

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 673
96TH GENERAL ASSEMBLY

Reported from the Committee on Transportation, March 29, 2012, with recommendation that the Senate Committee Substitute do pass.

5037S.05C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 302.130 and 302.132, RSMo, and to enact in lieu thereof two new sections relating to temporary motor vehicle instruction permits, with an effective date.

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

Section A. Sections 302.130 and 302.132, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 302.130 and 302.132, to read as follows:

302.130. 1. Any person at least fifteen years of age who, except for age or lack of instruction in operating a motor vehicle, would otherwise be qualified to obtain a license pursuant to sections 302.010 to 302.340 may apply for and the director shall issue a temporary instruction permit entitling the applicant, while having such permit in the applicant's immediate possession, to drive a motor vehicle of the appropriate class upon the highways for a period of twelve months, but any such person, except when operating a motorcycle or motortricycle, must be accompanied by a licensed operator for the type of motor vehicle being operated who is actually occupying a seat beside the driver for the purpose of giving instruction in driving the motor vehicle, who is at least twenty-one years of age, and in the case of any driver under sixteen years of age, the licensed operator occupying the seat beside the driver shall be a grandparent, parent, guardian, a driver training instructor holding a valid driver education endorsement on a teaching certificate issued by the department of elementary and secondary education or a qualified instructor of a private drivers' education program who has a valid driver's license. An applicant for a temporary

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

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

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

52 3. The director, upon proper application on a form prescribed by the

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

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

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

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

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

89 vehicle. Such sticker or sign may be displayed on the rear window of the motor
90 vehicle whenever the holder of the instruction permit operates a motor vehicle
91 during his or her temporary permit licensure period.

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

99 9. **Notwithstanding subsection 1 of this section, if an applicant**
100 **is issued a temporary instruction permit under the provisions of this**
101 **section that includes a motorcycle endorsement, then such temporary**
102 **instruction permit shall only entitle the applicant to operate a motor**
103 **vehicle, motorcycle, or motortricycle for a period of six months and**
104 **such applicant may only renew such permit two additional times, for**
105 **a total maximum cumulative permit period of eighteen months**
106 **pursuant to section 302.132.**

107 10. The director may adopt rules and regulations necessary to carry out
108 the provisions of this section.

302.132. 1. Any person at least fifteen and one-half years of age who,
2 except for age or lack of instruction in operating a motor vehicle, would otherwise
3 be qualified to obtain a motorcycle or motortricycle license or endorsement
4 pursuant to sections 302.010 to 302.340 may apply, with the written consent of
5 the parent or guardian of such person, for a temporary motorcycle instruction
6 permit to operate a motorcycle or motortricycle.

7 2. The director shall issue a temporary motorcycle instruction permit
8 under this section if the applicant has completed a motorcycle rider training
9 course approved under sections 302.133 to 302.138 and is otherwise eligible for
10 the temporary permit.

11 3. A person receiving a temporary motorcycle permit and having it in his
12 **or her** immediate possession shall be entitled to operate a motorcycle or
13 motortricycle for a period of six months upon the highways of the state, and
14 **[persons under the age of sixteen] such person** shall be subject to the following
15 restrictions:

16 (1) **[The motorcycle or motortricycle may not have an engine with a**

17 displacement of greater than two hundred fifty cubic centimeters;

18 (2)] The operator shall not travel at any time from a half-hour after
19 sunset to a half-hour before sunrise; **and**

20 ~~[(3)]~~ **(2)** The operator shall not carry any passengers[; and

21 (4) The operator shall not travel over fifty miles from the operator's home
22 address].

23 **4. An applicant issued a temporary motorcycle instruction**
24 **permit under this section may renew such permit two additional times,**
25 **for a total maximum permit period of eighteen months. After such**
26 **period the applicant shall complete the required written examinations**
27 **to obtain a temporary motorcycle instruction permit or a temporary**
28 **instruction permit with a motorcycle endorsement.**

Section B. The repeal and reenactment of sections 302.130 and 302.132
2 shall become effective May 1, 2013.

✓

Bill

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