

SECOND REGULAR SESSION

[P E R F E C T E D]

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 1001, 896 & 761

93RD GENERAL ASSEMBLY

Reported from the Committee on Transportation, February 16, 2006, with recommendation that the Senate Committee Substitute do pass.

Senate Committee Substitute for Senate Bills Nos. 1001, 896 and 761, adopted February 28, 2006.

Taken up for Perfection February 28, 2006. Bill declared Perfected and Ordered Printed, as amended.

TERRY L. SPIELER, Secretary.

4958S.02P

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Section A. Sections 302.130, 302.171, and 302.178, RSMo, are repealed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

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

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

13 interstate commerce by that motor carrier. This section is applicable
14 to out-of-service orders placing a motor carrier's entire operation out
15 of service, but does not apply to any out-of-service order placing an
16 individual driver or individual vehicle out of service.

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

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

41 (3) After the commission has issued an order under this section,
42 the out-of-service motor carrier shall not be eligible to apply for the
43 issuance or reinstatement of, and the commission or department of
44 revenue shall not issue or reinstate any license plate, motor carrier
45 license, registration, permit, certificate, or other credential issued by
46 that respective agency described in the commission's order, until the
47 out-of-service order and any commission orders issued under this
48 subsection have been rescinded by the agency that issued these orders,
49 or the orders have been set aside by a court having proper jurisdiction.

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

56 **3. Any person who is aggrieved by an order of the highways and**
57 **transportation commission issued under this section, or by any out-of-**
58 **service order issued by commission enforcement personnel under**
59 **section 390.201, RSMo, or subsection 3 of section 307.400, RSMo, may**
60 **apply to the circuit court for a hearing and review of the order. Venue**
61 **of such judicial review shall lie within the county of the first**
62 **classification with more than seventy-one thousand three hundred but**
63 **fewer than seventy-one thousand four hundred inhabitants, or in the**
64 **county where the out-of-service order was issued to the motor**
65 **carrier. The right to a hearing and judicial review of the commission's**
66 **orders under this section shall be waived, unless an aggrieved person**
67 **files a petition for review with the clerk of the circuit court in the**
68 **proper venue, not later than thirty days following issuance of the order**
69 **to be reviewed. Except as otherwise provided in this section, sections**
70 **622.430 to 622.450, RSMo, shall govern the judicial review of orders**
71 **issued by the commission or its personnel as described in this section.**
72 **In addition to any other interested parties, the commission shall have**
73 **the right to appear in all hearing and review proceedings under this**
74 **section, and may, in its discretion, defend any order or notice issued**
75 **and any action taken by any public agency or officer acting in good**
76 **faith under the provisions of this section. This section shall not be**
77 **construed as conferring any jurisdiction to review, amend, vacate, or**
78 **set aside any orders issued by a federal agency or federal officer.**

79 **4. Notwithstanding any provision of law to the contrary, the**
80 **highways and transportation commission may receive and disclose any**
81 **data, information, or evidence relating to any out-of-service motor**
82 **carrier as provided in this section. Except as otherwise provided in**
83 **this section, this data may include, but is not limited to, the identity**
84 **and location of any persons known or reasonably believed to have**
85 **leased motor vehicles with or without driver to the out-of-service motor**
86 **carrier, any persons known or reasonably believed to be operating**

87 commercial motor vehicles under the authority or control of the out-of-
88 service motor carrier, and any motor vehicles owned, operated by, or
89 leased to the out-of-service motor carrier or those persons, including
90 the vehicle identification numbers. The commission, in its discretion,
91 may disclose this data to the following entities, which are hereby
92 authorized to receive such data from, and to disclose such data to, the
93 commission:

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

96 (2) The department of revenue;

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

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

102 (5) Any liability insurer or surety that provides, or has an
103 interest in providing, automobile liability insurance coverage for the
104 out-of-service motor carrier, or for any person who leases, or proposes
105 to lease, motor vehicles to be operated by or under the authority or
106 control of the out-of-service motor carrier; and

107 (6) Attorneys representing parties making or defending claims
108 against such carriers.

