

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1118

92ND GENERAL ASSEMBLY

Reported from the Committee on Transportation and Motor Vehicles March 18, 2004, with recommendation that the House Committee Substitute for House Bill No. 1118 Do Pass.

Taken up for Perfection March 31, 2004. House Committee Substitute for House Bill No. 1118 ordered Perfected and printed.

STEPHEN S. DAVIS, Chief Clerk

3438L.07P

AN ACT

To repeal sections 302.177, 302.225, 302.272, 302.302, 302.309, 302.700, 302.725, 302.735, 302.740, 302.755, 302.756, 302.760, 304.035, and 577.054, RSMo, and to enact in lieu thereof eighteen new sections relating to commercial drivers' licenses, with an effective date and with penalty provisions.

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

Section A. Sections 302.177, 302.225, 302.272, 302.302, 302.309, 302.700, 302.725, 302.735, 302.740, 302.755, 302.756, 302.760, 304.035, and 577.054, RSMo, are repealed and eighteen new sections enacted in lieu thereof, to be known as sections 302.177, 302.225, 302.272, 302.302, 302.309, 302.700, 302.725, 302.727, 302.735, 302.740, 302.755, 302.756, 302.760, 304.035, 577.054, 1, 2, and 3, to read as follows:

302.177. 1. To all applicants for a license or renewal to transport persons or property classified in section 302.015 who are at least twenty-one years of age and under the age of seventy, 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 thirty dollars; except that, no license shall be issued if an applicant's license is currently suspended, taken up, canceled, revoked, or deposited in lieu of bail.

2. To all applicants for a license or renewal who are between twenty-one and sixty-nine years of age, and who submit a satisfactory application and meet the requirements set forth in

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 proposed language.

9 sections 302.010 to 302.605, the director shall issue or renew a license upon the payment of a
10 fee of fifteen dollars; except that, no license shall be issued if an applicant's license is currently
11 suspended, taken up, canceled, revoked, or deposited in lieu of bail.

12 3. All licenses issued pursuant to subsections 1 and 2 of this section shall expire on the
13 applicant's birthday in the sixth year after issuance and must be renewed on or before the date
14 of expiration, which date shall be shown on the license. The director shall have the authority to
15 stagger the expiration date of driver's licenses and nondriver's licenses being issued or renewed
16 over a six-year period.

17 4. To all applicants for a license or renewal to transport persons or property classified
18 in section 302.015 who are between eighteen and twenty-one years of age or greater than
19 sixty-nine years of age, **or to an applicant for such license containing a school bus**
20 **endorsement issued pursuant to section 302.272**, and who submit a satisfactory application
21 and meet the requirements set forth in sections 302.010 to 302.605, the director shall issue or
22 renew a license upon the payment of a fee of fifteen dollars.

23 5. To all other applicants for a license or renewal less than twenty-one years of age or
24 greater than sixty-nine years of age who submit a satisfactory application and meet the
25 requirements set forth in sections 302.010 to 302.605, the director shall issue or renew a license
26 upon the payment of a fee of seven dollars and fifty cents. All licenses issued pursuant to this
27 subsection and subsection 4 of this section **or to an applicant for a license to transport**
28 **persons or property which contains a school bus endorsement issued pursuant to section**
29 **302.272**, shall expire on the applicant's birthday in the third year after issuance.

30 6. The director of revenue may adopt any rules and regulations necessary to carry out the
31 provisions of this section. No rule or portion of a rule promulgated pursuant to the authority of
32 this section shall become effective unless it has been promulgated pursuant to the provisions of
33 chapter 536, RSMo.

302.225. 1. Every court having jurisdiction over offenses committed under sections
2 302.010 to 302.780, or any other law of this state, or county or municipal ordinance, regulating
3 the operation of vehicles on highways **or any other offense in which the commission of such**
4 **offense involves the use of a motor vehicle, including felony convictions**, shall, within [ten]
5 **seven** days thereafter, forward to the [Missouri state highway patrol, or at the written direction
6 of the Missouri state highway patrol, to the] department of revenue, in a manner approved by the
7 director of the department of public safety a record of any plea or finding of guilty of any person
8 in the court for a violation of sections 302.010 to 302.780 or for any moving traffic violation
9 under the laws of this state or county or municipal ordinances. The record related to offenses
10 involving alcohol, controlled substances, or drugs shall be entered in the Missouri uniform law
11 enforcement system records. **The director of revenue shall enter the conviction information**

12 **into the appropriate computer systems and transmit the conviction information as required**
13 **in 49 CFR Part 384, or as amended by the Secretary of the United States Department of**
14 **Transportation.** The record of all convictions involving the assessment of points as provided
15 in section 302.302 and convictions involving a commercial motor vehicle as defined in section
16 302.700 furnished by a court to the [highway patrol and not to the] department of revenue shall
17 be forwarded by the [highway patrol] **department of revenue** within fifteen days of receipt to
18 the [director of revenue] **Missouri state highway patrol.**

19 2. Whenever any person is convicted of any offense or series of offenses for which
20 sections 302.010 to 302.340 makes mandatory the suspension or revocation of the license of such
21 person by the director of revenue, the circuit court in which such conviction is had shall require
22 the surrender to it of all licenses, then held by the person so convicted, and the court shall within
23 [ten] **seven** days thereafter forward the same, together with a record of the conviction, to the
24 director of revenue.

25 3. No [municipal judge or] municipal **administrative** official shall have power to revoke
26 any license.

302.272. 1. No person shall operate any school bus owned by or under contract with a
2 public school or the state board of education unless such driver has qualified for a school bus
3 [permit] **endorsement** under this section and complied with the pertinent rules and regulations
4 of the department of revenue **and any final rule issued by the secretary of the United States**
5 **Department of Transportation or has a valid bus endorsement on a valid commercial**
6 **driver's license issued by another state.** A school bus [permit] **endorsement** shall be issued
7 to any applicant who meets the following qualifications:

8 (1) The applicant has a valid state license issued under this chapter or has a license valid
9 in any other state;

10 (2) The applicant is at least twenty-one years of age;

11 (3) The applicant has passed a medical examination, including vision and hearing tests,
12 as prescribed by the director of revenue and, if the applicant is at least seventy years of age, the
13 applicant shall pass the medical examination annually to maintain or renew the [permit]
14 **endorsement;** and

15 (4) The applicant has successfully passed an examination for the operation of a school
16 bus as prescribed by the director of revenue. The examination shall include, but need not be
17 limited to, a written skills examination of applicable laws, rules and procedures, **including any**
18 **examinations prescribed by the secretary of the United States Department of**
19 **Transportation,** and a driving test in the type of vehicle to be operated. The test shall be
20 completed in the appropriate class of vehicle to be driven. For purposes of this section classes

21 of school buses shall comply with the Commercial Motor Vehicle Safety Act of 1986 (Title XII
22 of Pub. Law 99-570).

