

SECOND REGULAR SESSION

# SENATE BILL NO. 648

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR DEMPSEY.

Read 1st time January 11, 2012, and ordered printed.

TERRY L. SPIELER, Secretary.

4676S.02I

## 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Section A. Section 302.130, RSMo, is repealed and one new section  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**, a driver training instructor holding  
15 a valid driver education endorsement on a teaching certificate issued by the  
16 department of elementary and secondary education or a qualified instructor of a  
17 private drivers' education program who has a valid driver's license. An applicant  
18 for a temporary instruction permit shall successfully complete a vision test and  
19 a test of the applicant's ability to understand highway signs which regulate, warn  
20 or direct traffic and practical knowledge of the traffic laws of this state, pursuant

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

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

53         3. The director, upon proper application on a form prescribed by the  
54 director, in his or her discretion, may issue a restricted instruction permit  
55 effective for a school year or more restricted period to an applicant who is  
56 enrolled in a high school driver training program taught by a driver training

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

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

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

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

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

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

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

Unofficial ✓

Bill

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