

FIRST REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 89**  
100TH GENERAL ASSEMBLY

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Reported from the Committee on Transportation, Infrastructure and Public Safety, February 7, 2019, with recommendation that the Senate Committee Substitute do pass.

0253S.04C

ADRIANE D. CROUSE, Secretary.

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**AN ACT**

To repeal sections 302.170, 302.720, and 302.768, RSMo, and to enact in lieu thereof three new sections relating to commercial driver's licenses, with existing penalty provisions.

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

Section A. Sections 302.170, 302.720, and 302.768, RSMo, are repealed  
2 and three new sections enacted in lieu thereof, to be known as sections 302.170,  
3 302.720, and 302.768, to read as follows:

302.170. 1. As used in this section, the following terms shall mean:

- 2 (1) "Biometric data", shall include, but not be limited to, the following:  
3 (a) Facial feature pattern characteristics;  
4 (b) Voice data used for comparing live speech with a previously created  
5 speech model of a person's voice;  
6 (c) Iris recognition data containing color or texture patterns or codes;  
7 (d) Retinal scans, reading through the pupil to measure blood vessels  
8 lining the retina;  
9 (e) Fingerprint, palm prints, hand geometry, measure of any and all  
10 characteristics of biometric information, including shape and length of fingertips,  
11 or recording ridge pattern or fingertip characteristics;  
12 (f) Eye spacing;  
13 (g) Characteristic gait or walk;  
14 (h) DNA;  
15 (i) Keystroke dynamic, measuring pressure applied to key pads or other  
16 digital receiving devices;

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

17 (2) "Commercial purposes", shall not include data used or compiled solely  
18 to be used for, or obtained or compiled solely for purposes expressly allowed  
19 under Missouri law or the federal Drivers Privacy Protection Act;

20 (3) "Source documents", original or certified copies, where applicable, of  
21 documents presented by an applicant as required under 6 CFR Part 37 to the  
22 department of revenue to apply for a driver's license or nondriver's  
23 license. Source documents shall also include any documents required for the  
24 issuance of driver's licenses or nondriver's licenses by the department of revenue  
25 under the provisions of this chapter or accompanying regulations.

26 2. Except as provided in subsection 3 of this section and as required to  
27 carry out the provisions of subsection 4 of this section, the department of revenue  
28 shall not retain copies, in any format, of source documents presented by  
29 individuals applying for or holding driver's licenses or nondriver's licenses or use  
30 technology to capture digital images of source documents so that the images are  
31 capable of being retained in electronic storage in a transferable  
32 format. Documents retained as provided or required by subsection 4 of this  
33 section shall be stored solely on a system not connected to the internet nor to a  
34 wide area network that connects to the internet. Once stored on such system, the  
35 documents and data shall be purged from any systems on which they were  
36 previously stored so as to make them irretrievable.

37 3. The provisions of this section shall not apply to:

38 (1) Original application forms, which may be retained but not scanned  
39 except as provided in this section;

40 (2) Test score documents issued by state highway patrol driver examiners  
41 **and Missouri commercial third-party tester examiners;**

42 (3) Documents demonstrating lawful presence of any applicant who is not  
43 a citizen of the United States, including documents demonstrating duration of the  
44 person's lawful presence in the United States;

45 (4) Any document required to be retained under federal motor carrier  
46 regulations in Title 49, Code of Federal Regulations, including but not limited to  
47 documents required by federal law for the issuance of a commercial driver's  
48 license and a commercial driver instruction permit;

49 (5) Documents submitted by a commercial driver's license **or commercial**  
50 **driver instruction permit** applicant who is a Missouri resident and is [active  
51 duty military or a veteran, as "veteran" is defined in 38 U.S.C. Section 101,] **a**  
52 **qualified current or former military service member** which [allows] **allow**

53 for waiver of the commercial driver's license knowledge test, skills test, or both;  
54 and

55 (6) Any other document at the request of and for the convenience of the  
56 applicant where the applicant requests the department of revenue review  
57 alternative documents as proof required for issuance of a driver's license,  
58 nondriver's license, or instruction permit.