23 2. Except as otherwise provided in this section, a school bus [permit] **endorsement** shall
24 be renewed every three years and shall require the applicant to provide a medical examination
25 as specified in subdivision (3) of subsection 1 of this section and to successfully pass a written
26 skills examination as prescribed by the director of revenue in consultation with the department
27 of elementary and secondary education. If the applicant is at least seventy years of age, the
28 school bus [permit] **endorsement** shall be renewed annually, and the applicant shall successfully
29 pass the examination prescribed in subdivision (4) of subsection 1 of this section prior to
30 receiving the renewed [permit] **endorsement**. The director may waive the written skills
31 examination on renewal of a school bus [permit] **endorsement** upon verification of the
32 applicant's successful completion within the preceding twelve months of a training program
33 which has been approved by the director in consultation with the department of elementary and
34 secondary education and which is at least eight hours in duration with special instruction in
35 school bus driving.

36 3. The fee for a new or renewed school bus [permit] **endorsement** shall be three dollars.

37 4. Upon the applicant's completion of the requirements of subsections 1, 2 and 3 of this
38 section, the director of revenue [shall] **may** issue a temporary school bus permit to the applicant
39 until such time as a [permanent] school bus [permit] **endorsement** shall be issued following the
40 record clearance as provided in subsection 6 of this section.

41 5. The director of revenue, to the best of the director's knowledge, shall not issue or
42 renew a school bus [permit] **endorsement** to any applicant:

43 (1) Whose driving record shows that such applicant's privilege to operate a motor vehicle
44 has been suspended, revoked or disqualified or whose driving record shows a history of moving
45 vehicle violations;

46 (2) Who has pled guilty to or been found guilty of any felony or misdemeanor for
47 violation of drug regulations as defined in chapter 195, RSMo; of any felony for an offense
48 against the person as defined by chapter 565, RSMo, or any other offense against the person
49 involving the endangerment of a child as prescribed by law; of any misdemeanor or felony for
50 a sexual offense as defined by chapter 566, RSMo; of any misdemeanor or felony for prostitution
51 as defined by chapter 567, RSMo; of any misdemeanor or felony for an offense against the
52 family as defined in chapter 568, RSMo; of any felony or misdemeanor for a weapons offense
53 as defined by chapter 571, RSMo; of any misdemeanor or felony for pornography or related
54 offense as defined by chapter 573, RSMo; or of any similar crime in any federal, state, municipal
55 or other court of similar jurisdiction of which the director has knowledge;

56 (3) Who has pled guilty to or been found guilty of any felony involving robbery, arson,
57 burglary or a related offense as defined by chapter 569, RSMo; or any similar crime in any
58 federal, state, municipal or other court of similar jurisdiction within the preceding ten years of
59 which the director has knowledge.

60 6. The [department of social services or the] Missouri highway patrol[, whichever has
61 access to applicable records,] shall provide a record of clearance or denial of clearance for any
62 applicant for a school bus [permit] **endorsement** for the convictions specified in subdivisions
63 (2) and (3) of subsection 5 of this section. The Missouri highway patrol in providing the record
64 of clearance or denial of clearance for any such applicant is authorized to obtain from the Federal
65 Bureau of Investigation any information which might aid the Missouri highway patrol in
66 providing such record of clearance or denial of clearance. The [department of social services or
67 the] Missouri highway patrol shall provide the record of clearance or denial of clearance within
68 thirty days of the date requested, relying on information available at that time, except that the
69 [department of social services or the] Missouri highway patrol shall provide any information
70 subsequently discovered to the department of revenue.

71 **7. For purposes of obtaining the record of clearance or denial for convictions**
72 **specified in subdivisions (2) and (3) of subsection 5 of this section, the applicant for a school**
73 **bus endorsement shall submit two sets of fingerprints. One set of fingerprints shall be used**
74 **by the highway patrol in order to search the criminal history repository and the second set**
75 **shall be forwarded to the Federal Bureau of Investigation for searching the federal**
76 **criminal history files.**

77 **8. The applicant shall pay the fee for the state criminal history information**
78 **pursuant to section 43.530, RSMo, and pay the appropriate fee determined by the Federal**
79 **Bureau of Investigation for the federal criminal history record when he or she applies for**
80 **the school bus endorsement pursuant to this section. The director shall distribute the fees**
81 **collected for the state and federal criminal histories to the highway patrol.**

82 **9. The director may adopt any rules and regulations necessary to carry out the**
83 **provisions of this section. Any rule or portion of a rule, as that term is defined in section**
84 **536.010, RSMo, that is created under the authority delegated in this section shall become**
85 **effective only if it complies with and is subject to all of the provisions of chapter 536,**
86 **RSMo, and, if applicable, section 536.028, RSMo.**

87 **10. Except as otherwise provided in this section, an applicant who possesses a valid**
88 **driver's license from another state with a valid school bus endorsement and who is**
89 **otherwise qualified to receive a school bus endorsement in this state, shall be issued a**
90 **school bus permit. The requirements to obtain and retain such permit shall be identical**
91 **to those requirements for a school bus endorsement issued pursuant to this section.**

302.302. 1. The director of revenue shall put into effect a point system for the suspension and revocation of licenses. Points shall be assessed only after a conviction or forfeiture of collateral. The initial point value is as follows:

(1) Any moving violation of a state law or county or municipal or federal traffic ordinance or regulation not listed in this section, other than a violation of vehicle equipment provisions or a court-ordered supervision as provided in section 302.303 2 points

(except any violation of municipal stop sign ordinance where no accident is involved 1 point)

(2) Speeding In violation of a state law 3 points
In violation of a county or municipal ordinance 2 points

(3) Leaving the scene of an accident in violation of section 577.060, RSMo 12 points
In violation of any county or municipal ordinance 6 points

(4) Careless and imprudent driving in violation of subsection 4 of section 304.016, RSMo 4 points
In violation of a county or municipal ordinance 2 points

(5) Operating without a valid license in violation of subdivision (1) or (2) of subsection 1 of section 302.020:

(a) For the first conviction 2 points

(b) For the second conviction 4 points

(c) For the third conviction 6 points

(6) Operating with a suspended or revoked license prior to restoration of operating privileges 12 points

(7) Obtaining a license by misrepresentation 12 points

(8) For the first conviction of driving while in an intoxicated condition or under the influence of controlled substances or drugs 8 points

(9) For the second or subsequent conviction of any of the following offenses however combined: driving while in an intoxicated condition, driving under the influence of controlled substances or drugs or driving with a blood alcohol content of eight-hundredths of one percent or more by weight 12 points

(10) For the first conviction for driving with blood alcohol content eight-hundredths of one percent or more by weight In violation of state law 8 points
In violation of a county or municipal ordinance or federal law or regulation 8 points

(11) Any felony involving the use of a motor vehicle 12 points

(12) Knowingly permitting unlicensed operator to operate a motor vehicle 4 points

(13) For a conviction for failure to maintain financial responsibility

37 pursuant to county or municipal ordinance or pursuant to section 303.025, RSMo . . . 4 points

38 2. The director shall, as provided in subdivision (5) of subsection 1 of this section, assess
39 an operator points for a conviction pursuant to subdivision (1) or (2) of subsection 1 of section
40 302.020, when the director issues such operator a license or permit pursuant to the provisions
41 of sections 302.010 to 302.340.

