

# SENATE BILL NO. 1113

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR O'LAUGHLIN.

5425S.01H

ADRIANE D. CROUSE, Secretary

## AN ACT

To repeal section 302.171, RSMo, and to enact in lieu thereof eight new sections relating to mandatory driver's education and training.

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

Section A. Section 302.171, RSMo, is repealed and eight  
2 new sections enacted in lieu thereof, to be known as sections  
3 170.023, 170.026, 302.171, 302.212, 302.214, 302.216, 302.218,  
4 and 1, to read as follows:

170.023. 1. Each public high school, including each  
2 charter high school, shall offer a driver's education course  
3 to students each school year that constitutes one-half unit  
4 of credit. The course curriculum shall meet or exceed the  
5 most current American Driver and Traffic Safety Education  
6 Association's Novice Driver Education Curriculum Standards  
7 for classroom and behind-the-wheel instruction and shall  
8 meet the requirements of section 170.026.

9 2. Any student who successfully completes the driver's  
10 education course required to be offered under subsection 1  
11 of this section shall receive the one-half credit as an  
12 elective under the requirements for high school graduation  
13 as described in 5 CSR 20-100.190. For purposes of this  
14 section, "one-half unit of credit" means a course that meets  
15 for three thousand nine hundred fifteen minutes during a  
16 school year.

17           3. Students shall not be required to complete the  
18 driver's education course described under subsection 1 of  
19 this section in order to graduate from high school.

20           4. Any student who successfully completes the driver's  
21 education course required to be offered under subsection 1  
22 of this section shall be issued a certificate of completion  
23 by the public high school, and the school shall submit the  
24 student's name to the department of revenue. A student's  
25 successful completion of the driver's education course shall  
26 satisfy the driver's education requirement established under  
27 section 302.212.

          170.026. 1. Driver's education courses required to be  
2 offered under section 170.023 shall consist of instruction  
3 and curriculum that meet or exceed the most current American  
4 Driver and Traffic Safety Education Association's Novice  
5 Driver Education Curriculum Standards.

6           2. To be qualified as a classroom driver's education  
7 instructor, a person shall have satisfied the educational  
8 requirements for a teaching license at the elementary or  
9 secondary level and hold an additional endorsement to teach  
10 driver's education in this state.

11           3. Prior to August 1, 2023, the Missouri highways and  
12 transportation commission shall establish a driver's  
13 education curriculum certification process for public  
14 schools required to offer driver's education courses under  
15 section 170.023. Upon certification by the commission, a  
16 public high school's driver's education program shall be  
17 placed on the approved driver's education list compiled by  
18 the Missouri highways and transportation commission and  
19 submitted to the department of revenue. A student's  
20 successful completion of an approved driver's education

21 course shall satisfy the driver's education licensing  
22 requirement established under section 302.212.

23 4. The state board of education in consultation with  
24 the department of transportation may promulgate rules to  
25 implement the provisions of section 170.023 and this  
26 section. Any rule or portion of a rule, as that term is  
27 defined in section 536.010, that is created under the  
28 authority delegated in section 170.023 and this section  
29 shall become effective only if it complies with and is  
30 subject to all of the provisions of chapter 536 and, if  
31 applicable, section 536.028. The provisions of section  
32 170.023, this section, and chapter 536 are nonseverable, and  
33 if any of the powers vested with the general assembly  
34 pursuant to chapter 536 to review, to delay the effective  
35 date, or to disapprove and annul a rule are subsequently  
36 held unconstitutional, then the grant of rulemaking  
37 authority and any rule proposed or adopted after August 28,  
38 2022, shall be invalid and void.

