

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NOS. 1001, 896 & 761
93RD GENERAL ASSEMBLY

Reported from the Committee on Transportation April 6, 2006 with recommendation that House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 1001, 896 & 761 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(26)(f).

STEPHEN S. DAVIS, Chief Clerk

4958L.03C

AN ACT

To repeal sections 302.130, 302.171, and 302.178, RSMo, and to enact in lieu thereof four new sections relating to the licensure of certain motor vehicle drivers, with penalty provisions and an emergency clause for a certain section.

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

Section A. Sections 302.130, 302.171, and 302.178, RSMo, are repealed and four new
2 sections enacted in lieu thereof, to be known as sections 226.009, 302.130, 302.171, and
3 302.178, to read as follows:

**226.009. 1. Whenever the Federal Motor Carrier Safety Administration, the United
2 States Department of Transportation, or the state highways and transportation commission
3 issues an out-of-service order against a motor carrier, as those terms are defined in section
4 390.5 of Title 49, Code of Federal Regulations, as those regulations have been and
5 periodically may be amended, the commission may immediately, without hearing, order
6 the suspension, revocation, cancellation, confiscation, or any of these, of every license,
7 registration, certificate, permit, and other credential issued to the motor carrier by the
8 commission's authority under section 226.008 and every motor vehicle license plate issued
9 under any provision of chapter 301, RSMo, which authorizes the operation of motor
10 vehicles in intrastate or interstate commerce by that motor carrier. This section is
11 applicable to out-of-service orders placing a motor carrier's entire operation out of service,**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

12 **but does not apply to any out-of-service order placing an individual driver or individual**
13 **vehicle out of service.**

14 **(1) The commission immediately shall serve notice of its order upon the affected**
15 **motor carrier, and upon the director of revenue, in the manner authorized by section**
16 **622.410, RSMo, or any other manner authorized by law for the service of notice of the**
17 **commission's orders. The notice or order shall state a specific effective date for the**
18 **commission's action or, in the commission's discretion, that its action shall become effective**
19 **immediately upon the service of the notice or order upon the motor carrier. The order**
20 **shall remain in force until ordered otherwise by the commission or by a court having**
21 **proper jurisdiction.**

22 **(2) Whenever an order of the commission issued under subsection 1 of this section**
23 **is in force, a motor carrier who is prohibited by the order from operating commercial**
24 **motor vehicles shall not operate any commercial motor vehicles and shall not allow any**
25 **employee, agent, lessor, or other person acting under the motor carrier's authority or**
26 **control, to operate any commercial motor vehicles in intrastate or interstate commerce**
27 **within this state. Upon receiving notice of the commission's order, the motor carrier**
28 **immediately shall surrender all license plates, motor carrier licenses, registrations, permits,**
29 **and other credentials as directed by the commission's order. While the out-of-service order**
30 **is in force, the commission and department of revenue may dismiss or deny every**
31 **application for the issuance of any of these credentials issued by that respective agency to**
32 **that motor carrier.**

33 **(3) After the commission has issued an order under this section, the out-of-service**
34 **motor carrier shall not be eligible to apply for the issuance or reinstatement of, and the**
35 **commission or department of revenue shall not issue or reinstate any license plate, motor**
36 **carrier license, registration, permit, certificate, or other credential issued by that respective**
37 **agency described in the commission's order, until the out-of-service order and any**
38 **commission orders issued under this subsection have been rescinded by the agency that**
39 **issued these orders, or the orders have been set aside by a court having proper jurisdiction.**

40 **2. In any commission or court proceeding, a copy of any federal or state order**
41 **described in subsection 1 of this section shall be admissible and shall constitute prima facie**
42 **evidence that the motor carrier violated Title 49, Code of Federal Regulations, or that the**
43 **motor carrier's operation of commercial motor vehicles poses an imminent hazard to**
44 **safety, or both, as stated in that order.**

45 **3. Any person who is aggrieved by an order of the highways and transportation**
46 **commission issued under this section, or by any out-of-service order issued by commission**
47 **enforcement personnel under section 390.201, RSMo, or subsection 3 of section 307.400,**

