



Rules of
Department of Economic
Development
Division 265—Division of Motor Carrier
and Railroad Safety
Chapter 6—Transportation

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**Title 4—DEPARTMENT OF
ECONOMIC DEVELOPMENT
Division 265—Division of Motor Carrier
and Railroad Safety
Chapter 6—Transportation**

4 CSR 265-6.010 Passenger Tariffs

PURPOSE: This rule prescribes the form and governs the construction and filing of passenger tariffs of railroad corporations, street railroad corporations, motor carriers and contract haulers.

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

1) *Federal Aviation Administration Authorization Act of 1994 (H.R. 2739, 103d Congress, 2d Session) (49 U.S.C. sections 11501(h) and 41713(b)). (Washington: U.S. Government Printing Office, 1994);*

2) *"General Order No. 35" (Jefferson City: Missouri Public Service Commission, 1941);*

3) *Trucking Industry Regulatory Reform Act of 1994 (H.R. 2178, 103d Congress, 2d session) (49 U.S. Code section 10936) (Washington: U.S. Government Printing Office, 1994); and*

4) *49 U.S. Code section 10922 (c)(2) (Washington: U.S. Government Printing Office, 1994).*

In accordance with section 536.031(4), RSMo, the full text of material incorporated by reference will be made available to any interested person at the Office of the Secretary of State and the headquarters of the adopting state agency.

(1) The division adopts "General Order No. 35" of the Missouri Public Service Commission, also known as Circular No. 43, prescribing the form and governing the construction and filing of passenger fare schedules by all common carriers which became effective September 1, 1941. Subject to sections (3) and (4), every motor carrier under the jurisdiction of the Division of Transportation is directed to file with the division and print and keep open for public inspection in every station or office in this state where passengers are received for transportation, schedules showing the rates, fares and charges for the transportation of persons within this state.

(2) The rules contain instructions on the form and content of passenger tariffs, rules governing baggage, tickets, fares, the requirements for filing and changes in tariffs and the responsibilities of carriers under the tariffs as well as other rules on passenger tariffs.

(3) The division has interpreted the provisions of Section 211, Title II, of the Trucking Industry Regulatory Reform Act of 1994 (H.R. 2178, 103d Congress, 2d Session) (49 U.S.C. section 10936) as preempting the requirements of state laws and regulations relating to intrastate fares for the transportation of passengers by bus, by an interstate motor carrier of passengers over a route authorized by the Interstate Commerce Commission (ICC). Because of this federal preemption, the division will no longer require the filing of rate tariffs for the transportation of passengers in Missouri intrastate commerce by ICC-authorized interstate bus operators, over routes authorized by the ICC. This preemption of intrastate rate and tariff requirements for these carriers does not relieve any carrier from the requirements of obtaining intrastate operating authority under 49 U.S.C. section 10922(c)(2) and section 390.051.1., et seq., RSMo.

(4) The division has interpreted the provisions of Section 601, Title VI, of the Federal Aviation Administration Authorization Act of 1994 (H.R. 2739, 103d Congress, 2d Session) (49 U.S.C. sections 11501(h) and 41713(b)) as preempting the requirements of state laws and regulations relating to the prices, routes or services of intrastate transportation of property by motor carriers of passengers.

*AUTHORITY: section 622.027, RSMo (1994). * Emergency rule filed June 14, 1985, effective July 1, 1985, expired Oct. 28, 1985. Original rule filed Aug. 1, 1985, effective Oct. 29, 1985. Emergency amendment filed Dec. 1, 1994, terminated Dec. 19, 1994. Emergency amendment filed Dec. 20, 1994, effective Jan. 1, 1995, expired April 30, 1995. Emergency amendment filed April 20, 1995, effective May 1, 1995, expired Aug. 28, 1995. Emergency amendment filed Aug. 18, 1995, effective Aug. 29, 1995, expired Feb 24, 1996. Amended: Filed Aug. 3, 1995, effective Feb. 25, 1996.*

**Original authority 1985, amended 1993, 1995.*

4 CSR 265-6.011 Minimum Filing Requirements

(Rescinded February 25, 1996)

4 CSR 265-6.020 Freight Tariffs

(Rescinded March 30, 2008)

