

SECOND REGULAR SESSION

SENATE BILL NO. 564

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BROWN.

Pre-filed December 13, 2011, and ordered printed.

TERRY L. SPIELER, Secretary.

4681S.011

AN ACT

To repeal section 302.173, RSMo, and to enact in lieu thereof one new section relating to the waiver of the motorcycle roads skills test for members of the armed forces who have successfully completed certain military motorcycle rider training courses.

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

Section A. Section 302.173, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 302.173, to read as follows:

302.173. 1. Any applicant for a license, who does not possess a valid
2 license issued pursuant to the laws of this state, another state, or a country
3 which has a reciprocal agreement with the state of Missouri regarding the
4 exchange of licenses pursuant to section 302.172 shall be examined as herein
5 provided. Any person who has failed to renew such person's license on or before
6 the date of its expiration or within six months thereafter must take the complete
7 examination. Any active member of the armed forces, their adult dependents or
8 any active member of the peace corps may apply for a renewal license without
9 examination of any kind, unless otherwise required by sections 302.700 to
10 302.780, provided the renewal application shows that the previous license had not
11 been suspended or revoked. Any person honorably discharged from the armed
12 forces of the United States who held a valid license prior to being inducted may
13 apply for a renewal license within sixty days after such person's honorable
14 discharge without submitting to any examination of such person's ability to safely
15 operate a motor vehicle over the highways of this state unless otherwise required
16 by sections 302.700 to 302.780, other than the vision test provided in section
17 302.175, unless the facts set out in the renewal application or record of
18 convictions on the expiring license, or the records of the director show that there

19 is good cause to authorize the director to require the applicant to submit to the
20 complete examination. No applicant for a renewal license shall be required to
21 submit to any examination of his or her ability to safely operate a motor vehicle
22 over the highways of this state unless otherwise required by sections 302.700 to
23 302.780 or regulations promulgated thereunder, other than a test of the
24 applicant's ability to understand highway signs regulating, warning or directing
25 traffic and the vision test provided in section 302.175, unless the facts set out in
26 the renewal application or record of convictions on the expiring license, or the
27 records of the director show that there is good cause to authorize the director to
28 require the applicant to submit to the complete examination. The examination
29 shall be made available in each county. Reasonable notice of the time and place
30 of the examination shall be given the applicant by the person or officer designated
31 to conduct it. The complete examination shall include a test of the applicant's
32 natural or corrected vision as prescribed in section 302.175, the applicant's ability
33 to understand highway signs regulating, warning or directing traffic, the
34 applicant's practical knowledge of the traffic laws of this state, and an actual
35 demonstration of ability to exercise due care in the operation of a motor vehicle
36 of the classification for which the license is sought. When an applicant for a
37 license has a license from a state which has requirements for issuance of a license
38 comparable to the Missouri requirements or a license from a country which has
39 a reciprocal agreement with the state of Missouri regarding the exchange of
40 licenses pursuant to section 302.172 and such license has not expired more than
41 six months prior to the date of application for the Missouri license, the director
42 may waive the test of the applicant's practical knowledge of the traffic laws of
43 this state, and the requirement of actual demonstration of ability to exercise due
44 care in the operation of a motor vehicle. If the director has reasonable grounds
45 to believe that an applicant is suffering from some known physical or mental
46 ailment which ordinarily would interfere with the applicant's fitness to operate
47 a motor vehicle safely upon the highways, the director may require that the
48 examination include a physical or mental examination by a licensed physician of
49 the applicant's choice, at the applicant's expense, to determine the fact. The
50 director shall prescribe regulations to ensure uniformity in the examinations and
51 in the grading thereof and shall prescribe and furnish all forms to the members
52 of the highway patrol and to other persons authorized to conduct examinations
53 as may be necessary to enable the officer or person to properly conduct the
54 examination. The records of the examination shall be forwarded to the director

55 who shall not issue any license hereunder if in the director's opinion the
56 applicant is not qualified to operate a motor vehicle safely upon the highways of
57 this state.

58 2. Beginning July 1, 2005, when the examiner has reasonable grounds to
59 believe that an individual has committed fraud or deception during the
60 examination process, the license examiner shall immediately forward to the
61 director all information relevant to any fraud or deception, including, but not
62 limited to, a statement of the examiner's grounds for belief that the person
63 committed or attempted to commit fraud or deception in the written, skills, or
64 vision examination.

65 3. The director of revenue shall delegate the power to conduct the
66 examinations required for a license or permit to any member of the highway
67 patrol or any person employed by the highway patrol. The powers delegated to
68 any examiner may be revoked at any time by the director of revenue upon notice.

69 4. Notwithstanding the requirements of subsections 1 and 3 of this
70 section, the successful completion of a motorcycle rider training course approved
71 pursuant to sections 302.133 to 302.137 shall constitute an actual demonstration
72 of the person's ability to exercise due care in the operation of a motorcycle or
73 motortricycle, and no further driving test shall be required to obtain a motorcycle
74 or motortricycle license or endorsement.

75 **5. Notwithstanding the requirements of subsections 1 and 3 of**
76 **this section, the successful completion of a military motorcycle rider**
77 **training course that meets or exceeds the Motorcycle Safety Foundation**
78 **curriculum standards by an applicant who is an active member of the**
79 **U.S. armed forces, shall constitute an actual demonstration of the**
80 **person's ability to exercise due care in the operation of a motorcycle or**
81 **motortricycle, and no further driving test shall be required to obtain**
82 **a motorcycle or motortricycle license or endorsement. The director of**
83 **revenue is authorized to promulgate rules and regulations for the**
84 **administration and implementation of this subsection including rules**
85 **governing the presentment of motorcycle training course completion**
86 **cards from a military motorcycle rider training course or other**
87 **documentation showing that the applicant has successfully completed**
88 **a course in basic motorcycle safety instruction that meets or exceeds**
89 **curriculum standards established by the Motorcycle Safety Foundation**
90 **or other national organization whose purpose is to improve the safety**

91 of motorcyclists on the nation's streets and highways. Any rule or
92 portion of a rule, as that term is defined in section 536.010 that is
93 created under the authority delegated in this section shall become
94 effective only if it complies with and is subject to all of the provisions
95 of chapter 536, and, if applicable, section 536.028. This section and
96 chapter 536 are nonseverable and if any of the powers vested with the
97 general assembly pursuant to chapter 536, to review, to delay the
98 effective date, or to disapprove and annul a rule are subsequently held
99 unconstitutional, then the grant of rulemaking authority and any rule
100 proposed or adopted after August 28, 2012, shall be invalid and void.

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Bill

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