

SECOND REGULAR SESSION

SENATE BILL NO. 584

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR CHAMPION.

Pre-filed December 1, 2005, and ordered printed.

TERRY L. SPIELER, Secretary.

3388S.02I

AN ACT

To repeal sections 302.272, 302.275, and 302.321, RSMo, and to enact in lieu thereof three new sections relating to school bus drivers, with penalty provisions.

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

Section A. Sections 302.272, 302.275, and 302.321, RSMo, are repealed
2 and three new sections enacted in lieu thereof, to be known as sections 302.272,
3 302.275, and 302.321, to read as follows:

302.272. 1. No person shall operate any school bus owned by or under
2 contract with a public school or the state board of education unless such driver
3 has qualified for a school bus endorsement under this section and complied with
4 the pertinent rules and regulations of the department of revenue and any final
5 rule issued by the secretary of the United States Department of Transportation
6 or has a valid school bus endorsement on a valid commercial driver's license
7 issued by another state. A school bus endorsement shall be issued to any
8 applicant who meets the following qualifications:

- 9 (1) The applicant has a valid state license issued under this chapter;
- 10 (2) The applicant is at least twenty-one years of age; and
- 11 (3) The applicant has successfully passed an examination for the
12 operation of a school bus as prescribed by the director of revenue. The
13 examination shall include any examinations prescribed by the secretary of the
14 United States Department of Transportation, and a driving test in the type of
15 vehicle to be operated. The test shall be completed in the appropriate class of
16 vehicle to be driven. For purposes of this section classes of school buses shall
17 comply with the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub.
18 Law 99-570). For drivers who are at least seventy years of age, such examination

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

19 shall be completed annually.

20 2. The director of revenue, to the best of the director's knowledge, shall
21 not issue or renew a school bus endorsement to any applicant whose driving
22 record shows that such applicant's privilege to operate a motor vehicle has been
23 suspended, revoked or disqualified or whose driving record shows a history of
24 moving vehicle violations.

25 **3. The director of revenue shall not issue or renew a school bus**
26 **endorsement to any applicant whose driving record shows that the**
27 **applicant has been convicted of an intoxication-related traffic offense,**
28 **as that term is defined in section 577.023, RSMo, while operating a**
29 **school bus. A person currently possessing a school bus endorsement**
30 **who is convicted of an intoxication-related traffic offense while**
31 **operating a school bus shall result in the permanent loss of the**
32 **individual's privilege to possess a school bus endorsement.**

33 [3.] 4. The director may adopt any rules and regulations necessary to
34 carry out the provisions of this section. Any rule or portion of a rule, as that
35 term is defined in section 536.010, RSMo, that is created under the authority
36 delegated in this section shall become effective only if it complies with and is
37 subject to all of the provisions of chapter 536, RSMo, and, if applicable, section
38 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any
39 of the powers vested with the general assembly pursuant to chapter 536, RSMo,
40 to review, to delay the effective date, or to disapprove and annul a rule are
41 subsequently held unconstitutional, then the grant of rulemaking authority and
42 any rule proposed or adopted after August 28, 2004, shall be invalid and void.

43 [4.] 5. Notwithstanding the requirements of this section, an applicant
44 who resides in another state and possesses a valid driver's license from his or her
45 state of residence with a valid school bus endorsement for the type of vehicle
46 being operated shall not be required to obtain a Missouri driver's license with a
47 school bus endorsement.

302.275. 1. Any employer of a person licensed pursuant to section 302.272
2 to operate a school bus, as that term is defined in section 301.010, RSMo, shall
3 notify the director of the department of revenue within ten days of discovering
4 that the person has failed to pass any drug, alcohol or chemical test administered
5 pursuant to the requirements of any federal or state law, rule or regulation
6 regarding the operation of a school bus. The notification shall consist of the
7 person's name and any other relevant information required by the director. The

8 director shall determine the manner in which the notification is made. Any
9 employer, or any officer of an employer, who knowingly fails to comply with the
10 notification requirement of this section or who knowingly provides a false
11 notification shall be guilty of an infraction.

12 **2. Whenever a citation for an intoxicated-related traffic offense,**
13 **as defined by section 577.023, RSMo, or moving violation, as defined by**
14 **section 302.010, RSMo, is issued to any person licensed under section**
15 **302.272 to operate a school bus, the person shall notify the**
16 **superintendent of the school district or employing contractor for which**
17 **he or she operates a school bus of the citation. Notice of such citation**
18 **shall be given prior to the person resuming operation of a school**
19 **bus. Failure to notify the school district or the employing contractor**
20 **of the citation shall constitute a valid reason to discharge such person**
21 **from the school district's or employing contractor's employ.**

302.321. 1. A person commits the crime of driving while revoked if such
2 person operates a motor vehicle on a highway when such person's license or
3 driving privilege has been canceled, suspended, or revoked under the laws of this
4 state or any other state and acts with criminal negligence with respect to
5 knowledge of the fact that such person's driving privilege has been canceled,
6 suspended, or revoked.

7 2. Any person convicted of driving while revoked is guilty of a class A
8 misdemeanor. **If the person convicted of driving while revoked was**
9 **operating a school bus at the time of the offense, the person shall be**
10 **fined not less than one thousand dollars if the offense is otherwise a**
11 **class A misdemeanor.** Any person with no prior alcohol-related enforcement
12 contacts as defined in section 302.525, convicted a fourth or subsequent time of
13 driving while revoked or a county or municipal ordinance of driving while
14 suspended or revoked where the defendant was represented by or waived the
15 right to an attorney in writing, and where the prior three driving-while-revoked
16 offenses occurred within ten years of the date of occurrence of the present offense;
17 and any person with a prior alcohol-related enforcement contact as defined in
18 section 302.525, convicted a third or subsequent time of driving while revoked or
19 a county or municipal ordinance of driving while suspended or revoked where the
20 defendant was represented by or waived the right to an attorney in writing, and
21 where the prior two driving-while-revoked offenses occurred within ten years of
22 the date of occurrence of the present offense and where the person received and

23 served a sentence of ten days or more on such previous offenses is guilty of a class
24 D felony. No court shall suspend the imposition of sentence as to such a person
25 nor sentence such person to pay a fine in lieu of a term of imprisonment, nor
26 shall such person be eligible for parole or probation until such person has served
27 a minimum of forty-eight consecutive hours of imprisonment, unless as a
28 condition of such parole or probation, such person performs at least ten days
29 involving at least forty hours of community service under the supervision of the
30 court in those jurisdictions which have a recognized program for community
31 service. Driving while revoked is a class D felony on the second or subsequent
32 conviction pursuant to section 577.010, RSMo, or a fourth or subsequent
33 conviction for any other offense.

✓

Bill

Copy