

Volume 48, Number 2
Pages 113–180

January 17, 2023

MISSOURI



REGISTER

John R. Ashcroft  Secretary of State

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The *Missouri Register* is published semi-monthly by

SECRETARY OF STATE

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ISSN 0149-2942

The *Missouri Register* and *Code of State Regulations* (CSR) are available on the Internet. The Register address is sos.mo.gov/adrules/moreg/moreg and the CSR is sos.mo.gov/adrules/csr/csr. The Administrative Rules Division may be contacted by email at rules@sos.mo.gov.

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April 3, 2023 April 17, 2023	May 1, 2023 May 15, 2023	May 31, 2023 May 31, 2023	June 30, 2023 June 30, 2023

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. To review the entire year's schedule, please see the website at sos.mo.gov/adrules/pubsched.

HOW TO CITE RULES AND RSMO

RULES

The rules are codified in the *Code of State Regulations* in this system–

Title	CSR	Division	Chapter	Rule
3	<i>Code of</i>	10-	4	115
Department	<i>State</i>	Agency	General area	Specific area
	<i>Regulations</i>	division	regulated	regulated

and should be cited in this manner: 3 CSR 10-4.115.

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 paragraphs 1., subparagraphs A., parts (I), subparts (a), items I. and subitems a.

The rule is properly cited by using the full citation; for example, 3 CSR 10-4.115, NOT Rule 10-4.115.

Citations of RSMo are to the *Missouri Revised Statutes* as of the date indicated.

Code and Register on the Internet

The *Code of State Regulations* and *Missouri Register* are available on the Internet.

The *Code* address is sos.mo.gov/adrules/csr/csr

The *Register* address is sos.mo.gov/adrules/moreg/moreg

These websites contain rulemakings and regulations as they appear in the *Code* and *Registers*.

The Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo.

**EXECUTIVE ORDER
22-08**

WHEREAS, consistent access to residential heating fuel is critical to public health and well-being; and

WHEREAS, most homes and businesses are wholly reliant on specific residential fuel sources with no way to supplement a major loss with another fuel source; and

WHEREAS, Gygr-Gas previously serviced propane to thousands of customers across forty-two counties in central Missouri; and

WHEREAS, Gygr-Gas has been unresponsive to customers for months, resulting in low or empty propane tanks for many of their customers and leaving them without the ability to heat their homes and businesses; and

WHEREAS, numerous customers paid Gygr-Gas for propane they never received; and

WHEREAS, forecasted severe winter weather risks the safety, welfare, and property of Missourians who will not have adequate heat due to Gygr-Gas's abandonment; and

WHEREAS, the Missouri Propane Safety Commission may also take action to suspend Gygr-Gas's registration due to lapsed insurance; and

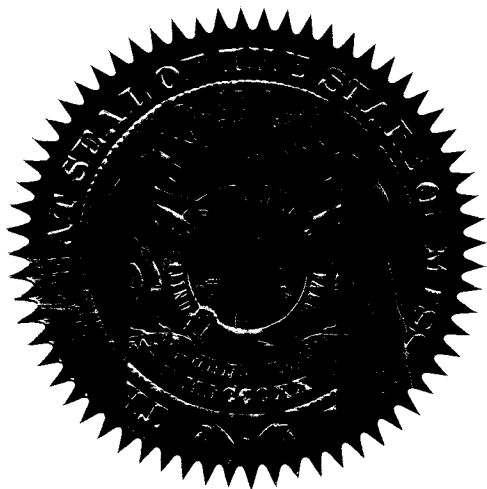
WHEREAS, assistance from other propane companies is requested to ensure affected Missouri families and businesses are not negatively impacted.

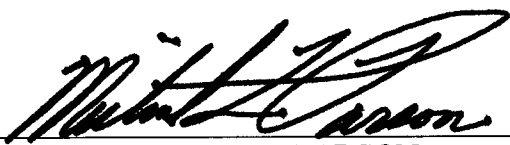
NOW, THEREFORE, I, MICHAEL L. PARSON, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and the Laws of the State of Missouri, including Sections 44.100 and 44.110, RSMo, do hereby declare that a State of Emergency exists in the State of Missouri.

While in this State of Emergency, I hereby waive Section 323.030, RSMo, and 2 C.S.R. 90-10.019 to allow other entities registered to fill liquefied petroleum gas containers in this state to fill containers owned by Gygr-Gas. This waiver shall not apply to liquefied petroleum gas containers owned by providers other than Gygr-Gas.

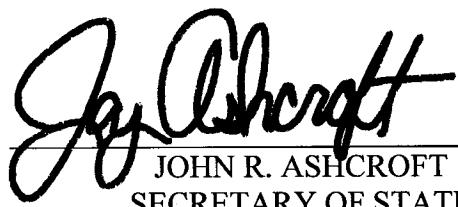
This Order shall terminate on January 1, 2023 unless extended in whole or in part.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 15th day of December, 2022.




MICHAEL L. PARSON
GOVERNOR

ATTEST:


JOHN R. ASHCROFT
SECRETARY OF STATE

The text of proposed rules and changes will appear under this heading. A notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This explanation is set out in the PURPOSE section of each rule. A citation of the legal authority to make rules is also required, and appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbology under the heading of proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules that are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment, or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close-of-comments date will be used as the beginning day in the ninety- (90-) day count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice, file a new notice of proposed rulemaking, and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

**TITLE 3 – DEPARTMENT OF CONSERVATION
Division 10 – Conservation Commission
Chapter 7 – Wildlife Code: Hunting: Seasons,
Methods, Limits**

PROPOSED AMENDMENT

3 CSR 10-7.410 Hunting Methods. The commission proposes to add a new subsection (1)(F), re-letter subsequent subsections, and amend new subsections (1)(I) and (1)(R) of this rule.

PURPOSE: This amendment adds the new CWD portion of firearms deer season to the Special Harvest Provision section, which restricts the use of methods allowed to hunt other wildlife and to take feral hogs in open counties. This amendment also requires hunters to wear hunter orange during the new CWD portion of firearms deer season in open counties and clarifies the use of a blood-tracking dog for the recovery of wounded black bear, deer, elk, and turkey.

