



Rules of
Missouri Department of Transportation
Division 10—Missouri Highways and Transportation
Commission
Chapter 16—Rest Areas

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**Title 7—MISSOURI DEPARTMENT
OF TRANSPORTATION
Division 10—Missouri Highways and
Transportation Commission
Chapter 16—Rest Areas**

7 CSR 10-16.010 General Information
(Rescinded February 28, 2011)

AUTHORITY: section 29 of Art. IV, Mo. Const., sections 226.020, 226.150, 226.750–226.790, and 227.030, RSMo Supp. 1995, Title 23, United States Code section III(b), and Title 23, Code of Federal Regulations part 752. Emergency rule filed Jan. 19, 1996, effective Feb. 1, 1996, expired July 29, 1996. Original rule filed Jan. 16, 1996, effective July 30, 1996. Rescinded: Filed July 2, 2010, effective Feb. 28, 2011.

7 CSR 10-16.020 Definitions

PURPOSE: This rule provides definitions of terms used in 7 CSR 10-16.020 through 7 CSR 10-16.050.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Definitions. When used in administrative rules 7 CSR 10-16.020 through 7 CSR 10-16.050, these words and phrases have the following meaning:

(A) “Commission” - the Missouri Highways and Transportation Commission, and where appropriate, its authorized agents and representatives in the Missouri Department of Transportation;

(B) “Licensee” - a public agency or private not-for-profit entity which contracts with the commission;

(C) “License fee” - the fee charged by the commission’s licensee to a publisher or the publisher’s agent to lease space in a commission publication vending machine;

(D) “Publication” - a newspaper, pamphlet, newsletter, or magazine printed and distributed to convey news and information or other matters of public interest, which may include advertisements;

(E) “Publication vending machine” or “machine” - the device owned and installed by the commission, at its own discretion, at rest areas which is capable of holding one (1) or more publication vending machine bins;

(F) “Publication vending machine bin” or “bin” - the individual units owned and installed by the commission for a publisher to distribute a single publication;

(G) “Publisher” - any person who has paid a license fee to the commission’s licensee to lease a bin to distribute its publication; and

(H) “Rest area” - a commission roadside facility along a Missouri interstate highway with parking facilities for the rest, safety, or other needs of motorists. This term includes the facilities described in sections 226.750 through 226.790, RSMo, and in Title 23, United States Code section 111(b). Title 23 U.S.C. section 111(b) is incorporated by reference into and made a part of this rule as published by the United States Superintendent of Documents, 732 N Capitol Street NW, Washington, D.C. 20402-0001, website: <http://bookstore.gpo.gov> on January 1, 2012. This rule does not incorporate any subsequent amendments or additions to the United States Code in 23 U.S.C. 111(b). This term also includes any commission-designated welcome center facility.

AUTHORITY: section 29 of Art. IV, Mo. Const., sections 226.020, 226.150, 226.750–226.790, and 227.030, RSMo 2016, Title 23, United States Code section III(b), and Title 23, Code of Federal Regulations part 752. Emergency rule filed Jan. 19, 1996, effective Feb. 1, 1996, expired July 29, 1996. Original rule filed Jan. 16, 1996, effective July 30, 1996. Rescinded and readopted: Filed July 2, 2010, effective Feb. 28, 2011. Amended: Filed Feb. 9, 2018, effective Sept. 30, 2018.*

**Original authority: 226.020, RSMo 1939; 226.150, RSMo 1939, amended 1977; 226.750–226.790, RSMo 1965; and 227.030, RSMo 1939.*

7 CSR 10-16.025 Public Information

PURPOSE: This rule provides guidelines to interested persons regarding the placement and licensing of publication vending machine spaces on interstate highway rest areas for distribution of publications to the public.

(1) Section 8.710, RSMo, provides jurisdictional rights to regulate and administer vending on state of Missouri property through the Department of Social Services, Family Support Division, Rehabilitation Services for the Blind.