59 4. (1) To the extent not prohibited under subsection 13 of this section, the  
60 department of revenue shall amend procedures for applying for a driver's license  
61 or identification card in order to comply with the goals or standards of the federal  
62 REAL ID Act of 2005, any rules or regulations promulgated under the authority  
63 granted in such Act, or any requirements adopted by the American Association  
64 of Motor Vehicle Administrators for furtherance of the Act, unless such action  
65 conflicts with Missouri law.

66 (2) The department of revenue shall issue driver's licenses or  
67 identification cards that are compliant with the federal REAL ID Act of 2005, as  
68 amended, to all applicants for driver's licenses or identification cards unless an  
69 applicant requests a driver's license or identification card that is not REAL ID  
70 compliant. Except as provided in subsection 3 of this section and as required to  
71 carry out the provisions of this subsection, the department of revenue shall not  
72 retain the source documents of individuals applying for driver's licenses or  
73 identification cards not compliant with REAL ID. Upon initial application for a  
74 driver's license or identification card, the department shall inform applicants of  
75 the option of being issued a REAL ID compliant driver's license or identification  
76 card or a driver's license or identification card that is not compliant with REAL  
77 ID. The department shall inform all applicants:

78 (a) With regard to the REAL ID compliant driver's license or identification  
79 card:

80 a. Such card is valid for official state purposes and for official federal  
81 purposes as outlined in the federal REAL ID Act of 2005, as amended, such as  
82 domestic air travel and seeking access to military bases and most federal  
83 facilities;

84 b. Electronic copies of source documents will be retained by the  
85 department and destroyed after the minimum time required for digital retention  
86 by the federal REAL ID Act of 2005, as amended;

87 c. The facial image capture will only be retained by the department if the  
88 application is finished and submitted to the department; and

89 d. Any other information the department deems necessary to inform the  
90 applicant about the REAL ID compliant driver's license or identification card  
91 under the federal REAL ID Act;

92 (b) With regard to a driver's license or identification card that is not  
93 compliant with the federal REAL ID Act:

94 a. Such card is valid for official state purposes, but it is not valid for  
95 official federal purposes as outlined in the federal REAL ID Act of 2005, as  
96 amended, such as domestic air travel and seeking access to military bases and  
97 most federal facilities;

98 b. Source documents will be verified but no copies of such documents will  
99 be retained by the department unless permitted under subsection 3 of this  
100 section, except as necessary to process a request by a license or card holder or  
101 applicant;

102 c. Any other information the department deems necessary to inform the  
103 applicant about the driver's license or identification card.

104 5. The department of revenue shall not use, collect, obtain, share, or  
105 retain biometric data nor shall the department use biometric technology to  
106 produce a driver's license or nondriver's license or to uniquely identify licensees  
107 or license applicants. This subsection shall not apply to digital images nor  
108 licensee signatures required for the issuance of driver's licenses and nondriver's  
109 licenses or to biometric data collected from employees of the department of  
110 revenue, employees of the office of administration who provide information  
111 technology support to the department of revenue, contracted license offices, and  
112 contracted manufacturers engaged in the production, processing, or manufacture  
113 of driver's licenses or identification cards in positions which require a background  
114 check in order to be compliant with the federal REAL ID Act or any rules or  
115 regulations promulgated under the authority of such Act. Except as otherwise  
116 provided by law, applicants' source documents and Social Security numbers shall  
117 not be stored in any database accessible by any other state or the federal  
118 government. Such database shall contain only the data fields included on driver's  
119 licenses and nondriver identification cards compliant with the federal REAL ID  
120 Act, and the driving records of the individuals holding such driver's licenses and  
121 nondriver identification cards.

122 6. Notwithstanding any provision of this chapter that requires an  
123 applicant to provide reasonable proof of lawful presence for issuance or renewal  
124 of a noncommercial driver's license, noncommercial instruction permit, or a

125 nondriver's license, an applicant shall not have his or her privacy rights violated  
126 in order to obtain or renew a Missouri noncommercial driver's license,  
127 noncommercial instruction permit, or a nondriver's license.