109 5. Upon receiving notice of any order issued by the highways and
110 transportation commission under subsection 1 of this section, together
111 with any additional information reasonably required by the director of
112 revenue, the director of revenue may immediately, without hearing,
113 update the director's records to reflect the suspension, revocation, or
114 cancellation of all motor vehicle license plates, registrations, and other
115 credentials issued to the out-of-service motor carrier by the director of
116 revenue. The director of revenue shall immediately notify the motor
117 carrier, and the commission, of all actions taken pursuant to the
118 commission's order. The motor carrier shall have the right to seek
119 judicial review of the commission's order, including the suspension,
120 revocation, or cancellation of motor vehicle license plates and
121 registrations under the commission's order, as provided in subsection
122 3 of this section. The motor carrier shall not be entitled to any
123 separate appeal or review of the director of revenue's notice of

124 suspension, revocation, or cancellation of motor vehicle licenses or
125 registrations, or any other actions taken by the director of revenue
126 under the commission's order.

127 6. The commission may authorize any of its personnel to enforce
128 any provision of this section, or any out-of-service orders described in
129 this section, in the same manner provided by law for other orders of
130 the commission authorized under section 226.008. The Missouri state
131 highway patrol, and other peace officers within this state may enforce
132 the requirements of this section and of any orders issued under this
133 section. If so authorized by the commission's order under this section,
134 in addition to any other remedies provided by law, personnel of the
135 state department of transportation and the state highway patrol may
136 confiscate any license plates, motor carrier licenses, registrations,
137 certificates, permits, and other credentials issued to the motor carrier
138 by the commission, the director of revenue, the department of revenue,
139 or all of these.

140 7. Notwithstanding any provision of the law to the contrary, the
141 state of Missouri, the highways and transportation commission, the
142 state highway patrol, and any peace officers or other public officers
143 acting in good faith under the authority of this section, shall not be
144 held liable or required to pay any refund of any fees, taxes,
145 assessments, penalties, fines, forfeitures, or other payments that may
146 be charged to, received, or collected from the out-of-service motor
147 carrier, or from persons whose motor vehicles are leased to or operated
148 under the control of that motor carrier, in relation to any license plate,
149 motor carrier license, registration, permit, certificate, or other
150 credential that is suspended, revoked, canceled, or confiscated under
151 any provisions of this section.

152 8. Any act or omission by a state agency that this section
153 authorizes or requires with reference to an out-of-service motor
154 carrier, or with reference to motor vehicles operated by an out-of-
155 service motor carrier, is likewise authorized or required with reference
156 to:

157 (1) Any person who operates motor vehicles under the actual
158 control of that motor carrier, and any person who operates motor
159 vehicles that are leased to that motor carrier, with or without driver;
160 and

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

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

34 residential job training program, the instructor, as defined in subsection 5 of this
35 section, is authorized to sign the application stating that the applicant will
36 receive the behind-the-wheel driving instruction required by this section.

37 2. In the event the parent, grandparent or guardian of the person under
38 sixteen years of age has a physical disability which prohibits or disqualifies said
39 parent, grandparent or guardian from being a qualified licensed operator
40 pursuant to this section, said parent, grandparent or guardian may designate a
41 maximum of two individuals authorized to accompany the applicant for the
42 purpose of giving instruction in driving the motor vehicle. An authorized
43 designee must be a licensed operator for the type of motor vehicle being operated
44 and have attained twenty-one years of age. At least one of the designees must
45 occupy the seat beside the applicant while giving instruction in driving the motor
46 vehicle. The name of the authorized designees must be provided to the
47 department of revenue by the parent, grandparent or guardian at the time of
48 application for the temporary instruction permit. The name of each authorized
49 designee shall be printed on the temporary instruction permit, however, the
50 director may delay the time at which permits are printed bearing such names
51 until the inventories of blank permits and related forms existing on August 28,
52 1998, are exhausted.

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

66 4. The director, in his or her discretion, may issue a temporary driver's
67 permit to an applicant who is otherwise qualified for a license permitting the
68 applicant to operate a motor vehicle while the director is completing the director's
69 investigation and determination of all facts relative to such applicant's rights to

70 receive a license. Such permit must be in the applicant's immediate possession
71 while operating a motor vehicle, and it shall be invalid when the applicant's
72 license has been issued or for good cause has been refused.