48 **RSMo, may apply to the circuit court for a hearing and review of the order. Venue of such**
49 **judicial review shall lie within the county of the first classification with more than seventy-**
50 **one thousand three hundred but fewer than seventy-one thousand four hundred**
51 **inhabitants, or in the county where the out-of-service order was issued to the motor carrier.**
52 **The right to a hearing and judicial review of the commission's orders under this section**
53 **shall be waived, unless an aggrieved person files a petition for review with the clerk of the**
54 **circuit court in the proper venue, not later than thirty days following issuance of the order**
55 **to be reviewed. Except as otherwise provided in this section, sections 622.430 to 622.450,**
56 **RSMo, shall govern the judicial review of orders issued by the commission or its personnel**
57 **as described in this section. In addition to any other interested parties, the commission**
58 **shall have the right to appear in all hearing and review proceedings under this section, and**
59 **may, in its discretion, defend any order or notice issued and any action taken by any public**
60 **agency or officer acting in good faith under the provisions of this section. This section shall**
61 **not be construed as conferring any jurisdiction to review, amend, vacate, or set aside any**
62 **orders issued by a federal agency or federal officer.**

63 **4. Notwithstanding any provision of law to the contrary, the highways and**
64 **transportation commission may receive and disclose any data, information, or evidence**
65 **relating to any out-of-service motor carrier as provided in this section. Except as otherwise**
66 **provided in this section, this data may include, but is not limited to, the identity and**
67 **location of any persons known or reasonably believed to have leased motor vehicles with**
68 **or without driver to the out-of-service motor carrier, any persons known or reasonably**
69 **believed to be operating commercial motor vehicles under the authority or control of the**
70 **out-of-service motor carrier, and any motor vehicles owned, operated by, or leased to the**
71 **out-of-service motor carrier or those persons, including the vehicle identification numbers.**
72 **The commission, in its discretion, may disclose this data to the following entities, which are**
73 **hereby authorized to receive such data from, and to disclose such data to, the commission:**

74 **(1) The Federal Motor Carrier Safety Administration and other relevant officials**
75 **of the United States Department of Transportation;**

76 **(2) The department of revenue;**

77 **(3) The Missouri state highway patrol, and any other peace officers authorized to**
78 **exercise police powers within the state;**

79 **(4) Similarly authorized law enforcement agencies of any other state, of the United**
80 **States government, or of any foreign government having legal authority to promote or**
81 **enforce motor carrier safety;**

82 **(5) Any liability insurer or surety that provides, or has an interest in providing,**
83 **automobile liability insurance coverage for the out-of-service motor carrier, or for any**

84 person who leases, or proposes to lease, motor vehicles to be operated by or under the
85 authority or control of the out-of-service motor carrier; and

86 (6) Attorneys representing parties making or defending claims against such
87 carriers.

88 5. Upon receiving notice of any order issued by the highways and transportation
89 commission under subsection 1 of this section, together with any additional information
90 reasonably required by the director of revenue, the director of revenue may immediately,
91 without hearing, update the director's records to reflect the suspension, revocation, or
92 cancellation of all motor vehicle license plates, registrations, and other credentials issued
93 to the out-of-service motor carrier by the director of revenue. The director of revenue shall
94 immediately notify the motor carrier, and the commission, of all actions taken pursuant
95 to the commission's order. The motor carrier shall have the right to seek judicial review
96 of the commission's order, including the suspension, revocation, or cancellation of motor
97 vehicle license plates and registrations under the commission's order, as provided in
98 subsection 3 of this section. The motor carrier shall not be entitled to any separate appeal
99 or review of the director of revenue's notice of suspension, revocation, or cancellation of
100 motor vehicle licenses or registrations, or any other actions taken by the director of
101 revenue under the commission's order.