(1) Wildlife may be hunted and taken only in accordance with the following:

(F) Dogs (Recovery of wounded black bear, deer, elk, and turkey). A black bear, deer, elk, or turkey is wounded when a properly licensed hunter has struck an animal with a projectile fired from a legal hunting method during the open season. Leashed dogs under the direct control of a dog handler may be used to track and recover wounded black bear, deer, elk, and turkey only with prior authorization from a conservation agent and only in accordance with the instructions of such agent, including the use and possession of any hunting method by any person participating in tracking or recovery. The use of dogs in accordance with this subsection is specifically excluded from the definitions of chase, pursue, and take as defined in this Code. Dog handlers participating in the recovery of a wounded animal as prescribed in this subsection are exempt from hunting permit requirements, provided they are not the taker of the wounded animal. Dog handlers assisting in the tracking and recovery of a wounded animal may not possess a firearm, bow, or crossbow, except for concealable firearms as defined in Chapter 571, RSMo. Concealable firearms possessed under this exception may not be used to take wildlife;

[(F)](G) Falconry. Birds of prey of designated types may be used to pursue and take wildlife within the specified seasons and bag limits. Birds of prey may be possessed or used only by holders of a falconry permit;

[(G)](H) Firearms. Firearms may be used to take wildlife (except beavers, mink, muskrats, river otters, turtles, and fish) during the open seasons, with the following limitations: For hunting game birds (except crows), pistols, revolvers, and rifles may not be used. Except for hunting black bears, deer, and elk, any shotgun having a capacity of more than three (3) shells must have the magazine cut off or plugged with a device incapable of removal through the loading end, so as to reduce the capacity to not more than three (3) shells in magazine and chamber combined. Fully automatic firearms are prohibited;

[(H)](I) Special [F]firearms [P]provision. During the November portion and the antlerless [portion] and CWD portions of the firearms deer season in counties open to deer hunting, other wildlife may be hunted and feral hogs may be taken only with a pistol, revolver, or rifle firing a rimfire cartridge .22 caliber or smaller or a shotgun and shot not larger than No. 4, except that waterfowl hunters, trappers, landowners on their land may use other methods as specified in subsection (1)[(G)](H) of this rule;

[(I)](J) Bows, [C]crossbows, and [A]atlatl. Bows, crossbows, and atlatl may be used to take wildlife during the prescribed hunting seasons. Arrows, bolts, and darts containing any drug, poison, chemical, or explosive are prohibited, but illuminated sights, scopes, and quickpoint sights may be used. Hand-held string releasing mechanisms are permitted with bows;

[(J)](K) Slingshot. Slingshots may be used to take wildlife (except black bears, deer, elk, and turkeys) during the prescribed hunting seasons;

[(K)](L) Cage-[T]type [T]trap. Groundhogs, rabbits, and squirrels may be taken by cage-type trap, the opening of which may not exceed one hundred forty-four (144) square inches, during the open hunting season, at any hour, by the holder of a hunting permit. Cage-type traps shall be plainly labeled on a durable material with the user's full name and address, or Conservation Number, and shall be attended daily;

[(L)](M) Electronic [C]calls. Electronic calls may be used to pursue and take crows and furbearers, but without the aid of an artificial light or night vision, infrared, or thermal imagery equipment, except when pursuing or taking coyotes in accordance with paragraphs (1)(B)2. and (1)(C)2. of this section.

Electronic calls or electronically-activated calls may not be used or possessed while hunting other species of wildlife except as specifically authorized;

[(M)/(N)] No person shall place or scatter grain or other food items in a manner that subjects any hunter to violation of baiting rules, as defined by federal regulations and in 3 CSR 10-7.431, 3 CSR 10-7.455, 3 CSR 10-7.700, and CSR 10-7.900 of this Code;

[(N)/(O)] Wildlife **[R]**retrieval. Any person while hunting who kills or injures any wildlife shall make a reasonable search to retrieve the wildlife and take it into his/her possession; however, this does not authorize trespass;

[(O)/(P)] Any properly licensed person with disabilities, as defined in this Code, may hunt and take wildlife from a stationary vehicle, provided while hunting s/he carries a physician's statement provided by the department and signed by a licensed physician which certifies the person has either a permanent or temporary disability which qualifies him/her to hunt from a stationary vehicle. Printed copies of the physician's statement form can be obtained from the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180 and online at www.missouriconservation.org. This disabled person shall provide a copy of the signed physician's statement to the department within ten (10) days of receiving the exemption;

[(P)/(Q)] Any resident of Missouri under the age of eighteen (18) diagnosed with a terminal illness may use a firearm or approved method for the season to hunt and take one (1) deer and one (1) turkey during any portion of the fall firearms or archery seasons on privately-owned land upon receipt of a method exemption. To receive a method exemption, the person must be sponsored by and participate in a hunt organized by a nonprofit charitable organization that has within its mission to provide opportunities and experiences for terminally ill persons. For purposes of this section, "terminal illness" means an incurable or irreversible condition with a corresponding life expectancy that does not exceed twelve (12) months, which has been documented by a licensed physician. Such person must hunt in the immediate presence of a properly licensed adult hunter who is eighteen (18) years of age or older and who has in his/her possession a valid hunter education certificate card or was born before January 1, 1967. A method exemption shall be issued only once to an individual and will only be valid during the designated seasons within a twelve-(12-) month period;

[(Q)/(R)] Hunter **[O]**range. During the **antlerless**, youth, November, **[and antlerless portions]** and **CWD portions** of the firearms deer hunting season, all hunters shall wear a cap or hat and a shirt, vest, or coat having the outermost color commonly known as hunter orange, which shall be plainly visible from all sides while being worn. Camouflage orange garments do not meet this requirement. This requirement shall not apply to migratory game bird hunters, to hunters using archery methods while hunting within municipal boundaries where discharge of firearms is prohibited, to hunters on federal or state public hunting areas where deer hunting is restricted to archery methods, or to hunters in closed counties during the antlerless **[portion]** and **CWD portions** of the firearms deer hunting season;

[(R)/(S)] Computer-**[A]**ssisted **[R]**emote **[H]**unting. Except as otherwise permitted in this Code, wildlife may be taken only in the immediate physical presence of the taker and may not be taken by use of computer-assisted remote hunting devices; and

[(S)/(T)] Wildlife may not be hunted, pursued, or taken with the use of poisons or tranquilizing drugs.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const., and section 252.040, RSMo 2016. Original rule filed July 22, 1974, effective

Dec. 31, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed Dec. 7, 2022.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

TITLE 3 – DEPARTMENT OF CONSERVATION Division 10 – Conservation Commission Chapter 7 – Wildlife Code: Hunting: Seasons, Methods, Limits

PROPOSED AMENDMENT

3 CSR 10-7.431 Deer Hunting Seasons: General Provisions.
The commission proposes to amend subsections (7)(D) and (8)(C) of this rule.

PURPOSE: This amendment exempts hunters from being required to wear hunter orange during the new CWD portion of firearms deer season in closed counties and clarifies the use of a blood-tracking dog for the recovery of wounded deer.

(7) Deer may not be hunted, pursued, taken, or killed –

(D) With the aid of dogs, in use or possession, **except for the recovery of wounded deer as specifically authorized by 3 CSR 10-7.410;**

(8) During the firearms deer hunting season and during managed firearms deer hunts on those areas where such hunts are held, all persons hunting any game, and also adult mentors accompanying them, must wear a cap or hat and a shirt, vest, or coat of the color commonly known as hunter orange, which must be plainly visible from all sides. Camouflage orange garments do not meet this requirement. The following are exempt from this requirement:

(C) All hunters in counties closed during the antlerless **[portion]** and **CWD portions;**

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const., and section 252.040, RSMo 2016. Original rule filed April 29, 2004, effective May 15, 2004. For intervening history, please consult the Code of State Regulations. Amended: Filed Dec. 7, 2022.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be

considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**TITLE 3 – DEPARTMENT OF CONSERVATION
Division 10 – Conservation Commission
Chapter 7 – Wildlife Code: Hunting: Seasons,
Methods, Limits**

PROPOSED AMENDMENT

3 CSR 10-7.433 Deer: Firearms Hunting Season. The commission proposes to amend subsections (2)(A), (3)(A)-(C), and (4)(B) of this rule.

