

SECOND REGULAR SESSION

SENATE BILL NO. 1195

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR GOODMAN.

Read 1st time February 26, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

5291S.011

AN ACT

To repeal section 302.720, RSMo, and to enact in lieu thereof one new section relating to the hazardous materials endorsement testing process.

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Section A. Section 302.720, RSMo, is repealed and one new section
2 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
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 period. The
15 fee for such permit or renewal shall be five dollars. In the alternative, a
16 commercial driver's instruction permit shall be issued for a thirty-day period to
17 allow the holder of a valid driver's license to operate a commercial motor vehicle
18 if the applicant has completed all other requirements except the driving test. The
19 permit may be renewed for one additional thirty-day period and the fee for the
20 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
40 examinations. **The written test for a hazardous materials endorsement**
41 **shall only be administered in the English language so that the applicant**
42 **can demonstrate his or her ability to read the English language**
43 **sufficiently to understand highway traffic signs and safety**
44 **warnings. The director shall neither supply nor permit the use of**
45 **language interpreters in connection with the written and driving tests**
46 **required for a hazardous materials endorsement.**

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

54 (3) Beginning August 28, 2006, the director shall only issue or renew
55 third-party tester certification to junior colleges or community colleges
56 established under chapter 178, RSMo, or to private companies who own, lease, or

57 maintain their own fleet and administer in-house testing to their employees, or
58 to school districts and their agents that administer in-house testing to the school
59 district's or agent's employees. Any third-party tester who violates any of the
60 rules and regulations adopted and promulgated pursuant to this section shall be
61 subject to having his certification revoked by the department. The department
62 shall provide written notice and an opportunity for the third-party tester to be
63 heard in substantially the same manner as provided in chapter 536, RSMo. If
64 any applicant submits evidence that he has successfully completed a test
65 administered by a third-party tester, the actual driving test for a commercial
66 driver's license may then be waived.

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

74 (5) The director shall have the authority to waive the driving skills test
75 for any qualified military applicant for a commercial driver's license who is
76 currently licensed at the time of application for a commercial driver's
77 license. The director shall impose conditions and limitations to restrict the
78 applicants from whom the department may accept alternative requirements for
79 the skills test described in federal regulation 49 C.F.R. 383.77. An applicant
80 must certify that, during the two-year period immediately preceding application
81 for a commercial driver's license, all of the following apply:

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

83 (b) The applicant has not had any license suspended, revoked, or
84 cancelled;

85 (c) The applicant has not had any convictions for any type of motor vehicle
86 for the disqualifying offenses contained in this chapter or federal rule 49 C.F.R.
87 383.51(b);

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

90 (e) The applicant has not had any conviction for a violation of state or
91 local law relating to motor vehicle traffic control, but not including any parking
92 violation, arising in connection with any traffic accident, and has no record of an

93 accident in which he or she was at fault;

94 (f) The applicant is regularly employed in a job requiring operation of a
95 commercial motor vehicle and has operated the vehicle for at least sixty days
96 during the two years immediately preceding application for a commercial driver's
97 license. The vehicle must be representative of the commercial motor vehicle the
98 driver applicant operates or expects to operate;

99 (g) The applicant, if on active duty, must provide a notarized affidavit
100 signed by a commanding officer as proof of driving experience as indicated in
101 paragraph (f) of this subdivision;

102 (h) The applicant, if honorably discharged from military service, must
103 provide a form-DD214 or other proof of military occupational specialty;

104 (i) The applicant must meet all federal and state qualifications to operate
105 a commercial vehicle; and

106 (j) The applicant will be required to complete all applicable knowledge
107 tests.

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

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

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