42 3. An additional two points shall be assessed when personal injury or property damage
43 results from any violation listed in subsection 1 of this section and if found to be warranted and
44 certified by the reporting court.

45 4. When any of the acts listed in subdivision (2), (3), (4) or (8) of subsection 1 of this
46 section constitutes both a violation of a state law and a violation of a county or municipal
47 ordinance, points may be assessed for either violation but not for both. Notwithstanding that an
48 offense arising out of the same occurrence could be construed to be a violation of subdivisions
49 (8), (9) and (10) of subsection 1 of this section, no person shall be tried or convicted for more
50 than one offense pursuant to subdivisions (8), (9) and (10) of subsection 1 of this section for
51 offenses arising out of the same occurrence.

52 5. The director of revenue shall put into effect a system for staying the assessment of
53 points against an operator. The system shall provide that the satisfactory completion of a
54 driver-improvement program or, in the case of violations committed while operating a
55 motorcycle, a motorcycle-rider training course approved by the director of the department of
56 public safety, by an operator, when so ordered and verified by any court having jurisdiction over
57 any law of this state or county or municipal ordinance, regulating motor vehicles, other than a
58 violation committed in a commercial motor vehicle as defined in section 302.700 **or a violation**
59 **committed by an individual who has been issued a commercial driver's license or is**
60 **required to obtain a commercial driver's license in this state or any other state**, shall be
61 accepted by the director in lieu of the assessment of points for a violation pursuant to subdivision
62 (1), (2) or (4) of subsection 1 of this section or pursuant to subsection 3 of this section. For the
63 purposes of this subsection, the driver-improvement program shall meet or exceed the standards
64 of the National Safety Council's eight-hour "Defensive Driving Course" or, in the case of a
65 violation which occurred during the operation of a motorcycle, the program shall meet the
66 standards established by the director of the department of public safety pursuant to sections
67 302.133 to 302.138. The completion of a driver-improvement program or a motorcycle-rider
68 training course shall not be accepted in lieu of points more than one time in any thirty-six-month
69 period and shall be completed within sixty days of the date of conviction in order to be accepted
70 in lieu of the assessment of points. Every court having jurisdiction pursuant to the provisions
71 of this subsection shall, within fifteen days after completion of the driver-improvement program
72 or motorcycle-rider training course by an operator, forward a record of the completion to the

73 director, all other provisions of the law to the contrary notwithstanding. The director shall
74 establish procedures for record keeping and the administration of this subsection.

302.309. 1. Whenever any license is suspended pursuant to sections 302.302 to 302.309,
2 the director of revenue shall return the license to the operator immediately upon the termination
3 of the period of suspension and upon compliance with the requirements of chapter 303, RSMo.

4 2. Any operator whose license is revoked pursuant to these sections, upon the
5 termination of the period of revocation, shall apply for a new license in the manner prescribed
6 by law.

7 3. (1) All circuit courts or the director of revenue shall have jurisdiction to hear
8 applications and make eligibility determinations granting limited driving privileges. Any
9 application may be made in writing to the director of revenue and the person's reasons for
10 requesting the limited driving privilege shall be made therein.

11 (2) When any court of record having jurisdiction or the director of revenue finds that an
12 operator is required to operate a motor vehicle in connection with any of the following:

13 (a) A business, occupation, or employment;

14 (b) Seeking medical treatment for such operator;

15 (c) Attending school or other institution of higher education;

16 (d) Attending alcohol or drug treatment programs; or

17 (e) Any other circumstance the court or director finds would create an undue hardship
18 on the operator;

19

20 the court or director may grant such limited driving privilege as the circumstances of the case
21 justify if the court or director finds undue hardship would result to the individual, and while so
22 operating a motor vehicle within the restrictions and limitations of the limited driving privilege
23 the driver shall not be guilty of operating a motor vehicle without a valid license.

24 (3) An operator may make application to the proper court in the county in which such
25 operator resides or in the county in which is located the operator's principal place of business or
26 employment. Any application for a limited driving privilege made to a circuit court shall name
27 the director as a party defendant and shall be served upon the director prior to the grant of any
28 limited privilege, and shall be accompanied by a copy of the applicant's driving record as
29 certified by the director. Any applicant for a limited driving privilege shall have on file with the
30 department of revenue proof of financial responsibility as required by chapter 303, RSMo. Any
31 application by a person who transports persons or property as classified in section 302.015 may
32 be accompanied by proof of financial responsibility as required by chapter 303, RSMo, but if
33 proof of financial responsibility does not accompany the application, or if the applicant does not
34 have on file with the department of revenue proof of financial responsibility, the court or the

35 director has discretion to grant the limited driving privilege to the person solely for the purpose
36 of operating a vehicle whose owner has complied with chapter 303, RSMo, for that vehicle, and
37 the limited driving privilege must state such restriction. When operating such vehicle under such
38 restriction the person shall carry proof that the owner has complied with chapter 303, RSMo, for
39 that vehicle.

40 (4) The court order or the director's grant of the limited driving privilege shall indicate
41 the termination date of the privilege, which shall be not later than the end of the period of
42 suspension or revocation. A copy of any court order shall be sent by the clerk of the court to the
43 director, and a copy shall be given to the driver which shall be carried by the driver whenever
44 such driver operates a motor vehicle. The director of revenue upon granting a limited driving
45 privilege shall give a copy of the limited driving privilege to the applicant. The applicant shall
46 carry a copy of the limited driving privilege while operating a motor vehicle. A conviction
47 which results in the assessment of points pursuant to section 302.302, other than a violation of
48 a municipal stop sign ordinance where no accident is involved, against a driver who is operating
49 a vehicle pursuant to a limited driving privilege terminates the privilege, as of the date the points
50 are assessed to the person's driving record. If the date of arrest is prior to the issuance of the
51 limited driving privilege, the privilege shall not be terminated. The director shall notify by
52 ordinary mail the driver whose privilege is so terminated.

