

FIRST REGULAR SESSION

SENATE BILL NO. 393

90TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR GOODE.

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S1717.011

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 302.177 and 302.735, RSMo 1994, and sections 302.173 and 302.181, RSMo Supp. 1998, relating to the expiration date of driver's licenses and nondriver's licenses, and to enact in lieu thereof four new sections relating to the same subject, with an effective date.

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

Section A. Sections 302.177 and 302.735, RSMo 1994, and sections 302.173 and 302.181, RSMo Supp. 1998, are repealed and four new sections enacted in lieu thereof, to be known as sections 302.173, 302.177, 302.181 and 302.735, to read as follows:

302.173. 1. Any applicant for a license, who does not possess a valid license issued pursuant to the laws of this state shall be examined as herein provided. Any person who has failed to renew his license on or before the date of its expiration or within six months thereafter must take the complete examination. Any active member of the armed forces, their adult dependents or any active member of the peace corps may apply for a renewal license without examination of any kind, unless otherwise required by sections 302.700 to 302.780, provided the renewal application shows that the previous license had not been suspended or revoked. Any person honorably discharged from the armed forces of the United States who held a valid license prior to being inducted may apply for a renewal license within sixty days after his honorable discharge without submitting to any examination of his ability to safely operate a motor vehicle over the highways of this state unless otherwise required by sections 302.700 to 302.780, other than the vision test provided in section 302.175, unless the facts set out in the renewal application or record of convictions on the expiring license, or the records of the director show that there is

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

good cause to authorize the director to require the applicant to submit to the complete examination. No applicant for a renewal license shall be required to submit to any examination of his ability to safely operate a motor vehicle over the highways of this state **unless otherwise required by sections 302.700 to 302.780 or applicable regulations thereof** other than a **test of the applicant's ability to understand highway signs regulating, warning or directing traffic and** the vision test provided in section 302.175, unless the facts set out in the renewal application or record of convictions on the expiring license, or the records of the director show that there is good cause to authorize the director to require the applicant to submit to the complete examination. The examination shall be made available in each county. Reasonable notice of the time and place of the examination shall be given the applicant by the person or officer designated to conduct it. The complete examination shall include a test of the applicant's natural or corrected vision as prescribed in section 302.175, his ability to understand highway signs regulating, warning or directing traffic, his practical knowledge of the traffic laws of this state, and an actual demonstration of ability to exercise due care in the operation of a motor vehicle of the classification for which the license is sought. When an applicant for a license has a valid license from a state which has requirements for issuance of a license comparable to the Missouri requirements, the director may waive the requirement of actual demonstration of ability to exercise due care in the operation of a motor vehicle. If the director has reasonable grounds to believe that an applicant is suffering from some known physical or mental ailment which ordinarily would interfere with the applicant's fitness to operate a motor vehicle safely upon the highways, he may require that the examination include a physical or mental examination by a licensed physician of the applicant's choice, at the applicant's expense, to determine the fact. The director shall prescribe regulations to ensure uniformity in the examinations and in the grading thereof and shall prescribe and furnish all forms to the members of the highway patrol and to other persons authorized to conduct examinations as may be necessary to enable the officer or person to properly conduct the examination. The records of the examination shall be forwarded to the director who shall not issue any license hereunder if in his opinion the applicant is not qualified to operate a motor vehicle safely upon the highways of this state.

2. The director of revenue shall delegate the power to conduct the examinations required for a license or permit to any member of the highway patrol or any person employed by the highway patrol. The powers delegated to any examiner may be revoked at any time by the director of revenue upon notice.

3. Notwithstanding the requirements of subsections 1 and 2 of this section, the successful completion of a motorcycle rider training course approved under sections 302.133 to 302.138 shall constitute an actual demonstration of the person's ability to exercise due care in the operation of a motorcycle or motortricycle, and no further driving test shall be required to obtain a motorcycle or motortricycle license or endorsement.

