.m. on all other routes and no movement allowed on Saturday and Sunday in tourist areas (see subsection (9)(D)).

(B) Escort Requirements. One (1) escort required for each overdimension unit on the interstate and designated route system. This escort shall be in the rear on dual-lane, divided, or multilane pavement and in the front on two (2)-lane pavement. Travel on routes off interstate and designated-route system will require two (2) escorts (one (1) front and one (1) rear). Two-way communication required in the power unit and all escort vehicles.

(C) Applications and Permits. All permits will be one-way single trip.

(14) Regulations for the movement of loads over fourteen feet (14') to sixteen feet (16') overall width. The following requirements, in addition to the requirements of overdimension and overweight permit regulations for movement of loads up to twelve feet four inches (12'4") in width, shall apply to the movement of allowed loads. Farm products, lumber products, and earth-moving equipment shall not exceed fourteen feet (14') in width.

(A) Routes over which these loads will be considered are highways with pavement at least twenty-four feet (24') wide with at least four foot (4') shoulders and travel on routes of lesser width shall be for the shortest practical distance to complete the move, unless traffic volume, roadway alignment and/or other circumstances justify alternate routing.

1. Travel on interstate and other divided highways allowed from one-half (1/2) hour before sunrise to one-half (1/2) hour after sunset, except where restricted in urban areas (see subsection (9)(E)); and movement is limited to Monday through Friday except as prohibited by holiday restrictions (see subsection (1)(I)); and

2. Movement is further restricted from 6:30 to 9:00 a.m. and 3:30 to 6:00 p.m. on all other routes.

(B) Escort Requirements. One (1) escort is required in the rear on interstate and other divided highways. Two (2) escorts are required on all multilane undivided and two (2)-lane highways, one (1) front and one (1) rear. Two-way communication is required between the power unit and all escort vehicles.

(C) Additional Restrictions and Requirements.

1. No movement on two (2)-lane highways when dirt shoulders are wet.

2. Bridge crossing may require stopping traffic on two (2)-lane highways where bridge width is less than thirty-two feet (32'). A distance of at least one thousand feet (1,000') between overdimension vehicles is required; escorts may act as flaggers.

(D) All permits will be one-way single trip.

(15) Super Heavy and Large Load Movement. Loads in excess of routine permit limits will be considered according to the following regulations when air, rail or water terminal points are not available:

(A) All permit applications with dimensions or weights exceeding the routine limits of the preceding overdimension and overweight permit rule (generally in excess of sixteen feet (16') wide, sixteen feet (16') high, one hundred fifty feet (150') long and/or over one hundred fifty-two thousand (152,000) pounds gross weight) shall be submitted in writing by the applicant to the

Missouri Department of Transportation, Motor Carrier Services Unit, OD/OW Permit Section, 3348 American Drive, P. O. Box 270, Jefferson City, MO 65102. An application for this type of move is available on request. The applicant should allow at least two (2) weeks for a route evaluation. If any problems exist that may prevent the move from reaching its destination over state highways, the application will not be approved;

(B) The applicant may be required to provide a traffic control plan, sketches or additional information for complex moves. One (1)-lane for oncoming traffic must be open and clear for two (2)-lane highways and one (1)-lane for both oncoming and following traffic must be open on four (4)-lane highways. If open lanes cannot be provided, a detour may be proposed. All super heavy and large load moves shall have a front and a rear escort.

(C) If the loaded height exceeds seventeen feet five inches (17'5"), the applicant shall provide a written document from the appropriate utility company indicating approval to disturb aerial lines across the route.

(D) If it is necessary to adjust, modify or remove state owned property such as signal and sign mast arms, flashers, signs, etc., a qualified contractor approved by the Missouri Department of Transportation shall be hired by the applicant to perform the necessary adjustment or removal and replacement.

(E) Generally single axle loads will be limited to twenty-two thousand four hundred (22,400) pounds except the gross weight imposed upon any group of two (2) or more axles should be less than twenty-two thousand four hundred (22,400) pounds per axle if bridge structures are involved in the proposed routing. All axles on the hauling unit must be load carrying with a maximum degree of equalization. The Missouri Department of Transportation shall determine whether or not the hauling unit, number of axles and axle arrangements are acceptable. In all cases the maximum axle loads, gross weight and overall dimensions allowed will be determined by the chief engineer according to section 304.200, RSMo and/or the load carrying capacity of the roadway and structures on the proposed route.

(F) Before and after studies will be conducted of the highways and bridges transversed by the movement, and damage if any, shall be repaired at the expense of the permittee as directed by the Missouri Department of Transportation.

(G) For the purpose of moves under section (15), the applicant must have insurance in the amounts of five hundred thousand dollars (\$500,000) per person and one million dollars (\$1,000,000) per occurrence for bodily injury liability and five hundred thousand dollars (\$500,000) property damage liability or a combined single limit liability amount of one million five hundred thousand dollars (\$1,500,000) before a permit can be issued. The applicant shall provide evidence of such insurance satisfactory to the Missouri Department of Transportation before a permit will be issued.

(H) Approved applications will require full payment to the director of revenue, credit state road fund, by check or other suitable means of payment. The draft shall include payment of the permit fee and all evaluation fees. Roadway structures on the proposed route will be analyzed by the Missouri Department of Transportation to determine whether the move can be safely made. See section (4)(E)(5) for fee schedule.

(16) Non Commercial Building Movement

(A) Permits are available for the movement of non commercial buildings that exceed the established overdimension and overweight permit limits listed in these regulations. These permits are available from district offices listed in subsection (4)(H). These rules and regulations are not intended for the movement of commercial buildings or repeated movements of similar buildings.

1. Movement of a building that will not allow one-way traffic to pass the load will be limited to no more than one mile in length on the state highway system if the traffic volume on the proposed

route exceeds 500 vehicles per day. If the traffic volume is less than 500 vehicles per day, movement will be considered up to a distance of three miles on the state highway system.

2. Movement of a building greater than 16' in overall width that will allow one-way traffic to pass the load will be limited to no more than two miles on the state highway system if the traffic volume on the proposed route exceeds 2,000 vehicles per day. If the traffic volume is less than 2,000 vehicles per day, movement will be considered up to a distance of ten (10) miles on the state highway system.