128         7. No citizen of this state shall have his or her privacy compromised by  
129 the state or agents of the state. The state shall within reason protect the  
130 sovereignty of the citizens the state is entrusted to protect. Any data derived  
131 from a person's application shall not be sold for commercial purposes to any other  
132 organization or any other state without the express permission of the applicant  
133 without a court order; except such information may be shared with a law  
134 enforcement agency, judge, prosecuting attorney, or officer of the court, or with  
135 another state for the limited purposes set out in section 302.600, or for the  
136 purposes set forth in section 32.091, or for conducting driver history checks in  
137 compliance with the Motor Carrier Safety Improvement Act, 49 U.S.C. Section  
138 31309. The state of Missouri shall protect the privacy of its citizens when  
139 handling any written, digital, or electronic data, and shall not participate in any  
140 standardized identification system using driver's and nondriver's license records  
141 except as provided in this section.

142         8. Other than to process a request by a license or card holder or applicant,  
143 no person shall access, distribute, or allow access to or distribution of any  
144 written, digital, or electronic data collected or retained under this section without  
145 the express permission of the applicant or a court order, except that such  
146 information may be shared with a law enforcement agency, judge, prosecuting  
147 attorney, or officer of the court, or with another state for the limited purposes set  
148 out in section 302.600 or for conducting driver history checks in compliance with  
149 the Motor Carrier Safety Improvement Act, 49 U.S.C. Section 31309. A first  
150 violation of this subsection shall be a class A misdemeanor. A second violation  
151 of this subsection shall be a class E felony. A third or subsequent violation of  
152 this subsection shall be a class D felony.

153         9. Any person harmed or damaged by any violation of this section may  
154 bring a civil action for damages, including noneconomic and punitive damages,  
155 as well as injunctive relief, in the circuit court where that person resided at the  
156 time of the violation or in the circuit court of Cole County to recover such  
157 damages from the department of revenue and any persons participating in such  
158 violation. Sovereign immunity shall not be available as a defense for the  
159 department of revenue in such an action. In the event the plaintiff prevails on  
160 any count of his or her claim, the plaintiff shall be entitled to recover reasonable

161 attorney fees from the defendants.

162           10. The department of revenue may promulgate rules necessary to  
163 implement the provisions of this section. Any rule or portion of a rule, as that  
164 term is defined in section 536.010, that is created under the authority delegated  
165 in this section shall become effective only if it complies with and is subject to all  
166 of the provisions of chapter 536 and, if applicable, section 536.028. This section  
167 and chapter 536 are nonseverable and if any of the powers vested with the  
168 general assembly pursuant to chapter 536 to review, to delay the effective date,  
169 or to disapprove and annul a rule are subsequently held unconstitutional, then  
170 the grant of rulemaking authority and any rule proposed or adopted after August  
171 28, 2017, shall be invalid and void.

172           11. Biometric data, digital images, source documents, and licensee  
173 signatures, or any copies of the same, required to be collected or retained to  
174 comply with the requirements of the federal REAL ID Act of 2005 shall be  
175 digitally retained for no longer than the minimum duration required to maintain  
176 compliance, and immediately thereafter shall be securely destroyed so as to make  
177 them irretrievable.

178           12. No agency, department, or official of this state or of any political  
179 subdivision thereof shall use, collect, obtain, share, or retain radio frequency  
180 identification data from a REAL ID compliant driver's license or identification  
181 card issued by a state, nor use the same to uniquely identify any individual.

182           13. Notwithstanding any provision of law to the contrary, the department  
183 of revenue shall not amend procedures for applying for a driver's license or  
184 identification card, nor promulgate any rule or regulation, for purposes of  
185 complying with modifications made to the federal REAL ID Act of 2005 after  
186 August 28, 2017, imposing additional requirements on applications, document  
187 retention, or issuance of compliant licenses or cards, including any rules or  
188 regulations promulgated under the authority granted under the federal REAL ID  
189 Act of 2005, as amended, or any requirements adopted by the American  
190 Association of Motor Vehicle Administrators for furtherance thereof.