PURPOSE: This amendment restricts the use of methods allowed to hunt other wildlife and to take feral hogs during the new CWD portion of firearms deer season in open counties. This amendment also prohibits the use of dogs to chase, pursue, or take furbearers during daylight hours in open counties during the new CWD portion, consistent with other portions of the firearms deer season.

(2) Firearms Deer Hunting Permits.

(A) Resident or Nonresident Firearms Any-Deer Hunting Permit: valid for one (1) deer statewide, except that only antlerless deer may be taken during the antlerless portions of the season.

(3) Other wildlife may be hunted during the firearms deer hunting season except as further restricted in this section –

(A) During the November portion statewide and the antlerless **[portion]** and **CWD portions** in open counties, other wildlife (except furbearers) may be hunted only with pistol, revolver, or rifle firing a .22 caliber or smaller rimfire cartridge, or a shotgun and shot not larger than No. 4; except that waterfowl hunters, trappers, or landowners on their land may use other methods as specified in 3 CSR 10-7.410(1)(G)(H); and except that elk hunters may use other methods as specified in 3 CSR 10-7.700(4) during the firearms portion of the elk season;

(B) During the November portion statewide and the antlerless **[portion]** and **CWD portions** in open counties, furbearers may be hunted within the established furbearer hunting seasons during daylight hours using any legal deer hunting method by persons holding an unfilled Firearms Deer hunting permit, and –

1. A Resident Small Game Hunting Permit; or

2. A Nonresident Furbearer Hunting and Trapping Permit;

(C) Furbearers may not be chased, pursued, or taken with the aid of dogs during daylight hours from November 1 through the end of the November portion statewide and the antlerless **[portion]** and **CWD portions** in open counties; and

(4) Feral hogs may be taken in any number during the firearms deer hunting season as follows:

(B) During the November portion statewide and the antlerless **[portion]** and **CWD portions** in open counties –

1. Firearms deer permittees may only use methods allowed for deer;

2. Small game permittees may only use pistol, revolver, or rifle firing a .22 caliber or smaller rimfire cartridge, or a shotgun with shot not larger than No. 4; and

3. Dogs may not be used;

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const., and section 252.040, RSMo 2016. Original rule filed April 29, 2004, effective May 15, 2004. For intervening history, please consult the Code of State Regulations. Amended: Filed Dec. 7, 2022.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**TITLE 3 – DEPARTMENT OF CONSERVATION
Division 10 – Conservation Commission
Chapter 7 – Wildlife Code: Hunting: Seasons,
Methods, Limits**

PROPOSED AMENDMENT

3 CSR 10-7.450 Furbearers: Hunting Seasons, Methods. The commission proposes to amend section (5) of this rule.

PURPOSE: This amendment prohibits the use of dogs to chase, pursue, or take furbearers during daylight hours in open counties during the new CWD portion.

(5) No furbearers may be chased, pursued, or taken during daylight hours with the aid of dogs from November 1 through the prescribed November portion of the firearms deer hunting season, during the **[Antlerless portion]** antlerless and **CWD portions** of the firearms deer hunting season in counties open to deer hunting, during the firearms portion of the elk season in open counties, or with firearms from a boat at night.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const., and section 252.040, RSMo 2016. Original rule filed Aug. 16, 1972, effective Dec. 31, 1972. For intervening history, please consult the Code of State Regulations. Amended: Filed Dec. 7, 2022.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**TITLE 3 – DEPARTMENT OF CONSERVATION
Division 10 – Conservation Commission
Chapter 11 – Wildlife Code: Special Regulations for
Department Areas**

PROPOSED AMENDMENT

3 CSR 10-11.120 Pets and Hunting Dogs. The commission

proposes to add a new section (3) to this rule.

PURPOSE: This amendment clarifies the use of a blood-tracking dog for the recovery of wounded black bear, deer, elk, and turkey on department areas where hunting is permitted.

(3) Dogs may be used for the recovery of wounded bear, deer, elk, and turkey as specifically authorized by 3 CSR 10-7.410 during all hours on those department areas where bear, deer, elk, or turkey hunting are permitted. Any person using dogs in accordance with this section for pay is exempt from the permit requirements of 3 CSR 10-11.111 for commercial use on department areas.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const., and section 252.040, RSMo 2016. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Dec. 7, 2022.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

TITLE 6 – DEPARTMENT OF HIGHER EDUCATION AND WORKFORCE DEVELOPMENT

Division 10 – Commissioner of Higher Education Chapter 4 – Submission of Academic Information, Data and New Programs

PROPOSED RESCISSION

6 CSR 10-4.030 Approval of Credit Hour Courses for Community Junior Colleges. This rule provided the policy and procedure for the Coordinating Board of Higher Education to garnish the earnings of borrowers to repay defaulted guaranteed student loans.

PURPOSE: The department no longer needs this rule to approve credit-hour courses for community junior colleges.

AUTHORITY: sections 163.191 and 178.780, RSMo (1986). Original rule filed Nov. 2, 1987, effective Jan. 14, 1988. Rescinded: Filed Dec. 2, 2022.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Higher Education and Workforce Development, 301 W. High Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publi-

cation of this notice in the **Missouri Register**. No public hearing is scheduled.

TITLE 6 – DEPARTMENT OF HIGHER EDUCATION AND WORKFORCE DEVELOPMENT

Division 25 – Central Missouri State University Chapter 1 – Organization and Description

PROPOSED RESCISSION

6 CSR 25-1.010 General Organization. This rule provided the public with the description of methods and operations and how to obtain information about the institution to comply with section 536.023, RSMo.

PURPOSE: The rule is outdated and no longer serves the institution.

AUTHORITY: sections 174.010–174.120, RSMo 1986, and section 6 of the Omnibus State Reorganization Act of 1974. Original rule filed Aug. 4, 1977, effective Jan. 13, 1978. Rescinded: Filed Dec. 2, 2022.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Higher Education and Workforce Development, 301 W. High Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

TITLE 6 – DEPARTMENT OF HIGHER EDUCATION AND WORKFORCE DEVELOPMENT

Division 250 – University of Missouri Chapter 1 – Organization and Description

PROPOSED RESCISSION

6 CSR 250-1.010 General Organization. This rule provided the public with the description of methods and operations and how to obtain information about the institution to comply with section 536.023, RSMo.

PURPOSE: The rule is outdated and no longer serves the institution.