302.171. 1. The director shall verify that an  
2 applicant for a driver's license is a Missouri resident or  
3 national of the United States or a noncitizen with a lawful  
4 immigration status, and a Missouri resident before accepting  
5 the application. The director shall not issue a driver's  
6 license for a period that exceeds the duration of an  
7 applicant's lawful immigration status in the United States.  
8 The director may establish procedures to verify the Missouri  
9 residency or United States naturalization or lawful  
10 immigration status and Missouri residency of the applicant  
11 and establish the duration of any driver's license issued  
12 under this section. An application for a license shall be  
13 made upon an approved form furnished by the director. Every  
14 application shall state the full name, Social Security

15 number, age, height, weight, color of eyes, sex, residence,  
16 mailing address of the applicant, and the classification for  
17 which the applicant has been licensed, and, if so, when and  
18 by what state, and whether or not such license has ever been  
19 suspended, revoked, or disqualified, and, if revoked,  
20 suspended or disqualified, the date and reason for such  
21 suspension, revocation or disqualification and whether the  
22 applicant is making a one dollar donation to promote an  
23 organ donation program as prescribed in subsection 2 **of this**  
24 **section**, to promote a blindness education, screening and  
25 treatment program as prescribed in subsection 3 **of this**  
26 **section**, or the Missouri medal of honor recipients fund  
27 prescribed in subsection 4 of this section. A driver's  
28 license, nondriver's license, or instruction permit issued  
29 under this chapter shall contain the applicant's legal name  
30 as it appears on a birth certificate or as legally changed  
31 through marriage or court order. No name change by common  
32 usage based on common law shall be permitted. The  
33 application shall also contain such information as the  
34 director may require to enable the director to determine the  
35 applicant's qualification for driving a motor vehicle; and  
36 shall state whether or not the applicant has been convicted  
37 in this or any other state for violating the laws of this or  
38 any other state or any ordinance of any municipality,  
39 relating to driving without a license, careless driving, or  
40 driving while intoxicated, or failing to stop after an  
41 accident and disclosing the applicant's identity, or driving  
42 a motor vehicle without the owner's consent. The  
43 application shall contain a certification by the applicant  
44 as to the truth of the facts stated therein. Every person  
45 who applies for a license to operate a motor vehicle who is  
46 less than twenty-one years of age shall be provided with

47 educational materials relating to the hazards of driving  
48 while intoxicated, including information on penalties  
49 imposed by law for violation of the intoxication-related  
50 offenses of the state. Beginning January 1, 2001, if the  
51 applicant is less than eighteen years of age, the applicant  
52 must comply with all requirements for the issuance of an  
53 intermediate driver's license pursuant to section 302.178.  
54 For persons mobilized and deployed with the United States  
55 Armed Forces, an application under this subsection shall be  
56 considered satisfactory by the department of revenue if it  
57 is signed by a person who holds general power of attorney  
58 executed by the person deployed, provided the applicant  
59 meets all other requirements set by the director. **Beginning**  
60 **January 1, 2024, if the applicant has never held a driver's**  
61 **license issued by the state of Missouri or any other state**  
62 **or territory of the United States or foreign country, the**  
63 **applicant shall successfully complete a driver's education**  
64 **program approved by the Missouri highways and transportation**  
65 **commission as required under section 302.212.**

66 2. An applicant for a license may make a donation of  
67 one dollar to promote an organ donor program. The director  
68 of revenue shall collect the donations and deposit all such  
69 donations in the state treasury to the credit of the organ  
70 donor program fund established in sections 194.297 to  
71 194.304. Moneys in the organ donor program fund shall be  
72 used solely for the purposes established in sections 194.297  
73 to 194.304 except that the department of revenue shall  
74 retain no more than one percent for its administrative  
75 costs. The donation prescribed in this subsection is  
76 voluntary and may be refused by the applicant for the  
77 license at the time of issuance or renewal of the license.  
78 The director shall make available an informational booklet

