

FIRST REGULAR SESSION

# SENATE BILL NO. 234

100TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR WHITE.

Read 1st time January 10, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

1331S.011

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## AN ACT

To repeal section 302.720, RSMo, and to enact in lieu thereof two new sections relating to commercial driver's licenses.

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

Section A. Section 302.720, RSMo, is repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 302.720 and 302.723, to read as  
3 follows:

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 valid for the vehicle being operated for a period of not more than six months, and  
14 shall not be issued until the permit holder has met all other requirements of  
15 sections 302.700 to 302.780, except for the driving test. A permit holder, unless  
16 otherwise disqualified, may be granted one six-month renewal within a one-year  
17 period. The fee for such permit or renewal shall be five dollars. In the  
18 alternative, a commercial driver's instruction permit shall be issued for a  
19 thirty-day period to allow the holder of a valid driver's license to operate a

20 commercial motor vehicle if the applicant has completed all other requirements  
21 except the driving test. The permit may be renewed for one additional thirty-day  
22 period and the fee for the permit and for renewal shall be five dollars.

23         2. No person may be issued a commercial driver's license until he has  
24 passed written and driving tests for the operation of a commercial motor vehicle  
25 which complies with the minimum federal standards established by the Secretary  
26 and has satisfied all other requirements of the Commercial Motor Vehicle Safety  
27 Act of 1986 (Title XII of Pub. Law 99-570), as well as any other requirements  
28 imposed by state law. All applicants for a commercial driver's license shall have  
29 maintained the appropriate class of commercial driver's instruction permit issued  
30 by this state or any other state for a minimum of fourteen calendar days prior to  
31 the date of taking the skills test. Applicants for a hazardous materials  
32 endorsement must also meet the requirements of the U.S. Patriot Act of 2001  
33 (Title X of Public Law 107-56) as specified and required by regulations  
34 promulgated by the Secretary. Nothing contained in this subsection shall be  
35 construed as prohibiting the director from establishing alternate testing formats  
36 for those who are functionally illiterate; provided, however, that any such  
37 alternate test must comply with the minimum requirements of the Commercial  
38 Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570) as established by  
39 the Secretary.

40         (1) The written and driving tests shall be held at such times and in such  
41 places as the superintendent may designate. A twenty-five dollar examination  
42 fee shall be paid by the applicant upon completion of any written or driving test,  
43 except the examination fee shall be waived for applicants seventy years of age or  
44 older renewing a license with a school bus endorsement. The director shall  
45 delegate the power to conduct the examinations required under sections 302.700  
46 to 302.780 to any member of the highway patrol or any person employed by the  
47 highway patrol qualified to give driving examinations. The written test shall only  
48 be administered in the English language. No translators shall be allowed for  
49 applicants taking the test. **A hearing test shall not be a component of the**  
50 **written test or driving test for any applicant who is deaf or hard of**  
51 **hearing.**

52         (2) The director shall adopt and promulgate rules and regulations  
53 governing the certification of third-party testers by the department of  
54 revenue. Such rules and regulations shall substantially comply with the  
55 requirements of 49 CFR 383, Section 383.75. A certification to conduct

56 third-party testing shall be valid for one year, and the department shall charge  
57 a fee of one hundred dollars to issue or renew the certification of any third-party  
58 tester.

59 (3) Beginning August 28, 2006, the director shall only issue or renew  
60 third-party tester certification to community colleges established under chapter  
61 178 or to private companies who own, lease, or maintain their own fleet and  
62 administer in-house testing to their employees, or to school districts and their  
63 agents that administer in-house testing to the school district's or agent's  
64 employees. Any third-party tester who violates any of the rules and regulations  
65 adopted and promulgated pursuant to this section shall be subject to having his  
66 certification revoked by the department. The department shall provide written  
67 notice and an opportunity for the third-party tester to be heard in substantially  
68 the same manner as provided in chapter 536. If any applicant submits evidence  
69 that he has successfully completed a test administered by a third-party tester, the  
70 actual driving test for a commercial driver's license may then be waived.

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

78 (5) The director shall have the authority to waive the driving skills test  
79 for any qualified military applicant for a commercial driver's license who is  
80 currently licensed at the time of application for a commercial driver's  
81 license. The director shall impose conditions and limitations to restrict the  
82 applicants from whom the department may accept alternative requirements for  
83 the skills test described in federal regulation 49 CFR 383.77. An applicant must  
84 certify that, during the two-year period immediately preceding application for a  
85 commercial driver's license, all of the following apply:

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

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

89 (c) The applicant has not had any convictions for any type of motor vehicle  
90 for the disqualifying offenses contained in this chapter or federal rule 49 CFR  
91 383.51(b);

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

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

98 (f) The applicant has been regularly employed within the last ninety days  
99 in a military position requiring operation of a commercial motor vehicle and has  
100 operated the vehicle for at least sixty days during the two years immediately  
101 preceding application for a commercial driver's license. The vehicle must be  
102 representative of the commercial motor vehicle the driver applicant operates or  
103 expects to operate;

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

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

109 (i) The applicant must meet all federal and state qualifications to operate  
110 a commercial vehicle; and

111 (j) The applicant will be required to complete all applicable knowledge  
112 tests.

113 3. A commercial driver's license or commercial driver's instruction permit  
114 may not be issued to a person while the person is disqualified from driving a  
115 commercial motor vehicle, when a disqualification is pending in any state or while  
116 the person's driver's license is suspended, revoked, or cancelled in any state; nor  
117 may a commercial driver's license be issued unless the person first surrenders in  
118 a manner prescribed by the director any commercial driver's license issued by  
119 another state, which license shall be returned to the issuing state for  
120 cancellation.

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

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

134           **6. The director shall adopt and promulgate rules and regulations**  
135 **establishing a process for applicants with disabilities to request testing**  
136 **accommodations with respect to both the written and driving tests**  
137 **required under this section and to establish criteria for awarding such**  
138 **accommodations. Any rule or portion of a rule, as that term is defined**  
139 **in section 536.010, that is created under the authority delegated in this**  
140 **section shall become effective only if it complies with and is subject to**  
141 **all of the provisions of chapter 536, and, if applicable, section**  
142 **536.028. This section and chapter 536 are nonseverable, and if any of**  
143 **the powers vested with the general assembly pursuant to chapter 536,**  
144 **to review, to delay the effective date, or to disapprove and annul a rule**  
145 **are subsequently held unconstitutional, then the grant of rulemaking**  
146 **authority and any rule proposed or adopted after August 28, 2019, shall**  
147 **be invalid and void.**

**302.723. Notwithstanding any other provision of law, any entity**  
2 **providing CDL training to persons preparing to apply for CDL licenses**  
3 **under the provisions of sections 302.700 to 302.780 shall provide**  
4 **reasonable accommodations for persons who are deaf or hard of**  
5 **hearing.**

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