

FIRST REGULAR SESSION

HOUSE BILL NO. 700

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KELLY (36).

Read 1st time February 8, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

1582L.011

AN ACT

To repeal sections 302.130 and 302.178, RSMo 2000, relating to driver's licenses, and to enact in lieu thereof three new sections relating to the same subject.

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

Section A. Sections 302.130 and 302.178, RSMo 2000, are repealed and three new
2 sections enacted in lieu thereof, to be known as sections 302.130, 302.178 and 302.512, to read
3 as follows:

302.130. 1. Any person at least fifteen years of age who, except for age or lack of
2 instruction in operating a motor vehicle, would otherwise be qualified to obtain a license
3 pursuant to sections 302.010 to 302.340 may apply for and the director shall issue a temporary
4 instruction permit entitling the applicant, while having such permit in the applicant's immediate
5 possession, to drive a motor vehicle of the appropriate class upon the highways for a period of
6 twelve months, but any such person, except when operating a motorcycle or motortricycle, must
7 be accompanied by a licensed operator for the type of motor vehicle being operated who is
8 actually occupying a seat beside the driver for the purpose of giving instruction in driving the
9 motor vehicle, who is at least twenty-one years of age, and in the case of any driver under sixteen
10 years of age, the licensed operator occupying the seat beside the driver shall be a grandparent,
11 parent or guardian who has a valid driver's license. Beginning January 1, 2001, an applicant for
12 a temporary instruction permit shall successfully complete a vision test and a test of the
13 applicant's ability to understand highway signs which regulate, warn or direct traffic and practical
14 knowledge of the traffic laws of this state, pursuant to section 302.173. In addition, beginning
15 January 1, 2001, no permit shall be granted pursuant to this subsection unless a parent or legal

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

16 guardian gives written permission by signing the application and in so signing, state they, or their
17 designee as set forth in subsection 2 of this section, will provide a minimum of twenty hours of
18 behind-the-wheel driving instruction. **Beginning January 1, 2002, an applicant for a**
19 **temporary instruction permit who is less than seventeen years of age must be either a high**
20 **school graduate or enrolled in a public, private or home school and must have a grade**
21 **point average of at least 2.0 on a 4.0 scale to receive a permit, and no permit shall be issued**
22 **to such an applicant unless proof of compliance with this requirement is proven by official**
23 **documentation from the school, college, or university where the applicant is enrolled.**

24 2. In the event the parent, grandparent or guardian of the person under sixteen years of
25 age has a physical disability which prohibits or disqualifies said parent, grandparent or guardian
26 from being a qualified licensed operator pursuant to this section, said parent, grandparent or
27 guardian may designate a maximum of two individuals authorized to accompany the applicant
28 for the purpose of giving instruction in driving the motor vehicle. An authorized designee must
29 be a licensed operator for the type of motor vehicle being operated and have attained twenty-one
30 years of age. At least one of the designees must occupy the seat beside the applicant while
31 giving instruction in driving the motor vehicle. The name of the authorized designees must be
32 provided to the department of revenue by the parent, grandparent or guardian at the time of
33 application for the temporary instruction permit. The name of each authorized designee shall be
34 printed on the temporary instruction permit, however, the director may delay the time at which
35 permits are printed bearing such names until the inventories of blank permits and related forms
36 existing on August 28, 1998, are exhausted.

37 3. The director, upon proper application on a form prescribed by the director, in his or
38 her discretion, may issue a restricted instruction permit effective for a school year or more
39 restricted period to an applicant who is enrolled in a high school driver training program taught
40 by a driver training instructor holding a valid driver education endorsement on a teaching
41 certificate issued by the state department of elementary and secondary education even though the
42 applicant has not reached the age of sixteen years but has passed the age of fifteen years. Such
43 instruction permit shall entitle the applicant, when the applicant has such permit in his or her
44 immediate possession, to operate a motor vehicle on the highways, but only when a driver
45 training instructor holding a valid driver education endorsement on a teaching certificate issued
46 by the state department of elementary and secondary education is occupying a seat beside the
47 driver.

48 4. The director, in his or her discretion, may issue a temporary driver's permit to an
49 applicant who is otherwise qualified for a license permitting the applicant to operate a motor
50 vehicle while the director is completing the director's investigation and determination of all facts
51 relative to such applicant's rights to receive a license. Such permit must be in the applicant's

52 immediate possession while operating a motor vehicle, and it shall be invalid when the
53 applicant's license has been issued or for good cause has been refused.

54 5. The director may adopt rules and regulations necessary to carry out the provisions of
55 this section.