102 6. The commission may authorize any of its personnel to enforce any provision of
103 this section, or any out-of-service orders described in this section, in the same manner
104 provided by law for other orders of the commission authorized under section 226.008. The
105 Missouri state highway patrol, and other peace officers within this state may enforce the
106 requirements of this section and of any orders issued under this section. If so authorized
107 by the commission's order under this section, in addition to any other remedies provided
108 by law, personnel of the state department of transportation and the state highway patrol
109 may confiscate any license plates, motor carrier licenses, registrations, certificates, permits,
110 and other credentials issued to the motor carrier by the commission, the director of
111 revenue, the department of revenue, or all of these.

112 7. Notwithstanding any provision of the law to the contrary, the state of Missouri,
113 the highways and transportation commission, the state highway patrol, and any peace
114 officers or other public officers acting in good faith under the authority of this section,
115 shall not be held liable or required to pay any refund of any fees, taxes, assessments,
116 penalties, fines, forfeitures, or other payments that may be charged to, received, or
117 collected from the out-of-service motor carrier, or from persons whose motor vehicles are
118 leased to or operated under the control of that motor carrier, in relation to any license

119 **plate, motor carrier license, registration, permit, certificate, or other credential that is**
120 **suspended, revoked, canceled, or confiscated under any provisions of this section.**

121 **8. Any act or omission by a state agency that this section authorizes or requires**
122 **with reference to an out-of-service motor carrier, or with reference to motor vehicles**
123 **operated by an out-of-service motor carrier, is likewise authorized or required with**
124 **reference to:**

125 **(1) Any person who operates motor vehicles under the actual control of that motor**
126 **carrier, and any person who operates motor vehicles that are leased to that motor carrier,**
127 **with or without driver; and**

128 **(2) Any motor vehicles operated under the actual control of that motor carrier, and**
129 **any motor vehicles that are leased to that motor carrier, with or without driver.**

302.130. 1. Any person at least fifteen years of age who, except for age or lack of
2 instruction in operating a motor vehicle, would otherwise be qualified to obtain a license
3 pursuant to sections 302.010 to 302.340 may apply for and the director shall issue a temporary
4 instruction permit entitling the applicant, while having such permit in the applicant's immediate
5 possession, to drive a motor vehicle of the appropriate class upon the highways for a period of
6 twelve months, but any such person, except when operating a motorcycle or motortricycle, must
7 be accompanied by a licensed operator for the type of motor vehicle being operated who is
8 actually occupying a seat beside the driver for the purpose of giving instruction in driving the
9 motor vehicle, who is at least twenty-one years of age, and in the case of any driver under sixteen
10 years of age, the licensed operator occupying the seat beside the driver shall be a grandparent,
11 parent, guardian, a driver training instructor holding a valid driver education endorsement on a
12 teaching certificate issued by the department of elementary and secondary education or a
13 qualified instructor of a private drivers' education program who has a valid driver's license.
14 [Beginning January 1, 2001,] An applicant for a temporary instruction permit shall successfully
15 complete a vision test and a test of the applicant's ability to understand highway signs which
16 regulate, warn or direct traffic and practical knowledge of the traffic laws of this state, pursuant
17 to section 302.173. In addition, beginning January 1, [2001] **2007**, no permit shall be granted
18 pursuant to this subsection unless a parent or legal guardian gives written permission by signing
19 the application and in so signing, state they, or their designee as set forth in subsection 2 of this
20 section, will provide a minimum of [twenty] **forty** hours of behind-the-wheel driving instruction,
21 **including a minimum of ten hours of behind-the-wheel driving instruction that occurs**
22 **during the nighttime hours falling between sunset and sunrise.** The [twenty] **forty** hours of
23 behind-the-wheel driving instruction that is completed pursuant to this subsection may include
24 any time that the holder of an instruction permit has spent operating a motor vehicle in a driver
25 training program taught by a driver training instructor holding a valid driver education

26 endorsement on a teaching certificate issued by the department of elementary and secondary
27 education or by a qualified instructor of a private drivers' education program. If the applicant for
28 a permit is enrolled in a federal residential job training program, the instructor, as defined in
29 subsection 5 of this section, is authorized to sign the application stating that the applicant will
30 receive the behind-the-wheel driving instruction required by this section.

