

FIRST REGULAR SESSION

# HOUSE BILL NO. 178

92ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE BLAND.

Read 1<sup>st</sup> time January 14, 2003, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

0698L.011

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## AN ACT

To repeal sections 302.010, 302.130, 302.171, and 302.181, RSMo, and to enact in lieu thereof six new sections relating to drivers' licenses.

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

Section A. Sections 302.010, 302.130, 302.171, and 302.181, RSMo, are repealed and  
2 six new sections enacted in lieu thereof, to be known as sections 302.010, 302.130, 302.171,  
3 302.181, 302.182, and 302.184, to read as follows:

302.010. Except where otherwise provided, when used in this chapter, the following  
2 words and phrases mean:

3 (1) **"Biometric identification", automated methods of recognizing and identifying**  
4 **a person based on a physiological characteristic. Biometric identification methods may**  
5 **include, but are not limited to facial recognition, fingerprints, hand geometry, iris**  
6 **recognition, and retinal scan;**

7 (2) "Circuit court", each circuit court in the state;

8 [(2)] (3) "Commercial motor vehicle", a motor vehicle designed or regularly used for  
9 carrying freight and merchandise, or more than fifteen passengers;

10 [(3)] (4) "Conviction", any final conviction; also a forfeiture of bail or collateral  
11 deposited to secure a defendant's appearance in court, which forfeiture has not been vacated,  
12 shall be equivalent to a conviction, except that when any conviction as a result of which points  
13 are assessed pursuant to section 302.302 is appealed, the term "conviction" means the original  
14 judgment of conviction for the purpose of determining the assessment of points, and the date of  
15 final judgment affirming the conviction shall be the date determining the beginning of any

**EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law. Matter in boldface type in the above law is new proposed language.**

16 license suspension or revocation pursuant to section 302.304;

17       [(4)] (5) "Director", the director of revenue acting directly or through the director's  
18 authorized officers and agents;

19       [(5)] (6) "Farm tractor", every motor vehicle designed and used primarily as a farm  
20 implement for drawing plows, mowing machines and other implements of husbandry;

21       [(6)] (7) "Highway", any public thoroughfare for vehicles, including state roads, county  
22 roads and public streets, avenues, boulevards, parkways, or alleys in any municipality;

23       [(7)] (8) "Incompetent to drive a motor vehicle", a person who has become physically  
24 incapable of meeting the prescribed requirements of an examination for an operator's license, or  
25 who has been adjudged by a probate division of the circuit court in a capacity hearing of being  
26 incapacitated;

27       [(8)] (9) "License", a license issued by a state to a person which authorizes a person to  
28 operate a motor vehicle;

29       [(9)] (10) "Motor vehicle", any self-propelled vehicle not operated exclusively upon  
30 tracks except motorized bicycles, as defined in section 307.180, RSMo;

31       [(10)] (11) "Motorcycle", a motor vehicle operated on two wheels; however, this  
32 definition shall not include motorized bicycles as defined in section 301.010, RSMo;

33       [(11)] (12) "Motortricycle", a motor vehicle operated on three wheels, including a  
34 motorcycle operated with any conveyance, temporary or otherwise, requiring the use of a third  
35 wheel;

36       [(12)] (13) "Moving violation", that character of traffic violation where at the time of  
37 violation the motor vehicle involved is in motion, except that the term does not include the  
38 driving of a motor vehicle without a valid motor vehicle registration license, or violations of  
39 sections 304.170 to 304.240, RSMo, inclusive, relating to sizes and weights of vehicles;

40       [(13)] (14) "Municipal court", every division of the circuit court having original  
41 jurisdiction to try persons for violations of city ordinances;

42       [(14)] (15) "Nonresident", every person who is not a resident of this state;

43       [(15)] (16) "Operator", every person who is in actual physical control of a motor vehicle  
44 upon a highway;

45       [(16)] (17) "Owner", a person who holds the legal title of a vehicle or in the event a  
46 vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of  
47 purchase upon performance of the conditions stated in the agreement and with an immediate  
48 right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a  
49 vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be  
50 deemed the owner for the purpose of sections 302.010 to 302.540;