53 (5) Except as provided in subdivision (6) of this subsection, no person is eligible to
54 receive a limited driving privilege who at the time of application for a limited driving privilege
55 has previously been granted such a privilege within the immediately preceding five years, or
56 whose license has been suspended or revoked for the following reasons:

57 (a) A conviction of violating the provisions of section 577.010 or 577.012, RSMo, or any
58 similar provision of any federal or state law, or a municipal or county law where the judge in
59 such case was an attorney and the defendant was represented by or waived the right to an
60 attorney in writing, until the person has completed the first thirty days of a suspension or
61 revocation imposed pursuant to this chapter;

62 (b) A conviction of any felony in the commission of which a motor vehicle was used;

63 (c) Ineligibility for a license because of the provisions of subdivision (1), (2), (4), (5),
64 (6), (7), (8), (9), (10) or (11) of section 302.060;

65 (d) Because of operating a motor vehicle under the influence of narcotic drugs, a
66 controlled substance as defined in chapter 195, RSMo, or having left the scene of an accident as
67 provided in section 577.060, RSMo;

68 (e) Due to a revocation for the first time for failure to submit to a chemical test pursuant
69 to section 577.041, RSMo, or due to a refusal to submit to a chemical test in any other state, if
70 such person has not completed the first ninety days of such revocation;

71 (f) Violation more than once of the provisions of section 577.041, RSMo, or a similar
72 implied consent law of any other state; **or**

73 (g) [Disqualification of a commercial driver's license pursuant to sections 302.700 to
74 302.780, however, nothing in this subsection shall prevent a person holding a commercial
75 driver's license who is suspended or revoked as a result of an action occurring while not driving
76 a commercial motor vehicle or driving for pay, but while driving in an individual capacity as an
77 operator of a personal vehicle from applying for a limited driving privilege to operate a
78 commercial vehicle, if otherwise eligible for such limited privilege; or

79 (h)] Due to a suspension pursuant to subsection 2 of section 302.525 and who has not
80 completed the first thirty days of such suspension, provided the person is not otherwise ineligible
81 for a limited driving privilege; or due to a revocation pursuant to subsection 2 of section 302.525
82 if such person has not completed such revocation.

83 **(6) No person who possesses a commercial driver's license shall receive a limited**
84 **driving privilege issued for the purpose of operating a commercial motor vehicle if such**
85 **person's driving privilege is suspended, revoked, canceled, denied, or disqualified. Nothing**
86 **in this section shall prohibit the issuance of a limited driving privilege for the purpose of**
87 **operating a noncommercial motor vehicle provided that pursuant to the provisions of this**
88 **section, the applicant is not otherwise ineligible for a limited driving privilege.**

89 **(7) (a)** Provided that pursuant to the provisions of this section, the applicant is not
90 otherwise ineligible for a limited driving privilege, a circuit court or the director may, in the
91 manner prescribed in this subsection, allow a person who has had such person's license to operate
92 a motor vehicle revoked where that person cannot obtain a new license for a period of ten years,
93 as prescribed in subdivision (9) of section 302.060, to apply for a limited driving privilege
94 pursuant to this subsection if such person has served at least three years of such disqualification
95 or revocation. Such person shall present evidence satisfactory to the court or the director that
96 such person has not been convicted of any offense related to alcohol, controlled substances or
97 drugs during the preceding three years and that the person's habits and conduct show that the
98 person no longer poses a threat to the public safety of this state.

99 **(b)** Provided that pursuant to the provisions of this section, the applicant is not otherwise
100 ineligible for a limited driving privilege or convicted of involuntary manslaughter while
101 operating a motor vehicle in an intoxicated condition, a circuit court or the director may, in the
102 manner prescribed in this subsection, allow a person who has had such person's license to operate
103 a motor vehicle revoked where that person cannot obtain a new license for a period of five years
104 because of two convictions of driving while intoxicated, as prescribed in subdivision (10) of
105 section 302.060, to apply for a limited driving privilege pursuant to this subsection if such person
106 has served at least two years of such disqualification or revocation. Such person shall present

107 evidence satisfactory to the court or the director that such person has not been convicted of any
108 offense related to alcohol, controlled substances or drugs during the preceding two years and that
109 the person's habits and conduct show that the person no longer poses a threat to the public safety
110 of this state. Any person who is denied a license permanently in this state because of an
111 alcohol-related conviction subsequent to a restoration of such person's driving privileges
112 pursuant to subdivision (9) of section 302.060 shall not be eligible for limited driving privilege
113 pursuant to the provisions of this subdivision.

114 4. Any person who has received notice of denial of a request of limited driving privilege
115 by the director of revenue may make a request for a review of the director's determination in the
116 circuit court of the county in which the person resides or the county in which is located the
117 person's principal place of business or employment within thirty days of the date of mailing of
118 the notice of denial. Such review shall be based upon the records of the department of revenue
119 and other competent evidence and shall be limited to a review of whether the applicant was
120 statutorily entitled to the limited driving privilege.

121 5. The director of revenue shall promulgate rules and regulations necessary to carry out
122 the provisions of this section. Any rule or portion of a rule, as that term is defined in section
123 536.010, RSMo, that is created under the authority delegated in this section shall become
124 effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo,
125 and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are
126 nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536,
127 RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently
128 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted
129 after August 28, 2001, shall be invalid and void.

302.700. 1. Sections 302.700 to 302.780 may be cited as the "Uniform Commercial
2 Driver's License Act".

3 2. When used in sections 302.700 to 302.780, the following words and phrases mean:

4 (1) "Alcohol", any substance containing any form of alcohol, including, but not limited
5 to, ethanol, methanol, propanol and isopropanol;

6 (2) "Alcohol concentration", the number of grams of alcohol per one hundred milliliters
7 of blood or the number of grams of alcohol per two hundred ten liters of breath or the number
8 of grams of alcohol per sixty-seven milliliters of urine;

9 (3) "Commercial driver's instruction permit", a permit issued pursuant to section
10 302.720;

11 (4) "Commercial driver's license", a license issued by this state to an individual which
12 authorizes the individual to operate a commercial motor vehicle;

13 (5) "Commercial driver's license information system", the information system established
14 pursuant to the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570)
15 to serve as a clearinghouse for locating information related to the licensing and identification of
16 commercial motor vehicle drivers;

17 (6) "Commercial motor vehicle", a motor vehicle designed or used to transport
18 passengers or property:

19 (a) If the vehicle has a gross combination weight rating of twenty-six thousand one or
20 more pounds inclusive of a towed unit which has a gross vehicle weight rating of ten thousand
21 one pounds or more;

22 (b) If the vehicle has a gross vehicle weight rating of twenty-six thousand one or more
23 pounds or such lesser rating as determined by federal regulation;

24 (c) If the vehicle is designed to transport [more than fifteen] **sixteen or more** passengers,
25 including the driver; or

26 (d) If the vehicle is transporting hazardous materials and is required to be placarded
27 under the Hazardous Materials Transportation Act (46 U.S.C. 1801 et seq.);

28 (7) "Controlled substance", any substance so classified under Section 102(6) of the
29 Controlled Substances Act (21 U.S.C. 802(6)), and includes all substances listed in schedules
30 I through V of 21 CFR part 1308, as they may be revised from time to time;

31 (8) "Conviction", an unvacated adjudication of guilt, or a determination that a person has
32 violated or failed to comply with the law in a court of original jurisdiction or an authorized
33 administrative proceeding, an unvacated forfeiture of bail or collateral deposited to secure the
34 person's appearance in court, the payment of a fine or court cost, or violation of a condition of
35 release without bail, regardless of whether the penalty is rebated, suspended or prorated;