191           14. If the federal REAL ID Act of 2005 is modified or repealed such that  
192 driver's licenses and identification cards issued by this state that are not  
193 compliant with the federal REAL ID Act of 2005 are once again sufficient for  
194 federal identification purposes, the department shall not issue a driver's license  
195 or identification card that complies with the federal REAL ID Act of 2005 and  
196 shall securely destroy, within thirty days, any source documents retained by the

197 department for the purpose of compliance with such Act.

198 15. The provisions of this section shall expire five years after August 28,  
199 2017.

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. No person may be issued a commercial driver's  
11 instruction permit until he or she has passed written tests which comply with the  
12 minimum federal standards. A commercial driver's instruction permit shall be  
13 **nonrenewable and shall be** valid for the vehicle being operated for a period  
14 of not more than ~~[six months]~~ **one year**, and shall not be issued until the permit  
15 holder has met all other requirements of sections 302.700 to 302.780, except for  
16 the driving test. ~~[A permit holder, unless otherwise disqualified, may be granted~~  
17 ~~one six-month renewal within a one-year period.]~~ The fee for such permit ~~[or~~  
18 ~~renewal]~~ shall be ~~[five]~~ **ten** dollars. ~~[In the alternative, a commercial driver's~~  
19 ~~instruction permit shall be issued for a thirty-day period to allow the holder of~~  
20 ~~a valid driver's license to operate a commercial motor vehicle if the applicant has~~  
21 ~~completed all other requirements except the driving test. The permit may be~~  
22 ~~renewed for one additional thirty-day period and the fee for the permit and for~~  
23 ~~renewal shall be five dollars]~~ **The fee for a duplicate of such permit shall**  
24 **be five dollars.**

25 2. No person may be issued a commercial driver's license until he has  
26 passed written and driving tests for the operation of a commercial motor vehicle  
27 which complies with the minimum federal standards established by the Secretary  
28 and has satisfied all other requirements of the Commercial Motor Vehicle Safety  
29 Act of 1986 (Title XII of Pub. Law 99-570), as well as any other requirements  
30 imposed by state law. **Applicants for a commercial driver's license shall**  
31 **complete an entry-level driver training program as required under 49**  
32 **CFR 380.609.** All applicants for a commercial driver's license shall have  
33 maintained the appropriate class of commercial driver's instruction permit issued

34 by this state or any other state for a minimum of fourteen calendar days prior to  
35 the date of taking the skills test. Applicants for a hazardous materials  
36 endorsement must also meet the requirements of the U.S. Patriot Act of 2001  
37 (Title X of Public Law 107-56) as specified and required by regulations  
38 promulgated by the Secretary. Nothing contained in this subsection shall be  
39 construed as prohibiting the director from establishing alternate testing formats  
40 for those who are functionally illiterate; provided, however, that any such  
41 alternate test must comply with the minimum requirements of the Commercial  
42 Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570) as established by  
43 the Secretary.

44 (1) The written and driving tests shall be held at such times and in such  
45 places as the superintendent may designate. A twenty-five dollar examination  
46 fee shall be paid by the applicant upon completion of any written or driving test,  
47 except the examination fee shall be waived for applicants seventy years of age or  
48 older renewing a license with a school bus endorsement. The director shall  
49 delegate the power to conduct the examinations required under sections 302.700  
50 to 302.780 to any member of the highway patrol or any person employed by the  
51 highway patrol qualified to give driving examinations. The written test shall only  
52 be administered in the English language. No translators shall be allowed for  
53 applicants taking the test.

