

SECOND REGULAR SESSION

# HOUSE BILL NO. 845

## 92ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES PURGASON (Sponsor), MUNZLINGER, REINHART, JETTON,  
WALLACE AND MILLER (Co-sponsors).

Pre-filed December 11, 2003, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

2983L.011

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### AN ACT

To repeal section 302.720, RSMo, and to enact in lieu thereof one new section relating to commercial driver's license testing.

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

Section A. Section 302.720, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 302.720, to read as follows:

302.720. 1. Except when operating under an instruction permit as described in this section, no person may drive a commercial motor vehicle unless the person has been issued a commercial driver's license with applicable endorsements valid for the type of vehicle being operated as specified in sections 302.700 to 302.780. A commercial driver's instruction permit shall allow the holder of a valid license to operate a commercial motor vehicle when accompanied by the holder of a commercial driver's license valid for the vehicle being operated and who occupies a seat beside the individual, or reasonably near the individual in the case of buses, for the purpose of giving instruction in driving the commercial motor vehicle. A commercial driver's instruction permit shall be valid for the vehicle being operated for a period of not more than six months, and shall not be issued until the permit holder has met all other requirements of sections 302.700 to 302.780, except for the driving test. A permit holder, unless otherwise disqualified, may be granted one six-month renewal within a one-year period. The fee for such permit or renewal shall be five dollars. In the alternative, a commercial driver's instruction permit shall be issued for a thirty-day period to allow the holder of a valid driver's license to operate a commercial motor vehicle if the applicant has completed all other requirements except the driving test. The permit may be renewed for one additional thirty-day period and the fee for the permit and for renewal shall be five dollars.

2. No person may be issued a commercial driver's license until he has passed written and

19 driving tests for the operation of a commercial motor vehicle which complies with the minimum  
20 federal standards established by the secretary and has satisfied all other requirements of the  
21 Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570), as well as any  
22 other requirements imposed by state law. Applicants for a hazardous materials endorsement  
23 must also meet the requirements of the U.S. Patriot Act of 2001 (Title X of Public Law 107-56)  
24 as specified and required by regulations promulgated by the secretary. Nothing contained in this  
25 subsection shall be construed as prohibiting the director from establishing alternate testing  
26 formats for those who are functionally illiterate; provided, however, that any such alternate test  
27 must comply with the minimum requirements of the Commercial Motor Vehicle Safety Act of  
28 1986 (Title XII of Pub. Law 99-570) as established by the secretary.

29 (1) The written and driving tests shall be held at such times and in such places as the  
30 superintendent may designate. A twenty-five dollar examination fee shall be paid by the  
31 applicant upon completion of any written or driving test. The director shall delegate the power  
32 to conduct the examinations required under sections 302.700 to 302.780 to any member of the  
33 highway patrol or any person employed by the highway patrol qualified to give driving  
34 examinations.

35 (2) The director shall adopt and promulgate rules and regulations governing the  
36 certification of third-party testers by the department of revenue. Such rules and regulations shall  
37 substantially comply with the requirements of 49 CFR Part 383, Section 383.75. A certification  
38 to conduct third-party testing shall be valid for one year, and the department shall charge a fee  
39 of one hundred dollars to issue or renew the certification of any third-party tester. Any  
40 third-party tester who violates any of the rules and regulations adopted and promulgated pursuant  
41 to this section shall be subject to having his certification revoked by the department. The  
42 department shall provide written notice and an opportunity for the third-party tester to be heard  
43 in substantially the same manner as provided in chapter 536, RSMo. If any applicant submits  
44 evidence that he has successfully completed a test administered by a third-party tester, the actual  
45 driving test for a commercial driver's license may then be waived. **The director of revenue**  
46 **shall pay twenty-five dollars to a certified third-party tester for each commercial driver's**  
47 **license skills examination administered by such third-party tester.**

48 (3) Every applicant for renewal of a commercial driver's license shall provide such  
49 certifications and information as required by the secretary and if such person transports a  
50 hazardous material must also meet the requirements of the U.S. Patriot Act of 2001 (Title X of  
51 Public Law 107-56) as specified and required by regulations promulgated by the secretary, such  
52 person shall be required to take the written test for such endorsement. A twenty-five dollar  
53 examination fee shall be paid for upon completion of such tests.

54 3. A commercial driver's license may not be issued to a person while the person is

55 disqualified from driving a commercial motor vehicle, when a disqualification is pending in any  
56 state or while the person's driver's license is suspended, revoked, or canceled in any state; nor  
57 may a commercial driver's license be issued unless the person first surrenders in a manner  
58 prescribed by the director any commercial driver's license issued by another state, which license  
59 shall be returned to the issuing state for cancellation.