302.177. 1. To all applicants for a license **or renewal, to transport persons or property as classified in section 302.015, who are at least twenty-one years of age and** who submit a satisfactory application and meet the requirements set forth in sections 302.010 to 302.605, the director shall issue or renew a license upon the payment of a fee of [fifteen] **thirty** dollars [therefor, for three years. All licenses shall expire three years from the date of issuance and must be renewed on or before the date of expiration, which date shall be shown on the license if the person transports persons or property as classified in section 302.015] **except that no license shall be issued where the license is currently or in a pending status of suspended, taken up, canceled, revoked, disqualified or deposited in lieu of bail.**

2. To all [other] applicants for a license **or renewal, who are twenty-one years of age or older and** submit a satisfactory application and meet the requirements set forth in sections 302.010 to 302.605, the director shall issue or renew a license upon the payment of a fee of [seven dollars and fifty cents therefor, for a period of three years from the date of issuance] **fifteen dollars, except that no license shall be issued where the license is suspended, taken up, canceled, revoked, disqualified or deposited in lieu of bail.**

3. All licenses **issued under subsections 1 and 2 of this section** shall expire [three years from the date of issuance] **on the applicant's birthday in the sixth year after issuance** and must be renewed on or before the date of expiration, which date shall be shown on the license. [The director shall have the authority to stagger the expiration date of new licenses or of licenses being renewed over a three-year period.]

4. To all applicants for a license or renewal to transport persons or property as classified in section 302.015, and are between the ages of eighteen and twenty-one years of age, and who submit a satisfactory application and meet the requirements set forth in sections 302.010 to 302.605, the director shall issue or renew a license upon the payment of a fee of fifteen dollars. All licenses issued under this subsection shall expire on the applicant's birthday in the third year after issuance.

5. To all other applicants for a license under the age of twenty-one years who submit a satisfactory application and meet the requirements set forth in sections 302.010 to 302.605, the director shall issue a license upon the payment of a fee of seven dollars and fifty cents. All licenses issued under this subsection shall expire on the applicant's birthday in the third year after issuance.

6. In order to ease the transition to a system of six-year drivers' licenses and six-year nondrivers' licenses, the director shall have the authority to stagger the expiration date of drivers' licenses and nondrivers' licenses being issued or renewed over a six-year period.

7. The director of the department of revenue may adopt rules and regulations necessary to carry out the provisions of this section.

8. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,

that is promulgated under the authority delegated in this section shall become effective only if it has been promulgated pursuant to the provisions of chapter 536, RSMo. All rulemaking authority delegated prior to the effective date of this section is of no force and effect; however, nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to the effective date of this section if it fully complied with the provisions of chapter 536, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this section shall be invalid and void.

302.181. 1. The license issued pursuant to the provisions of sections 302.010 to 302.340 shall be in such form as the director shall prescribe, but the license shall be a card made of plastic or other comparable material. All licenses shall be manufactured of materials and processes that will prohibit, as nearly as possible, the ability to reproduce, alter, counterfeit, forge or duplicate any license without ready detection. All licenses shall bear the licensee's Social Security number, if the licensee has one, and if not, a notarized affidavit must be signed by the licensee stating that the licensee does not possess a Social Security number, or, if applicable, a certified statement must be submitted as provided in subsection 4 or 5 of this section. The license shall also bear the expiration date of the license, the classification of the license, the name, date of birth, residence address including the county of residence or a code number corresponding to such county established by the department, and brief description and colored photograph of the licensee, and a facsimile of the signature of the licensee. The director shall provide by administrative rule the procedure and format for a licensee to indicate on the back of the license together with the designation for an anatomical gift as provided in section 194.240, RSMo, the name and address of the person designated pursuant to sections 404.800 to 404.865, RSMo, as the licensee's attorney in fact for the purposes of a durable power of attorney for health care decisions. No license shall be valid until it has been so signed by the licensee. If any portion of the license is prepared by a private firm, any contract with such firm shall be made in accordance with the competitive purchasing procedures as established by the state director of the division of purchasing. For all licenses issued or renewed after March 1, 1992, the applicant's Social Security number shall serve as the applicant's license number. Where the licensee has no Social Security number, or where the licensee is issued a license without a Social Security number in accordance with subsection 4 or 5 of this section, the director shall issue a license number for the licensee and such number shall also include an indicator showing that the number is not a Social Security number.