AUTHORITY: section 172.100, RSMo 1986. Original rule filed April 19, 1977, effective Sept. 11, 1977. Amended: Filed Aug. 15, 1985, effective Jan. 1, 1986. Rescinded: Filed Dec. 2, 2022.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Higher Education and Workforce Development, 301 W. High Street, Jefferson City, MO 65101. To be considered,

comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**TITLE 6 – DEPARTMENT OF HIGHER EDUCATION
AND WORKFORCE DEVELOPMENT
Division 250 – University of Missouri
Chapter 1 – Organization and Description**

PROPOSED RESCISSION

6 CSR 250-1.020 Agricultural Experiment Station – General Organization. This rule created the Agricultural Experiment Station to conduct original research and contribute to agricultural industry. The Agricultural Experiment Station is also the administrator and enforcement of some Missouri agricultural law.

PURPOSE: The rule is outdated and no longer serves the institution.

AUTHORITY: sections 266.341, 266.545, and 536.023, RSMo Supp. 1997. This rule was previously filed as 2 CSR 15-1.010. Original rule filed Oct. 13, 1976, effective Jan. 13, 1977. Amended: Filed Aug. 15, 1985, effective Jan. 1, 1986. Amended: Filed Nov. 12, 1998, effective May 30, 1999. Rescinded: Filed Dec. 2, 2022.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Higher Education and Workforce Development, 301 W. High Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**TITLE 6 – DEPARTMENT OF HIGHER EDUCATION
AND WORKFORCE DEVELOPMENT
Division 250 – University of Missouri
Chapter 2 – Bylaws of the Board of Curators**

PROPOSED RESCISSION

6 CSR 250-2.010 Definitions. This rule provided definitions of terms and phrases as the terms and phrases relate to the government of the University of Missouri.

PURPOSE: The rule is outdated and no longer serves the institution.

AUTHORITY: section 172.100, RSMo 1986. Original rule filed April 19, 1977, effective Sept. 11, 1977. Rescinded: Filed Dec. 2, 2022.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the

Department of Higher Education and Workforce Development, 301 W. High Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**TITLE 6 – DEPARTMENT OF HIGHER EDUCATION
AND WORKFORCE DEVELOPMENT
Division 250 – University of Missouri
Chapter 2 – Bylaws of the Board of Curators**

PROPOSED RESCISSION

6 CSR 250-2.020 Meetings of the Board of Curators. This rule provided the procedure to set meetings of the Board of Curators.

PURPOSE: The rule is outdated and no longer serves the institution.

AUTHORITY: section 172.100, RSMo 1986. Original rule filed April 19, 1977, effective Sept. 11, 1977. Rescinded: Filed Dec. 2, 2022.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Higher Education and Workforce Development, 301 W. High Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**TITLE 7 – MISSOURI DEPARTMENT OF
TRANSPORTATION
Division 10 – Missouri Highways and Transportation
Commission
Chapter 7 – Transportation**

PROPOSED AMENDMENT

7 CSR 10-7.010 Distribution of Funds Appropriated to the Missouri Elderly and Handicapped Transportation Assistance Program. The Missouri Highways and Transportation Commission is amending subsections (1)(A), (1)(C), and (2)(B) through (2)(E).

PURPOSE: This amendment amends the term “handicapped” to “handicapped/disabled” except where referencing the statutory program name; removes and simplifies the regulatory burden of varying match requirements to a consistent dollar-for-dollar; removes dates for applications, awards, and disbursements; and removes the monthly disbursement requirement to reduce regulatory burden to align with 7 CSR 10-7.030.

(1) Criteria. The following criteria is to be used to distribute state financial assistance to eligible transportation providers under section 208.260, RSMo:

(A) Eligibility. Applicants must –

1. Meet one (1) of the following criteria:

A. Be incorporated as a not-for-profit corporation in Missouri under the provisions of Chapter 355, RSMo; or

B. Engage the services of a not-for-profit corporation,

County Sheltered Workshop or Developmental Disability Services under the provisions of sections 205.968–205.972, RSMo, or Senior Citizens Service Fund Tax under the provisions of sections 67.990–67.995, RSMo;

2. Show availability of federal, local, or private funds for the project under application;

3. Show that their total operating costs exceed their total operating revenues, including all dues, membership fees, and all other sources of operating revenue; and

4. Show that its costs are limited to operating costs specifically for transporting elderly and handicapped/disabled persons;

(C) Federal, local, and private funds will be matched with program funds **on a dollar-for-dollar basis** to defray transportation operating losses for approved applicants [by the following procedures:].

[1. When an organization receives federal funds from a state agency and a cash match is required, the commission will provide the cash match;

2. If federal funds are received directly from a federal agency and no state program or agency is involved, the commission will provide one-half (1/2) of any cash match, required by the federal program with the remaining one-half (1/2) being provided from other sources; and

3. The commission will match local or private funds on a dollar-for-dollar basis.]

(2) Applications, Awards, and Disbursements.

(B) Applications will be accepted [through March 31] each year.

(C) Applications will be processed [through June 15] each year.

(D) Announcements of financial assistance to applicants will be made [by June 30] each year.

(E) Awards will be made for a period of twelve (12) months [beginning on July 1 of each year]. Disbursements will be made [monthly] on a reimbursable basis subject to the above conditions.

AUTHORITY: section 208.265, RSMo 2016. This rule was previously filed as 14 CSR 10-2.010. Original rule filed Dec. 1, 1976, effective March 11, 1977. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Dec. 9, 2022.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Highways and Transportation Commission, Pamela J. Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102 or Pamela.Harlan@modot.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

TITLE 7 – MISSOURI DEPARTMENT OF TRANSPORTATION

Division 10 – Missouri Highways and Transportation Commission

Chapter 7 – Transportation

PROPOSED AMENDMENT

7 CSR 10-7.030 Distribution of Funds Appropriated to the

Missouri State Transit Assistance Program. The Missouri Highways and Transportation Commission is deleting section (1), renumbering sections (2) through (4), and amending new subsection (2)(D) and new section (3).

PURPOSE: This amendment removes the application paragraph to remain consistent with 7 CSR 10-7.010 and removes the monthly disbursement requirement to reduce regulatory burden.

[(1) Applicants shall complete and submit to the commission a Missouri State Transit Assistance Application for the commission to make its determination of eligibility for the distribution of state financial assistance under the Missouri State Transit Assistance Program. The Missouri State Transit Assistance Application is available on the department's website at <http://www.modot.org/othertransportation/transit/transitapplication-reportsprograms.htm>.]

[(2)](1) Criteria. The following criteria will be used to distribute state financial assistance to eligible public mass transportation service providers under section 226.195, RSMo:

(A) Eligibility.

1. Applicant shall be a mass transportation service provider and shall be one (1) of the following:

A. A city;

B. A city transit authority;

C. A city utilities board;

D. An interstate transportation authority as such term is defined in section 94.600, RSMo;

E. An intrastate transportation authority; or

F. An agency receiving funding, either directly or as a sub-recipient, from either the Federal Transit Administration urbanized or nonurbanized formula transit programs.

