

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 1001, 896 & 761

93RD GENERAL ASSEMBLY

2006

4958S.05T

AN ACT

To repeal sections 302.130, 302.171, 302.178, and 302.720, RSMo, and to enact in lieu thereof five 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, 302.178, and 302.720, RSMo, are
2 repealed and five new sections enacted in lieu thereof, to be known as sections
3 226.009, 302.130, 302.171, 302.178, and 302.720, 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 a person identified in this subsection;**
108 **except that the commission may disclose to such attorneys only data**
109 **relating to their client, their client's employer or employee, or their**
110 **client's lessor or lessee with reference to a motor vehicle.**

111 **5. Upon receiving notice of any order issued by the highways and**
112 **transportation commission under subsection 1 of this section, together**
113 **with any additional information reasonably required by the director of**
114 **revenue, the director of revenue may immediately, without hearing,**
115 **update the director's records to reflect the suspension, revocation, or**
116 **cancellation of all motor vehicle license plates, registrations, and other**
117 **credentials issued to the out-of-service motor carrier by the director of**
118 **revenue. The director of revenue shall immediately notify the motor**
119 **carrier, and the commission, of all actions taken pursuant to the**
120 **commission's order. The motor carrier shall have the right to seek**
121 **judicial review of the commission's order, including the suspension,**
122 **revocation, or cancellation of motor vehicle license plates and**
123 **registrations under the commission's order, as provided in subsection**

124 **3 of this section. The motor carrier shall not be entitled to any**
125 **separate appeal or review of the director of revenue's notice of**
126 **suspension, revocation, or cancellation of motor vehicle licenses or**
127 **registrations, or any other actions taken by the director of revenue**
128 **under the commission's order.**

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

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

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

159 **(1) Any person who operates motor vehicles under the actual**
160 **control of that motor carrier, and any person who operates motor**

161 **vehicles that are leased to that motor carrier, with or without driver;**
162 **and**

163 **(2) Any motor vehicles operated under the actual control of that**
164 **motor carrier, and any motor vehicles that are leased to that motor**
165 **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 this chapter that requires**
97 **an 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 and**
100 **who was previously issued a Missouri noncommercial driver's license,**
101 **noncommercial instruction permit, or Missouri nondriver's license is**
102 **exempt from showing proof of lawful presence.**

103 **9. Notwithstanding any other provision of this chapter, if an**
104 **applicant does not meet the requirements of subsection 8 of this section**
105 **and does not have the required documents to prove lawful presence,**
106 **the department may issue a one-year driver's license renewal. This one**
107 **time renewal shall only be issued to an applicant who previously has**
108 **held a Missouri noncommercial driver's license, noncommercial**
109 **instruction permit, or nondriver's license for a period of fifteen years**
110 **or more and who does not have the required documents to prove lawful**
111 **presence. After the expiration of the one-year period, no further**
112 **renewal shall be provided without the applicant producing proof of**
113 **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 **or within the thirty days immediately**
75 **preceding their eighteenth birthday** may apply for and receive without
76 further examination, other than a vision test as prescribed by section 302.173, a
77 license issued pursuant to this chapter granting full driving privileges. Such

78 person shall pay the required fee for such license as prescribed in section 302.177.

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

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

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

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

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

111 10. Any rule or portion of a rule, as that term is defined in section
112 536.010, RSMo, that is created under the authority delegated in this section shall
113 become effective only if it complies with and is subject to all of the provisions of
114 chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and

115 chapter 536, RSMo, are nonseverable and if any of the powers vested with the
116 general assembly pursuant to chapter 536, RSMo, to review, to delay the effective
117 date or to disapprove and annul a rule are subsequently held unconstitutional,
118 then the grant of rulemaking authority and any rule proposed or adopted after
119 August 28, 2000, shall be invalid and void.

302.720. 1. Except when operating under an instruction permit as
2 described in this section, no person may drive a commercial motor vehicle unless
3 the person has been issued a commercial driver's license with applicable
4 endorsements valid for the type of vehicle being operated as specified in sections
5 302.700 to 302.780. A commercial driver's instruction permit shall allow the
6 holder of a valid license to operate a commercial motor vehicle when accompanied
7 by the holder of a commercial driver's license valid for the vehicle being operated
8 and who occupies a seat beside the individual, or reasonably near the individual
9 in the case of buses, for the purpose of giving instruction in driving the
10 commercial motor vehicle. A commercial driver's instruction permit shall be valid
11 for the vehicle being operated for a period of not more than six months, and shall
12 not be issued until the permit holder has met all other requirements of sections
13 302.700 to 302.780, except for the driving test. A permit holder, unless otherwise
14 disqualified, may be granted one six-month renewal within a one-year
15 period. The fee for such permit or renewal shall be five dollars. In the
16 alternative, a commercial driver's instruction permit shall be issued for a
17 thirty-day period to allow the holder of a valid driver's license to operate a
18 commercial motor vehicle if the applicant has completed all other requirements
19 except the driving test. The permit may be renewed for one additional thirty-day
20 period and the fee for the permit and for renewal shall be five dollars.