31 2. In the event the parent, grandparent or guardian of the person under sixteen years of
32 age has a physical disability which prohibits or disqualifies said parent, grandparent or guardian
33 from being a qualified licensed operator pursuant to this section, said parent, grandparent or
34 guardian may designate a maximum of two individuals authorized to accompany the applicant
35 for the purpose of giving instruction in driving the motor vehicle. An authorized designee must
36 be a licensed operator for the type of motor vehicle being operated and have attained twenty-one
37 years of age. At least one of the designees must occupy the seat beside the applicant while
38 giving instruction in driving the motor vehicle. The name of the authorized designees must be
39 provided to the department of revenue by the parent, grandparent or guardian at the time of
40 application for the temporary instruction permit. The name of each authorized designee shall be
41 printed on the temporary instruction permit, however, the director may delay the time at which
42 permits are printed bearing such names until the inventories of blank permits and related forms
43 existing on August 28, 1998, are exhausted.

44 3. The director, upon proper application on a form prescribed by the director, in his or
45 her discretion, may issue a restricted instruction permit effective for a school year or more
46 restricted period to an applicant who is enrolled in a high school driver training program taught
47 by a driver training instructor holding a valid driver education endorsement on a teaching
48 certificate issued by the state department of elementary and secondary education even though the
49 applicant has not reached the age of sixteen years but has passed the age of fifteen years. Such
50 instruction permit shall entitle the applicant, when the applicant has such permit in his or her
51 immediate possession, to operate a motor vehicle on the highways, but only when a driver
52 training instructor holding a valid driver education endorsement on a teaching certificate issued
53 by the state department of elementary and secondary education is occupying a seat beside the
54 driver.

55 4. The director, in his or her discretion, may issue a temporary driver's permit to an
56 applicant who is otherwise qualified for a license permitting the applicant to operate a motor
57 vehicle while the director is completing the director's investigation and determination of all facts
58 relative to such applicant's rights to receive a license. Such permit must be in the applicant's
59 immediate possession while operating a motor vehicle, and it shall be invalid when the
60 applicant's license has been issued or for good cause has been refused.

61 5. In the event that the applicant for a temporary instruction permit described in
62 subsection 1 of this section is a participant in a federal residential job training program, the
63 permittee may operate a motor vehicle accompanied by a driver training instructor who holds a
64 valid driver education endorsement issued by the department of elementary and secondary
65 education and a valid driver's license.

66 6. A person at least fifteen years of age may operate a motor vehicle as part of a driver
67 training program taught by a driver training instructor holding a valid driver education
68 endorsement on a teaching certificate issued by the department of elementary and secondary
69 education or a qualified instructor of a private drivers' education program.

70 7. Beginning January 1, 2003, the director shall issue with every temporary instruction
71 permit issued pursuant to subsection 1 of this section a sticker or sign bearing the words
72 "PERMIT DRIVER". The design and size of such sticker or sign shall be determined by the
73 director by regulation. Every applicant issued a temporary instruction permit and sticker on or
74 after January 1, 2003, may display or affix the sticker or sign on the rear window of the motor
75 vehicle. Such sticker or sign may be displayed on the rear window of the motor vehicle
76 whenever the holder of the instruction permit operates a motor vehicle during his or her
77 temporary permit licensure period.

78 8. Beginning July 1, 2005, the director shall verify that an applicant for an instruction
79 permit issued under this section is lawfully present in the United States before accepting the
80 application. The director shall not issue an instruction permit for a period that exceeds an
81 applicant's lawful presence in the United States. The director may establish procedures to verify
82 the lawful presence of the applicant and establish the duration of any permit issued under this
83 section.

84 9. The director may adopt rules and regulations necessary to carry out the provisions of
85 this section.

