

SECOND REGULAR SESSION

SENATE BILL NO. 613

90TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR GOODE.

Pre-filed December 1, 1999, and 1,000 copies ordered printed.

2458S.04J

TERRY L. SPIELER, Secretary.

AN ACT

To repeal section 303.044, RSMo 1994, and sections 302.178 and 303.042, RSMo Supp. 1999, relating to driver's privileges, and to enact in lieu thereof three new sections relating to the same subject.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 303.044, RSMo 1994, and sections 302.178 and 303.042, RSMo Supp. 1999, are repealed and three new sections enacted in lieu thereof, to be known as sections 302.178, 303.042 and 303.044, to read as follows:

302.178. 1. Beginning January 1, 2001, any person between the ages of sixteen and eighteen years who is qualified to obtain a license pursuant to sections 302.010 to 302.340, may apply for, and the director shall issue, an intermediate driver's license entitling the applicant, while having such license in his or her possession, to operate a motor vehicle of the appropriate class upon the highways of this state in conjunction with the requirements of this section. An intermediate driver's license shall be readily distinguishable from a license issued to those over the age of eighteen. All applicants for an intermediate driver's license shall:

- (1) Successfully complete the examination required by section 302.173;
- (2) Pay the fee required by subsection 3 of this section;
- (3) Have had a temporary instruction permit issued pursuant to subsection 1 of section 302.130 for at least a six-month period or a valid license from another state; **and**
- (4) Have a parent, grandparent or legal guardian sign the application stating that the applicant has completed at least twenty hours of supervised driving experience under a temporary instruction permit issued pursuant to subsection 1 of section 302.130, or, if the applicant is an

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

emancipated minor, the person over twenty-one years of age who supervised such driving. For purposes of this section, the term "emancipated minor" means a person who is at least sixteen years of age, but less than eighteen years of age, who:

(a) Marries with the consent of the legal custodial parent or legal guardian pursuant to section 451.080, RSMo;

(b) Has been declared emancipated by a court of competent jurisdiction;

(c) Enters active duty in the armed forces;

(d) Has written consent to the emancipation from the custodial parent or legal guardian;

or

(e) Through employment or other means provides for such person's own food, shelter and other cost-of-living expenses;

(5) Have had no alcohol-related enforcement contacts as defined in section 302.525 during the preceding twelve months; and

(6) Have no nonalcoholic traffic convictions for which points are assessed pursuant to section 302.302, within the preceding six months.

2. An intermediate driver's license grants the licensee the same privileges to operate that classification of motor vehicle as a license issued pursuant to section 302.177, except that no person shall operate a motor vehicle on the highways of this state under such an intermediate driver's license between the hours of 1:00 a.m. and 5:00 a.m. unless accompanied by a person described in subsection 1 of section 302.130; except the licensee may operate a motor vehicle without being accompanied if the travel is to or from a school or educational program or activity, a regular place of employment or in emergency situations as defined by the director by regulation. Each intermediate driver's license shall be restricted by requiring that the driver and all passengers in the licensee's vehicle wear safety belts at all times. This safety belts restriction shall not apply to a person operating a motorcycle.

3. Notwithstanding the provisions of section 302.177 to the contrary, the fee for an intermediate driver's license shall be five dollars and such license shall be valid for a period of two years.

4. Any intermediate driver's licensee accumulating six or more points in a twelve-month period may be required to participate in and successfully complete a driver improvement program approved by the director of the department of public safety. The driver improvement program ordered by the director of revenue shall not be used in lieu of point assessment.

5. **(1)** An intermediate driver's licensee who has, for the preceding twelve-month period, had no alcohol-related enforcement contacts, as defined in section 302.525 and no traffic convictions for which points are assessed, upon reaching the age of eighteen years may apply for and receive without further examination, other than a vision test as prescribed by section 302.173, a license issued pursuant to this chapter granting full driving privileges. Such person shall pay

the required fee for such license as prescribed in section 302.177.

(2) The director of revenue shall deny an application for a full driver's license until the person has had no traffic convictions for which points are assessed for a period of twelve months prior to the date of application for license or until the person is eligible to apply for a six year driver's license as provided for in section 302.177, provided the applicant is otherwise eligible for full driving privileges. An intermediate driver's license shall expire when the licensee is eligible and receives a full driver's license as prescribed in subdivision (1) of this section.