3. The traveled distances listed in 1 & 2 above reflect the total miles of the move on the state highway system rather than miles allowed to move per attempt. Short segments of the state highway system may be used in a move provided the total mileage allowed on the state highway system is not exceeded. District Engineers may consider a longer travel distance if the entire move can be made during periods of lower traffic volumes listed in 1 and 2 above. Additional restrictions regarding travel during adverse weather conditions are at the discretion of the district engineer or his representative.

(B) The allowable overall height, width, length and time of travel shall be based on physical features and traffic volumes along the route. Bridges posted with a maximum weight limit of less than 40 tons should be avoided and will be analyzed for the type vehicle and load prior to receiving approval to cross that bridge. All axles on the hauling unit shall be load carrying with a maximum degree of equalization. The Missouri Department of Transportation shall determine whether or not the hauling unit, number of axles and axle arrangements are acceptable. When it is determined a bridge analysis is required, an additional fee will be charged to recover bridge analysis costs. See subsection (4)(E). Loads in excess of sixteen feet (16') in width may require a sketch displaying the side and rear view of the load with dimensions including any overhang.

(C) If the load is over 17'-5" high the applicant shall check all overhead clearance restrictions and provide written documentation from any involved utility company indicating approval to disturb aerial lines across the route. See section (9)(H)(3) for escort requirements. If it is necessary to adjust, modify, or remove state owned property such as signal and sign mast arms, flashers, signs, etc. a qualified contractor approved by Missouri Department of Transportation shall be hired by the applicant to perform the necessary adjustment or removal and replacement.

(D) For the purpose of moves under section (16) the applicant must have insurance in the amounts of five hundred thousand dollars (\$500,000) per person and one million dollars (\$1,000,000) per occurrence for bodily injury liability and five hundred thousand dollars (\$500,000) property damage liability or a combined single limit liability amount of one million five hundred thousand dollars (\$1,500,000) before a permit can be issued. The applicant shall provide evidence of such insurance satisfactory to the Missouri Department of Transportation and the insurance shall include the following under Description of Operation; "STRUCTURAL MOVING OPERATIONS OF THE NAMED INSURED INCLUDED IN THIS COVERAGE."

(17) Multi-State Permits.

(A) The Missouri Department of Transportation participates in the Multi-State Permit Program. This program provides a single, routine, uniform mechanism for processing single-trip permits for oversize and overweight vehicle combinations. Such a permit allows a motor carrier to travel through several states with one point of contact and one permit document.

(B) The same rules, regulations and fees apply to Multi-State Permits as any other single trip permit except the permit will be valid for a period of ten (10) calendar days. Also, these permits can only be obtained to transport loads within current envelope dimensions and weights.

(18) Permit and application forms are available from the Missouri Department of Transportation, Motor Carrier Services Unit, OD/OW Permit Section, 3348 American Drive, P. O. Box 270, Jefferson City, MO 65102 or call (800) 877-8499 or (573) 751-2871.

AUTHORITY: section 304.200, RSMo Supp. 1998. Original rule filed Aug. 11, 1972, effective Aug. 21, 1972. For intervening history, please consult the Code of State Regulations. Emergency rescission and rule filed Nov. 9, 1999, effective Nov. 19, 1999, expires May 16, 2000. A proposed rule covering this same material is published in this issue of the Missouri Register.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 10—Contractor Performance Rating to
Determine Responsibility**

EMERGENCY AMENDMENT

7 CSR 10-10.010 Definitions. The commission is amending section (5); adding sections (6), (7), (15), (19), (20), (24) and renumbering sections (6) through (23).

PURPOSE: This rule contains the definitions of terms used in this chapter.

EMERGENCY STATEMENT: The Missouri Highways and Transportation Commission finds an immediate danger to the public safety, health and welfare of the citizens which requires immediate action to implement the commission's new contractor performance rating system. The commission's new contractor performance rating system will be more effective than the current system in providing an informal hearing process for the whose performance is inadequate. This emergency amendment is necessary to ensure the effective and timely implementation of the commission's new contractor performance rating system. If this does not become effective as an emergency amendment, then the commission will be unable to immediately implement its new contractor performance rating system. The scope of this amendment is limited to the circumstances creating the emergency and complies with the protections extended by the Missouri and United States Constitutions. The commission believes this emergency amendment to be fair to all interested parties under the circumstances. Emergency amendment filed November 9, 1999, effective November 19, 1999, expires May 16, 2000.

(5) Contractor. The individual **proprietorship**, partnership, [corporation, or person or firm] **limited partnership, corporation, limited liability company, limited liability partnership, limited liability corporation or firm of whatever organizational form** participating in a joint venture, undertaking performance of the work under the terms of a contract with the commission and acting directly or through his/her/its agents, employees or subcontractors.

(6) Contractor performance review committee consists of the following: **Director of Operations, Chairperson; Director of Project Development; Division Engineer, Design; Division Engineer, Construction; Division Engineer, Bridge or authorized representative.**

(7) Contractor representative. A general partner, officer of a corporation or other proper term depending on the company or organization, as one having authority of position, stated in writing.

[[6]](8) Department. The Missouri Department of Transportation.

[[7]](9) District. One (1) of ten (10) geographic regions of Missouri established for administrative purposes within the department.

[[8]](10) District engineer. The engineer in charge of a district.

[[9]](11) Division, or division of construction. The division of construction within the department.

[[10]](12) Division engineer. Unless this term is used with reference to another division of the department, it means the division engineer of construction.

[[11]](13) Mean. The sum of all of the individual contractor's ratings divided by the total number of ratings.

[[12]](14) Nonresponsible contractor. A contractor determined by the commission to lack one (1) or more of the qualities associated with a responsible bidder or responsible contractor.

(15) Notice of Rating. Notice of the rating by the resident engineer in a contractor performance questionnaire or of the annual rating shall be sent by mailing a copy of the contractor performance questionnaire or of a writing containing the annual rating to the contractor at the contractor's address contained in its most recent contractor questionnaire required by the Missouri Standard Specifications for Highway Construction. The department will keep a written record of the persons to whom such notices of ratings were sent and of the address and date they were sent for a period of at least ten (10) years in the case of the contractor performance questionnaire and at least (10) years in the case of the notice of the annual rating, which record shall prove the mailing of the notice of rating. Further, it shall be presumed that a notice of rating sent by mail was received by the contractor on the second day, which is not a Sunday or holiday, after the day the written record states it was sent excepting only if a different date is shown by a delivery receipt of the United States Postal Service.