36 (9) "Director", the director of revenue or his authorized representative;

37 (10) "Disqualification", [a withdrawal of the privilege to drive a commercial motor
38 vehicle;] **means any of the following three actions:**

39 (a) **The suspension, revocation, or cancellation of a commercial driver's license;**

40 (b) **Any withdrawal of a person's privileges to drive a commercial motor vehicle by**
41 **a state as the result of a violation of federal, state, county, municipal, or local law relating**
42 **to motor vehicle traffic control or violations committed through the operation of motor**
43 **vehicles, other than parking, vehicle weight, or vehicle defect violations;**

44 (c) **A determination by the Federal Motor Carrier Safety Administration that a**
45 **person is not qualified to operate a commercial motor vehicle under 49 CFR Part 383.52**
46 **or Part 391;**

47 (11) "Drive", to drive, operate or be in physical control of a commercial motor vehicle;

48 (12) "Driver", any person who drives, operates, or is in physical control of a
49 [commercial] motor vehicle, or who is required to hold a commercial driver's license;

50 (13) "Driving under the influence of alcohol", the commission of any one or more of the
51 following acts [in a commercial motor vehicle]:

52 (a) Driving a commercial motor vehicle with the alcohol concentration of four
53 one-hundredths of a percent or more as prescribed by the secretary or such other alcohol
54 concentration as may be later determined by the secretary by regulation;

55 (b) Driving a **commercial or noncommercial motor vehicle** while intoxicated in
56 violation of any federal or state law, or in violation of a county or municipal ordinance;

57 (c) Driving a **commercial or noncommercial motor vehicle** with excessive blood
58 alcohol content in violation of any federal or state law, or in violation of a county or municipal
59 ordinance;

60 (d) Refusing to submit to a chemical test in violation of section 577.041, RSMo, section
61 302.750, any federal or state law, or a county or municipal ordinance; or

62 (e) Having any state, county or municipal alcohol-related enforcement contact, as defined
63 in subsection 3 of section 302.525; **provided that any suspension or revocation pursuant to**
64 **section 302.505, committed in a noncommercial motor vehicle by an individual twenty-one**
65 **years of age or older shall have been committed by the person with an alcohol**
66 **concentration of at least eight-hundredths of one percent or more, or in the case of an**
67 **individual who is less than twenty-one years of age, shall have been committed by the**
68 **person with an alcohol concentration of at least two-hundredths of one percent or more,**
69 **and if committed in a commercial motor vehicle, a concentration of four-hundredths of one**
70 **percent or more;**

71 (14) "Driving under the influence of a controlled substance", the commission of any one
72 or more of the following acts in a commercial **or noncommercial** motor vehicle:

73 (a) Driving a commercial **or noncommercial** motor vehicle while under the influence
74 of any substance so classified under Section 102(6) of the Controlled Substances Act (21 U.S.C.
75 802(6)), including any substance listed in schedules I through V of 21 CFR part 1308, as they
76 may be revised from time to time;

77 (b) Driving a commercial **or noncommercial** motor vehicle while in a drugged condition
78 in violation of any federal or state law or in violation of a county or municipal ordinance; or

79 (c) Refusing to submit to a chemical test in violation of section 577.041, RSMo, section
80 302.750, any federal or state law, or a county or municipal ordinance;

81 (15) "Employer", any person, including the United States, a state, or a political
82 subdivision of a state, who owns or leases a commercial motor vehicle or assigns a driver to
83 operate such a vehicle;

84 (16) "Farm vehicle", a commercial motor vehicle controlled and operated by a farmer
85 used exclusively for the transportation of agricultural products, farm machinery, farm supplies,
86 or a combination of these, within one hundred fifty miles of the farm, other than one which
87 requires placarding for hazardous materials as defined in this section, or used in the operation
88 of a common or contract motor carrier, except that a farm vehicle shall not be a commercial
89 motor vehicle when the total combined gross weight rating does not exceed twenty-six thousand
90 one pounds when transporting fertilizers as defined in subdivision (20) of this subsection;

91 (17) **"Fatality", the death of a person as a result of a motor vehicle accident;**

92 (18) "Felony", any offense under state or federal law that is punishable by death or
93 imprisonment for a term exceeding one year;

94 [(18)] (19) "Gross combination weight rating" or "GCWR", the value specified by the
95 manufacturer as the loaded weight of a combination (articulated) vehicle. In the absence of a
96 value specified by the manufacturer, GCWR will be determined by adding the GVWR of the
97 power unit and the total weight of the towed unit and any load thereon;

98 [(19)] (20) "Gross vehicle weight rating" or "GVWR", the value specified by the
99 manufacturer as the loaded weight of a single vehicle;

100 [(20)] (21) "Hazardous materials", hazardous materials as specified in Section 103 of the
101 Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq.). Fertilizers, including but not
102 limited to ammonium nitrate, phosphate, nitrogen, anhydrous ammonia, lime, potash, motor fuel
103 or special fuel, shall not be considered hazardous materials when transported by a farm vehicle
104 provided all other provisions of this definition are followed;

105 (22) **"Imminent hazard", the existence of a condition that presents a substantial
106 likelihood that death, serious illness, severe personal injury, or a substantial endangerment
107 to health, property, or the environment may occur before the reasonably foreseeable
108 completion date of a formal proceeding begins to lessen the risk of that death, illness,
109 injury, or endangerment;**

110 [(21)] (23) "Motor vehicle", any self-propelled vehicle not operated exclusively upon
111 tracks;

112 (24) **"Noncommercial motor vehicle", a motor vehicle or combination of motor
113 vehicles not defined by the term "commercial motor vehicle" in this section;**

114 [(22)] (25) "Out of service", a temporary prohibition against the operation of a
115 commercial motor vehicle by a particular driver, or the operation of a particular commercial
116 motor vehicle, or the operation of a particular motor carrier;

117 [(23)] (26) "Out-of-service order", a declaration by the Federal Highway Administration,
118 or any authorized enforcement officer of a federal, state, Commonwealth of Puerto Rico,

119 Canadian, Mexican or any local jurisdiction, that a driver, or a commercial motor vehicle, or a
120 motor carrier operation, is out of service;

121 **(27) "School bus", a commercial motor vehicle used to transport preprimary,**
122 **primary, or secondary school students from home to school, from school to home, or to and**
123 **from school-sponsored events. School bus does not include a bus used as a common carrier**
124 **as defined by the secretary;**

125 [(24)] **(28) "Secretary", the Secretary of Transportation of the United States;**

126 [(25)] **(29) "Serious traffic violation", driving a commercial motor vehicle in such a**
127 **manner that the driver receives a conviction for the following offenses or driving a**
128 **noncommercial motor vehicle when the driver receives a conviction for the following**
129 **offenses and the conviction results in the suspension or revocation of the driver's license**
130 **or noncommercial motor vehicle driving privilege:**