54 (2) The director shall adopt and promulgate rules and regulations  
55 governing the certification of third-party testers by the department of  
56 revenue. Such rules and regulations shall substantially comply with the  
57 requirements of 49 CFR 383, Section 383.75. A certification to conduct  
58 third-party testing shall be valid for one year, and the department shall charge  
59 a fee of one hundred dollars to issue or renew the certification of any third-party  
60 tester.

61 (3) Beginning August 28, 2006, the director shall only issue or renew  
62 third-party tester certification to community colleges established under chapter  
63 178 or to private companies who own, lease, or maintain their own fleet and  
64 administer in-house testing to their employees, or to school districts and their  
65 agents that administer in-house testing to the school district's or agent's  
66 employees. Any third-party tester who violates any of the rules and regulations  
67 adopted and promulgated pursuant to this section shall be subject to having his  
68 certification revoked by the department. The department shall provide written  
69 notice and an opportunity for the third-party tester to be heard in substantially



70 the same manner as provided in chapter 536. If any applicant submits evidence  
71 that he has successfully completed a test administered by a third-party tester, the  
72 actual driving test for a commercial driver's license may then be waived.

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

80 (5) The director shall have the authority to waive the driving skills [test]  
81 **and written tests** for any qualified **current or former military service**  
82 **member** applicant for a **commercial driver's instruction permit or**  
83 commercial driver's license who is currently licensed at the time of application for  
84 a **commercial driver's instruction permit or** commercial driver's  
85 license. The director shall impose conditions and limitations **and require**  
86 **certification and evidence** to restrict the applicants from whom the  
87 department may accept **the** alternative requirements for the skills [test] **and**  
88 **written tests** described in federal regulation **49 CFR 383.71 and 49 CFR**  
89 **383.77**. [An applicant must certify that, during the two-year period immediately  
90 preceding application for a commercial driver's license, all of the following apply:

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

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

94 (c) The applicant has not had any convictions for any type of motor vehicle  
95 for the disqualifying offenses contained in this chapter or federal rule 49 CFR  
96 383.51(b);

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

99 (e) The applicant has not had any conviction for a violation of state or  
100 local law relating to motor vehicle traffic control, but not including any parking  
101 violation, arising in connection with any traffic accident, and has no record of an  
102 accident in which he or she was at fault;

103 (f) The applicant has been regularly employed within the last ninety days  
104 in a military position requiring operation of a commercial motor vehicle and has  
105 operated the vehicle for at least sixty days during the two years immediately

106 preceding application for a commercial driver's license. The vehicle must be  
107 representative of the commercial motor vehicle the driver applicant operates or  
108 expects to operate;

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

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

114 (i) The applicant must] **Applicants shall** meet all federal and state  
115 qualifications to operate a commercial vehicle[; and

116 (j) The applicant will]. **Applicants shall** be required to complete all  
117 applicable [knowledge] tests, **except when the applicant provides proof of**  
118 **approved military training sufficient for waiver of the written and**  
119 **skills tests as specified in subdivision (5) of subsection 3 of section**  
120 **302.170.**

121 3. A commercial driver's license or commercial driver's instruction permit  
122 may not be issued to a person while the person is disqualified from driving a  
123 commercial motor vehicle, when a disqualification is pending in any state or while  
124 the person's driver's license is suspended, revoked, or cancelled in any state; nor  
125 may a commercial driver's license be issued unless the person first surrenders in  
126 a manner prescribed by the director any commercial driver's license issued by  
127 another state, which license shall be returned to the issuing state for  
128 cancellation.

129 4. Beginning July 1, 2005, the director shall not issue an instruction  
130 permit under this section unless the director verifies that the applicant is  
131 lawfully present in the United States before accepting the application. The  
132 director may, by rule or regulation, establish procedures to verify the lawful  
133 presence of the applicant under this section. No rule or portion of a rule  
134 promulgated pursuant to the authority of this section shall become effective  
135 unless it has been promulgated pursuant to chapter 536.

136 5. Notwithstanding the provisions of this section or any other law to the  
137 contrary, beginning August 28, 2008, the director of the department of revenue  
138 shall certify as a third-party tester any municipality that owns, leases, or  
139 maintains its own fleet that requires certain employees as a condition of  
140 employment to hold a valid commercial driver's license; and that administered  
141 in-house testing to such employees prior to August 28, 2006.