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

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

84 7. Beginning January 1, 2003, the director shall issue with every
85 temporary instruction permit issued pursuant to subsection 1 of this section a
86 sticker or sign bearing the words "PERMIT DRIVER". The design and size of
87 such sticker or sign shall be determined by the director by regulation. Every
88 applicant issued a temporary instruction permit and sticker on or after January
89 1, 2003, may display or affix the sticker or sign on the rear window of the motor
90 vehicle. Such sticker or sign may be displayed on the rear window of the motor
91 vehicle whenever the holder of the instruction permit operates a motor vehicle
92 during his or her temporary permit licensure period.

93 8. Beginning July 1, 2005, the director shall verify that an applicant for
94 an instruction permit issued under this section is lawfully present in the United
95 States before accepting the application. The director shall not issue an
96 instruction permit for a period that exceeds an applicant's lawful presence in the
97 United States. The director may establish procedures to verify the lawful
98 presence of the applicant and establish the duration of any permit issued under
99 this section.

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

302.171. 1. Beginning July 1, 2005, the director shall verify that an
2 applicant for a driver's license is lawfully present in the United States before
3 accepting the application. The director shall not issue a driver's license for a
4 period that exceeds an applicant's lawful presence in the United States. The

5 director may establish procedures to verify the lawful presence of the applicant
6 and establish the duration of any driver's license issued under this section. An
7 application for a license shall be made upon an approved form furnished by the
8 director. Every application shall state the full name, Social Security number, age,
9 height, weight, color of eyes, sex, residence, mailing address of the applicant, and
10 the classification for which the applicant has been licensed, and, if so, when and
11 by what state, and whether or not such license has ever been suspended, revoked,
12 or disqualified, and, if revoked, suspended or disqualified, the date and reason for
13 such suspension, revocation or disqualification and whether the applicant is
14 making a one dollar donation to promote an organ donation program as
15 prescribed in subsection 2 of this section. A driver's license, nondriver's license,
16 or instruction permit issued under this chapter shall contain the applicant's legal
17 name as it appears on a birth certificate or as legally changed through marriage
18 or court order. No name change by common usage based on common law shall be
19 permitted. The application shall also contain such information as the director
20 may require to enable the director to determine the applicant's qualification for
21 driving a motor vehicle; and shall state whether or not the applicant has been
22 convicted in this or any other state for violating the laws of this or any other
23 state or any ordinance of any municipality, relating to driving without a license,
24 careless driving, or driving while intoxicated, or failing to stop after an accident
25 and disclosing the applicant's identity, or driving a motor vehicle without the
26 owner's consent. The application shall contain a certification by the applicant as
27 to the truth of the facts stated therein. Every person who applies for a license to
28 operate a motor vehicle who is less than twenty-one years of age shall be provided
29 with educational materials relating to the hazards of driving while intoxicated,
30 including information on penalties imposed by law for violation of the
31 intoxication-related offenses of the state. Beginning January 1, 2001, if the
32 applicant is less than eighteen years of age, the applicant must comply with all
33 requirements for the issuance of an intermediate driver's license pursuant to
34 section 302.178.

35 2. An applicant for a license may make a donation of one dollar to promote
36 an organ donor program. The director of revenue shall collect the donations and
37 deposit all such donations in the state treasury to the credit of the organ donor
38 program fund established in sections 194.297 to 194.304, RSMo. Moneys in the
39 organ donor program fund shall be used solely for the purposes established in
40 sections 194.297 to 194.304, RSMo, except that the department of revenue shall

41 retain no more than one percent for its administrative costs. The donation
42 prescribed in this subsection is voluntary and may be refused by the applicant for
43 the license at the time of issuance or renewal of the license. The director shall
44 make available an informational booklet or other informational sources on the
45 importance of organ donations to applicants for licensure as designed by the
46 organ donation advisory committee established in sections 194.297 to 194.304,
47 RSMo. The director shall inquire of each applicant at the time the licensee
48 presents the completed application to the director whether the applicant is
49 interested in making the one dollar donation prescribed in this subsection and
50 whether the applicant is interested in inclusion in the organ donor registry and
51 shall also specifically inform the licensee of the ability to consent to organ
52 donation by completing the form on the reverse of the license that the applicant
53 will receive in the manner prescribed by subsection 6 of section 194.240,
54 RSMo. The director shall notify the department of health and senior services of
55 information obtained from applicants who indicate to the director that they are
56 interested in registry participation, and the department of health and senior
57 services shall enter the complete name, address, date of birth, race, gender and
58 a unique personal identifier in the registry established in subsection 1 of section
59 194.304, RSMo.