131 (a) Excessive speeding, as defined by the secretary by regulation;

132 (b) Careless, reckless or imprudent driving which includes, but shall not be limited to,
133 any violation of section 304.016, RSMo, any violation of section 304.010, RSMo, or any other
134 violation of **federal or** state law, or any county or municipal ordinance while driving a
135 commercial motor vehicle in a willful or wanton disregard for the safety of persons or property,
136 or improper or erratic traffic lane changes, or following the vehicle ahead too closely, but shall
137 not include careless and imprudent driving by excessive speed;

138 (c) A violation of any **federal or** state law or county or municipal ordinance regulating
139 the operation of motor vehicles arising out of an accident or collision which resulted in death to
140 any person, other than a parking violation; [or]

141 **(d) Driving a commercial motor vehicle without obtaining a commercial driver's**
142 **license in violation of any federal or state law or county or municipal ordinance;**

143 **(e) Driving a commercial motor vehicle without a commercial driver's license in the**
144 **driver's possession in violation of any federal or state law or county or municipal**
145 **ordinance. Any individual who provides proof to the court which has jurisdiction over the**
146 **issued citation that the individual held a valid commercial driver's license on the date the**
147 **citation was issued, shall not be guilty of this offense;**

148 **(f) Driving a commercial motor vehicle without the proper commercial driver's**
149 **license class or endorsement for the specific vehicle group being operated or for the**
150 **passengers or type of cargo being transported in violation of any federal or state law or**
151 **county or municipal ordinance; or**

152 **(g) Any other violation of a federal or** state law or county or municipal ordinance
153 regulating the operation of motor vehicles, other than a parking violation, as prescribed by the
154 secretary by regulation;

155 [(26)] **(30)** "State", a state, territory or possession of the United States, the District of
156 Columbia, the Commonwealth of Puerto Rico, Mexico, and any province of Canada;

157 [(27)] **(31)** "United States", the fifty states and the District of Columbia.

302.725. Any person who drives a commercial motor vehicle without the proper class
2 of license or applicable endorsements valid for the type of vehicle being operated, or a
3 commercial driver's instruction permit, or a receipt which indicates the driver is qualified to drive
4 a commercial motor vehicle, [or while driving privileges are suspended, revoked, or canceled,
5 or while disqualified from operating a commercial motor vehicle,] or who violates license
6 restrictions in any state, **or driving a commercial motor vehicle without a commercial
7 driver's license in his or her possession** shall be guilty of a class A misdemeanor. **Any
8 individual who provides proof to the court by the date the individual must appear in court
9 or pay any fine for such a violation that the individual held a valid commercial driver's
10 license on the date the citation was issued shall not be guilty of this offense.** No court shall
11 suspend the imposition of sentence as to such person nor sentence such person to a fine in lieu
12 of a term of imprisonment, nor shall such person be eligible for parole or probation until he has
13 served a minimum of forty-eight consecutive hours of imprisonment, unless as a condition of
14 such parole or probation, such person performs at least ten days involving at least forty hours of
15 community service under the supervision of the court in those jurisdictions which have a
16 recognized program for community service. Upon receipt of such conviction the director shall
17 [revoke] **disqualify** such person's privilege to drive a commercial motor vehicle [for a period of
18 two years] **pursuant to section 302.755.**

**302.727. 1. A person commits the crime of driving a commercial motor vehicle
2 while revoked if such person operates a commercial motor vehicle when, as a result of prior
3 violations committed while operating a commercial motor vehicle, the driver's commercial
4 driver license is revoked, suspended, or canceled, or the driver is disqualified from
5 operating a commercial motor vehicle.**

**2. Any person convicted of driving a commercial motor vehicle while revoked is
6 guilty of a class A misdemeanor. Any person with no prior alcohol-related enforcement
7 contacts as defined in section 302.525, convicted a fourth or subsequent time of driving a
8 commercial motor vehicle while revoked or a county or municipal ordinance of driving a
9 commercial motor vehicle while suspended or revoked where the judge in such case was
10 an attorney and the defendant was represented by or waived the right to an attorney in
11 writing, and where the prior three driving a commercial motor vehicle while revoked
12 offenses occurred within ten years of the date of occurrence of the present offense and
13 where the person received and served a sentence of ten days or more on such previous
14 offenses; and any person with a prior alcohol-related enforcement contact as defined in
15**

16 **section 302.525, convicted a third or subsequent time of driving a commercial motor vehicle**
17 **while revoked or a county or municipal ordinance of driving a commercial motor vehicle**
18 **while suspended or revoked where the judge in such case was an attorney and the**
19 **defendant was represented by or waived the right to an attorney in writing, and where the**
20 **prior two driving a commercial motor vehicle while revoked offenses occurred within ten**
21 **years of the date of occurrence of the present offense and where the person received and**
22 **served a sentence of ten days or more on such previous offenses is guilty of a class D felony.**
23 **No court shall suspend the imposition of sentence as to such a person nor sentence such**
24 **person to pay a fine in lieu of a term of imprisonment, nor shall such person be eligible for**
25 **parole or probation until he or she has served a minimum of forty-eight consecutive hours**
26 **of imprisonment, unless as a condition of such parole or probation, such person performs**
27 **at least ten days involving at least forty hours of community service under the supervision**
28 **of the court in those jurisdictions which have a recognized program for community service.**
29 **Driving a commercial motor vehicle while revoked is a class D felony on the second or**
30 **subsequent conviction pursuant to section 577.010, RSMo, or a fourth or subsequent**
31 **conviction for any other offense.**

302.735. 1. The application for a commercial driver's license shall include, but not be
2 limited to, the **applicant's** legal name, mailing and residence address, if different, a physical
3 description of the person, including sex, height, weight and eye color, the person's Social
4 Security number, date of birth and any other information deemed appropriate by the director.
5 **The application shall also require the applicant to provide the names of all states where the**
6 **applicant has been previously licensed to drive any type of motor vehicle during the**
7 **preceding ten years.**

8 2. The application for a commercial driver's license or renewal shall be accompanied by
9 the payment of a fee of forty dollars. The fee for a duplicate commercial driver's license shall
10 be twenty dollars. A commercial driver's license shall expire on the applicant's birthday in the
11 sixth year after issuance and must be renewed on or before the date of expiration. The director
12 shall have the authority to stagger the issuance or renewal of commercial driver's license
13 applicants over a six-year period. When a person changes such person's name an application for
14 a duplicate license shall be made to the director of revenue. When a person changes such
15 person's mailing address or residence the applicant shall notify the director of revenue of said
16 change, however, no application for a duplicate license is required. To all applicants for a
17 commercial license or renewal who are between eighteen and twenty-one years of age and
18 seventy years of age and older, the application shall be accompanied by a fee of twenty dollars.
19 A commercial license issued pursuant to **this section to** an applicant less than twenty-one years
20 of age and seventy years of age and older **or to an applicant for a commercial driver's license**

21 **containing a school bus or hazardous materials endorsement** shall expire on the applicant's
22 birthday in the third year after issuance.