79 or other informational sources on the importance of organ  
80 and tissue donations to applicants for licensure as designed  
81 by the organ donation advisory committee established in  
82 sections 194.297 to 194.304. The director shall inquire of  
83 each applicant at the time the licensee presents the  
84 completed application to the director whether the applicant  
85 is interested in making the one dollar donation prescribed  
86 in this subsection and whether the applicant is interested  
87 in inclusion in the organ donor registry and shall also  
88 specifically inform the licensee of the ability to consent  
89 to organ donation by placing a donor symbol sticker  
90 authorized and issued by the department of health and senior  
91 services on the back of his or her driver's license or  
92 identification card as prescribed by subdivision (1) of  
93 subsection 1 of section 194.225. A symbol may be placed on  
94 the front of the license or identification card indicating  
95 the applicant's desire to be listed in the registry at the  
96 applicant's request at the time of his or her application  
97 for a driver's license or identification card, or the  
98 applicant may instead request an organ donor sticker from  
99 the department of health and senior services by application  
100 on the department of health and senior services' website.  
101 Upon receipt of an organ donor sticker sent by the  
102 department of health and senior services, the applicant  
103 shall place the sticker on the back of his or her driver's  
104 license or identification card to indicate that he or she  
105 has made an anatomical gift. The director shall notify the  
106 department of health and senior services of information  
107 obtained from applicants who indicate to the director that  
108 they are interested in registry participation, and the  
109 department of health and senior services shall enter the  
110 complete name, address, date of birth, race, gender and a

111 unique personal identifier in the registry established in  
112 subsection 1 of section 194.304.

113         3. An applicant for a license may make a donation of  
114 one dollar to promote a blindness education, screening and  
115 treatment program. The director of revenue shall collect  
116 the donations and deposit all such donations in the state  
117 treasury to the credit of the blindness education, screening  
118 and treatment program fund established in section 209.015.  
119 Moneys in the blindness education, screening and treatment  
120 program fund shall be used solely for the purposes  
121 established in section 209.015; except that the department  
122 of revenue shall retain no more than one percent for its  
123 administrative costs. The donation prescribed in this  
124 subsection is voluntary and may be refused by the applicant  
125 for the license at the time of issuance or renewal of the  
126 license. The director shall inquire of each applicant at  
127 the time the licensee presents the completed application to  
128 the director whether the applicant is interested in making  
129 the one dollar donation prescribed in this subsection.

130         4. An applicant for registration may make a donation  
131 of one dollar to the Missouri medal of honor recipients  
132 fund. The director of revenue shall collect the donations  
133 and deposit all such donations in the state treasury to the  
134 credit of the Missouri medal of honor recipients fund as  
135 established in section 226.925. Moneys in the medal of  
136 honor recipients fund shall be used solely for the purposes  
137 established in section 226.925, except that the department  
138 of revenue shall retain no more than one percent for its  
139 administrative costs. The donation prescribed in this  
140 subsection is voluntary and may be refused by the applicant  
141 for registration at the time of issuance or renewal. The  
142 director shall inquire of each applicant at the time the

143 applicant presents the completed application to the director  
144 whether the applicant is interested in making the one dollar  
145 donation prescribed in this subsection.

146         5. Beginning July 1, 2005, the director shall deny the  
147 driving privilege of any person who commits fraud or  
148 deception during the examination process or who makes  
149 application for an instruction permit, driver's license, or  
150 nondriver's license which contains or is substantiated with  
151 false or fraudulent information or documentation, or who  
152 knowingly conceals a material fact or otherwise commits a  
153 fraud in any such application. The period of denial shall  
154 be one year from the effective date of the denial notice  
155 sent by the director. The denial shall become effective ten  
156 days after the date the denial notice is mailed to the  
157 person. The notice shall be mailed to the person at the  
158 last known address shown on the person's driving record.  
159 The notice shall be deemed received three days after mailing  
160 unless returned by the postal authorities. No such  
161 individual shall reapply for a driver's examination,  
162 instruction permit, driver's license, or nondriver's license  
163 until the period of denial is completed. No individual who  
164 is denied the driving privilege under this section shall be  
165 eligible for a limited driving privilege issued under  
166 section 302.309.

167         6. All appeals of denials under this section shall be  
168 made as required by section 302.311.

169         7. The period of limitation for criminal prosecution  
170 under this section shall be extended under subdivision (1)  
171 of subsection 3 of section 556.036.

172         8. The director may promulgate rules and regulations  
173 necessary to administer and enforce this section. No rule  
174 or portion of a rule promulgated pursuant to the authority



175 of this section shall become effective unless it has been  
176 promulgated pursuant to chapter 536.