302.171. 1. Beginning July 1, 2005, the director shall verify that an applicant for a
2 driver's license is lawfully present in the United States before accepting the application. The
3 director shall not issue a driver's license for a period that exceeds an applicant's lawful presence
4 in the United States. The director may establish procedures to verify the lawful presence of the
5 applicant and establish the duration of any driver's license issued under this section. An
6 application for a license shall be made upon an approved form furnished by the director. Every
7 application shall state the full name, Social Security number, age, height, weight, color of eyes,
8 sex, residence, mailing address of the applicant, and the classification for which the applicant
9 has been licensed, and, if so, when and by what state, and whether or not such license has ever
10 been suspended, revoked, or disqualified, and, if revoked, suspended or disqualified, the date and
11 reason for such suspension, revocation or disqualification and whether the applicant is making

12 a one dollar donation to promote an organ donation program as prescribed in subsection 2 of this
13 section. A driver's license, nondriver's license, or instruction permit issued under this chapter
14 shall contain the applicant's legal name as it appears on a birth certificate or as legally changed
15 through marriage or court order. No name change by common usage based on common law shall
16 be permitted. The application shall also contain such information as the director may require to
17 enable the director to determine the applicant's qualification for driving a motor vehicle; and
18 shall state whether or not the applicant has been convicted in this or any other state for violating
19 the laws of this or any other state or any ordinance of any municipality, relating to driving
20 without a license, careless driving, or driving while intoxicated, or failing to stop after an
21 accident and disclosing the applicant's identity, or driving a motor vehicle without the owner's
22 consent. The application shall contain a certification by the applicant as to the truth of the facts
23 stated therein. Every person who applies for a license to operate a motor vehicle who is less than
24 twenty-one years of age shall be provided with educational materials relating to the hazards of
25 driving while intoxicated, including information on penalties imposed by law for violation of the
26 intoxication-related offenses of the state. Beginning January 1, 2001, if the applicant is less than
27 eighteen years of age, the applicant must comply with all requirements for the issuance of an
28 intermediate driver's license pursuant to section 302.178.

29 2. An applicant for a license may make a donation of one dollar to promote an organ
30 donor program. The director of revenue shall collect the donations and deposit all such
31 donations in the state treasury to the credit of the organ donor program fund established in
32 sections 194.297 to 194.304, RSMo. Moneys in the organ donor program fund shall be used
33 solely for the purposes established in sections 194.297 to 194.304, RSMo, except that the
34 department of revenue shall retain no more than one percent for its administrative costs. The
35 donation prescribed in this subsection is voluntary and may be refused by the applicant for the
36 license at the time of issuance or renewal of the license. The director shall make available an
37 informational booklet or other informational sources on the importance of organ donations to
38 applicants for licensure as designed by the organ donation advisory committee established in
39 sections 194.297 to 194.304, RSMo. The director shall inquire of each applicant at the time the
40 licensee presents the completed application to the director whether the applicant is interested in
41 making the one dollar donation prescribed in this subsection and whether the applicant is
42 interested in inclusion in the organ donor registry and shall also specifically inform the licensee
43 of the ability to consent to organ donation by completing the form on the reverse of the license
44 that the applicant will receive in the manner prescribed by subsection 6 of section 194.240,
45 RSMo. The director shall notify the department of health and senior services of information
46 obtained from applicants who indicate to the director that they are interested in registry
47 participation, and the department of health and senior services shall enter the complete name,

48 address, date of birth, race, gender and a unique personal identifier in the registry established in
49 subsection 1 of section 194.304, RSMo.

50 3. An applicant for a license may make a donation of one dollar to promote a blindness
51 education, screening and treatment program. The director of revenue shall collect the donations
52 and deposit all such donations in the state treasury to the credit of the blindness education,
53 screening and treatment program fund established in section 192.935, RSMo. Moneys in the
54 blindness education, screening and treatment program fund shall be used solely for the purposes
55 established in section 192.935, RSMo, except that the department of revenue shall retain no more
56 than one percent for its administrative costs. The donation prescribed in this subsection is
57 voluntary and may be refused by the applicant for the license at the time of issuance or renewal
58 of the license. The director shall inquire of each applicant at the time the licensee presents the
59 completed application to the director whether the applicant is interested in making the one dollar
60 donation prescribed in this subsection.