21 2. No person may be issued a commercial driver's license until he has
22 passed written and driving tests for the operation of a commercial motor vehicle
23 which complies with the minimum federal standards established by the Secretary
24 and has satisfied all other requirements of the Commercial Motor Vehicle Safety
25 Act of 1986 (Title XII of Pub. Law 99-570), as well as any other requirements
26 imposed by state law. Applicants for a hazardous materials endorsement must
27 also meet the requirements of the U.S. Patriot Act of 2001 (Title X of Public Law
28 107-56) as specified and required by regulations promulgated by the
29 Secretary. Nothing contained in this subsection shall be construed as prohibiting
30 the director from establishing alternate testing formats for those who are
31 functionally illiterate; provided, however, that any such alternate test must
32 comply with the minimum requirements of the Commercial Motor Vehicle Safety

33 Act of 1986 (Title XII of Pub. Law 99-570) as established by the Secretary.

34 (1) The written and driving tests shall be held at such times and in such
35 places as the superintendent may designate. A twenty-five dollar examination
36 fee shall be paid by the applicant upon completion of any written or driving
37 test. The director shall delegate the power to conduct the examinations required
38 under sections 302.700 to 302.780 to any member of the highway patrol or any
39 person employed by the highway patrol qualified to give driving examinations.

40 (2) The director shall adopt and promulgate rules and regulations
41 governing the certification of third-party testers by the department of
42 revenue. Such rules and regulations shall substantially comply with the
43 requirements of 49 CFR Part 383, Section 383.75. A certification to conduct
44 third-party testing shall be valid for one year, and the department shall charge
45 a fee of one hundred dollars to issue or renew the certification of any third-party
46 tester.

47 **(3) Beginning August 28, 2006, the director shall only issue or**
48 **renew third-party tester certification to junior colleges or community**
49 **colleges established under chapter 178, RSMo, or to private companies**
50 **who own, lease, or maintain their own fleet and administer in-house**
51 **testing to their employees, or to school districts and their agents that**
52 **administer in-house testing to the school district's or agent's**
53 **employees.** Any third-party tester who violates any of the rules and regulations
54 adopted and promulgated pursuant to this section shall be subject to having his
55 certification revoked by the department. The department shall provide written
56 notice and an opportunity for the third-party tester to be heard in substantially
57 the same manner as provided in chapter 536, RSMo. If any applicant submits
58 evidence that he has successfully completed a test administered by a third-party
59 tester, the actual driving test for a commercial driver's license may then be
60 waived.

61 ~~[(3)]~~ (4) Every applicant for renewal of a commercial driver's license
62 shall provide such certifications and information as required by the secretary and
63 if such person transports a hazardous material must also meet the requirements
64 of the U.S. Patriot Act of 2001 (Title X of Public Law 107-56) as specified and
65 required by regulations promulgated by the secretary[.]. Such person shall be
66 required to take the written test for such endorsement. A twenty-five dollar
67 examination fee shall be paid upon completion of such tests.

68 3. A commercial driver's license may not be issued to a person while the
69 person is disqualified from driving a commercial motor vehicle, when a

70 disqualification is pending in any state or while the person's driver's license is
71 suspended, revoked, or canceled in any state; nor may a commercial driver's
72 license be issued unless the person first surrenders in a manner prescribed by the
73 director any commercial driver's license issued by another state, which license
74 shall be returned to the issuing state for cancellation.

75 4. Beginning July 1, 2005, the director shall not issue an instruction
76 permit under this section unless the director verifies that the applicant is
77 lawfully present in the United States before accepting the application. The
78 director may, by rule or regulation, establish procedures to verify the lawful
79 presence of the applicant under this section. No rule or portion of a rule
80 promulgated pursuant to the authority of this section shall become effective
81 unless it has been promulgated pursuant to chapter 536, RSMo.

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.

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