

FIRST REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 477

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE GRAHAM.

Read 1st time January 22, 2001, and 1000 copies ordered printed.

Read 2nd time January 23, 2001, and referred to the Committee on Motor Vehicles and Traffic Regulation, February 8, 2001.

Reported from the Committee on Motor Vehicles and Traffic Regulation, March 8, 2001, with recommendation that the bill Do Pass by Consent.

Perfected by Consent March 22, 2001.

TED WEDEL, Chief Clerk

1439L.01P

AN ACT

To repeal sections 302.130 and 302.178, RSMo 2000, relating to temporary driver's permits, and to enact in lieu thereof two 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Section A. Sections 302.130 and 302.178, RSMo 2000, are repealed and two new
2 sections enacted in lieu thereof, to be known as sections 302.130 and 302.178, to read 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
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 **either** provide a minimum of twenty
18 hours of behind-the-wheel driving instruction, **or ensure that the applicant completes a driver**
19 **training program offered by a public or private school, college, or university, or by a**
20 **person whose occupation is providing driver training, and who certifies that upon**
21 **completion of such driver training, the driver is competent to receive a driver's license.**

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

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

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

51 applicant's license has been issued or for good cause has been refused.

52 5. **A person at least fifteen and one-half years of age may operate a motor vehicle**
53 **while in the immediate presence of a driver training instructor, as provided by subsection**
54 **1 of this section.**

55 6. The director may adopt rules and regulations necessary to carry out the provisions of
56 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 **either completed a driver training program offered by a public or private**
14 **school, college, or university, or by a person whose occupation is providing driver training,**
15 **and who certifies that upon completion of such driver training, the driver is competent to**
16 **receive a driver's license, or** at least twenty hours of supervised driving experience under a
17 temporary instruction permit issued pursuant to subsection 1 of section 302.130, or, if the
18 applicant is an emancipated minor, the person over twenty-one years of age who supervised such
19 driving. For purposes of this section, the term "emancipated minor" means a person who is at
20 least sixteen years of age, but less than eighteen years of age, who:

21 (a) Marries with the consent of the legal custodial parent or legal guardian pursuant to
22 section 451.080, RSMo;

23 (b) Has been declared emancipated by a court of competent jurisdiction;

24 (c) Enters active duty in the armed forces;

25 (d) Has written consent to the emancipation from the custodial parent or legal guardian;

26 or

27 (e) Through employment or other means provides for such person's own food, shelter
28 and other cost-of-living expenses;

29 (5) Have had no alcohol-related enforcement contacts as defined in section 302.525
30 during the preceding twelve months; and

31 (6) Have no nonalcoholic traffic convictions for which points are assessed pursuant to
32 section 302.302, within the preceding six months.

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 6. No person upon reaching the age of eighteen years whose intermediate driver's license
63 and driving privilege is denied, suspended, canceled or revoked in this state or any other state,
64 for any reason may apply for a full driver's license until such license or driving privilege is fully
65 reinstated. Any such person whose intermediate driver's license has been revoked pursuant to
66 the provisions of sections 302.010 to 302.540 shall, upon receipt of reinstatement of the

67 revocation from the director, pass the complete driver examination, apply for a new license, and
68 pay the proper fee before again operating a motor vehicle upon the highways of this state.

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

71 8. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that
72 is created under the authority delegated in this section shall become effective only if it complies
73 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section
74 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers
75 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the
76 effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the
77 grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be
78 invalid and void.