(2) 7 CSR 10-16.020 through 7 CSR 10-16.050 apply if Rehabilitation Services for the Blind declines to exercise its right to regulate and administer vending of publications in rest areas. However, the commission itself may not operate any commercial vending machines or other commercial facilities in rest areas, as provided in section 226.790, RSMo.

(3) Information regarding publications vending operations in machines on rest areas may be obtained in person, or by writing, or phoning the General Services Director, General Services Division, Missouri Department of Transportation, PO Box 270, Jefferson City, MO 65102-0270. The phone number of the division director is (573) 751-1650.

AUTHORITY: section 29 of Art. IV, Mo. Const., sections 226.020, 226.150, 226.750–226.790, and 227.030, RSMo 2016, Title 23, United States Code section III(b), and Title 23, Code of Federal Regulations part 752. Original rule filed July 2, 2010, effective Feb. 28, 2011. Amended: Filed Feb. 9, 2018, effective Sept. 30, 2018.*

**Original authority: 226.020, RSMo 1939; 226.150, RSMo 1939, amended 1977; 226.750–226.790, RSMo 1965; and 227.030, RSMo 1939.*

7 CSR 10-16.030 Eligibility Criteria
(Rescinded February 28, 2011)

AUTHORITY: section 29 of Art. IV, Mo. Const., sections 226.020, 226.150, 226.750–226.790, and 227.030, RSMo Supp. 1995, Title 23, United States Code section III(b), and Title 23, Code of Federal Regulations part 752. Emergency rule filed Jan. 19, 1996, effective Feb. 1, 1996, expired July 29, 1996. Original rule filed Jan. 16, 1996, effective July 30, 1996. Rescinded: Filed July 2, 2010, effective Feb. 28, 2011.

7 CSR 10-16.035 Commission Responsibilities and Requirements

PURPOSE: This rule provides the commission’s responsibilities and requirements for the placement of publication vending machines on interstate highway rest areas for distribution of publications to the public.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this



rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Location of Bins and Machines. In order to ensure the safety of patrons of rest areas, to protect the physical integrity of the rest area building and facilities, and to provide for the general aesthetics of the rest areas, only publication vending machines owned and installed by the commission are permitted at a rest area. The commission, in its sole discretion as provided in 7 CSR 10-16.020 through 7 CSR 10-16.050, will provide and install publication vending machines in easily accessible locations on the exterior near doors of the rest area buildings. Only one (1) publication will be dispensed in each bin.

(2) Procedures for Noncompliance with Rules.

(A) Noncompliance. The following are identified as a publisher's noncompliance with these rules:

1. Installation of noncommission equipment for purpose of publication distribution;
2. Failure to pay required license fee(s);
3. Damage to commission bin(s) and/or machine(s); or
4. Failure to pay the cost of the commission's remedial action(s).

(B) Notice of Violation and Commission Remedial Action. The commission, in its sole discretion as provided in 7 CSR 10-16.020 through 7 CSR 10-16.050, may take any remedial action deemed necessary and appropriate to address the publisher's noncompliance. Such remedial action is not limited to the following:

1. Seizure and removal of the publisher's noncommission equipment and storage of such equipment at a site determined in the commission's sole discretion;
2. Revocation of the publisher's authority to participate in the publication vending machine program, removal of all the publisher's publications in any commission machines, and prevention of such publisher from future use of commission machines; and/or
3. Repair of the damaged commission bin(s) and/or machine(s).

(C) Timing and Costs of Remedial Action. The commission may take such remedial action(s) immediately and without prior approval of the publisher. The publisher is responsible to pay all costs of remedial actions taken by the commission under 7 CSR

10-16.035(2)(B).

(D) Notice of Remedial Action. After the commission takes any remedial action(s) authorized by 7 CSR 10-16.035(2)(B), the commission shall provide written notice to the publisher, either by certified U.S. mail or by electronic mail within ten (10) days. The written notice will include the alleged violation, the remedial action(s) taken by the commission, and the action(s) the publisher is required to take. The commission will make reasonable effort to locate either the mailing address or the electronic address of the publisher in order to send the written notice. In the event the mailing address or electronic mail address cannot be determined in the ten (10) days, the commission will post a written notice consistent with this 7 CSR 10-16.035(2)(D) in a conspicuous place located at the rest area and on the Missouri Department of Transportation website.

