

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 648
96TH GENERAL ASSEMBLY

Reported from the Committee on Transportation, February 21, 2012, with recommendation that the Senate Committee Substitute do pass.

4676S.03C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal section 302.130, RSMo, and to enact in lieu thereof one new section relating to the issuance of temporary driver instruction permits.

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

Section A. Section 302.130, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 302.130, to read as follows:

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 person who is at least twenty-five years of age who has been**
14 **licensed for a minimum of three years and has received written**
15 **permission from the parent or legal guardian to escort or accompany**
16 **the driver**, a driver training instructor holding a valid driver education
17 endorsement on a teaching certificate issued by the department of elementary and
18 secondary education or a qualified instructor of a private drivers' education
19 program who has a valid driver's license. An applicant for a temporary
20 instruction permit shall successfully complete a vision test and a test of the

21 applicant's ability to understand highway signs which regulate, warn or direct
22 traffic and practical knowledge of the traffic laws of this state, pursuant to
23 section 302.173. In addition, beginning January 1, 2007, no permit shall be
24 granted pursuant to this subsection unless a parent or legal guardian gives
25 written permission by signing the application and in so signing, state they, or
26 their designee as set forth in subsection 2 of this section, will provide a minimum
27 of forty hours of behind-the-wheel driving instruction, including a minimum of ten
28 hours of behind-the-wheel driving instruction that occurs during the nighttime
29 hours falling between sunset and sunrise. The forty hours of behind-the-wheel
30 driving instruction that is completed pursuant to this subsection may include any
31 time that the holder of an instruction permit has spent operating a motor vehicle
32 in a driver training program taught by a driver training instructor holding a valid
33 driver education endorsement on a teaching certificate issued by the department
34 of elementary and secondary education or by a qualified instructor of a private
35 drivers' education program. If the applicant for a permit is enrolled in a federal
36 residential job training program, the instructor, as defined in subsection 5 of this
37 section, is authorized to sign the application stating that the applicant will
38 receive the behind-the-wheel driving instruction required by this section.

39 2. In the event the parent, grandparent or guardian of the person under
40 sixteen years of age has a physical disability which prohibits or disqualifies said
41 parent, grandparent or guardian from being a qualified licensed operator
42 pursuant to this section, said parent, grandparent or guardian may designate a
43 maximum of two individuals authorized to accompany the applicant for the
44 purpose of giving instruction in driving the motor vehicle. An authorized
45 designee must be a licensed operator for the type of motor vehicle being operated
46 and have attained twenty-one years of age. At least one of the designees must
47 occupy the seat beside the applicant while giving instruction in driving the motor
48 vehicle. The name of the authorized designees must be provided to the
49 department of revenue by the parent, grandparent or guardian at the time of
50 application for the temporary instruction permit. The name of each authorized
51 designee shall be printed on the temporary instruction permit, however, the
52 director may delay the time at which permits are printed bearing such names
53 until the inventories of blank permits and related forms existing on August 28,
54 1998, are exhausted.

55 3. The director, upon proper application on a form prescribed by the
56 director, in his or her discretion, may issue a restricted instruction permit

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

68 4. The director, in his or her discretion, may issue a temporary driver's
69 permit to an applicant who is otherwise qualified for a license permitting the
70 applicant to operate a motor vehicle while the director is completing the director's
71 investigation and determination of all facts relative to such applicant's rights to
72 receive a license. Such permit must be in the applicant's immediate possession
73 while operating a motor vehicle, and it shall be invalid when the applicant's
74 license has been issued or for good cause has been refused.

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

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

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

93 vehicle whenever the holder of the instruction permit operates a motor vehicle
94 during his or her temporary permit licensure period.

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

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

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Bill

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