51       [(17)] (18) "Record" includes, but is not limited to, papers, documents, facsimile

52 information, microphotographic process, electronically generated or electronically recorded  
53 information, digitized images, deposited or filed with the department of revenue;

54 [(18)] (19) "Restricted driving privilege", a driving privilege issued by the director of  
55 revenue following a suspension of driving privileges for the limited purpose of driving in  
56 connection with the driver's business, occupation, employment, formal program of secondary,  
57 postsecondary or higher education, or for an alcohol education or treatment program;

58 [(19)] (20) "School bus", when used in sections 302.010 to 302.540, means any motor  
59 vehicle, either publicly or privately owned, used to transport students to and from school, or to  
60 transport pupils properly chaperoned to and from any place within the state for educational  
61 purposes. The term "school bus" shall not include a bus operated by a public utility, municipal  
62 corporation or common carrier authorized to conduct local or interstate transportation of  
63 passengers when such bus is not traveling a specific school bus route but is:

- 64 (a) On a regularly scheduled route for the transportation of fare-paying passengers; or  
65 (b) Furnishing charter service for the transportation of persons enrolled as students on  
66 field trips or other special trips or in connection with other special events;

67 [(20)] (21) "School bus operator", an operator who operates a school bus as defined in  
68 subdivision [(19)] (20) of this section in the transportation of any schoolchildren and who  
69 receives compensation for such service. The term "school bus operator" shall not include any  
70 person who transports schoolchildren as an incident to employment with a school or school  
71 district, such as a teacher, coach, administrator, secretary, school nurse, or janitor unless such  
72 person is under contract with or employed by a school or school district as a school bus operator;

73 [(21)] (22) "Signature", any method determined by the director of revenue for the  
74 signing, subscribing or verifying of a record, report, application, driver's license, or other related  
75 document that shall have the same validity and consequences as the actual signing by the person  
76 providing the record, report, application, driver's license or related document;

77 [(22)] (23) "Substance abuse traffic offender program", a program certified by the  
78 division of alcohol and drug abuse of the department of mental health to provide education or  
79 rehabilitation services pursuant to a professional assessment screening to identify the individual  
80 needs of the person who has been referred to the program as the result of an alcohol- or  
81 drug-related traffic offense. Successful completion of such a program includes participation in  
82 any education or rehabilitation program required to meet the needs identified in the assessment  
83 screening. The assignment recommendations based upon such assessment shall be subject to  
84 judicial review as provided in subsection 13 of section 302.304 and subsections 1 and 5 of  
85 section 302.540;

86 [(23)] (24) "Vehicle", any mechanical device on wheels, designed primarily for use, or  
87 used on highways, except motorized bicycles, vehicles propelled or drawn by horses or human

88 power, or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized  
89 wheelchairs operated by handicapped persons.

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, guardian, a driver training instructor holding a valid driver education endorsement on a  
12 teaching certificate issued by the department of elementary and secondary education or a  
13 qualified instructor of a private drivers' education program who has a valid driver's license.  
14 Beginning January 1, 2001, an applicant for a temporary instruction permit shall successfully  
15 complete a vision test and a test of the applicant's ability to understand highway signs which  
16 regulate, warn or direct traffic and practical knowledge of the traffic laws of this state, pursuant  
17 to section 302.173. In addition, beginning January 1, 2001, no permit shall be granted pursuant  
18 to this subsection unless a parent or legal guardian gives written permission by signing the  
19 application and in so signing, state they, or their designee as set forth in subsection [2] 3 of this  
20 section, will provide a minimum of twenty hours of behind-the-wheel driving instruction. The  
21 twenty hours of behind-the-wheel driving instruction that is completed pursuant to this  
22 subsection may include any time that the holder of an instruction permit has spent operating a  
23 motor vehicle in a driver training program taught by a driver training instructor holding a valid  
24 driver education endorsement on a teaching certificate issued by the department of elementary  
25 and secondary education or by a qualified instructor of a private drivers' education program. If  
26 the applicant for a permit is enrolled in a federal residential job training program, the instructor,  
27 as defined in subsection [5] 6 of this section, is authorized to sign the application stating that the  
28 applicant will receive the behind-the-wheel driving instruction required by this section.