(E) Opportunity for Informal Hearing. If the publisher disagrees with the allegation(s) of noncompliance and the remedial action(s) taken as set forth in the commission's written notice, the publisher may request an informal hearing before the department's General Services Director, or the General Services Director's designee, no later than thirty (30) days from the date on the notice. Such request for an informal hearing shall be addressed to the Commission Secretary, PO Box 270, Jefferson City, MO 65102. The department's General Services Director, or the General Services Director's designee, determines the date, time, and location of the informal hearing. A publisher's failure to request a hearing within the time allowed under this 7 CSR 10-16.035(2)(E), or a publisher's failure to appear at the hearing, will result in the publisher's forfeiture of the opportunity for the informal hearing.

(3) The commission incorporates by reference in this rule the provisions of Title 23, Code of Federal Regulations (CFR) Part 752 as published by the United States Government Printing Office, 732 North Capitol Street NW, Washington DC 20401 on April 1, 2009. This rule does not incorporate any subsequent amendments or additions to 23 CFR Part 752.

AUTHORITY: section 29 of Art. IV, Mo. Const., sections 226.020, 226.150, 226.750–226.790, and 227.030, RSMo 2016, Title 23, United States Code section III(b), and Title 23, Code of Federal Regulations part 752. Original rule filed July 2, 2010, effective Feb. 28, 2011. Amended: Filed Feb. 9, 2018, effective Sept. 30, 2018.*

**Original authority: 226.020, RSMo 1939; 226.150, RSMo 1939, amended 1977; 226.750–226.790, RSMo 1965; and 227.030, RSMo 1939.*

7 CSR 10-16.040 Publication Vending Machine Specifications (Rescinded February 28, 2011)

AUTHORITY: section 29 of Art. IV, Mo. Const., sections 226.020, 226.150, 226.750–226.790, and 227.030, RSMo Supp. 1995, Title 23, United States Code section III(b), and Title 23, Code of Federal Regulations part 752. Emergency rule filed Jan. 19, 1996, effective Feb. 1, 1996, expired July 27, 1996. Original rule filed Jan. 16, 1996, effective July 30, 1996. Rescinded: Filed July 2, 2010, effective Feb. 28, 2011.

7 CSR 10-16.045 Licensee Responsibilities and Requirements

PURPOSE: This rule provides the licensee's responsibilities and requirements for the placement of publication vending machines on interstate highway rest areas for distribution of publications to the public.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Commission Licensee. The commission may grant an exclusive license to a licensee to regulate and administer all machines at all Missouri rest areas. Regulation will be in accordance with: 1) a contract between the commission and the licensee; and 2) 7 CSR 10-16.020 through 7 CSR 10-16.050. The licensee may either operate the machines itself or execute sub-licensing agreements with the publisher or the publisher's agent with such sub-licensing agreement effective upon execution by both parties. However, that license between the commission and the licensee terminates effective with the date the Rehabilitation Services for the Blind assumes regulation and jurisdiction of machines in rest areas, and upon the effective date of that occurrence all sub-licensing agreements between the licensee and a publisher or its



agent terminate.

(2) Bin Rental. The licensee may lease bins to such publishers or such publishers' agents only on a first-come, first-served basis. The licensee may maintain a waiting list for interested publishers if a bin is not available.

(3) License Fees Authorized. Payment of a license fee to the licensee is a legal condition precedent before a publication may be vended in a rest area bin. The twelve dollars (\$12) per year license fee is due from each publisher or its agent for each bin to cover the administrative and maintenance costs the licensee, or its affiliated organization or agent, sustains due to the operation of the machine and the debris the machine will generate.

(4) Publication Display Requirements. The visible contents of the publication as displayed in the machine shall not be offensive to members of the general public. The licensee, through its authorized representatives, retains final approval of the manner in which a publication is ultimately displayed for distribution in a machine in a rest area.