61 4. Beginning July 1, 2005, the director shall deny the driving privilege of any person who
62 commits fraud or deception during the examination process or who makes application for an
63 instruction permit, driver's license, or nondriver's license which contains or is substantiated with
64 false or fraudulent information or documentation, or who knowingly conceals a material fact or
65 otherwise commits a fraud in any such application. The period of denial shall be one year from
66 the effective date of the denial notice sent by the director. The denial shall become effective ten
67 days after the date the denial notice is mailed to the person. The notice shall be mailed to the
68 person at the last known address shown on the person's driving record. The notice shall be
69 deemed received three days after mailing unless returned by the postal authorities. No such
70 individual shall reapply for a driver's examination, instruction permit, driver's license, or
71 nondriver's license until the period of denial is completed. No individual who is denied the
72 driving privilege under this section shall be eligible for a limited driving privilege issued under
73 section 302.309.

74 5. All appeals of denials under this section shall be made as required by section 302.311.

75 6. The period of limitation for criminal prosecution under this section shall be extended
76 under subdivision (1) of subsection 3 of section 556.036, RSMo.

77 7. The director may promulgate rules and regulations necessary to administer and enforce
78 this section. No rule or portion of a rule promulgated pursuant to the authority of this section
79 shall become effective unless it has been promulgated pursuant to chapter 536, RSMo.

80 **8. Notwithstanding any provisions of chapter 302 that require an applicant to**
81 **provide proof of lawful presence for renewal of a noncommercial driver's license,**
82 **noncommercial instruction permit, or nondriver's license, an applicant who is sixty-five**
83 **years and older may use a previously issued Missouri noncommercial driver's license,**

84 **Missouri noncommercial instruction permit, or Missouri nondriver's license as proof of**
85 **lawful presence.**

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

- 8 (1) Successfully complete the examination required by section 302.173;
- 9 (2) Pay the fee required by subsection 3 of this section;
- 10 (3) Have had a temporary instruction permit issued pursuant to subsection 1 of section
11 302.130 for at least a six-month period or a valid license from another state; and
- 12 (4) Have a parent, grandparent, legal guardian, or, if the applicant is a participant in a
13 federal residential job training program, a driving instructor employed by a federal residential
14 job training program, sign the application stating that the applicant has completed at least
15 [twenty] **forty** hours of supervised driving experience under a temporary instruction permit
16 issued pursuant to subsection 1 of section 302.130, or, if the applicant is an emancipated minor,
17 the person over twenty-one years of age who supervised such driving. For purposes of this
18 section, the term "emancipated minor" means a person who is at least sixteen years of age, but
19 less than eighteen years of age, who:
 - 20 (a) Marries with the consent of the legal custodial parent or legal guardian pursuant to
21 section 451.080, RSMo;
 - 22 (b) Has been declared emancipated by a court of competent jurisdiction;
 - 23 (c) Enters active duty in the armed forces;
 - 24 (d) Has written consent to the emancipation from the custodial parent or legal guardian;
- 25 or
- 26 (e) Through employment or other means provides for such person's own food, shelter
27 and other cost-of-living expenses;
- 28 (5) Have had no alcohol-related enforcement contacts as defined in section 302.525
29 during the preceding twelve months; and
- 30 (6) Have no nonalcoholic traffic convictions for which points are assessed pursuant to
31 section 302.302, within the preceding six months.

32 2. An intermediate driver's license grants the licensee the same privileges to operate that
33 classification of motor vehicle as a license issued pursuant to section 302.177, except that no
34 person shall operate a motor vehicle on the highways of this state under such an intermediate

35 driver's license between the hours of 1:00 a.m. and 5:00 a.m. unless accompanied by a person
36 described in subsection 1 of section 302.130; except the licensee may operate a motor vehicle
37 without being accompanied if the travel is to or from a school or educational program or activity,
38 a regular place of employment or in emergency situations as defined by the director by
39 regulation.