2. Applicant shall show that it will incur operating or capital costs to provide public mass transportation service in Missouri; and

(B) Distribution of state financial assistance shall be made on the basis of population, ridership, cost and efficiency of the public mass transportation service provider's program, availability of alternative public transportation in the service area, and local effort or tax support. The commission will determine the allocation of state transit assistance funding to urbanized areas and the allocation to other than urbanized areas.

1. For applicants providing public mass transportation services in U.S. Census urbanized areas with a population of fifty thousand (50,000) persons or greater, the distribution of state financial assistance will be made on the basis of relative point scores determined by the following factors: three- (3-) year average of Missouri ridership (maximum twenty-four and one-half (24.5) points); public mass transportation service area population in Missouri (maximum twenty-four and one-half (24.5) points); annual operating cost of the Missouri portion of the program (maximum twenty-four and one-half (24.5) points); efficiency of the program (maximum one (1) point); availability of alternative public transportation in the public mass transportation service area (maximum one (1) point); and local effort or tax support (maximum twenty-four and one-half (24.5) points); and].

2. For applicants providing public mass transportation in areas other than U.S. Census urbanized areas, the distribution of state financial assistance will be made on the following basis of relative point scores determined by the following factors: public mass transportation service area population in Missouri (maximum forty-nine (49) points); three- (3-) year average of Missouri ridership (maximum ten (10) points); annual operating cost of the Missouri portion of the program (maximum twenty-nine (29) points); efficiency of the program (maximum one (1) point); availability of alternative public transportation

in the public mass transportation service area (maximum one (1) point); and local effort or tax support (maximum ten (10) points).

[(3)](2) Applications, Awards, and Disbursements.

(A) Applications will be accepted each year.

(B) Applications will be processed each year. The commission will review the applications. The commission will use the information in the application as well as the other documentation required by this rule to determine if the application is approved. The commission reserves the right to request additional information. The commission may deny funding as a result of applicant's failure to fully and accurately complete the application.

(C) Announcements of financial assistance to applicants will be made each year.

(D) Awards will be made for a period of twelve (12) months. Disbursements will be made *[monthly]* on a reimbursable basis. The commission will review and approve the expenditures on the invoices.

(E) All commission determinations under this rule including[,] but not limited to[,] approval or disapproval of applications, the amount of distributed state assistance, and all other determinations are final and not subject to appeal.

[(4)](3) Information. Information regarding the Missouri State Transit Assistance Program may be obtained from the transit section in the Multimodal Operations Division, 105 West Capitol Avenue, PO Box 270, Jefferson City, MO 65102[, (573) 751-2523].

AUTHORITY: section 226.195, RSMo [Supp. 2012] 2016. Original rule filed Jan. 18, 2013, effective Aug. 30, 2013. Amended: Filed Dec. 9, 2022.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Highways and Transportation Commission, Pamela J. Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102 or Pamela.Harlan@modot.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**TITLE 7 – MISSOURI DEPARTMENT OF
TRANSPORTATION
Division 265 – Motor Carrier and Railroad Safety
Chapter 9 – Rail Fixed Guideway Systems**

PROPOSED AMENDMENT

7 CSR 265-9.010 Applicability of Chapter; Definitions. The Missouri Highways and Transportation Commission is amending sections (1) and (2).

PURPOSE: This amendment updates references to changes in the Code of Federal Regulations.

(1) Notwithstanding any provision within 7 CSR 265-8 to the contrary, rail fixed guideway systems (RFGS) as defined in Title 49 Code of Federal Regulations (CFR) *[Parts 659.5 and] Subpart*

674.7 shall be governed by the rules in this chapter, and not by the rules in 7 CSR 265-8. The regulations in 49 CFR Part *[s 659.5 and] 674.7 [are] is* incorporated herein by reference and made a part of this rule as published October 1, 2016, by the Federal Transit Administration, United States Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590. This rule does not incorporate any subsequent amendments or additions *[of these regulations]*.

(2) As used in this chapter unless the context clearly requires otherwise, the following definitions and the definitions in Title 49 CFR Part *[s 659 and] 674* and Title 49 *United States Code* (USC) 5329, which are incorporated by reference and made a part of this rule as published by the United States Government Publishing Office, 732 North Capitol Street NW, Washington, DC 20401 on October 1, 2016, and March 15, 2016, respectively, and this rule does not incorporate any subsequent amendments or additions to the CFRs and USC, apply:

(B) Contractor. An entity that performs tasks required by 49 CFR Part *[659] 674*, on behalf of the rail fixed guideway system or the division. A rail fixed guideway system may not be a contractor for the division;

(I) Rail-highway grade crossing. A location where one (1) or more rail transit system tracks cross a public highway, road, street, or private roadway, and includes a pedestrian grade crossing. *[A rail-highway grade crossing does not include highway or pathway intersections on a street running rail transit system] A rail-highway grade crossing also includes a highway or pathway intersection on a street running rail transit system, excluding driveways and parking lot entrances;*

(K) Rail transit system. A rail *[fixed guideway system (RFGS)]* in accordance with 49 CFR Part 659 and a rail *[fixed guideway]* public transportation system in accordance with 49 CFR Part 674;

AUTHORITY: sections 389.1005 and 622.027, RSMo 2016. This rule originally filed as 4 CSR 265-9.010. Emergency rule filed Feb. 5, 1993, effective Feb. 15, 1993, expired June 14, 1993. Original rule filed Nov. 4, 1992, effective June 7, 1993. For intervening history, please consult the Code of State Regulations. Amended: Filed Dec. 9, 2022.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Highways and Transportation Commission, Pamela J. Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102 or Pamela.Harlan@modot.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**TITLE 7 – MISSOURI DEPARTMENT OF
TRANSPORTATION
Division 265 – Motor Carrier and Railroad Safety
Chapter 9 – Rail Fixed Guideway Systems**

PROPOSED AMENDMENT

7 CSR 265-9.020 State Safety Oversight Agency Authorities and Requirements. The Missouri Highways and Transportation Commission is amending the purpose statement and

sections (3) and (7).

PURPOSE: *This amendment updates references to the **Code of Federal Regulations**.*

PURPOSE: *This rule adopts a system safety program standard[,] and requires every rail fixed guideway system to establish, implement, and maintain a system safety program plan and security plan, which meets the FTA requirements under 49 CFR part [659.] 674 and the requirements of this rule.*

(3) The division incorporates by reference in this rule the full provisions of [49 **Code of Federal Regulations (CFR) Part 659,** 49 USC 5329[,] and 49 **Code of Federal Regulations (CFR) Part 674,** as published by the United States Government Publishing Office, 732 North Capitol Street NW, Washington, DC 20401 on October 1, 2016, and March 15, 2016, respectively. This rule does not incorporate any subsequent amendments or additions of the CFRs and USC.

(7) Every RFGS shall meet or exceed the FTA's alcohol and controlled substances testing requirements under 49 CFR Parts **40 and 655,** which are incorporated herein by reference and made a part of this rule as published [October 1, 2016] in the **Federal Register 83 FR 63812 December 12, 2018,** by the FTA, United States Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590. This rule does not incorporate any subsequent amendments or additions [of these regulations].

