

FIRST REGULAR SESSION

SENATE BILL NO. 240

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR STOUFFER.

Read 1st time January 10, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

1299S.011

AN ACT

To repeal section 302.720, RSMo, and to enact in lieu thereof one new section relating to commercial driver license skills test exemptions for qualified military personnel.

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

Section A. Section 302.720, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 302.720, to read as follows:

302.720. 1. Except when operating under an instruction permit as described in this section, no person may drive a commercial motor vehicle unless the person has been issued a commercial driver's license with applicable endorsements valid for the type of vehicle being operated as specified in sections 302.700 to 302.780. A commercial driver's instruction permit shall allow the holder of a valid license to operate a commercial motor vehicle when accompanied by the holder of a commercial driver's license valid for the vehicle being operated and who occupies a seat beside the individual, or reasonably near the individual in the case of buses, for the purpose of giving instruction in driving the commercial motor vehicle. A commercial driver's instruction permit shall be valid for the vehicle being operated for a period of not more than six months, and shall not be issued until the permit holder has met all other requirements of sections 302.700 to 302.780, except for the driving test. A permit holder, unless otherwise disqualified, may be granted one six-month renewal within a one-year period. The fee for such permit or renewal shall be five dollars. In the alternative, a commercial driver's instruction permit shall be issued for a thirty-day period to allow the holder of a valid driver's license to operate a commercial motor vehicle if the applicant has completed all other requirements 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 renew
48 third-party tester certification to junior colleges or community colleges
49 established under chapter 178, RSMo, or to private companies who own, lease, or
50 maintain their own fleet and administer in-house testing to their employees, or
51 to school districts and their agents that administer in-house testing to the school
52 district's or agent's employees. Any third-party tester who violates any of the
53 rules and regulations adopted and promulgated pursuant to this section shall be
54 subject to having his certification revoked by the department. The department
55 shall provide written notice and an opportunity for the third-party tester to be

56 heard in substantially the same manner as provided in chapter 536, RSMo. If
57 any applicant submits evidence that he has successfully completed a test
58 administered by a third-party tester, the actual driving test for a commercial
59 driver's license may then be waived.

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

67 (5) **The director shall have the authority to waive the driving**
68 **skills test for any qualified military applicant for a commercial driver's**
69 **license who is currently licensed at the time of application for a**
70 **commercial driver's license. The director shall impose conditions and**
71 **limitations to restrict the applicants from whom the department may**
72 **accept alternative requirements for the skills test described in 49 CFR**
73 **Part 383, Section 383.77. An applicant must certify that, during the**
74 **two-year period immediately preceding application for a commercial**
75 **driver's license, all of the following apply:**

76 (a) **The applicant has not had more than one license;**

77 (b) **The applicant has not had any license suspended, revoked, or**
78 **canceled;**

79 (c) **The applicant has not had any convictions for any type of**
80 **motor vehicle for the disqualifying offenses contained in this chapter**
81 **or 49 CFR Part 383, Section 383.51(b);**

82 (d) **The applicant has not had more than one conviction for any**
83 **type of motor vehicle for serious traffic violations;**

84 (e) **The applicant has not had any conviction for a violation of**
85 **state or local law relating to motor vehicle traffic control, other than**
86 **a parking violation, arising in connection with any traffic accident, and**
87 **has no record of an accident in which he or she was at fault;**

88 (f) **The applicant is regularly employed in a job requiring**
89 **operation of a commercial motor vehicle, and has at least operated the**
90 **vehicle for sixty days during the two years immediately preceding**
91 **application for a commercial driver's license. The vehicle must be**
92 **representative of the commercial motor vehicle the driver applicant**

93 **operates or expects to operate;**

94 **(g) The applicant, if on active duty, must provide a notarized**
95 **affidavit signed by a commanding officer as proof of driving experience**
96 **as indicated in paragraph (f) of this subsection;**

97 **(h) The applicant, if honorably discharged from military service,**
98 **must provide a Form-DD214 or other proof of military occupational**
99 **specialty;**

100 **(i) The applicant must meet all federal and state qualifications**
101 **to operate a commercial vehicle; and**

102 **(j) The applicant will be required to complete all applicable**
103 **knowledge tests.**

104 3. A commercial driver's license may not be issued to a person while the
105 person is disqualified from driving a commercial motor vehicle, when a
106 disqualification is pending in any state or while the person's driver's license is
107 suspended, revoked, or canceled in any state; nor may a commercial driver's
108 license be issued unless the person first surrenders in a manner prescribed by the
109 director any commercial driver's license issued by another state, which license
110 shall be returned to the issuing state for cancellation.

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

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