29 **2. Application for an instruction permit shall be made upon an approved form**  
30 **furnished by the director. Every application shall state the full name, Social Security**  
31 **number, age, height, weight, color of eyes, sex, residence, mailing address of the applicant,**  
32 **and the classification for which the applicant has been licensed, and, if so, when and by**  
33 **what state, and whether or not such license has ever been suspended, revoked, or**  
34 **disqualified, and, if revoked, suspended or disqualified, the date and reason for such**

35 **suspension, revocation or disqualification. Every application shall also include a unique**  
36 **biometric identification code specific to the applicant pursuant to section 302.184. The**  
37 **application shall also contain such information as the director may require to enable the**  
38 **director to determine the applicant's qualification for driving a motor vehicle; and shall**  
39 **state whether or not the applicant has been convicted in this or any other state for violating**  
40 **the laws of this or any other state or any ordinance of any municipality, relating to driving**  
41 **without a license, careless driving, or driving while intoxicated, or failing to stop after an**  
42 **accident and disclosing the applicant's identity, or driving a motor vehicle without the**  
43 **owner's consent. The application shall contain a certification by the applicant as to the**  
44 **truth of the facts stated therein.**

45 [2.] 3. In the event the parent, grandparent or guardian of the person under sixteen years  
46 of age has a physical disability which prohibits or disqualifies said parent, grandparent or  
47 guardian from being a qualified licensed operator pursuant to this section, said parent,  
48 grandparent or guardian may designate a maximum of two individuals authorized to accompany  
49 the applicant for the purpose of giving instruction in driving the motor vehicle. An authorized  
50 designee must be a licensed operator for the type of motor vehicle being operated and have  
51 attained twenty-one years of age. At least one of the designees must occupy the seat beside the  
52 applicant while giving instruction in driving the motor vehicle. The name of the authorized  
53 designees must be provided to the department of revenue by the parent, grandparent or guardian  
54 at the time of application for the temporary instruction permit. The name of each authorized  
55 designee shall be printed on the temporary instruction permit, however, the director may delay  
56 the time at which permits are printed bearing such names until the inventories of blank permits  
57 and related forms existing on August 28, 1998, are exhausted.

58 [3.] 4. The director, upon proper application on a form prescribed by the director, in his  
59 or her discretion, may issue a restricted instruction permit effective for a school year or more  
60 restricted period to an applicant who is enrolled in a high school driver training program taught  
61 by a driver training instructor holding a valid driver education endorsement on a teaching  
62 certificate issued by the state department of elementary and secondary education even though the  
63 applicant has not reached the age of sixteen years but has passed the age of fifteen years. Such  
64 instruction permit shall entitle the applicant, when the applicant has such permit in his or her  
65 immediate possession, to operate a motor vehicle on the highways, but only when a driver  
66 training instructor holding a valid driver education endorsement on a teaching certificate issued  
67 by the state department of elementary and secondary education is occupying a seat beside the  
68 driver.

69 [4.] 5. The director, in his or her discretion, may issue a temporary driver's permit to an  
70 applicant who is otherwise qualified for a license permitting the applicant to operate a motor

71 vehicle while the director is completing the director's investigation and determination of all facts  
72 relative to such applicant's rights to receive a license. Such permit must be in the applicant's  
73 immediate possession while operating a motor vehicle, and it shall be invalid when the  
74 applicant's license has been issued or for good cause has been refused.

75 [5.] 6. In the event that the applicant for a temporary instruction permit described in  
76 subsection 1 of this section is a participant in a federal residential job training program, the  
77 permittee may operate a motor vehicle accompanied by a driver training instructor who holds a  
78 valid driver education endorsement issued by the department of elementary and secondary  
79 education and a valid driver's license.

80 [6.] 7. A person at least fifteen years of age may operate a motor vehicle as part of a  
81 driver training program taught by a driver training instructor holding a valid driver education  
82 endorsement on a teaching certificate issued by the department of elementary and secondary  
83 education or a qualified instructor of a private drivers' education program.