302.768. 1. Any applicant for a commercial driver's license or commercial driver's instruction permit shall comply with the Federal Motor Carrier Safety Administration application requirements of 49 CFR Part 383.71 by certifying to one of the following applicable statements relating to federal and state driver qualification rules:

(1) Nonexcepted interstate: certifies the applicant is a driver operating or expecting to operate in interstate or foreign commerce, or is otherwise subject to and meets requirements of 49 CFR Part 391 and is required to obtain a medical examiner's certificate as defined in 49 CFR Part 391.45;

(2) Excepted interstate: certifies the applicant is a driver operating or expecting to operate entirely in interstate commerce that is not subject to Part 391 and is subject to Missouri driver qualifications and not required to obtain a medical examiner's certificate;

(3) Nonexcepted intrastate: certifies the applicant is a driver operating only in intrastate commerce and is subject to Missouri driver qualifications;

(4) Excepted intrastate: certifies the applicant operates or expects to operate only in intrastate commerce, and engaging only in operations excepted from all parts of the Missouri driver qualification requirements.

2. Any applicant who cannot meet certification requirements under one of the categories [defined] **described** in subsection 1 of this section shall be denied issuance of a commercial driver's license or commercial driver's instruction permit.

3. An applicant certifying to operation in nonexcepted interstate or nonexcepted intrastate commerce shall provide the state with an original or copy of a current medical examiner's certificate or a medical examiner's certificate accompanied by a medical variance or waiver, **until such time as the medical examiner's certificate information is received electronically through a verification system approved by the Federal Motor Carrier Safety Administration.** The state shall retain [the original or copy of] the documentation of physical qualification for a minimum of three years beyond the date the certificate was issued.

4. Applicants certifying to operation in nonexcepted interstate commerce or nonexcepted intrastate commerce shall provide [an] updated medical certificate or variance [documents] **information** to maintain a certified status during the term of the commercial driver's license or commercial driver's instruction permit in order to retain commercial privileges.

37           5. The director shall post the medical examiner's certificate of  
38 information, medical variance if applicable, the applicant's self-certification and  
39 certification status to the Missouri driver record within ten calendar days and  
40 such information will become part of the CDLIS driver record.

41           6. Applicants certifying to operation in nonexcepted interstate commerce  
42 or nonexcepted intrastate commerce who fail to provide or maintain a current  
43 medical examiner's certificate, or if the state has received notice of a medical  
44 variance or waiver expiring or being rescinded, the state shall, within ten  
45 calendar days, update the driver's medical certification status to "not  
46 certified". The state shall notify the driver of the change in certification status  
47 and require the driver to annually comply with requirements for a commercial  
48 driver's license downgrade within sixty days of the expiration of the applicant  
49 certification.

50           7. The department of revenue may, by rule, establish the cost and criteria  
51 for submission of updated medical certification status information as required  
52 under this section.

53           8. Any person who falsifies any information in an application for or  
54 update of medical certification status information for a commercial driver's  
55 license shall not be licensed to operate a commercial motor vehicle, or the  
56 person's commercial driver's license shall be cancelled for a period of one year  
57 after the director discovers such falsification.

58           9. The director may promulgate rules and regulations necessary to  
59 administer and enforce this section. Any rule or portion of a rule, as that term  
60 is defined in section 536.010, that is created under the authority delegated in this  
61 section shall become effective only if it complies with and is subject to all of the  
62 provisions of chapter 536 and, if applicable, section 536.028. This section and  
63 chapter 536 are nonseverable and if any of the powers vested with the general  
64 assembly pursuant to chapter 536 to review, to delay the effective date, or to  
65 disapprove and annul a rule are subsequently held unconstitutional, then the  
66 grant of rulemaking authority and any rule proposed or adopted after August 28,  
67 2012, shall be invalid and void.

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