60 3. An applicant for a license may make a donation of one dollar to promote
61 a blindness education, screening and treatment program. The director of revenue
62 shall collect the donations and deposit all such donations in the state treasury to
63 the credit of the blindness education, screening and treatment program fund
64 established in section 192.935, RSMo. Moneys in the blindness education,
65 screening and treatment program fund shall be used solely for the purposes
66 established in section 192.935, RSMo, except that the department of revenue shall
67 retain no more than one percent for its administrative costs. The donation
68 prescribed in this subsection is voluntary and may be refused by the applicant for
69 the license at the time of issuance or renewal of the license. The director shall
70 inquire of each applicant at the time the licensee presents the completed
71 application to the director whether the applicant is interested in making the one
72 dollar donation prescribed in this subsection.

73 4. Beginning July 1, 2005, the director shall deny the driving privilege of
74 any person who commits fraud or deception during the examination process or
75 who makes application for an instruction permit, driver's license, or nondriver's
76 license which contains or is substantiated with false or fraudulent information

77 or documentation, or who knowingly conceals a material fact or otherwise
78 commits a fraud in any such application. The period of denial shall be one year
79 from the effective date of the denial notice sent by the director. The denial shall
80 become effective ten days after the date the denial notice is mailed to the
81 person. The notice shall be mailed to the person at the last known address shown
82 on the person's driving record. The notice shall be deemed received three days
83 after mailing unless returned by the postal authorities. No such individual shall
84 reapply for a driver's examination, instruction permit, driver's license, or
85 nondriver's license until the period of denial is completed. No individual who is
86 denied the driving privilege under this section shall be eligible for a limited
87 driving privilege issued under section 302.309.

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

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

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

96 **8. Notwithstanding any provisions of chapter 302 that require an**
97 **applicant to provide proof of lawful presence for renewal of a**
98 **noncommercial driver's license, noncommercial instruction permit, or**
99 **nondriver's license, an applicant who is sixty-five years and older may**
100 **use a previously issued Missouri noncommercial driver's license,**
101 **Missouri noncommercial instruction permit, or Missouri nondriver's**
102 **license as proof of lawful presence.**

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

10 (1) Successfully complete the examination required by section 302.173;

11 (2) Pay the fee required by subsection 3 of this section;

12 (3) Have had a temporary instruction permit issued pursuant to
13 subsection 1 of section 302.130 for at least a six-month period or a valid license
14 from another state; and

15 (4) Have a parent, grandparent, legal guardian, or, if the applicant is a
16 participant in a federal residential job training program, a driving instructor
17 employed by a federal residential job training program, sign the application
18 stating that the applicant has completed at least [twenty] **forty** hours of
19 supervised driving experience under a temporary instruction permit issued
20 pursuant to subsection 1 of section 302.130, or, if the applicant is an emancipated
21 minor, the person over twenty-one years of age who supervised such driving. For
22 purposes of this section, the term "emancipated minor" means a person who is at
23 least sixteen years of age, but less than eighteen years of age, who:

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

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

27 (c) Enters active duty in the armed forces;

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

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

32 (5) Have had no alcohol-related enforcement contacts as defined in section
33 302.525 during the preceding twelve months; and

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

36 2. An intermediate driver's license grants the licensee the same privileges
37 to operate that classification of motor vehicle as a license issued pursuant to
38 section 302.177, except that no person shall operate a motor vehicle on the
39 highways of this state under such an intermediate driver's license between the
40 hours of 1:00 a.m. and 5:00 a.m. unless accompanied by a person described in
41 subsection 1 of section 302.130; except the licensee may operate a motor vehicle
42 without being accompanied if the travel is to or from a school or educational
43 program or activity, a regular place of employment or in emergency situations as
44 defined by the director by regulation.