84 [7.] 8. Beginning January 1, 2003, the director shall issue with every temporary  
85 instruction permit issued pursuant to subsection 1 of this section a sticker or sign bearing the  
86 words "PERMIT DRIVER". The design and size of such sticker or sign shall be determined by  
87 the director by regulation. Every applicant issued a temporary instruction permit and sticker on  
88 or after January 1, 2003, may display or affix the sticker or sign on the rear window of the motor  
89 vehicle. Such sticker or sign may be displayed on the rear window of the motor vehicle  
90 whenever the holder of the instruction permit operates a motor vehicle during his or her  
91 temporary permit licensure period.

92 [8.] 9. The director may adopt rules and regulations necessary to carry out the provisions  
93 of this section.

302.171. 1. Application for a license shall be made upon an approved form furnished  
2 by the director. Every application shall state the full name, Social Security number, age, height,  
3 weight, color of eyes, sex, residence, mailing address of the applicant, and the classification for  
4 which the applicant has been licensed, and, if so, when and by what state, and whether or not  
5 such license has ever been suspended, revoked, or disqualified, and, if revoked, suspended or  
6 disqualified, the date and reason for such suspension, revocation or disqualification and whether  
7 the applicant is making a one-dollar donation to promote an organ donation program as  
8 prescribed in subsection 2 of this section. **Every application shall include a unique biometric**  
9 **identification code specific to the applicant pursuant to section 302.184.** The application  
10 shall also contain such information as the director may require to enable the director to determine  
11 the applicant's qualification for driving a motor vehicle; and shall state whether or not the  
12 applicant has been convicted in this or any other state for violating the laws of this or any other  
13 state or any ordinance of any municipality, relating to driving without a license, careless driving,

14 or driving while intoxicated, or failing to stop after an accident and disclosing the applicant's  
15 identity, or driving a motor vehicle without the owner's consent. The application shall contain  
16 a certification by the applicant as to the truth of the facts stated therein. Every person who  
17 applies for a license to operate a motor vehicle who is less than twenty-one years of age shall be  
18 provided with educational materials relating to the hazards of driving while intoxicated,  
19 including information on penalties imposed by law for violation of the intoxication-related  
20 offenses of the state. Beginning January 1, 2001, if the applicant is less than eighteen years of  
21 age, the applicant must comply with all requirements for the issuance of an intermediate driver's  
22 license pursuant to section 302.178.

23         2. An applicant for a license may make a donation of one dollar to promote an organ  
24 donor program. The director of revenue shall collect the donations and deposit all such  
25 donations in the state treasury to the credit of the organ donor program fund established in  
26 sections 194.297 to 194.304, RSMo. Moneys in the organ donor program fund shall be used  
27 solely for the purposes established in sections 194.297 to 194.304, RSMo, except that the  
28 department of revenue shall retain no more than one percent for its administrative costs. The  
29 donation prescribed in this subsection is voluntary and may be refused by the applicant for the  
30 license at the time of issuance or renewal of the license. The director shall make available an  
31 informational booklet or other informational sources on the importance of organ donations to  
32 applicants for licensure as designed by the organ donation advisory committee established in  
33 sections 194.297 to 194.304, RSMo. The director shall inquire of each applicant at the time the  
34 licensee presents the completed application to the director whether the applicant is interested in  
35 making the one-dollar donation prescribed in this subsection and whether the applicant is  
36 interested in making an organ donation and shall also specifically inform the licensee of the  
37 ability to make an organ donation by completing the form on the reverse of the license that the  
38 applicant will receive in the manner prescribed by subsection 6 of section 194.240, RSMo. The  
39 director shall notify the department of health and senior services of information obtained from  
40 applicants who indicate to the director that they are interested in making organ donations, and  
41 the department of health and senior services shall enter the complete name, address, date of birth,  
42 race, gender and a unique personal identifier in the registry established in subsection 1 of section  
43 194.304, RSMo.