AUTHORITY: section 622.027, RSMo 1994. Emergency rule filed June 14, 1985, effective July 1, 1985, expired Oct. 28, 1985. Original

rule filed Aug. 1, 1985, effective Oct. 29, 1985. Emergency amendment filed Dec. 1, 1994, terminated Dec. 19, 1994. Emergency amendment filed Dec. 20, 1994, effective Jan. 1, 1995, expired April 30, 1995. Emergency amendment filed April 20, 1995, effective May 1, 1995, expired Aug. 28, 1995. Emergency amendment filed Aug. 18, 1995, effective Aug. 29, 1995, expired Feb. 24, 1996. Amended: Filed Aug. 3, 1996, effective Feb. 25, 1996. Emergency rescission filed Sept. 13, 2007, effective Oct. 3, 2007, expired March 30, 2008. Rescinded: Filed Sept. 13, 2007, effective March 30, 2008.

4 CSR 265-6.030 Utilization of Motor Carriers in National Emergencies

PURPOSE: This rule sets out the procedures to be followed in the utilization of motor carrier service in the event of a national emergency, enemy attack or natural disaster.

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

1) *Federal Aviation Administration Authorization Act of 1994 (H.R. 2739, 103d Congress, 2d Session) (49 U.S. Code sections 11501(h) and 41713(b) (Washington: U.S. Government Printing Office, 1994); and*

2) *Trucking Industry Regulatory Reform Act of 1994 (H.R. 2178, 103d Congress, 2d Session) (49 U.S. Code section 10936) (Washington: U.S. Government Printing Office, 1994).*

In accordance with section 536.031(4), RSMo, the full text of material incorporated by reference will be made available to any interested person at the Office of the Secretary of State and the headquarters of the adopting state agency.

(1) Chapter 44, RSMo, entitled the Civil Defense Act, provides that the governor may take action and give directions to state officers and agencies as may be reasonable and necessary to secure compliance with its provisions. The Division of Transportation has been requested to adopt rules to protect public safety and welfare and to properly cope with any emergency, attack or disaster of wide proportions. Thus, the division adopts the Transport Mobilization Orders of the Interstate Commerce Commission, numbers one to twelve (1—12) inclusive, as amended, but only as they are compatible with and not in conflict with or contrary to the provisions of the Civil Defense Act, the provisions of Section 601, Title VI, of the Federal Aviation Administration Authorization Act of 1994



(H.R. 2739, 103d Congress, 2d Session), the provisions of Section 211, Title II, of the Trucking Industry Regulatory Reform Act of 1994 (H.R. 2178, 103d Congress, 2d Session) (49 U.S.C. section 10936), any other law of Missouri or any order, declaration or directive, relating to it, which may be issued by the governor of Missouri.

(2) The Transport Mobilization Orders provide for—

(A) Preference and priority for the transportation of United States military personnel, accredited civil defense workers and the United States mail;

(B) Rail, motor and inland waterways freight embargo;

(C) Disposal by carriers of undeliverable shipments;

(D) Control of railroad tank cars;

(E) Direction of certain intercity common carriers of persons by bus to serve certain points;

(F) Direction to certain over-the-road motor carriers or property regarding routes, diversions and service to certain destinations;

(G) Control of freight shipments to or within port or storage areas;

(H) Control of liquid transport vehicles; and

(I) Inventory and disposition of shipments of food and medical supplies requisitioned by the government and in the possession of railroads and motor carriers.

*AUTHORITY: section 622.027, RSMo (1994). *Emergency rule filed June 14, 1985, effective July 1, 1985, expired Oct. 28, 1985. Original rule filed Aug. 1, 1985, effective Oct. 29, 1985. Emergency amendment filed Dec. 1, 1994, terminated Dec. 19, 1994. Emergency amendment filed Dec. 20, 1994, effective Jan. 1, 1995, expired April 30, 1995. Emergency amendment filed April 20, 1995, effective May 1, 1995, expired Aug. 28, 1995. Emergency amendment filed Aug. 18, 1995, effective Aug. 29, 1995, expired Feb. 24, 1996. Amended: Filed Aug. 3, 1995, effective Feb. 25, 1996.*

**Original authority 1985 amended 1993, 1995.*

4 CSR 265-6.040 Guidelines for Matching Existing Discounted or Reduced Rates
(Rescinded February 25, 1996)

4 CSR 265-6.050 Limitation on Hourly, Commodity and “Expedited” Rates for General Commodities Shipments
(Rescinded February 25, 1996)