(5) Licensee Liability. The licensee shall be liable for damages sustained to the commission's bins, machines, and the contents thereof that is caused by the licensee or its agent(s).

(6) The commission incorporates by reference in this rule the provisions of Title 23, *Code of Federal Regulations* (CFR) Part 752 as published by the United States Government Printing Office, 732 North Capitol Street NW, Washington DC 20401 on April 1, 2009. This rule does not incorporate any subsequent amendments or additions to 23 CFR Part 752.

AUTHORITY: section 29 of Art. IV, Mo. Const., sections 226.020, 226.150, 226.750–226.790, and 227.030, RSMo 2016, Title 23, United States Code section III(b), and Title 23, Code of Federal Regulations part 752. Original rule filed July 2, 2010, effective Feb. 28, 2011. Amended: Filed Feb. 9, 2018, effective Sept. 30, 2018.*

**Original authority: 226.020, RSMo 1939; 226.150, RSMo 1939, amended 1977; 226.750–226.790, RSMo 1965; and 227.030, RSMo 1939.*

7 CSR 10-16.050 Publisher Responsibilities and Requirements

PURPOSE: This rule provides the publisher's responsibilities and requirements for the dis-

tribution of publications in publication vending machines in interstate highway rest areas.

(1) Publication Vending Machines. Only bins and machines owned and provided by the commission may be installed at a rest area.

(2) Duration of Rental Agreement. Each agreement between a licensee and a publisher or the publisher's agent authorizing the rental of one (1) or more bins may be for no less than (1) year in duration. Occupants of any rental space will be evicted from the rental space thirty (30) days after the expiration of the rental agreement unless renewed by agreement prior to the end of the thirty (30) days. To renew the lease of machine space, all license fees are required to be paid in full to the licensee. Failure to pay the license fee in full results in cancellation of the license and assignment of the machine space to the next party on the licensee's waiting list.

(3) Termination of Sub-licensing Agreement. Both the licensee and the publisher or its agent may terminate their sub-licensing agreement, provided no less than thirty (30)-days written notice is given. Upon termination of the sub-licensing agreement, the licensee shall refund the pro-rata share of the annual license fee for any remaining unused months of the term of the agreement.

(4) Publisher Responsible for Damages to Bins and Machines. The commission is responsible for the total cost to purchase, install, and improve a bin or machine. The publisher shall:

(A) Be responsible for any damage caused by it or its agents to the commission bin(s) or machine(s) and the contents thereof; and

(B) Reimburse the commission any costs incurred by the commission in repairing the damage, including the cost of replacement of the bin(s) or machine(s), as determined in the commission's sole discretion.

(5) Restocking of Publications. Stocking the bins at all rest areas with the current edition of a publication at least as often as the publication is published, weekend or special editions excluded, is the responsibility of each licensee, or a publisher or its agent. The licensee, or a publisher or its agent, is also responsible for removal of any outdated issues of such publication from within each bin and all debris from the rest area grounds.

(6) No Advertisements on Machines. No advertisements are to be displayed on commission bins and machines.

(7) Notice Requirements. It is the responsibility of the licensee, and if applicable to a publisher, based on information supplied by the publisher or its agent, to display the following notice, "For Information Regarding Any Problems With Your Use of This Machine Call ____-____-____, or write _____." in a prominent place on each bin with the appropriate telephone number (with area code) and the mailing address of a contact person or agent for the licensee, or a publisher or its agent.

AUTHORITY: section 29 of Art. IV, Mo. Const., sections 226.020, 226.150, 226.750–226.790, and 227.030, RSMo 2016, Title 23, United States Code section III(b), and Title 23, Code of Federal Regulations part 752. Original rule filed July 2, 2010, effective Feb. 28, 2011. Amended: Filed Feb. 9, 2018, effective Sept. 30, 2018.*

**Original authority: 226.020, RSMo 1939; 226.150, RSMo 1939, amended 1977; 226.750–226.790, RSMo 1965; and 227.030, RSMo 1939.*