44         3. An applicant for a license may make a donation of one dollar to promote a blindness  
45 education, screening and treatment program. The director of revenue shall collect the donations  
46 and deposit all such donations in the state treasury to the credit of the blindness education,  
47 screening and treatment program fund established in section 192.935, RSMo. Moneys in the  
48 blindness education, screening and treatment program fund shall be used solely for the purposes  
49 established in section 192.935, RSMo, except that the department of revenue shall retain no more

50 than one percent for its administrative costs. The donation prescribed in this subsection is  
51 voluntary and may be refused by the applicant for the license at the time of issuance or renewal  
52 of the license. The director shall inquire of each applicant at the time the licensee presents the  
53 completed application to the director whether the applicant is interested in making the one- dollar  
54 donation prescribed in this subsection.

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

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

28 3. The license issued shall be carried at all times by the holder thereof while driving a  
29 motor vehicle, and shall be displayed upon demand of any officer of the highway patrol, or any  
30 police officer or peace officer, or any other duly authorized person, for inspection when demand  
31 is made therefor. Failure of any operator of a motor vehicle to exhibit his or her license to any



32 duly authorized officer shall be presumptive evidence that such person is not a duly licensed  
33 operator.

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

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

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

53 7. [The department of revenue shall issue upon request a nondriver's license card  
54 containing essentially the same information as the driver's license upon payment of six dollars  
55 if the applicant is under the age of sixty-five. An applicant who is sixty-five years of age or older  
56 may purchase a nondriver's license card without a photograph for one dollar or a nondriver's  
57 license card with a photograph for six dollars. All nondriver's licenses shall expire on the  
58 applicant's birthday in the sixth year after issuance. A person who has passed his or her  
59 seventieth birthday shall upon application be issued a nonexpiring nondriver's license card. The  
60 nondriver's license card shall be used for identification purposes only and shall not be valid as  
61 a license.

62 8.] No rule or portion of a rule promulgated pursuant to the authority of this chapter shall  
63 become effective unless it is promulgated pursuant to the provisions of chapter 536, RSMo.

**302.182. 1. The department of revenue shall issue upon request a nondriver's  
2 license card containing essentially the same information as the driver's license upon  
3 payment of six dollars if the applicant is under the age of sixty-five.**

**4 2. An applicant who is sixty-five years of age or older may purchase a nondriver's**

5 license card without a photograph for one dollar or a nondriver's license card with a  
6 photograph for six dollars.

7       3. All nondriver's licenses shall expire on the applicant's birthday in the sixth year  
8 after issuance. A person who has passed his or her seventieth birthday shall upon  
9 application be issued a nonexpiring nondriver's license card.

10       4. Application for a nondriver's license shall be made upon an approved form  
11 furnished by the director. Every application shall state the full name, Social Security  
12 number, age, height, weight, color of eyes, sex, residence, and mailing address of the  
13 applicant. Every application shall also include a unique biometric identification code  
14 specific to the applicant pursuant to section 302.184.

15       5. The application shall contain a certification by the applicant as to the truth of  
16 the facts stated therein.

17       6. The nondriver's license card shall be used for identification purposes only and  
18 shall not be valid as a license.

      302.184. 1. The director of revenue is authorized to use biometric identification  
2 methods in order to assist in the identification of applicants for driver's licenses,  
3 nondriver's licenses, and instruction permits. Prior to issuance of any driver's license,  
4 nondriver's license, or instruction permit the applicant shall provide such biometric  
5 information as requested by the director. Such biometric methods may include  
6 fingerprints, facial recognition, or other technological methods of capturing unique  
7 identifying information for an applicant.

8       2. The director shall promulgate rules regarding the capture of biometric  
9 identification codes on applications for driver's licenses, nondriver's licenses, and  
10 instruction permits. Any rule or portion of a rule, as that term is defined in section  
11 536.010, RSMo, that is created under the authority delegated in this section shall become  
12 effective only if it complies with and is subject to all of the provisions of chapter 536,  
13 RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are  
14 nonseverable and if any of the powers vested with the general assembly pursuant to  
15 chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule  
16 are subsequently held unconstitutional, then the grant of rulemaking authority and any  
17 rule proposed or adopted after August 28, 2003, shall be invalid and void.