AUTHORITY: *sections 389.1005 and 622.027, RSMo 2016. This rule originally filed as 4 CSR 265-9.020. Original rule filed Nov. 4, 1992, effective June 7, 1993. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Dec. 9, 2022.*

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Highways and Transportation Commission, Pamela J. Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102 or Pamela.Harlan@modot.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

TITLE 7 – MISSOURI DEPARTMENT OF TRANSPORTATION

Division 265 – Motor Carrier and Railroad Safety Chapter 9 – Rail Fixed Guideway Systems

PROPOSED AMENDMENT

7 CSR 265-9.050 Signs. The Missouri Highways and Transportation Commission is amending sections (1) and (2).

PURPOSE: *This amendment updates references to the **Manual on Uniform Traffic Control Devices**.*

(1) All safety, directional, warning, and train control signs used on rail fixed guideway systems shall be made of aluminum or other noncorrosive material and covered with a retroreflectorized material to show the same shape and color by day or night.

The retroreflectorized material used shall meet or exceed the minimum levels specified in the **Manual on Uniform Traffic Control Devices (MUTCD)** (2009 Edition **including Revisions 1 and 2**), which is incorporated by reference and made a part of this rule as published by the Federal Highway Administration (FHWA), United States Department of Transportation (USDOT), 400 7th Street SW, Room 3408, Washington, DC 20590, website: [http://mutcd.fhwa.dot.gov/pdfs/2009r1r2/pdf_index.htm] <https://mutcd.fhwa.dot.gov/pdfs/2009r1r2/mutcd2009r1r2edition.pdf>. This rule does not incorporate any subsequent amendments or additions of this manual.

(2) The signs shall be maintained in a reasonably clean condition and replaced when they have been impaired by wear or damage. Sign retroreflectivity shall be assessed and maintained according to the minimum retroreflectivity standards of the MUTCD (2009 Edition **including Revisions 1 and 2**), which is incorporated by reference and made a part of this rule as published by the FHWA, USDOT, 400 7th Street SW, Room 3408, Washington, DC 20590, website: [http://mutcd.fhwa.dot.gov/pdfs/2009r1r2/pdf_index.htm] <https://mutcd.fhwa.dot.gov/pdfs/2009r1r2/mutcd2009r1r2edition.pdf>. This rule does not incorporate any subsequent amendments or additions of this manual.

AUTHORITY: *sections 389.1005 and 622.027, RSMo 2016. This rule originally filed as 4 CSR 265-9.050. Original rule filed Nov. 4, 1992, effective June 7, 1993. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Dec. 9, 2022.*

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Highways and Transportation Commission, Pamela J. Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102 or Pamela.Harlan@modot.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

TITLE 7 – MISSOURI DEPARTMENT OF TRANSPORTATION

Division 265 – Motor Carrier and Railroad Safety Chapter 9 – Rail Fixed Guideway Systems

PROPOSED AMENDMENT

7 CSR 265-9.100 Rail-Highway Grade Crossing Construction and Maintenance. The Missouri Highways and Transportation Commission is amending subsection (1)(C).

PURPOSE: *This amendment updates references to the **Manual on Uniform Traffic Control Devices**.*

(1) Every public rail-highway grade crossing on a rail fixed guideway system (RFGS), whether involving railroad, light rail, or street railroad tracks shall be constructed of materials that will provide a ride quality compatible with that of adjacent roadway surfaces (except that crossings of asphalt material shall have installed headers of equal height to the top of rails installed on both sides of both rails). Rail-highway grade crossings constructed on RFGSs shall have, at a minimum, a

crossing material comparable to or exceeding the material used in the approaching roadway. Grade crossings constructed of unconsolidated material are prohibited.

(C) Width of roadway at a rail-highway grade crossing upon an RFGS should correspond to that of the adjoining highway and have the same number and width of traffic lanes as the adjoining highway, without extra lanes, and with center turn lanes at the crossing delineated. At all paved approaches to the rail-highway grade crossing, the highway traffic lanes in the vicinity of the crossing should be distinctly marked in accordance with the recommendations of the *Manual on Uniform Traffic Control Devices*, (2009 Edition **including Revisions 1 and 2**), which is incorporated by reference and made a part of this rule as published by the Federal Highway Administration, United States Department of Transportation, 400 7th Street SW, Room 3408, Washington, DC 20590, website: [http://mutcd.fhwa.dot.gov/pdfs/2009r1r2/pdf_index.htm] <https://mutcd.fhwa.dot.gov/pdfs/2009r1r2/mutcd2009r1r2edition.pdf>. This rule does not incorporate any subsequent amendments or additions of this manual. These markings are the responsibility of the public highway authorities.

AUTHORITY: sections 389.1005 and 622.027, RSMo 2016. This rule originally filed as 4 CSR 265-9.100. Original rule filed Nov. 4, 1992, effective June 7, 1993. For intervening history, please consult the Code of State Regulations. Amended: Filed Dec. 9, 2022.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Highways and Transportation Commission, Pamela J. Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102 or Pamela.Harlan@modot.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**TITLE 7 – MISSOURI DEPARTMENT OF
TRANSPORTATION
Division 265 – Motor Carrier and Railroad Safety
Chapter 9 – Rail Fixed Guideway Systems**

PROPOSED AMENDMENT

7 CSR 265-9.110 Rail-Highway Grade Crossing Warning Devices. The Missouri Highways and Transportation Commission is amending section (1).

*PURPOSE: This amendment updates references to the **Manual on Uniform Traffic Control Devices**.*

(1) The division incorporates by reference in this rule Part 8 of the *Manual on Uniform Traffic Control Devices* (2009 edition **including Revisions 1 and 2**), which is incorporated herein by reference and made a part of this rule as published by the Federal Highway Administration, United States Department of Transportation, 400 7th Street SW, Room 3408, Washington, DC 20590, website: [http://mutcd.fhwa.dot.gov/pdfs/2009r1r2/pdf_index.htm] <https://mutcd.fhwa.dot.gov/pdfs/2009r1r2/mutcd2009r1r2edition.pdf> and makes it applicable to rail fixed guideway systems (RFGS). This rule does not incorporate any subsequent amendments or additions of this manual. Part

8, entitled “Traffic Control for Railroad and Light Rail Transit Grade Crossings,” establishes standards for the design, installation, and operation of rail-highway grade crossing warning devices. The commission recommends that the standards in Part 8 be applied in the installation of all grade crossing warning systems on RFGSs in Missouri, unless otherwise provided by rule of the commission or order of the division.

*AUTHORITY: sections 389.1005 and 622.027, RSMo 2016. This rule originally filed as 4 CSR 265-9.110. Emergency rule filed Feb. 5, 1993, effective Feb. 15, 1993, expired June 14, 1993. Original rule filed Nov. 4, 1992, effective June 7, 1993. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Dec. 9, 2022.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Highways and Transportation Commission, Pamela J. Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102 or Pamela.Harlan@modot.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**TITLE 11 – DEPARTMENT OF PUBLIC SAFETY
Division 40 – Division of Fire Safety
Chapter 2 – Boiler and Pressure Vessel Safety Rules**

PROPOSED AMENDMENT

11 CSR 40-2.022 Certificates, Inspections, and Fees. The board is amending the title and section (14).

PURPOSE: This rule is being amended to update the fee schedule.