2. All film involved in the production of photographs for licenses shall become the property of the department of revenue.

3. The license issued shall be carried at all times by the holder thereof while driving a motor vehicle, and shall be displayed upon demand of any officer of the highway patrol, or any police officer or peace officer, or any other duly authorized person, for inspection when demand is made therefor. Failure of any operator of a motor vehicle to exhibit his or her license to any duly authorized officer shall be presumptive evidence that such person is not a duly licensed operator.

4. The director of revenue shall issue a commercial driver's license without a Social Security number to an applicant therefor, who is otherwise qualified to be licensed, upon presentation to the director of a certified statement on forms prescribed and made available by the department of revenue which states that the applicant is a member of a specified religious denomination which prohibits the use of identification numbers by members as being contrary to its religious tenets.

5. The director of revenue shall issue a noncommercial driver's license without a Social Security number to an applicant therefor, who is otherwise qualified to be licensed, upon presentation to the director of a certified statement that the applicant objects to the display of the Social Security number on the license. The director shall assign an identification number, that is not based on a Social Security number, to the applicant which shall be displayed on the license in lieu of the Social Security number.

6. The director of revenue shall issue a license without the photograph to an applicant therefor, who is otherwise qualified to be licensed, upon presentation to the director of a certified statement on forms prescribed and made available by the department of revenue which states that the applicant is a member of a specified religious denomination which prohibits photographs of members as being contrary to its religious tenets. The license shall state thereon that no photograph is required because of the religious affiliation of the licensee. The director of revenue shall establish guidelines and furnish to each circuit court such forms as the director deems necessary to comply with this subsection. The circuit court shall not charge or receive any fee or court cost for the performance of any duty or act pursuant to this subsection.

7. The department of revenue may issue a temporary license without the photograph to out-of-state applicants and members of the armed forces, except that where such temporary license is issued it shall be valid only until the applicant shall have had time to appear and have his or her picture taken and a license with his or her photograph issued.

8. The department of revenue shall issue upon request a nondriver's license card containing essentially the same information [as is] on the driver's license upon payment of [seven] **six** dollars [and fifty cents] if the applicant is under the age of sixty-five. An applicant who is sixty-five years of age or older may purchase a nondriver's license card without a photograph for one dollar or a nondriver's license card with a photograph for [seven] **six** dollars [and fifty cents]. **All nondriver's licenses shall expire on the applicant's birthday in the sixth year**

after issuance. A person who has passed his or her seventieth birthday shall upon application be issued a nonexpiring nondriver's license card. The nondriver's license card shall be used for identification purposes only and shall not be valid as a license.

9. [No rule or portion of a rule promulgated under the authority of this chapter shall become effective until it has been approved by the joint committee on administrative rules in accordance with the procedures provided herein, and the delegation of the legislative authority to enact law by the adoption of such rules is dependent upon the power of the joint committee on administrative rules to review and suspend rules pending ratification by the senate and the house of representatives as provided herein.

10. Upon filing any proposed rule with the secretary of state, the filing agency shall concurrently submit such proposed rule to the committee, which may hold hearings upon any proposed rule or portion thereof at any time.

11. A final order of rulemaking shall not be filed with the secretary of state until thirty days after such final order of rulemaking has been received by the committee. The committee may hold one or more hearings upon such final order of rulemaking during the thirty-day period. If the committee does not disapprove such order of rulemaking within the thirty-day period, the filing agency may file such order of rulemaking with the secretary of state and the order of rulemaking shall be deemed approved.