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

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

302.740. 1. The commercial driver's license shall be manufactured of materials and
2 processes that will prohibit as nearly as possible, the ability to reproduce, alter, counterfeit, forge,
3 or duplicate any license without ready detection. Such license shall include, but not be limited
4 to, the following information: a colored photograph of the person, the legal name and address
5 of the person, a physical description of the person, including sex, height, weight and eye color,
6 the person's Social Security number or such other number or identifier deemed appropriate by
7 the director or the secretary, the date of birth, class or type of commercial motor vehicle or
8 vehicles which the person is authorized to drive, the name of this state, and the words
9 "COMMERCIAL DRIVER'S LICENSE" or "CDL", the dates of issuance and expiration, the
10 person's signature and such other information as the director prescribes.

11 2. Before issuing a commercial driver's license, the director shall obtain driving record
12 information from sources including, but not limited to, the national driver's register [or], the
13 commercial driver's license information system [of], **and any state driver's licensing system** in
14 which the person has been licensed; **except that the director shall only be required to obtain**
15 **the complete driving record from each state the person has ever been licensed in when such**
16 **person is issued an initial commercial driver's license or renews his or her commercial**
17 **driver's license for the first time. The director shall maintain a notation in the driving**
18 **record system of the date when he or she has obtained the driving records from all other**
19 **states which the person has been licensed.**

20 3. Within ten days after issuing a commercial driver's license, the director shall notify
21 the commercial driver's license information system of such fact, providing all information
22 required to ensure identification of the person. For the purpose of this subsection, the date of
23 issuance shall be the date the commercial driver's license is mailed to the applicant.

24 4. The commercial driver's license shall indicate the class of vehicle the person may
25 drive and any applicable endorsements or restrictions. Commercial driver's license
26 classifications, endorsements and restrictions shall be in compliance with the Commercial Motor
27 Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570) and those prescribed by the director.
28 **The commercial driver's license driving record shall contain a complete history of the**
29 **driver, including information and convictions from previous states of licensure.**

302.755. 1. A person is disqualified from driving a commercial motor vehicle for a
2 period of not less than one year if convicted of a first violation of:

3 (1) Driving a [commercial] motor vehicle under the influence of alcohol or a controlled
4 substance;

5 (2) **Driving a commercial motor vehicle which causes a fatality through the**
6 **negligent operation of the commercial motor vehicle, including but not limited to the**
7 **crimes of vehicular manslaughter, homicide by motor vehicle, and negligent homicide;**

8 (3) **Driving a commercial motor vehicle while revoked pursuant to section 302.727;**

9 (4) Leaving the scene of an accident involving a commercial **or noncommercial** motor
10 vehicle operated by the person;

11 [(3)] (5) Using a commercial **or noncommercial** motor vehicle in the commission of any
12 felony, as defined in section 302.700, **except a felony as provided in subsection 4 of this**
13 **section.**

14 2. If any of the violations described in subsection 1 of this section occur while
15 transporting a hazardous material the person is disqualified for a period of not less than three
16 years.

17 3. Any person is disqualified from operating a commercial motor vehicle for life if
18 convicted of two or more violations of any of the offenses specified in subsection 1 of this
19 section, or any combination of those offenses, arising from two or more separate incidents. The
20 director may issue rules and regulations, in accordance with guidelines established by the
21 secretary, under which a disqualification for life under this section may be reduced to a period
22 of not less than ten years.

23 4. Any person is disqualified from driving a commercial motor vehicle for life who uses
24 a commercial **or noncommercial** motor vehicle in the commission of any felony involving the
25 manufacture, distribution, or dispensing of a controlled substance, or possession with intent to
26 manufacture, distribute, or dispense a controlled substance.

27 5. Any person is disqualified from operating a commercial motor vehicle for a period
28 of not less than sixty days if convicted of two serious traffic violations or one hundred twenty
29 days if convicted of three serious traffic violations, [committed in a commercial motor vehicle]
30 arising from separate incidents occurring within a three-year period.

31 6. Any person found to be operating a commercial motor vehicle while having any
32 measurable alcohol concentration shall immediately be issued a continuous twenty-four-hour
33 out-of-service order by a law enforcement officer in this state.

34 7. Any person who is convicted of operating a commercial motor vehicle during a
35 continuous twenty-four-hour period beginning at the time of issuance of the out-of-service order
36 is guilty of a class A misdemeanor.

37 8. Any person convicted for the first time of driving while out of service shall be
38 disqualified from driving a commercial motor vehicle for a period of ninety days.

39 9. Any person convicted of driving while out of service on a second occasion during any
40 ten-year period, involving separate incidents, shall be disqualified for a period of one year.

41 10. Any person convicted of driving while out of service on a third or subsequent
42 occasion during any ten-year period, involving separate incidents, shall be disqualified for a
43 period of three years.

44 11. Any person convicted of a first violation of an out-of-service order while transporting
45 hazardous materials or while operating a motor vehicle designed to transport [more than fifteen]
46 **sixteen or more** passengers, including the driver, is disqualified for a period of one hundred
47 eighty days.

48 12. Any person convicted of any subsequent violation of an out-of-service order in a
49 separate incident within ten years after a previous violation, while transporting hazardous
50 materials or while operating a motor vehicle designed to transport fifteen passengers, including
51 the driver, is disqualified for a period of three years.

52 13. Any person convicted of any other offense as specified by regulations promulgated
53 by the Secretary of Transportation shall be disqualified in accordance with such regulations.

54 14. After suspending, revoking, canceling or disqualifying a driver, the director shall
55 update records to reflect such action and notify a nonresident's licensing authority and the
56 commercial driver's license information system within ten days **in the manner prescribed in**
57 **49 CFR Part 384, or as amended by the secretary.**

58 15. Any person disqualified from operating a commercial motor vehicle pursuant to
59 subsection 1, 2, 3 or 4 of this section shall have such commercial driver's license canceled, and
60 upon conclusion of the period of disqualification shall take the written and driving tests and meet
61 all other requirements of sections 302.700 to 302.780. Such disqualification and cancellation
62 shall not be withdrawn by the director until such person reapplies for a commercial driver's
63 license in this or any other state after meeting all requirements of sections 302.700 to 302.780.

64 **16. The director shall disqualify a driver upon receipt of notification that the**
65 **secretary has determined a driver to be an imminent hazard pursuant to 49 CFR, part**
66 **383.52. Due process of a disqualification determined by the secretary pursuant to this**

67 **section shall be held in accordance with regulations promulgated by the secretary. The**
68 **period of disqualification determined by the secretary pursuant to this section shall be**
69 **served concurrently to any other period of disqualification which may be imposed by the**
70 **director pursuant to this section. Both disqualifications shall appear on the driving record**
71 **of the driver.**

302.756. 1. Notwithstanding any other provision of law to the contrary, any driver who
2 violates or fails to comply with an out-of-service order is subject to a civil penalty [of one
3 thousand dollars] **not to exceed an amount as determined by the secretary pursuant to 49**
4 **CFR Part 383, or as amended by the secretary**, in addition to disqualification as provided by
5 law. Any civil penalty established in this section shall not become effective and enforced until
6 October 1, 1996.