[[13]](16) Principal. A person is a principal of a firm if s/he is an officer, director, owner, partner or other person with that firm who has primary management, supervisory or bidding duties or authority.

[[14]](17) Resident engineer. The individual employed by the department and assigned to a district, holding that title, who is the department's representative assigned the immediate control and administration of a commission project awarded by contract to a contractor for construction. Whenever appropriate, it also refers to his/her designated representative.

[[15]](18) Responsible bidder or responsible contractor. A contractor, or any contractor or firm which participates collectively in a joint venture, which is capable financially, skilled and has sufficient integrity, experience and resources of all kinds, to promptly complete a project awarded, to provide a satisfactory quality of work, in compliance with the contract, in cooperation with the department and others, and in a safe manner.

(19) Sample. A statistical subset of the total number of contractors doing work for MoDOT during the rated year.

(20) Specialty contractors. Are those contractors who have performed eighty-five percent (85%) or more of their work in one specification area as set forth in Divisions 200-900 in the Missouri Standard Specifications for Highway Construction.

[(16)](21) Standard deviation. The square root of the average difference between the individual ratings and their mean.

[(17)](22) Subcontractor. Any individual, partnership, corporation or a person or firm participating as part of a joint venture, to whom the contractor sublets any part of the work under a commission contract.

[(18)](23) Successor. A person, firm or corporation is a successor to another if it is a business entity organized following the disqualification of the other, and it has the same or similar management, ownership or principal employees as the disqualified person, firm or corporation.

(24) Weighted average. The weighted average is the sum of a sample lot's adjusted individual ratings. The adjustment factor is (\$ volume of sample)/(\$ volume of sample lot total).

AUTHORITY: sections 226.020, 227.030 and 227.100, RSMo 1994 and 226.130, RSMo Supp. [1997] 1998. Original rule filed Dec. 31, 1990, effective July 8, 1991. Emergency amendment filed Nov. 20, 1997, effective Jan. 1, 1998, expired June 29, 1998. Amended: Filed Nov. 20, 1997, effective May 30, 1998. Emergency amendment filed Nov. 9, 1999, effective Nov. 19, 1999, expires May 16, 2000. A proposed amendment covering this same material is published in this issue of the Missouri Register.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 10—Contractor Performance Rating to
Determine Responsibility**

EMERGENCY AMENDMENT

7 CSR 10-10.040 Contractor Performance Questionnaire Used in Evaluating Contractor Performance. The commission is amending section (1).

PURPOSE: This rule describes generally the form used in rating and reporting a contractor's performance on a contract, according to the provisions of this chapter.

EMERGENCY STATEMENT: The Missouri Highways and Transportation Commission finds an immediate danger to the public safety, health and welfare of the citizens which requires immediate action to implement the commission's new contractor performance rating system. The commission's new contractor performance rating system will be more effective than the current system in providing an informal hearing process for the whose performance is inadequate. This emergency amendment is necessary to ensure the effective and timely implementation of the commission's new contractor performance rating system. If this does not become effective as an emergency amendment, then the commission will be unable to immediately implement its new contractor performance rating system. The scope of this amendment is limited to the circumstances creating the emergency and complies with the protections extended by the Missouri and United States Constitutions. The commission believes this emergency amendment to be fair to all interested parties under the circumstances. Emergency amendment filed November 9, 1999, effective November 19, 1999, expires May 16, 2000.

(1) The form used to evaluate contractor performance on a commission contract is known as the Contractor Performance Questionnaire. The Contractor Performance Questionnaire identifies the contractor, the project(s) to which it applies, [the nature

of the report as final or annual,] the original and final contract amounts and other pertinent project data.

AUTHORITY: sections 226.020, 227.030 and 227.100, RSMo 1994 and 226.130, RSMo Supp. [1997] 1998. Original rule filed Dec. 31, 1990, effective July 8, 1991. Emergency rescission and rule filed Nov. 20, 1997, effective Jan. 1, 1998, expired June 29, 1998. Rescinded and readopted: Filed Nov. 20, 1997, effective May 30, 1998. Emergency amendment filed Nov. 9, 1999, effective Nov. 19, 1999, expires May 16, 2000. A proposed amendment covering this same material is published in this issue of the Missouri Register.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 10—Contractor Performance Rating to
Determine Responsibility**

EMERGENCY AMENDMENT

7 CSR 10-10.050 Procedure and Schedule for Completing the Contractor Performance Questionnaire. The commission is amending sections (3) and (4).

PURPOSE: This rule describes the procedures and schedule which apply to the completion of the Contractor Performance Questionnaire.

EMERGENCY STATEMENT: The Missouri Highways and Transportation Commission finds an immediate danger to the public safety, health and welfare of the citizens which requires immediate action to implement the commission's new contractor performance rating system. The commission's new contractor performance rating system will be more effective than the current system in providing an informal hearing process for the whose performance is inadequate. This emergency amendment is necessary to ensure the effective and timely implementation of the commission's new contractor performance rating system. If this does not become effective as an emergency amendment, then the commission will be unable to immediately implement its new contractor performance rating system. The scope of this amendment is limited to the circumstances creating the emergency and complies with the protections extended by the Missouri and United States Constitutions. The commission believes this emergency amendment to be fair to all interested parties under the circumstances. Emergency amendment filed November 9, 1999, effective November 19, 1999, expires May 16, 2000.

(3) Each Contractor Performance Report shall be completed as an Annual Report or Final Report. The report shall indicate its type of report. The following criteria govern each type of report and when it is completed:

(A) Annual Report. Annual reports shall be submitted on all projects that [are incomplete as of January 1.] were active during the rated year [This report shall be completed no later than January 15 of each year for active contracts. This is an interim report and will be completed based on the information available to the rater at the time]; and

(B) [Final Report. Final reports shall be submitted on all projects completed during the period from January 1 through December 31. All physical work items related to the project shall be complete.] This report will be [typically] completed within thirty (30) days after final project acceptance, but shall be completed no later than January 15[.], whichever comes first. Prior reports on the same contract shall not bind or govern the completion of a final report.