45 3. Each intermediate driver's license shall be restricted by requiring that
46 the driver and all passengers in the licensee's vehicle wear safety belts at all

47 times. This safety belt restriction shall not apply to a person operating a
48 motorcycle. **For the first six months after issuance of the intermediate**
49 **driver's license, the holder of the license shall not operate a motor**
50 **vehicle with more than one passenger who is under the age of nineteen**
51 **who is not a member of the holder's immediate family. As used in this**
52 **subsection, an intermediate driver's license holder's immediate family**
53 **shall include brothers, sisters, stepbrothers or stepsisters of the driver,**
54 **including adopted or foster children residing in the same household of**
55 **the intermediate driver's license holder. After the expiration of the**
56 **first six months, the holder of an intermediate driver's license shall not**
57 **operate a motor vehicle with more than three passengers who are**
58 **under nineteen years of age and who are not members of the holder's**
59 **immediate family. The passenger restrictions of this subsection shall**
60 **not be applicable to any intermediate driver's license holder who is**
61 **operating a motor vehicle being used in agricultural work-related**
62 **activities.**

63 [3.] 4. Notwithstanding the provisions of section 302.177 to the contrary,
64 the fee for an intermediate driver's license shall be five dollars and such license
65 shall be valid for a period of two years.

66 [4.] 5. Any intermediate driver's licensee accumulating six or more points
67 in a twelve-month period may be required to participate in and successfully
68 complete a driver-improvement program approved by the director of the
69 department of public safety. The driver-improvement program ordered by the
70 director of revenue shall not be used in lieu of point assessment.

71 [5.] 6. (1) An intermediate driver's licensee who has, for the preceding
72 twelve-month period, had no alcohol-related enforcement contacts, as defined in
73 section 302.525 and no traffic convictions for which points are assessed, upon
74 reaching the age of eighteen years may apply for and receive without further
75 examination, other than a vision test as prescribed by section 302.173, a license
76 issued pursuant to this chapter granting full driving privileges. Such person
77 shall pay the required fee for such license as prescribed in section 302.177.

78 (2) If an intermediate driver's license expires on a Saturday, Sunday, or
79 legal holiday, such license shall remain valid for the five business days
80 immediately following the expiration date. In no case shall a licensee whose
81 intermediate driver's license expires on a Saturday, Sunday, or legal holiday be
82 guilty of an offense of driving with an expired or invalid driver's license if such

83 offense occurred within five business days immediately following an expiration
84 date that occurs on a Saturday, Sunday, or legal holiday.

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

93 [6.] 7. No person upon reaching the age of eighteen years whose
94 intermediate driver's license and driving privilege is denied, suspended, canceled
95 or revoked in this state or any other state, for any reason may apply for a full
96 driver's license until such license or driving privilege is fully reinstated. Any
97 such person whose intermediate driver's license has been revoked pursuant to the
98 provisions of sections 302.010 to 302.540 shall, upon receipt of reinstatement of
99 the revocation from the director, pass the complete driver examination, apply for
100 a new license, and pay the proper fee before again operating a motor vehicle upon
101 the highways of this state.

102 [7.] 8. A person shall be exempt from the intermediate licensing
103 requirements if the person has reached the age of eighteen years and meets all
104 other licensing requirements.

105 [8.] 9. **Any person who violates any of the provisions of this**
106 **section relating to intermediate drivers' licenses or the provisions of**
107 **section 302.130 relating to temporary instruction permits is guilty of an**
108 **infraction, and no points shall be assessed to his or her driving record**
109 **for any such violation.**

110 10. Any rule or portion of a rule, as that term is defined in section
111 536.010, RSMo, that is created under the authority delegated in this section shall
112 become effective only if it complies with and is subject to all of the provisions of
113 chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and
114 chapter 536, RSMo, are nonseverable and if any of the powers vested with the
115 general assembly pursuant to chapter 536, RSMo, to review, to delay the effective
116 date or to disapprove and annul a rule are subsequently held unconstitutional,
117 then the grant of rulemaking authority and any rule proposed or adopted after
118 August 28, 2000, shall be invalid and void.

Section B. Because immediate action is necessary to ensure that
2 Missouri's elderly citizens are able to traverse the highways of Missouri, the
3 repeal and reenactment of section 302.171 of this act is deemed necessary for the
4 immediate preservation of the public health, welfare, peace and safety, and is
5 hereby declared to be an emergency act within the meaning of the constitution,
6 and the repeal and reenactment of section 302.171 of this act shall be in full force
7 and effect upon its passage and approval.

✓

Unofficial

Bill

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