(14) Fee Schedule.

(A) Inspections by the chief inspector or deputy inspector shall be paid in accordance with the fee schedule below. These inspection fees are in addition to the inspection certificate fee.

1. Power Boilers[;]–
 - A. Internal inspections –

4,000 lbs/hr capacity or less	[\$35] \$125
Over 4,000 lbs/hr up to 16,000 lbs/hr	[\$60] \$150
16,000 lbs/hr or greater	[Hourly Rate] \$195
 - B. External [/]inspections –

4,000 lbs/hr capacity or less	[\$25] \$85
Over 4,000 lbs/hr	[\$35] \$110
2. Heating Boilers, Water Heaters, Pool Heaters, and Fired Vessels[;]–
 - A. Internal inspections –

4,000 lbs/hr capacity or less	[\$35] \$85
Greater than 4,000 lbs/hr	[\$45] \$95
 - B. External inspections –

Hot water heating boilers, hot water supply boilers, pool heaters, circulating water heaters, and steam heating boilers less than or equal to 15 psi	[\$25] \$70
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- Fired storage water heaters and fired jacketed steam kettles [~~\$18~~] \$60
3. Pressure Vessels~~[/]~~—
- A. 1,000 cu. ft. (7,500 gal.) or less in volume [~~\$16~~] \$50
- B. Over 1,000 cu. ft. (7,500 gal.) in volume [~~\$25~~] \$60
- C. Internal inspection requiring entry [Hourly Rate] \$70
- D. No more than one hundred twenty dollars (\$120)
- shall be charged for any one (1) pressure vessel, except inspection under subparagraph (14)(A)3.C.~~[/]~~ and paragraph (14)(B)7., in any one (1) year for a routine certificate inspection.
- (B) Miscellaneous ~~[/F]~~fees.
1. Examination ~~[/F]~~fees [~~\$50~~] \$70
2. Commissions
- A. New issuance [~~\$50~~] \$45
- B. Renewal (commission previous year) [~~\$25~~] \$35
3. Inspection certificate [~~\$20~~] \$40
4. **Reprint for each certificate**/Change of certificate name **for each** [~~\$15~~] \$30
5. Accreditation reviews—
- ASME and National Board [~~\$1,000~~] \$1,040
plus expenses
6. Hourly ~~[/R]~~rates:
- A. Each hour or part thereof up to eight hours [~~\$35~~] \$100
- B. Each hour or part thereof over eight hours in any one (1) day [~~\$50~~] \$115
7. Reinspection fee for improperly prepared object ~~[/H]~~hourly ~~[/R]~~rate plus expenses

AUTHORITY: sections 650.215, 650.275, and 650.277, RSMo [2000] 2016. Original rule filed Sept. 25, 2002, effective May 30, 2003. Amended: Filed June 30, 2009, effective Feb. 28, 2010. Amended: Filed Dec. 12, 2022.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions ninety-eight thousand nine hundred ninety-four dollars and ninety-three cents (\$98,994.93) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities five hundred forty-seven thousand five hundred forty-nine dollars and seven cents (\$547,549.07) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support or in opposition to this proposed amendment with the Department of Public Safety, Division of Fire Safety, ATTN: Boiler and Pressure Vessel Safety Rules, 206 Jefferson St., 13th Floor, Jefferson City, MO 65101-4421. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PUBLIC COST**

- I. Department Title:** Department of Public Safety
Division Title: Division of Fire Safety
Chapter Title: Boiler and Pressure Vessel Safety Rules

Rule Number and Title:	11 CSR 40-2.022 Certificates, Inspections and Fees.
Type of Rulemaking:	Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Cities	\$10,416.39
Community colleges	\$3,368.87
Counties	\$4,832.39
Department of Agriculture	\$341.55
Department of Conservation	\$595.73
Department of Corrections	\$8,277.71
Department of Labor and Industrial Relations	\$19.86
Department of the National Guard	\$44.68
Department of Public Safety - Missouri Veterans Commission	\$3,127.60
Department of Transportation	\$2,589.45
Fire protection districts	\$95.32
Higher education institutions (other than community colleges or University of Missouri)	\$5,774.64
Hospitals	\$5,319.90
Housing authorities	\$587.79
Kansas City Board of Police Commissioners	\$724.81
Libraries	\$99.29
Missouri State Employee Retirement System	\$39.72
Nursing home districts	\$97.30
Office of Administration	\$4,650.69

School districts	\$38,299.67
University of Missouri	\$9,572.44
Water and sewer districts	\$119.15

III. WORKSHEET

(Items inspected x Proposed fee) – (Items inspected x Current fee) = Difference

Type of Fee	Est. Items Inspected	Proposed Fee	Total Proposed	Current Fee	Total Current	Difference
CERT – Boiler Certificate	7,340	\$40.00	\$293,600.00	\$20.00	\$146,800.00	\$146,800.00
CERT – Pressure Vessel Certificate	12,485	\$40.00	\$499,400.00	\$20.00	\$249,700.00	\$249,700.00
INSP – Fired Storage Water Heater or Fired Jacketed Steam Kettle – External	296	\$60.00	\$17,760.00	\$18.00	\$5,328.00	\$12,432.00
INSP – Heating Boilers, Water Heaters, Pool Heaters, and Fired Vessels – External	1,179	\$70.00	\$82,530.00	\$25.00	\$29,475.00	\$53,055.00
INSP – Heating Boilers, Water Heaters, Pool Heaters, and Fired Vessels – Internal – 4,000 lbs/hr or less	42	\$85.00	\$3,570.00	\$35.00	\$1,470.00	\$2,100.00
INSP – Heating Boilers, Water Heaters, Pool Heaters, and Fired Vessels – Over 4,000 lbs/hr	12	\$95.00	\$1,140.00	\$45.00	\$540.00	\$600.00
INSP – Power Boilers – External – 4,000 lbs/hr or less	32	\$85.00	\$2,720.00	\$25.00	\$800.00	\$1,920.00
INSP – Power Boilers – External – Over 4,000 lbs or less	21	\$95.00	\$1,995.00	\$35.00	\$735.00	\$1,260.00
INSP – Power Boilers – Internal – 4,000 lbs/hr or less	106	\$125.00	\$13,250.00	\$35.00	\$3,710.00	\$9,540.00
INSP – Power Boilers – 4,000 to 16,000 lbs/hr	95	\$150.00	\$14,250.00	\$60.00	\$5,700.00	\$8,550.00
INSP – Power Boilers – Internal – Over 16,000/hr	10	\$195.00	\$1,950.00	\$72.50	\$725.00	\$1,225.00