(4) The resident engineer shall sign and date the Contractor Performance Questionnaire when s/he completes his/her rating. The contractor's representative, at his/her election, may meet privately with the resident engineer to review the questionnaire. If the contractor's representative does review the questionnaire, s/he shall sign and date it as an acknowledgment that s/he has reviewed it. A copy of the questionnaire shall be furnished to the contractor by the resident engineer. If the contractor's representative does not return a signed questionnaire to the resident engineer within two (2) weeks after it has been mailed to him/her, the questionnaire shall be final, with no further comment to be considered by the contractor's representative. *[If the contractor disagrees with any particular rating on the questionnaire, s/he may request in writing that the district engineer review the matter. Such request must be made to the district engineer within twenty-eight (28) days from the date of the mailing of the questionnaire form to the contractor. However, the contractor's representative shall first have discussed the discrepancy with the resident engineer in order to resolve the dispute. Upon receiving the contractor's written request to review the particular area of discrepancy on the questionnaire, the district engineer shall review the matter and provide the contractor with a written response regarding the particular area of dispute between the contractor and the resident engineer. All reports shall be submitted to the Division of Construction before, but no later than, February 15.]*

AUTHORITY: sections 226.020, 227.030 and 227.100, RSMo 1994 and 226.130, RSMo Supp. [1997] 1998. Original rule filed Dec. 31, 1990, effective July 8, 1991. Emergency rescission and rule filed Nov. 20, 1997, effective Jan. 1, 1998, expired June 29, 1998. Rescinded and readopted: Filed Nov. 20, 1997, effective May 30, 1998. Emergency amendment filed Nov. 9, 1999, effective Nov. 19, 1999, expires May 16, 2000. A proposed amendment covering this same material is published in this issue of the Missouri Register.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 10—Contractor Performance Rating to
Determine Responsibility**

EMERGENCY AMENDMENT

7 CSR 10-10.070 Procedure for Annual Rating of Contractors.
The commission is amending sections (1), adding (2), renumbering (2), deleting (3), and amending (4).

PURPOSE: This rule describes the procedures used in annual rating of contractors.

EMERGENCY STATEMENT: The Missouri Highways and Transportation Commission finds an immediate danger to the public safety, health and welfare of the citizens which requires immediate action to implement the commission's new contractor performance rating system. The commission's new contractor performance rating system will be more effective than the current system in providing an informal hearing process for the whose performance is inadequate. This emergency amendment is necessary to ensure the effective and timely implementation of the commission's new contractor performance rating system. If this does not become effective as an emergency amendment, then the commission will be unable to immediately implement its new contractor performance rating system. The scope of this amendment is limited to the circumstances creating the emergency and complies with the protections extended by the Missouri and United States Constitutions. The commission believes this emergency amendment to be fair to all interested parties under the circumstances. Emergency amend-

ment filed November 9, 1999, effective November 19, 1999, expires May 16, 2000.

(1) **Annual Rating of Contractors.** The Division of Construction shall be responsible for the determination of the annual ratings of contractors. The Division of Construction will annually determine a contractor's overall and category performance rating for all contracts on which work was performed during the period, January 1 through December 31. The ratings for the categories; **Quality, Safety, and Contract Compliance** will be based on a weighted average of the dollar value of all work completed during the rated year on [of] all contracts. The category, **Prosecution and Progress**, shall use contract dollar totals for determining the contractor's performance rating. *[The rating will use the final report data when it is available and otherwise will use annual reports for contracts in progress.]*

(2) **Contractor Rating Groups.** For purposes of evaluating contractor performance, contractors shall be divided into two (2) sample groups based upon whether the contractor is a specialty contractor and on the dollar value of the work completed during the rated year.

(A) **Contractor Groups.** Group One (1) contractors shall be the ten (10) contractors who have the largest dollar value of work completed during the rated year. Contractors not included in Group One or the Specialty Contractor Group shall be divided in half as group Two (2), Medium Volume, contractors and group three (3), Light Volume, contractors.

1. **Sample Lot One.** Sample lot one (1) shall include all contractors belonging in Group One (1) contractors and Group Two (2), Medium Volume contractors.

2. **Sample Lot Two.** Sample lot two (2) shall include all contractors belonging in Group Three (3), Light Volume contractors and Specialty contractors.

(B) **Commission Determination of Contractor Groups and Sample Lots.** The commission shall determine all contractor groups and sample lots for the purposes of grouping contractors.

[[2]](3) Upon the division's annual rating of all contractors, the ratings shall be reviewed by the division engineer. Upon the division's approval, [the ratings shall be submitted to the department's chief engineer for final review. Upon approval from the department's chief engineer,] all contractors shall be notified in writing of their annual ratings. The Division of Construction will act on each contractor or not, based on the overall and category rating the contractor receives. These actions may range from recognizing very outstanding performance, to recommending that a contractor be declared nonresponsible.

[[3] No Further Commission Action. Upon the determination by the division regarding the annual ratings of all contractors and the approval of the chief engineer of the annual ratings, the ratings of the contractors shall become final for purposes of this chapter and the effect of a level of performance. No commission action is necessary regarding the annual ratings of the contractors.]

(4) *[No Appeal.] Review Process. [No appeal to the commission or to the department regarding the contractors' performance ratings is permitted under this chapter.] If the contractor disagrees with any particular response on the questionnaire and cannot resolve the dispute with the resident engineer, s/he may request in writing that the district engineer review the matter. Such request must be made to the district engineer within twenty-eight (28) days from the date of the mailing of the questionnaire form to the contractor. However, the contractor's representative shall first have discussed the questionnaire response with the resident engineer in order to resolve the dispute. Upon receiving the contractor's written*

request to review the particular area of discrepancy on the questionnaire, the district engineer shall review the matter and provide the contractor with a written response regarding the particular area of dispute between the contractor and the resident engineer. All reports shall be submitted to the Division of Construction before, but no later than, February 15.

(A) "Unacceptable" Rating. No request for review to the committee or to the department regarding the contractors' performance ratings is permitted or is provided under this chapter, with the exception of contractors who receive an unacceptable performance rating.

1. The contractor must have received either an unacceptable category or overall performance rating and timely discussed the dispute with the resident engineer and made a timely written request for review by the district engineer of the particular rating on the questionnaire that the contractor disagrees with as provided in this chapter.

2. The contractor shall have ten (10) working days to request an informal hearing to review an unacceptable performance rating.

3. The contractor shall submit its request for an informal hearing to the following address: Missouri Department of Transportation, Division of Construction, P.O. Box 270, Jefferson City, MO 65102.

(C) Procedure. If the contractor timely requests an informal hearing, the review committee shall advise the contractor of the time, date and place. This is not a contested case under Chapter 536, RSMo. The rules of evidence shall not apply at the hearing.