302.178. 1. Beginning January 1, 2001, any person between the ages of sixteen and
2 eighteen years who is qualified to obtain a license pursuant to sections 302.010 to 302.340, may
3 apply for, and the director shall issue, an intermediate driver's license entitling the applicant,
4 while having such license in his or her possession, to operate a motor vehicle of the appropriate
5 class upon the highways of this state in conjunction with the requirements of this section. An
6 intermediate driver's license shall be readily distinguishable from a license issued to those over
7 the age of eighteen. All applicants for an intermediate driver's license shall:

- 8 (1) Successfully complete the examination required by section 302.173;
- 9 (2) Pay the fee required by subsection 3 of this section;
- 10 (3) Have had a temporary instruction permit issued pursuant to subsection 1 of section
11 302.130 for at least a six-month period or a valid license from another state; and
- 12 (4) Have a parent, grandparent or legal guardian sign the application stating that the
13 applicant has completed at least twenty hours of supervised driving experience under a temporary
14 instruction permit issued pursuant to subsection 1 of section 302.130, or, if the applicant is an
15 emancipated minor, the person over twenty-one years of age who supervised such driving. For
16 purposes of this section, the term "emancipated minor" means a person who is at least sixteen
17 years of age, but less than eighteen years of age, who:
 - 18 (a) Marries with the consent of the legal custodial parent or legal guardian pursuant to
19 section 451.080, RSMo;
 - 20 (b) Has been declared emancipated by a court of competent jurisdiction;
 - 21 (c) Enters active duty in the armed forces;
 - 22 (d) Has written consent to the emancipation from the custodial parent or legal guardian;
- 23 or
- 24 (e) Through employment or other means provides for such person's own food, shelter
25 and other cost-of-living expenses;
- 26 (5) Have had no alcohol-related enforcement contacts as defined in section 302.525
27 during the preceding twelve months; [and]
- 28 (6) Have no nonalcoholic traffic convictions for which points are assessed pursuant to
29 section 302.302, within the preceding six months; **and**
- 30 **(7) If less than seventeen years of age, be either a high school graduate or enrolled**
31 **in a public, private or home school and must have a grade point average of at least 2.0 on**
32 **a 4.0 scale.**

33 2. An intermediate driver's license grants the licensee the same privileges to operate that
34 classification of motor vehicle as a license issued pursuant to section 302.177, except that no
35 person shall operate a motor vehicle on the highways of this state under such an intermediate
36 driver's license between the hours of 1:00 a.m. and 5:00 a.m. unless accompanied by a person
37 described in subsection 1 of section 302.130; except the licensee may operate a motor vehicle
38 without being accompanied if the travel is to or from a school or educational program or activity,
39 a regular place of employment or in emergency situations as defined by the director by
40 regulation. Each intermediate driver's license shall be restricted by requiring that the driver and
41 all passengers in the licensee's vehicle wear safety belts at all times. This safety belt restriction
42 shall not apply to a person operating a motorcycle.

43 3. Notwithstanding the provisions of section 302.177 to the contrary, the fee for an
44 intermediate driver's license shall be five dollars and such license shall be valid for a period of
45 two years.

46 4. Any intermediate driver's licensee accumulating six or more points in a twelve-month
47 period may be required to participate in and successfully complete a driver-improvement
48 program approved by the director of the department of public safety. The driver-improvement
49 program ordered by the director of revenue shall not be used in lieu of point assessment.

50 5. (1) An intermediate driver's licensee who has, for the preceding twelve-month period,
51 had no alcohol-related enforcement contacts, as defined in section 302.525 and no traffic
52 convictions for which points are assessed, upon reaching the age of eighteen years may apply for
53 and receive without further examination, other than a vision test as prescribed by section
54 302.173, a license issued pursuant to this chapter granting full driving privileges. Such person
55 shall pay the required fee for such license as prescribed in section 302.177.

56 (2) The director of revenue shall deny an application for a full driver's license until the
57 person has had no traffic convictions for which points are assessed for a period of twelve months
58 prior to the date of application for license or until the person is eligible to apply for a six-year
59 driver's license as provided for in section 302.177, provided the applicant is otherwise eligible
60 for full driving privileges. An intermediate driver's license shall expire when the licensee is
61 eligible and receives a full driver's license as prescribed in subdivision (1) of this section.

62 **(3) Any minor, unless the minor is emancipated, as provided by this section, who**
63 **receives a citation for a moving violation pursuant to any law, rule, or regulation of this**
64 **state, or ordinance of any political subdivision of this state, shall return the citation,**
65 **bearing the signature of the minor's parent or legal guardian, together with any fine**
66 **thereon, to the proper authority indicated on the citation.**

67 6. No person upon reaching the age of eighteen years whose intermediate driver's license
68 and driving privilege is denied, suspended, canceled or revoked in this state or any other state,

69 for any reason may apply for a full driver's license until such license or driving privilege is fully
70 reinstated. Any such person whose intermediate driver's license has been revoked pursuant to
71 the provisions of sections 302.010 to 302.540 shall, upon receipt of reinstatement of the
72 revocation from the director, pass the complete driver examination, apply for a new license, and
73 pay the proper fee before again operating a motor vehicle upon the highways of this state.

74 7. A person shall be exempt from the intermediate licensing requirements if the person
75 has reached the age of eighteen years and meets all other licensing requirements.

76 8. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that
77 is created under the authority delegated in this section shall become effective only if it complies
78 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section
79 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers
80 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the
81 effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the
82 grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be
83 invalid and void.

**302.512. 1. The driver's license of any person who operates a motor vehicle at the
2 time it is involved in a fatal accident shall be immediately suspended at the scene. Such
3 person shall have the right to administrative review as provided by this chapter.**

**4 2. In the case of any motor vehicle operator who is charged with violating section
5 253.160, 304.010, 304.011, 304.013, 304.130 or 307.198, RSMo, or any local ordinance
6 classified as a hazardous driving offense by the department of public safety, and in which
7 violation a fatality occurs, bond shall be set at thirty thousand dollars.**