177 9. Notwithstanding any provision of this chapter that  
178 requires an applicant to provide proof of Missouri residency  
179 for renewal of a noncommercial driver's license,  
180 noncommercial instruction permit, or nondriver's license, an  
181 applicant who is sixty-five years and older and who was  
182 previously issued a Missouri noncommercial driver's license,  
183 noncommercial instruction permit, or Missouri nondriver's  
184 license is exempt from showing proof of Missouri residency.

185 10. Notwithstanding any provision of this chapter, for  
186 the renewal of a noncommercial driver's license,  
187 noncommercial instruction permit, or nondriver's license, a  
188 photocopy of an applicant's United States birth certificate  
189 along with another form of identification approved by the  
190 department of revenue, including, but not limited to, United  
191 States military identification or United States military  
192 discharge papers, shall constitute sufficient proof of  
193 Missouri citizenship.

194 11. Notwithstanding any other provision of this  
195 chapter, if an applicant does not meet the requirements of  
196 subsection 9 of this section and does not have the required  
197 documents to prove Missouri residency, United States  
198 naturalization, or lawful immigration status, the department  
199 may issue a one-year driver's license renewal. This one-  
200 time renewal shall only be issued to an applicant who  
201 previously has held a Missouri noncommercial driver's  
202 license, noncommercial instruction permit, or nondriver's  
203 license for a period of fifteen years or more and who does  
204 not have the required documents to prove Missouri residency,  
205 United States naturalization, or lawful immigration status.  
206 After the expiration of the one-year period, no further

207 renewal shall be provided without the applicant producing  
208 proof of Missouri residency, United States naturalization,  
209 or lawful immigration status.

302.212. 1. Notwithstanding any other provision of  
2 law to the contrary, beginning January 1, 2024, every  
3 applicant for a driver's license or an intermediate driver's  
4 license who has never held a driver's license issued by the  
5 state of Missouri or any other state or territory of the  
6 United States or foreign country shall successfully complete  
7 a driver's education program approved by the Missouri  
8 highways and transportation commission.

9 2. No application for a license for the operation of a  
10 motor vehicle, or an intermediate license, shall be accepted  
11 from any person who has never held a driver's license issued  
12 by the state of Missouri or any other state or territory of  
13 the United States or foreign country unless there is also  
14 submitted with the application, on a form approved by the  
15 department of revenue, written evidence of successful  
16 completion by the applicant of one of the following:

17 (1) A driver's education course meeting the  
18 requirements of sections 170.023 and 170.026; or

19 (2) A driver's education program approved by the  
20 Missouri highways and transportation commission as provided  
21 under section 302.214, which was completed not more than  
22 ninety days prior to the date of the application.

23 3. The educational requirements of this section shall  
24 be in addition to the licensing requirements for an  
25 intermediate driver's license under section 302.178.

302.214. 1. The department of transportation shall  
2 enter into agreements with public or private institutions or  
3 organizations to provide driver's education programs free of  
4 charge to persons who have never held a driver's license

5 issued by the state of Missouri or any other state or  
6 territory of the United States or foreign country. Moneys  
7 for such contracts shall be allocated from the driver's  
8 education and training fund established under section  
9 302.216.

10 2. Prior to August 1, 2023, the Missouri highways and  
11 transportation commission shall establish a process for  
12 certification and approval of public or private institutions  
13 or organizations offering private driving instruction,  
14 including a process for instructor certification. The  
15 commission shall maintain a list of approved entities.

16 3. In order to qualify for certification by the  
17 Missouri highways and transportation commission, an entity's  
18 program of instruction shall meet or exceed the most current  
19 American Driver and Traffic Safety Education Association's  
20 Novice Driver Education Curriculum Standards for classroom  
21 and behind-the-wheel instruction.

22 4. Upon certification by the commission, a driver's  
23 education program shall be placed on the approved driver's  
24 education list compiled by the Missouri highways and  
25 transportation commission and submitted to the department of  
26 revenue. A student's successful completion of an approved  
27 driver's education course shall satisfy the driver's  
28 education licensing requirement established under section  
29 302.212.