INSP – Pressure Vessel Inspection Fee	3	\$50.00	\$150.00	\$16.00	\$48.00	\$102.00
INSP – Pressure Vessels – External – 1,000 cu ft (7,500 gal.) or less	4,445	\$50.00	\$222,250.00	\$16.00	\$71,120.00	\$151,130.00
INSP – Pressure Vessels – External – Over 1,000 cu ft (7,500 gal.) or less	27	\$60.00	\$1,620.00	\$25.00	\$675.00	\$945.00
INSP – Pressure Vessels – Internal Inspection Requiring Entry	2	\$70.00	\$140.00	\$35.00	\$70.00	\$70.00
MISC – Commission – New Issuance	4	\$45.00	\$180.00	\$50.00	\$200.00	(\$20.00)
MISC – Commission – Renewal	70	\$35.00	\$2,450.00	\$25.00	\$1,750.00	\$700.00
MISC – Miscellaneous	3	\$100.00	\$300.00	\$35.00	\$105.00	\$195.00
MISC – Reinspection Fee for Improperly Prepared Objects	96	\$100.00	\$9,600.00	\$35.00	\$3,360.00	\$6,240.00
Subtotal						\$646,544.00

Public entity FY2022 percentage of fees assessed x \$646,544.00 total estimated increase = projected additional amount by entity or class of subdivision

Public entity	FY22 % of fees	X	\$646,544.00	=	Projected add'l amt
Cities	1.61%	X	\$646,544.00	=	\$10,416.39
Community colleges	0.52%	X	\$646,544.00	=	\$3,368.87
Counties	0.75%	X	\$646,544.00	=	\$4,832.39
Department of Agriculture	0.05%	X	\$646,544.00	=	\$341.55
Department of Conservation	0.09%	X	\$646,544.00	=	\$595.73
Department of Corrections	1.28%	X	\$646,544.00	=	\$8,277.71
Department of Labor and Industrial Relations	0.00%	X	\$646,544.00	=	\$19.86
Department of the National Guard	0.01%	X	\$646,544.00	=	\$44.68
Department of Public Safety - Missouri Veterans Commission	0.48%	X	\$646,544.00	=	\$3,127.60
Department of Transportation	0.40%	X	\$646,544.00	=	\$2,589.45
Fire protection districts	0.01%	X	\$646,544.00	=	\$95.32
Higher education institutions (other than community colleges or University of Missouri)	0.89%	X	\$646,544.00	=	\$5,774.64
Hospitals	0.82%	X	\$646,544.00	=	\$5,319.90
Housing authorities	0.09%	X	\$646,544.00	=	\$587.79
Kansas City Board of Police Commissioners	0.11%	X	\$646,544.00	=	\$724.81

Libraries	0.02%	X	\$646,544.00	=	\$99.29
Missouri State Employee Retirement System	0.01%	X	\$646,544.00	=	\$39.72
Nursing home districts	0.02%	X	\$646,544.00	=	\$97.30
Office of Administration	0.72%	X	\$646,544.00	=	\$4,650.69
School districts	5.92%	X	\$646,544.00	=	\$38,299.67
University of Missouri	1.48%	X	\$646,544.00	=	\$9,572.44
Water and sewer districts	0.02%	X	\$646,544.00	=	\$119.15
Total					\$98,994.93

Due to rounding, totals may not equal amount shown.

IV. ASSUMPTIONS

To estimate the number of items inspected annually, the Board averaged the number of items inspected in fiscal years 2020, 2021, and 2022.

The proposed fee is based on the average fee assessed by all states that regulate boilers and pressure vessels. The Board rounded down all fees to the nearest \$5 or \$10, e.g., if a fee was \$29, then this was rounded down to \$25.

The Board determined that its inspections in Fiscal Year 2022, covering July 1, 2021 to June 30, 2022 were generally representative of its inspections conducted in a given year. It then reviewed its invoices to determine the percentage of fees invoiced to each category of public entities. That percentage was then multiplied by the total estimated fee change to determine the anticipated increase for each category of public entities.

The Board does not track its invoices by type of public entity. As a result, public entities were assigned to general classifications to the extent such classifications could be readily determined. Entities that could not be determined as either public or private were classified as private entities.

**FISCAL NOTE
PRIVATE COST**

- I. Department Title:** Department of Public Safety
Division Title: Division of Fire Safety
Chapter Title: Boiler and Pressure Vessel Safety Rules

Rule Number and Title:	11 CSR 40-2.022 Certificates, Inspections and Fees.
Type of Rulemaking:	Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
3,638 private entities with items requiring certificates, inspections, or miscellaneous services per year (approximate). Specifics regarding objects by type is in the worksheet below.	Entities with boilers and pressure vessels	\$547,549.07 annually

III. WORKSHEET

(Items inspected x Proposed fee) – (Items inspected x Current fee) = Difference

Type of Fee	Items Inspected	Proposed Fee	Total Proposed	Current Fee	Total Current	Difference
CERT – Boiler Certificate	7,340	\$40.00	\$293,600.00	\$20.00	\$146,800.00	\$146,800.00
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INSP – Heating Boilers, Water Heaters, Pool Heaters, and Fired Vessels – Over 4,000 lbs/hr	12	\$95.00	\$1,140.00	\$45.00	\$540.00	\$600.00
INSP – Power Boilers – External – 4,000 lbs/hr or less	32	\$85.00	\$2,720.00	\$25.00	\$800.00	\$1,920.00
INSP – Power Boilers – External – Over 4,000 lbs or less	21	\$95.00	\$1,995.00	\$35.00	\$735.00	\$1,260.00
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MISC – Miscellaneous	3	\$100.00	\$300.00	\$35.00	\$105.00	\$195.00
MISC – Reinspection Fee for Improperly Prepared Objects	96	\$100.00	\$9,600.00	\$35.00	\$3,360.00	\$6,240.00
Subtotal						\$646,544.00
X 84.69 percent (estimated amount attributed to private entities)						
Total						\$547,549.07

Due to rounding, totals may not equal amount shown.

IV. ASSUMPTIONS

To estimate the number of items inspected annually in each class of items, the Board averaged the number of items inspected in fiscal years 2020, 2021, and 2022.

The proposed fee is based on the average fee assessed by all states that regulate boilers and pressure vessels. The Board rounded down all fees to the nearest \$5 or \$10, e.g., if a fee was \$29, then this was rounded down to \$25.

The Board determined that its inspections in Fiscal Year 2022, covering July 1, 2021 to June 30, 2022 were generally representative of its inspections conducted in a given year. It reviewed its invoices from this year and determined that approximately 84.69 percent of fees invoiced were to private entities. That percentage was then multiplied by the total estimated fee change to determine the anticipated change in fees for private entities. The Board also determined that because an entity may have multiple items requiring inspection, there were approximately 3,638 private entities with objects requiring inspections during this year.

The Board does not track its invoices by type of entity. As a result, entities were assigned to classifications to the extent such classifications could be readily determined. Entities that could not be determined as public or private were classified as private entities.