12. The committee may, by majority vote of the members, suspend the order of rulemaking or portion thereof by action taken prior to the filing of the final order of rulemaking only for one or more of the following grounds:

- (1) An absence of statutory authority for the proposed rule;
- (2) An emergency relating to public health, safety or welfare;
- (3) The proposed rule is in conflict with state law;
- (4) A substantial change in circumstance since enactment of the law upon which the proposed rule is based.

13. If the committee disapproves any rule or portion thereof, the filing agency shall not file such disapproved portion of any rule with the secretary of state and the secretary of state shall not publish in the Missouri Register any final order of rulemaking containing the disapproved portion.

14. If the committee disapproves any rule or portion thereof, the committee shall report its findings to the senate and the house of representatives. No rule or portion thereof disapproved by the committee shall take effect so long as the senate and the house of representatives ratifies the act of the joint committee by resolution adopted in each house within thirty legislative days after such rule or portion thereof has been disapproved by the joint committee.

15. Upon adoption of a rule as provided herein, any such rule or portion thereof may be suspended or revoked by the general assembly either by bill or, pursuant to section 8, article IV

of the constitution, by concurrent resolution upon recommendation of the joint committee on administrative rules. The committee shall be authorized to hold hearings and make recommendations pursuant to the provisions of section 536.037, RSMo. The secretary of state shall publish in the Missouri Register, as soon as practicable, notice of the suspension or revocation.] **Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated under the authority delegated in sections 302.010 to 302.342 shall become effective only if it has been promulgated pursuant to the provisions of chapter 536, RSMo. All rulemaking authority delegated prior to the effective date of this section is of no force and effect; however, nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to the effective date of this section if it fully complied with the provisions of chapter 536, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this section shall be invalid and void.**

302.735. 1. The application for a commercial driver's license shall include, but not be limited to, the legal name, mailing and residence address, if different, a physical description of the person, including sex, height, weight and eye color, the person's social security number, date of birth and any other information deemed appropriate by the director.

2. The application for a commercial driver's license or renewal [or duplicate thereof] shall be accompanied by the payment of a fee of [twenty] **forty** dollars. **The fee for a duplicate commercial driver's license shall be twenty dollars.** A commercial driver's license shall expire [three years from the date of issuance] **on the applicant's birthday in the sixth year after issuance** and must be renewed on or before the date of expiration. [For the purposes of issuing a commercial driver's license as prescribed by the secretary, beginning July 1, 1990, the initial fee for a commercial driver's license shall be twenty-three dollars, until April 1, 1992, when the fee shall be reduced to twenty dollars. The] **In order to ease the transition to a system of six-year commercial driver's license, the** director shall have the authority to stagger the issuance or renewal of commercial driver's license applicants [to comply with the federal effective date requirements] **over a six year period.** When a person changes his name, mailing or residence address, [an application for a duplicate license shall be made to] **the person shall notify the director of said change. To all applicants for a commercial license or renewal thereof who are between the ages of eighteen and twenty-one years of age, the application shall be accompanied by the payment of a fee of twenty dollars. The commercial driver's license shall expire three years from the applicant's birthday in the third year after issuance.**

3. Within thirty days after moving to this state, the holder of a commercial driver's license shall apply for a commercial driver's license in this state. The applicant shall meet all other requirements of sections 302.700 to 302.780, except that the director may waive the driving test for a commercial driver's license as required in section 302.720 if the applicant for a commercial driver's license has a valid commercial driver's license from a state which has requirements for issuance of such license comparable to those in this state.

4. Any person who falsifies any information in an application or test for a commercial driver's license shall not be licensed to operate a commercial motor vehicle, or the person's commercial driver's license shall be canceled, for a period of one year after the director discovers such falsification.

Section B. The repeal and reenactment of sections 302.173, 302.177, 302.181 and 302.375 shall become effective July 1, 2000.

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Bill

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