(D) Review by the Contractor Performance Review Committee. The contractor performance review committee will review the contractor's request and make a recommendation to the chief engineer. The chief engineer's decision regarding the contractor's rating, review of which is held as provided by this section, shall be final and no further commission action is necessary.

(5) No Further Commission Action. As to contractor performance ratings of which no review is requested or permitted under this rule, upon the determination by the division regarding the annual ratings of all contractors and the approval of the chief engineer of the annual ratings, the ratings of the contractors shall become final for purposes of this chapter and the effect of a level of performance. No commission action is necessary regarding the annual ratings of the contractors.

AUTHORITY: sections 226.020, 227.030 and 227.100, RSMo 1994 and 226.130, RSMo Supp. [1997] 1998. Original rule filed Dec. 31, 1990, effective July 8, 1991. Emergency rescission and rule filed Nov. 20, 1997, effective Jan. 1, 1998, expired June 29, 1998. Rescinded and readopted: Filed Nov. 20, 1997, effective May 30, 1998. Emergency amendment filed Nov. 9, 1999, effective Nov. 19, 1999, expires May 16, 2000. A proposed amendment covering this same material is published in this issue of the Missouri Register.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 5—Air Quality Standards and Air Pollution
Control Rules Specific to the St. Louis Metropolitan
Area

EMERGENCY AMENDMENT

10 CSR 10-5.380 Motor Vehicle Emissions Inspection. The commission is amending subsection (3)(J) and adding subsection (7)(C).

PURPOSE: This emergency amendment details the transitional program that will begin January 1, 2000, and end when the centralized test-only emissions inspection stations begin emissions inspections. The transitional program will allow St. Louis area vehicle owners to register their vehicle with a deferred emissions inspection.

EMERGENCY STATEMENT: Missouri needs to cover the period between the basic Inspection and Maintenance program and the enhanced Inspection and Maintenance program. This period called the transitional period will allow owners of subject vehicles to register but still require them at a latter time to get an emission inspection. The absence of this amendment would allow some vehicles that are high emitters of ozone precursors to continue to emit at high levels for two years. This would threaten the public health, safety and welfare of the state's largest metropolitan area. The Missouri Air Conservation Commission hereby makes the following findings with respect to amending this rule pursuant to section 536.025, RSMo Supp. 1998. In the absence of the provisions of this emergency rule, most vehicles in the St. Louis Ozone Nonattainment Area that are required to be registered between December 31, 1999, and April 5, 2000, will not be inspected for emissions that contribute to the formation of ozone. Computers associated with the existing basic inspection program will not be able to function after December 31, 1999, because they are not designed for the rollover to calendar year 2000. The cost of upgrading the computers will exceed the fees, as set by statute that will be collected for inspections, resulting in a substantial financial loss to either operators of inspection stations or state general revenue, depending upon whether the stations or the state pays for the upgrades. The new stations for enhanced vehicle inspections may not be operational before April 5, 2000. Waiving inspections until the enhanced vehicle emission inspection program is operating (scheduled to begin in April of 2000) will contribute to deteriorating air quality, making it more difficult for the St. Louis area to attain the national ambient air quality standard for ground-level ozone and more likely that the area will be redesignated from moderate to serious nonattainment. The scope of the rule is limited to the time period during which vehicles cannot obtain inspections between December 31, 1999, and the availability to motorists of the enhanced vehicle inspection program, and the time period immediately following, during which vehicles not tested during the first period may be subsequently tested in a staggered schedule to avoid overwhelming the new stations. Amending the rule using the procedures authorized by Section 536.025, RSMo Supp. 1998, is necessary to preserve a compelling governmental interest as outlined above. The Commission finds that the procedures authorized by Section 536.025, RSMo Supp. 1998, are best calculated to assure fairness to all interested persons and parties under the circumstances. The Commission finds that the procedures authorized by Section 536.025, RSMo Supp. 1998, assure protections extended by the United States and Missouri Constitutions. This emergency action is limited to the circumstances creating the emergency. Emergency amendment filed November 30, 1999, effective January 1, 2000, expires June 28, 2000.

(3) General Requirements.

(J) Vehicle Registration. After a subject vehicle has passed the emission inspection or received a waiver, the emission inspection certificate of compliance issued by the emission inspection station shall be submitted with registration documents by the vehicle owner or representative to the Missouri Department of Revenue at the time of vehicle registration. **This requirement shall not apply to vehicles registered during the transitional period under subsection (7)(C) of this rule.**

(7) Documentation.

(C) **Transitional Period.** The transitional period shall begin January 1, 2000 and end when the centralized test-only emission inspection stations begin emissions inspections.

1. Owners of subject vehicles shall receive either a clean screen notice as provided in subsection (3)(1) of this rule or an emission extension certificate and emission extension sticker, which will allow subject vehicle owners to register their vehicle in a timely manner. An emission extension certificate is the document that allows subject vehicle owners to register their vehicles with a deferred emissions inspection. An emission extension sticker is the sticker that temporarily replaces the emission sticker for up to six (6) months.

2. The owner of a vehicle that has not received a clean screen notice and who cannot obtain an emission inspection during the transitional period may submit an emission extension certificate, in lieu of an emission inspection certificate, to the Missouri Department of Revenue in order to register the vehicle only during the transitional period. Owners of such vehicles who do not receive an emission extension certificate by mail may obtain one from the Department of Revenue at the time the vehicle is registered during the transitional period.

3. The emission extension certificate shall contain the certificate's expiration date.

4. The emission extension sticker shall be affixed on the inside of the vehicle's front windshield in the lower left hand corner. Previous emission inspection stickers affixed to the windshield shall be removed. Stickers are valid for six (6) calendar months.

5. The owner shall have their subject vehicle emission inspected prior to the emission extension sticker expiring.

6. The emission inspection sticker that replaces the emission extension sticker shall be valid until the subject vehicle's next required emission inspection.

7. No emission inspection fee is required for the emission extension certificate and emission extension sticker.

8. The automobile dealer may sell a vehicle with prior inspection and approval. The automobile dealer shall disclose, in writing, prior to sale, whether the vehicle obtained approval by meeting the emissions standards established pursuant to sections 643.300 to 643.355, RSMo or by obtaining a waiver pursuant to section 643.335, RSMo. A vehicle sold pursuant to this subsection by a licensed motor vehicle dealer shall be inspected and approved within the one hundred twenty (120) days immediately preceding the date of sale, and, for the purpose of registration of such vehicle, such inspection shall be considered timely.

