

SECOND REGULAR SESSION

# SENATE BILL NO. 901

89TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR WESTFALL.

Read 1st time February 11, 1998, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

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## AN ACT

To repeal section 302.060, RSMo Supp. 1997, relating to motor vehicles, and to enact in lieu thereof two new sections relating to the same subject, with an effective date.

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

Section A. Section 302.060, RSMo Supp. 1997, is repealed and two new sections enacted in lieu thereof, to be known as sections 302.060 and 1, to read as follows:

302.060. The director shall not issue any license and shall immediately deny any driving privilege:

(1) To any person who is under the age of eighteen years, if such person operates a motor vehicle in the transportation of persons or property as classified in section 302.015;

(2) To any person who is under the age of sixteen years, **or to any person who is under eighteen years of age who fails to meet the qualifications of section 1 of this act**, except as hereinafter provided;

(3) To any person whose license has been suspended, during such suspension, or to any person whose license has been revoked, until the expiration of one year after such license was revoked;

(4) To any person who is an habitual drunkard or is addicted to the use of narcotic drugs;

(5) To any person who has previously been adjudged to be incapacitated and who at the time of application has not been restored to partial capacity;

(6) To any person who, when required by this law to take an examination, has failed to pass such examination;

(7) To any person who has an unsatisfied judgment against such person, as defined in chapter 303, RSMo, until such judgment has been satisfied or the financial responsibility of such person, as defined in section 303.120, RSMo, has been established;

(8) To any person whose application shows that the person has been convicted within one year prior to such application of violating the laws of this state relating to failure to stop after an accident and to disclose the person's identity or driving a motor vehicle without the owner's consent;

(9) To any person who has been convicted more than twice of violating state law, or a county or municipal ordinance where the judge in such cases was an attorney and the defendant was represented by or waived the right to an attorney in writing, relating to driving while intoxicated; except that, after the expiration of ten years from the date of conviction of the last offense of violating such law or ordinance relating to driving while intoxicated, a person who was so convicted may petition the circuit court of the county in which such last conviction was rendered and the court shall review the person's habits and conduct since such conviction. If the court finds that the petitioner has not been convicted of any offense related to alcohol, controlled substances or drugs during the preceding ten years and that the petitioner's habits and conduct show such petitioner to no longer pose a threat to the public safety of this state, the court may order the director to issue a license to the petitioner if the petitioner is otherwise qualified pursuant to the provisions of sections 302.010 to 302.540. No person may obtain a license pursuant to the provisions of this subdivision through court action more than one time;

(10) To any person who has been convicted twice within a five-year period of violating state law, or a county or municipal ordinance where the judge in such cases was an attorney and the defendant was represented by or waived the right to an attorney in writing, of driving while intoxicated, or who has been convicted of the crime of involuntary manslaughter while operating a motor vehicle in an intoxicated condition. The director shall not issue a license to such person for five years from the date such person was convicted for involuntary manslaughter while operating a motor vehicle in an intoxicated condition or for driving while intoxicated for the second time. Any person who has been denied a license for two convictions of driving while intoxicated prior to July 27, 1989, shall have the person's license issued, upon application, unless the two convictions occurred within a five-year period, in which case, no license shall be issued to the person for five years from the date of the second conviction;

(11) To any person who is otherwise disqualified pursuant to the provisions of sections 302.010 to 302.780, chapter 303, RSMo, or section 544.046, RSMo.

**Section 1. 1. The director of revenue shall not issue a motor vehicle operator's license to any person under the age of eighteen years unless the person presents one of the following:**

- (1) A certificate of completion of an approved driver education course; or**
- (2) A diploma or certificate of graduation from a secondary high school, a general education development (GED) or other high school equivalent program or a home school program.**

**2. The department of public safety shall administer the approval of driver education courses.**

**3. The driver education courses shall include an emphasis upon the following:**

**(1) The danger of driving while under the influence of alcohol and controlled substances;**

**(2) A thorough knowledge of traffic laws, driving etiquette and traffic interaction;**

**(3) An understanding of the environmental conditions that affect driving and how to react to them;**

**(4) Actual driving experience with an instructor; and**

**(5) Education about the most common causes of accidents and the results of accidents.**

**4. The department of public safety shall certify driver education courses meeting the standards developed under this section and shall develop and provide a standard certificate of completion to the administrators of the certified courses. Driver education courses shall be recertified each year.**

**5. The application fee for each drivers education course shall include any amount needed to offset the costs of the department of public safety under this section. The course administrators shall remit the amount necessary to offset the state costs to the director of the department of public safety; the director shall forward the money collected to the department of revenue for deposit in the general revenue fund.**

Section B. The provisions of this act shall become effective on September 1, 1999.

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