7 2. Any employer who violates an out-of-service order, or who knowingly requires or
8 permits a driver to violate or fail to comply with an out-of-service order, is subject to a civil
9 penalty of two thousand five hundred dollars.

10 3. The [general] **chief** counsel to the [division of motor carrier and railroad safety within
11 the department of economic development] **state highways and transportation commission**
12 shall bring an action in accordance with the procedures under section 390.156, RSMo, to recover
13 a civil penalty under this section against a driver who violates or fails to comply with an
14 out-of-service order, or against an employer who violates an out-of-service order or knowingly
15 requires or permits a driver to violate or fail to comply with an out-of-service order, or both.

16 4. In addition to any other remedies under this section, actions under this section may
17 be brought against a driver or employer who violates or fails to comply with an out-of-service
18 order with reference to a motor vehicle or combination of motor vehicles used in intrastate
19 commerce which has a capacity of more than five passengers, excluding the driver.

302.760. Within ten days after conviction, suspension, revocation, cancellation or
2 disqualification of any nonresident holder of a commercial driver's license **or any nonresident**
3 **who is required to possess a commercial driver's license** for any violation committed in a
4 [commercial] motor vehicle of state law or any county or municipal ordinance regulating the
5 operation of motor vehicles, other than parking violations, the director shall notify the driver's
6 licensing authority in the licensing state of such action **in the manner prescribed in 49 CFR**
7 **Part 384, or as amended by the secretary.**

304.035. 1. When any person driving a vehicle approaches a railroad grade crossing, the
2 driver of the vehicle shall operate the vehicle in a manner so he will be able to stop, and he shall
3 stop the vehicle not less than fifteen feet and not more than fifty feet from the nearest rail of the
4 railroad track and shall not proceed until he can safely do so if:

5 (1) A clearly visible electric or mechanical signal device warns of the approach of a
6 railroad train; or

7 (2) A crossing gate is lowered or when a human flagman gives or continues to give a
8 signal or warning of the approach or passage of a railroad train; or

9 (3) An approaching railroad train is visible and is in hazardous proximity to such
10 crossing; or

11 (4) Any other traffic sign, device or any other act, rule, regulation or statute requires a
12 vehicle to stop at a railroad grade crossing.

13 2. No person shall drive any vehicle through, around or under any crossing gate or barrier
14 at a railroad crossing when a train is approaching while such gate or barrier is closed or is being
15 opened or closed.

16 3. No person shall drive a vehicle through a railroad crossing when there is not sufficient
17 space to drive completely through the crossing.

18 4. No person shall drive a vehicle through a railroad crossing unless such vehicle has
19 sufficient undercarriage clearance necessary to prevent the undercarriage of the vehicle from
20 contacting the railroad crossing.

21 5. **An operator of a commercial motor vehicle as defined in section 302.700, RSMo,**
22 **shall reduce the vehicle's speed and check that a railroad track is clear of an approaching**
23 **train. This section does not apply to drivers of vehicles which are required to stop at a**
24 **railroad crossing pursuant to section 304.030.**

25 6. Any person violating the provisions of this section is guilty of a class C misdemeanor.

577.054. 1. After a period of not less than ten years, an individual who has pleaded
2 guilty or has been convicted for a first alcohol-related driving offense which is a misdemeanor
3 or a county or city ordinance violation and which is not a conviction for driving a commercial
4 motor vehicle while under the influence of alcohol and who since such date has not been
5 convicted of any other alcohol-related driving offense may apply to the court in which he **or she**
6 pled guilty or was sentenced for an order to expunge from all official records all recordations of
7 his **or her** arrest, plea, trial or conviction. If the court determines, after hearing, that such person
8 has not been convicted of any alcohol-related driving offense in the ten years prior to the date
9 of the application for expungement, and has no other alcohol-related enforcement contacts as
10 defined in section 302.525, RSMo, during that ten-year period, the court shall enter an order of
11 expungement. The effect of such order shall be to restore such person to the status he **or she**
12 occupied prior to such arrest, plea or conviction and as if such event had never taken place. No
13 person as to whom such order has been entered shall be held thereafter under any provision of
14 any law to be guilty of perjury or otherwise giving a false statement by reason of his **or her**
15 failure to recite or acknowledge such arrest, plea, trial, conviction or expungement in response

16 to any inquiry made of him **or her** for any purpose whatsoever and no such inquiry shall be made
17 for information relating to an expungement under this section. A person shall only be entitled
18 to one expungement pursuant to this section. Nothing contained in this section shall prevent the
19 director from maintaining such records as to ensure that an individual receives only one
20 expungement pursuant to this section for the purpose of informing the proper authorities of the
21 contents of any record maintained pursuant to this section.

22 **2. The provisions of this section shall not apply to any individual who has been**
23 **issued a commercial driver's license or is required to possess a commercial driver's license**
24 **issued by this state or any other state.**

Section 1. 1. Notwithstanding any provisions of section 302.272, RSMo, to the
2 **contrary, any individual who operates a school bus as that term is defined in 49 CFR Part**
3 **383, section 383.5, shall meet the requirements for and be issued a school bus endorsement**
4 **as required by the secretary pursuant to 49 CFR, part 383, section 383.123.**

5 **2. The director is authorized to promulgate any rules and regulations necessary to**
6 **carry out the provisions of this section. No rule or portion of a rule promulgated pursuant**
7 **to the authority of this section shall become effective unless it has been promulgated**
8 **pursuant to the provisions of chapter 536, RSMo.**

Section 2. Notwithstanding any other provision of law to the contrary, no federal,
2 **state, county, municipal, or local court shall defer imposition of judgment, suspend**
3 **imposition of sentence, or allow an individual who possesses a commercial driver's license**
4 **or is required to possess a commercial driver's license issued pursuant to chapter 302,**
5 **RSMo, or the laws of another state, to enter into a diversion program that would prevent**
6 **a conviction for any violation, in any type of motor vehicle, of a federal, state, county,**
7 **municipal, or local traffic control law from appearing on the driver's record maintained**
8 **by the director of revenue.**

Section 3. The director of revenue shall adopt the materials incorporated by
2 **reference and record keeping requirements as prescribed in 49 CFR Part 384, or as**
3 **amended by the secretary.**

Section B. The repeal and reenactment of sections 302.177, 302.225, 302.272, 302.302,
2 302.309, 302.700, 302.725, 302.735, 302.740, 302.755, 302.756, 302.760, and 577.054, and the
3 enactment of sections 302.727, 1, 2, and 3 of section A of this act shall become effective
4 September 30, 2005.