9. The automobile dealer may sell the vehicle without prior inspection and approval. The automobile dealer shall disclose conspicuously on the sales contract and bill of sale that the purchaser has the option to return the vehicle that fails an emission inspection within ten (10) days, provided that the vehicle has no more than one thousand (1,000) additional miles since the time of sale. The automobile dealer shall inform the purchaser about emission inspecting the vehicle.

10. The automobile dealer shall either repair the returned vehicle and provide an emissions certificate and sticker within five (5) working days or enter into any mutually acceptable agreement with the purchaser.

11. The automobile dealer and used car purchaser may emission inspect their vehicles using the contractor's mobile emission vans. 1971 through 1980 model year vehicles shall have the idle test pursuant to subsection (4)(A) of this rule. 1981 and newer model year vehicles shall have the two-speed idle test pursuant to subsection (4)(E) of this rule. All vehicles shall receive the gas cap test and OBD test pursuant to subsections (5)(F) and (5)(G) of this rule.

AUTHORITY: section 643.310.1, RSMo Supp. 1998. Original rule filed June 14, 1982, effective Jan. 13, 1983. For intervening history, please consult the Code of State Regulations. Emergency amendment filed Nov. 30, 1999, effective Jan. 1, 2000, expires June 28, 2000.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 10—Licensee's Responsibilities**

EMERGENCY RULE

11 CSR 45-10.150 Child Care Facilities—License Required

PURPOSE: This rule assures that child care facilities offered on property owned by Class A licensees are properly licensed and regulated for health and safety.

EMERGENCY STATEMENT: This rule requires all child care facilities located in close proximity to a riverboat casino to be licensed by the Missouri Department of Health. The rule is necessary because of the need to assure that such facilities meet appropriate health and safety standards and that the children's care givers are properly trained. The fact that such facilities are in close proximity to adult entertainment increases the need for oversight from an agency specializing in certifying child care facilities. If the rule is not enacted immediately, it will unnecessarily delay inspections of these facilities, creating an unacceptable level of risk for the health and safety of the attending children. Such unacceptable risk constitutes an immediate danger to public health, safety and welfare of the citizens of Missouri and demands emergency action. The Commission has followed procedures calculated to assure fairness to all interested persons under the circumstances. This rule complies with the protections extended by the Missouri and United States Constitutions. The scope of this amendment is limited to child care facilities within a casino complex and is narrowly designed to regulate only those facilities that are in close proximity to adult gambling venues. Emergency rule filed Dec. 1, 1999, effective Dec. 11, 1999, expires June 7, 2000.

(1) Any Class A licensee that provides, either directly or indirectly, a child care facility that is determined by the Commission to be within or adjacent to the structure housing its excursion gambling boat or within or adjacent to the structure serving as the boarding area for its excursion gambling boat, shall require that such child care facility is licensed by the Missouri Department of Health. For the purposes of this regulation, a child care facility is defined as:

(A) "Child Care Facility", a place operated or maintained by any person who provides care for children.

(2) A Class A licensee is deemed to be a direct or indirect provider of a child care facility if:

(A) The licensee provides care for children through its agents or employees; or

(B) The licensee contracts with another person to provide care for children; or

(C) The licensee leases space to a person who provides care to children; or

(D) Notified by the Commission that it is directly or indirectly providing a child care facility.

(3) Class A licensees that enter into contracts with a person(s) who provide a child care facility or who lease space to a person(s) who provide a child care facility, shall include provisions in the contract or lease which allow the licensee to terminate the contract or lease

if the child care facility provider's license from the Missouri Department of Health is suspended, revoked or fails to be maintained in good standing.

(4) Any licensee that provides a child care facility at the time of the effective date of this rule shall have 60 days to comply with the provisions of this emergency rule.

(5) Failure to comply with the provisions of this rule is grounds for discipline pursuant to 11 CSR 45-13.050.

AUTHORITY: sections 313.805 and 313.812, RSMo 1994. Emergency rule filed Dec. 1, 1999, effective Dec. 11, 1999, expires June 7, 2000.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 75—Peace Officer Standards and Training Program
Chapter 11—Continuing Education Requirements**

EMERGENCY AMENDMENT

11 CSR 75-11.040 Suspension of the Certification of a Peace Officer, Reserve Officer or Chief Executive Officer for Failing to Maintain Minimum Continuing Education Requirements. The commission is amending section (1), deleting sections (2) and (4) and renumbering section (3).

PURPOSE: Changes are required because of a contradiction between state statute and administering ruling. The change grants the director of public safety discretion in suspending a peace officer's certification for failure to meet the continuing education mandates. The appeal process will be handled through the Administrative Hearing Commission.

EMERGENCY STATEMENT: The Department of Public Safety finds that there is an immediate danger to the public safety that requires emergency action. Without this emergency rule, on December 31, 1999, the Department estimates that the Director will be forced to suspend summarily the certification of approximately 4,250 peace officers, mostly in rural areas. This would reduce the number of active peace officers in this state by approximately 25%. Some rural areas may be left without any active peace officers. If this occurs, it will pose an immediate danger to the public safety due to the loss of law enforcement capacity.

11 CSR 75-11.040 is contrary to the intent of the legislature in section 590.35.2, RSMo Supp. 1998, in that 11 CSR 75-11.040 attempts to mandate that the Director suspend peace officer certification in a circumstance where the legislature has expressly granted the Director broad discretion to determine whether, and how, peace officers should be disciplined. There is a compelling governmental interest in amending the rule to conform with the legislative intent and preserve for the director the discretion afforded by the legislature.

The proposed emergency rule will allow the Director to take other action. The persons most interested in this circumstance are the peace officers who stand to have their certifications summarily suspended. The proposed emergency rule will allow these peace officers to utilize a due process mechanism for contesting any discipline against their certifications, ensuring that they will be fairly treated.

Without the emergency rule, these officers will have their certification summarily suspended without any mechanism for ensuing fair treatment. Emergency amendment filed Nov. 22, 1999, effective Dec. 2, 1999, expires May 29, 2000.