40 **3.** Each intermediate driver's license shall be restricted by requiring that the driver and
41 all passengers in the licensee's vehicle wear safety belts at all times. This safety belt restriction
42 shall not apply to a person operating a motorcycle. **For the first six months after issuance of**
43 **the intermediate driver's license, the holder of the license shall not operate a motor vehicle**
44 **with more than one passenger who is under the age of nineteen who is not a member of the**
45 **holder's immediate family. As used in this subsection, an intermediate driver's license**
46 **holder's immediate family shall include brothers, sisters, stepbrothers or stepsisters of the**
47 **driver, including adopted or foster children residing in the same household of the**
48 **intermediate driver's license holder. After the expiration of the first six months, the holder**
49 **of an intermediate driver's license shall not operate a motor vehicle with more than three**
50 **passengers who are under nineteen years of age and who are not members of the holder's**
51 **immediate family. The passenger restrictions of this subsection shall not be applicable to**
52 **any intermediate driver's license holder who is operating a motor vehicle being used in**
53 **agricultural work-related activities.**

54 [3.] **4.** Notwithstanding the provisions of section 302.177 to the contrary, the fee for an
55 intermediate driver's license shall be five dollars and such license shall be valid for a period of
56 two years.

57 [4.] **5.** Any intermediate driver's licensee accumulating six or more points in a
58 twelve-month period may be required to participate in and successfully complete a
59 driver-improvement program approved by the director of the department of public safety. The
60 driver-improvement program ordered by the director of revenue shall not be used in lieu of point
61 assessment.

62 [5.] **6. (1)** An intermediate driver's licensee who has, for the preceding twelve-month
63 period, had no alcohol-related enforcement contacts, as defined in section 302.525 and no traffic
64 convictions for which points are assessed, upon reaching the age of eighteen years **or within the**
65 **thirty days immediately preceding their eighteenth birthday** may apply for and receive
66 without further examination, other than a vision test as prescribed by section 302.173, a license
67 issued pursuant to this chapter granting full driving privileges. Such person shall pay the
68 required fee for such license as prescribed in section 302.177.

69 (2) If an intermediate driver's license expires on a Saturday, Sunday, or legal holiday,
70 such license shall remain valid for the five business days immediately following the expiration

71 date. In no case shall a licensee whose intermediate driver's license expires on a Saturday,
72 Sunday, or legal holiday be guilty of an offense of driving with an expired or invalid driver's
73 license if such offense occurred within five business days immediately following an expiration
74 date that occurs on a Saturday, Sunday, or legal holiday.

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

81 [6.] 7. No person upon reaching the age of eighteen years whose intermediate driver's
82 license and driving privilege is denied, suspended, canceled or revoked in this state or any other
83 state, for any reason may apply for a full driver's license until such license or driving privilege
84 is fully reinstated. Any such person whose intermediate driver's license has been revoked
85 pursuant to the provisions of sections 302.010 to 302.540 shall, upon receipt of reinstatement of
86 the revocation from the director, pass the complete driver examination, apply for a new license,
87 and pay the proper fee before again operating a motor vehicle upon the highways of this state.

88 [7.] 8. A person shall be exempt from the intermediate licensing requirements if the
89 person has reached the age of eighteen years and meets all other licensing requirements.

90 [8.] 9. **Any person who violates any of the provisions of this section relating to**
91 **intermediate drivers' licenses or the provisions of section 302.130 relating to temporary**
92 **instruction permits is guilty of an infraction, and no points shall be assessed to his or her**
93 **driving record for any such violation.**

94 10. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that
95 is created under the authority delegated in this section shall become effective only if it complies
96 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section
97 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers
98 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the
99 effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the
100 grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be
101 invalid and void.

Section B. Because immediate action is necessary to ensure that Missouri's elderly
2 citizens are able to traverse the highways of Missouri, the repeal and reenactment of section
3 302.171 of this act is deemed necessary for the immediate preservation of the public health,
4 welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of

5 the constitution, and the repeal and reenactment of section 302.171 of this act shall be in full
6 force and effect upon its passage and approval.

✓

Unofficial

Bill

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