6. (1) An intermediate driver's licensee who has, for the proceeding twelve-month period, had no alcohol-related enforcement contacts, as defined in section 302.525, no traffic convictions for which points are assessed and has successfully completed a driver training program approved by the state department of elementary and secondary education or a driver training program offered by a private institution approved by the department of revenue, or its designee, upon reaching the age of seventeen years may apply for and receive without further examination, other than the vision test as prescribed by section 302.173, a license issued pursuant to this chapter granting full driving privileges. Such person shall pay the required fee for such license as prescribed in section 302.177.

(2) The intermediate driver's licensee shall submit proof that he or she has successfully completed a driver training program on a form designed and provided by the director of revenue.

[6.] **7.** No person upon reaching the age of eighteen years whose intermediate driver's license and driving privilege is denied, suspended, canceled or revoked in this state or any other state, for any reason may apply for a full driver's license until such license or driving privilege is fully reinstated. Any such person whose intermediate driver's license has been revoked pursuant to the provisions of sections 302.010 to 302.540 shall, upon receipt of reinstatement of the revocation from the director, pass the complete driver examination, apply for a new license, and pay the proper fee before again operating a motor vehicle upon the highways of this state.

[7.] **8.** A person shall be exempt from the intermediate licensing requirements if the person has reached the age of eighteen years and meets all other licensing requirements, **or has reached the age of seventeen years and has successfully completed a driver training program as prescribed in subsection 6 of this section.**

[8.] **9.** Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking

authority and any rule proposed or adopted after August 28, [1999] **2000**, shall be invalid and void.

303.042. 1. The suspension shall become effective thirty days after the subject person is deemed to have received the notice of suspension by certified mail as provided in section 303.041.

2. The period of suspension under this section shall be as follows:

(1) If the person's [driving] record shows no prior violation, the director shall terminate the suspension upon payment [by the owner] of a reinstatement fee of twenty dollars and submission of proof of insurance as prescribed **in section 303.026 or some other form of proof of insurance as prescribed** by the director;

(2) If the person's record shows one prior violation within the immediately preceding two years, the director shall terminate the suspension ninety days after its effective date upon payment by the owner of a reinstatement fee of two hundred dollars and submission of proof of insurance as prescribed **in section 303.026 or some other form of proof of insurance as prescribed** by the director;

(3) If the person's record shows two or more prior violations, the period of suspension shall terminate one year after its effective date upon payment of a reinstatement fee of four hundred dollars and submission of proof of insurance as prescribed **in section 303.026 or some other form of proof of insurance as prescribed** by the director.

3. In the event that proof of insurance [as prescribed by the director] **required by this section** has not been filed with the department of revenue in accordance with this chapter prior to the end of the period of suspension provided in this section, such period of suspension shall be extended until such proof of insurance as prescribed by the director has been filed. In no event shall filing proof of insurance as prescribed by the director reduce any period of suspension.

4. If the director determines that the proof of insurance submitted by a motor vehicle owner or operator pursuant to this chapter is false, the director shall suspend the owner's vehicle registration and operator's driving privilege. The director shall terminate the suspension one year after the effective date upon payment by the owner or operator of a reinstatement fee of one hundred fifty dollars and submission of proof of insurance as prescribed **in section 303.026 or some other form of proof of insurance as prescribed** by the director.

5. In all cases involving a violation of section 303.025, the director shall not require an individual to file a certificate of insurance as provided in section 303.170 or section 303.180, or some other form of high-risk insurance, in order to terminate the suspension.

303.044. After the period of suspension provided in section 303.042 has elapsed, the owner or operator, or both, whose license or registration has been suspended must file proof of [financial responsibility] **insurance as prescribed in section 303.026 or some other proof of insurance as prescribed by the director** for a period of three years thereafter with respect to all motor vehicles registered to him. If proof of [financial responsibility] **insurance** is not

maintained during the three-year period to the satisfaction of the director, he shall again suspend the license and all registrations until the owner or operator shall thereafter maintain proof of [financial responsibility] **insurance** as set out herein. **In no case shall the director require the person whose license or registration has been suspended to file a certificate of insurance as prescribed by section 303.170 or section 303.180 or some other form of high-risk insurance.**

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