(1) *[Peace Officer Standards and Training (POST)] The certification of peace officers, reserve officers, or chief executive officers (CEOs) who have not successfully completed the mandated continuing education requirement within the three (3) calendar years or within three (3) calendar years following the date of their certification, and every three (3) years thereafter, [shall be suspended until such time as the continuing education requirement is met. The training required to meet the compliance cannot be counted towards the next three (3)-year period.] is subject to discipline pursuant to 590.135.2 RSMo, in accordance with Chapter 621 RSMo.*

(2) *[All peace officers, reserve officers, or CEOs who have not completed the mandatory hours within the three (3)-year period, shall be placed on inactive status until completion or expiration of certification, in accordance with section 590.135, RSMo.]*

[[3]] The CEO of the employing agency will send a notarized signed affidavit within thirty (30) days of the receipt of the print-out to the Department of Public Safety identifying the certified officers, and their Social Security numbers, who have not met the mandated continuing education requirements. The training required to meet compliance cannot count toward the following year's hours.

[[4] Guidelines for Suspension of Peace Officer, Reserve Officer, and CEO Certification.

(A) General Administration.

1. Definition. For the purpose of these procedures, affected parties means the complainant, the officer who is subject to the complaint and the CEO and the immediate superior of the CEO in the event that the CEO is the subject of the complaint, during suspension proceedings.

2. Scope. This procedure shall stipulate the guidelines for regulating the processing and administration of complaints concerning allegations of cause for suspension of certification as outlined by the Act. To the extent the terms of this procedure are inconsistent with any other rules or agreements, the terms of this procedure shall be controlling.

(B) Complaint Procedures.

1. Upon receipt of a written complaint from a CEO, his/her supervisor, the presiding circuit judge or other reliable source, including a POST audit, that an officer has not met his/her continuing education requirement, the director or his/her designee may take one (1) of the following actions and shall inform the appropriate affected parties of the action taken.

A. POST makes an effort to acquire adequate information to determine if the officer has met his/her continuing education requirement.

B. The POST compliance and development supervisor, after reviewing the information, makes a determination as to whether changing the status of an officer to inactive is justified as prescribed by section 590.135, RSMo.

C. The POST director will be given the determination and, if in agreement with the determination, will, by certified letter, advise the officer that s/he will be deactivated until the continuing education mandate is met, the reasons for the determination, and directions for appealing the decision.

2. If a formal written appeal of the POST director's decision, to make the officers certification status inactive, is received within fifteen (15) days, a procedure for the appeal is set forth—

A. The officer, upon request, will be provided the opportunity to present testimony to the POST Commission as to why the status of his/her certification should not be made inactive;

B. The POST Commission chair, on behalf of the POST Commission, shall forward a written recommendation to the director to grant or deny the appeal; and

C. The director, or his/her designee, shall notify the officer of the decision to grant or deny the appeal to the commission by certified mail.

3. If the officer wants to continue to seek relief, s/he must again notify the director, in writing within fifteen (15) days, requesting a formal hearing.

A. The officer's file and all supporting information will be forwarded to the hearing officer.

B. The POST director or his/her designee will be notified by the hearing officer to prepare for a formal hearing.

C. The hearing will be in accordance with the state's Administrative Hearing Commission guidelines, under Chapter 621, RSMo.

D. The hearing officer will notify the director of his/her recommendation.

E. The director will review the recommendation of the hearing officer and advise the officer of his/her final decision by certified mail.

F. The decision of the director is fixed.]

AUTHORITY: section 590.135, RSMo [1994] Supp. 1998. Original rule filed Aug. 15, 1995, effective March 30, 1996. Amended: Filed Nov. 15, 1999. Emergency amendment filed Nov. 22, 1999, effective Dec. 2, 1999, expires May 29, 2000.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 41—General Tax Provisions**

EMERGENCY AMENDMENT

12 CSR 10-41.010 Annual Adjusted Rate of Interest. The department proposes to amend section (1).

PURPOSE: Under the Annual Adjusted Rate of Interest (section 32.065, RSMo), this Amendment establishes the 2000 annual adjusted rate of interest to be implemented and applied on taxes remaining unpaid during calendar year 2000.

EMERGENCY STATEMENT: The director of revenue is mandated to establish an annual adjusted rate of interest based upon the adjusted prime rate charged by banks during September of that year as set by the Board of Governors of the Federal Reserve rounded to the nearest full percent. This emergency amendment is necessary to ensure public awareness and to preserve a compelling governmental interest requiring an early effective date in that the amendment informs the public of the established rate of interest to be paid on unpaid amounts of taxes for the remaining 1999 calendar year. The director finds that there is an immediate danger to the public welfare which can only be addressed through this emergency amendment. The director has followed procedures calculated to assure fairness to all interested persons and parties and has complied with protections extended by the Missouri and United States Constitutions. The director has limited the scope of the emergency amendment to the circumstances creating the emergency. Emergency amendment filed November 10, 1999, effective January 1, 2000, expires June 28, 2000.

(1) Pursuant to section 32.065, RSMo the director of revenue upon official notice of the average predominant prime rate quoted by commercial banks to large businesses, as determined and reported

by the Board of Governor's of the Federal Reserve System in the Federal Reserve Statistical Release G.13(415) for the month of September of each year has set by administrative order the annual adjusted rate of interest to be paid on unpaid amounts of taxes during the succeeding calendar year as follows:

| Calendar Year | Rate of Interest on Unpaid Amounts of Taxes |
|---------------|---|
| 1983 | 14% |
| 1984 | 12% |
| 1985 | 13% |
| 1986 | 12% |
| 1987 | 12% |
| 1988 | 12% |
| 1989 | 12% |
| 1990 | 12% |
| 1991 | 12% |
| 1992 | 12% |
| 1993 | 12% |
| 1994 | 12%] |
| 1995 | 12% |
| 1996 | 9% |
| 1997 | 8% |
| 1998 | 9% |
| 1999 | 8% |
| 2000 | 8% |

AUTHORITY: section 32.065, RSMo [1994] Supp. 1998. Emergency rule filed Oct. 13, 1982, effective Oct. 23, 1982, expired Feb. 19, 1983. Original rule filed Nov. 5, 1982, effective Feb. 11, 1983. For intervening history, please consult the Code of State Regulations. Emergency amendment filed Nov. 10, 1999, effective Jan. 1, 2000, expires June 28, 2000. A proposed amendment covering this same material is published in this issue of the Missouri Register.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 15—Hospital Program**

EMERGENCY AMENDMENT

13 CSR 70-15.010 Inpatient Hospital Services Reimbursement Plan; Outpatient Hospital Services Reimbursement Methodology. The division is amending sections (3) and (18).