30 5. The department of transportation may promulgate  
31 rules to implement the provisions of this section. Any rule  
32 or portion of a rule, as that term is defined in section  
33 536.010, that is created under the authority delegated in  
34 this section shall become effective only if it complies with  
35 and is subject to all of the provisions of chapter 536 and,  
36 if applicable, section 536.028. This section and chapter

37 536 are nonseverable, and if any of the powers vested with  
38 the general assembly pursuant to chapter 536 to review, to  
39 delay the effective date, or to disapprove and annul a rule  
40 are subsequently held unconstitutional, then the grant of  
41 rulemaking authority and any rule proposed or adopted after  
42 August 28, 2022, shall be invalid and void.

302.216. 1. (1) There is hereby created in the state  
2 treasury the "Driver's Education Training Fund", which shall  
3 consist of moneys collected pursuant to appropriations of  
4 the general assembly, federal grants, private donations, and  
5 other moneys designated for the driver's education training  
6 programs established under sections 170.023, 170.026, and  
7 302.214. The state treasurer shall be custodian of the  
8 fund. In accordance with sections 30.170 and 30.180, the  
9 state treasurer may approve disbursements. The fund shall  
10 be a dedicated fund and money in the fund shall be used  
11 solely by the Missouri highways and transportation  
12 commission for the purpose of funding driver's education  
13 programs established under sections 170.023, 170.026, and  
14 302.214.

15 (2) Notwithstanding the provisions of section 33.080  
16 to the contrary, any moneys remaining in the fund at the end  
17 of the biennium shall not revert to the credit of the  
18 general revenue fund.

19 (3) The state treasurer shall invest moneys in the  
20 fund in the same manner as other funds are invested. Any  
21 interest and moneys earned on such investments shall be  
22 credited to the fund.

23 2. The department of transportation shall promulgate  
24 all necessary rules and regulations to establish a procedure  
25 for allocation of funds under this section. Any rule or  
26 portion of a rule, as that term is defined in section

27 536.010, that is created under the authority delegated in  
28 this section shall become effective only if it complies with  
29 and is subject to all of the provisions of chapter 536 and,  
30 if applicable, section 536.028. This section and chapter  
31 536 are nonseverable, and if any of the powers vested with  
32 the general assembly pursuant to chapter 536 to review, to  
33 delay the effective date, or to disapprove and annul a rule  
34 are subsequently held unconstitutional, then the grant of  
35 rulemaking authority and any rule proposed or adopted after  
36 August 28, 2022, shall be invalid and void.

302.218. Under section 23.253, RSMo, of the Missouri  
2 sunset act:

3 (1) The provisions of the new program authorized under  
4 sections 170.023 and 173.026 and sections 302.212 to 302.216  
5 shall automatically sunset six years after the effective  
6 date of sections 170.023 and 173.026 and sections 302.212 to  
7 302.216 unless reauthorized by an act of the general  
8 assembly;

9 (2) If such program is reauthorized, the program  
10 authorized under sections 170.023 and 173.026 and sections  
11 302.212 to 302.216 shall automatically sunset twelve years  
12 after the effective date of the reauthorization of sections  
13 170.023 and 173.026 and sections 302.212 to 302.216; and

14 (3) Sections 170.023 and 173.026 and sections 302.212  
15 to 302.216 shall terminate on September first of the  
16 calendar year immediately following the calendar year in  
17 which the program authorized under sections 170.023 and  
18 173.026 and sections 302.212 to 302.216 is sunset.

Section 1. If any provision of sections 170.023 and  
2 173.026 and sections 302.212 to 302.218 or the application  
3 thereof to any person or circumstance is held invalid, such  
4 determination shall not affect the provisions or

5 applications of sections 170.023 and 173.026 and sections  
6 302.212 to 302.218 which may be given effect without the  
7 invalid provision or application, and to that end the  
8 provisions of sections 170.023 and 173.026 and sections  
9 302.212 to 302.218 are severable.

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