PURPOSE: The emergency amendment of sections (3) and (18) provides for the trending of hospitals per diem rates, the trend factor for State Fiscal Year (SFY) 2000 and adjusts the uninsured add-on for SFY 2000.

EMERGENCY STATEMENT: The Balanced Budget Act of 1997 placed a limit on Federal Financial Participation made to a State for disproportionate share payments by establishing allotments for federal fiscal years (FFY) 1998 through 2002 and FFY 2003 and thereafter. The reasons this emergency amendment is necessary, requires an early effective date, is to make adjustments to the uninsured add-on payments for state fiscal year 2000, and to provide for the trending of hospital per diem rates in order to maintain compliance with the federal limit on payments to disproportionate share hospitals and ensure access to care for Medicaid recipients and uninsured Missourians. Hospitals' uninsured costs will exceed the federal disproportionate share limit for FFY 2000. Disproportionate share payments must be reduced by more than \$82 million in order to comply with the allotment limits. The Division of Medical Services finds the amendment is necessary to preserve a compelling governmental interest, that requires an early

effective date, because without this emergency amendment disproportionate share payments would be reduced by a larger dollar amount per payment cycle over a shorter number of payment cycles and in some cases a recoupment of previously paid funds will be necessary in order to comply with the federal limits. This will cause significant cash flow shortages and financial strain on all hospitals who serve the more than 600,000 Medicaid recipients and uninsured. The Division of Medical Services finds an immediate danger to public health and welfare which requires emergency action. This emergency amendment limits its scope to the circumstances creating the emergency and complies with the protections extended by the Missouri and United States Constitutions. Therefore, the division believes this emergency amendment to be fair to all interested persons and parties under the circumstances. Emergency amendment filed November 22, 1999, effective December 2, 1999, expires May 29, 2000.

(3) Per-Diem Reimbursement Rate Computation. Each hospital shall receive a Medicaid per-diem rate based on the following computation.

(B) Trend *ii*/Indices (TI). Trend indices are determined based on the four (4) quarter average DRI Index for DRI-Type Hospital Market Basket as published in *Health Care Costs* by DRI/McGraw-Hill for each State Fiscal Year (SFY) 1995 to 1998. Trend indices starting in SFY 1999 will be determined based on CPI Hospital indexed as published in *Health Care Costs/Health Care Costs* by DRI/McGraw-Hill for each State Fiscal Year (SFY).

1. The TI are—

- A. SFY 1994—4.6%
- B. SFY 1995—4.45%
- C. SFY 1996—4.575%
- D. SFY 1997—4.05%
- E. SFY 1998—3.1%
- F. SFY 1999—3.8%[.] and
- G. SFY 2000—4.0%.

2. The TI for SFY 1996 through SFY 1998 are applied as a full percentage to the OC of the per-diem rate and for SFY **1999** the OC *on* of the June 30, 1998 rate shall be trended by 1.2% and for SFY **2000** the OC of the June 30, 1999 rate shall be trended by 2.4%.

(18) In accordance with state and federal laws regarding reimbursement of unreimbursed Medicaid costs and the costs of services provided to uninsured patients, reimbursement for each State Fiscal Year (SFY) (July 1–June 30) shall be determined as follows:

(B) Uninsured Add-Ons. The hospital shall receive *[ninety-nine percent (99%)]* **eighty-one percent (81%)** of the Uninsured costs prorated over **the SFY [1999], beginning in SFY 2000**. Hospitals which contribute through a plan approved by the director of health to support the state's poison control center and the Primary Care Resource Initiative for Missouri (PRIMO) shall receive *[one hundred percent (100%)]* **eighty-two percent (82%)** of its uninsured costs prorated over **the SFY [1999], beginning in SFY 2000**. The uninsured Add-On will include:

1. The Add-On payment for the cost of the Uninsured. This is determined by multiplying the charges for charity care and allowable bad debts by the hospital's total cost-to-charge ratio for allowable hospital services from the base year cost report's desk review. The cost of the Uninsured is then trended to the current year using the trend indices reported in subsections (3)(B) *[and the growth factors listed in subsection (18)(C)]*. Allowable bad debts do not include the costs of caring for patients whose insurance covers the particular service, procedure or treatment;

2. An adjustment to recognize the *[U]*uninsured patients share of the FRA assessment not included in the desk-reviewed cost. The FRA assessment for Uninsured patients is determined by multiplying the current FRA assessment by the ratio of uninsured days to total inpatient days from the base year cost report;

3. The difference in the projected General Relief per-diem payments and trended costs for General Relief patient days; *[and]*

4. The increased costs per day resulting from the utilization adjustment in subsection (15)(B) is multiplied by the estimated uninsured days*[.]*; and

5. In order to maintain compliance with the Balanced Budget Act of 1997 (BBA) disproportionate share hospital (DSH) cap and the budget neutrality provisions contained in Missouri's Medicaid Section 1115 Health Care Reform Demonstration Proposal, the Uninsured Add-On for SFY 2000 has been established at eighty-two percent (82%) of the cost of the uninsured as computed in accordance with this subsection. One factor in determination of the payment percentage is an estimate that fifty-four (54) million dollars will be paid from July 1, 1999 thru April 30, 2000 related to previously uninsured parents covered under the Medicaid Section 1115 Health Care Reform Demonstration Proposal. The SFY 2000 payment percentage shall be increased by an additional one percent (1%) for every three and one-half (3.5) million dollar increment not paid for parents covered under the Medicaid Section 1115 Health Care Reform Demonstration Proposal as of April 30, 2000. For example, if total spending on the Medicaid Section 1115 Health Care Reform Demonstration Proposal parent population is forty-seven (47) million dollars, as of April 30, 2000, the Uninsured Add-On percentage for SFY 2000 shall be increased by two percent (2%).

[(C) The growth factors. The growth factors applied to the uninsured costs for each SFY are:

- 1. SFY 1996—3.4%;
- 2. SFY 1997—3.4%;
- 3. SFY 1998—3.3%; and
- 4. SFY 1999—3.3%.]

AUTHORITY: sections 208.152, 208.153, [208.159,] 208.201 and 208.471, RSMo 1994. This rule was previously filed as 13 CSR 40-81.050. Original rule filed Feb. 13, 1969, effective Feb. 23, 1969. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 16, 1999. Emergency amendment filed Nov. 22, 1999, effective Dec. 2, 1999, expires May 29, 2000.