

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1118
92ND GENERAL ASSEMBLY

Reported from the Committee on Transportation, May 10, 2004, with recommendation that the Senate Committee Substitute do pass.

3438S.10C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 302.177, 302.225, 302.230, 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 twenty new sections relating to commercial drivers' licenses, with penalty provisions and an effective date for certain sections.

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

Section A. Sections 302.177, 302.225, 302.230, 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302.302, 302.309, 302.700, 302.725, 302.735, 302.740, 302.755, 302.756, 302.760, 304.035, and 577.054, RSMo, are repealed and twenty new sections enacted in lieu thereof, to be known as sections 302.177, 302.225, 302.230, 302.233, 302.272, 302.273, 302.302, 302.309, 302.345, 302.347, 302.700, 302.725, 302.727, 302.735, 302.740, 302.755, 302.756, 302.760, 304.035, and 577.054, 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 sections 302.010 to 302.605, the director shall issue or renew a license upon the payment of a fee of fifteen dollars; except that, no license shall be issued if an applicant's license is currently suspended, taken up, canceled, revoked, or

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

13 deposited in lieu of bail.

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

19 4. To all applicants for a license or renewal to transport persons or property
20 classified in section 302.015 who are between eighteen and twenty-one years of age or
21 greater than sixty-nine years of age, **or to an applicant for such license containing**
22 **a school bus endorsement issued pursuant to section 302.272**, and who submit
23 a satisfactory application and meet the requirements set forth in sections 302.010 to
24 302.605, the director shall issue or renew a license upon the payment of a fee of fifteen
25 dollars.

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

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

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

12 Missouri uniform law enforcement system records. **The director of revenue shall**
13 **enter the conviction information into the appropriate computer systems and**
14 **transmit the conviction information as required in 49 CFR Part 384, or as**
15 **amended by the Secretary of the United States Department of Transportation.**

16 The record of all convictions involving the assessment of points as provided in section
17 302.302 and convictions involving a commercial motor vehicle as defined in section
18 302.700 furnished by a court to the [highway patrol and not to the] department of
19 revenue shall be forwarded by the [highway patrol] **department of revenue** within
20 fifteen days of receipt to the [director of revenue] **Missouri state highway**
21 **patrol. The record related to offenses involving alcohol, controlled**
22 **substances, or drugs, or in which the Missouri state highway patrol was the**
23 **arresting agency shall be entered into the Missouri uniform law enforcement**
24 **system records.**

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

31 3. No municipal judge or municipal official shall have power to revoke any
32 license.

302.230. Any person who makes a false unsworn statement or affidavit or
2 knowingly swears or affirms falsely as to any matter or thing required by sections
3 302.010 to 302.540 shall be deemed guilty of a **class A** misdemeanor [and punishable
4 only by a fine]. No person **who pleads guilty or nolo contendere, or is** found guilty
5 of making a false statement or affidavit shall be licensed to operate a motor vehicle for
6 a period of one year after such **plea, finding or conviction.**

302.233. 1. Notwithstanding any other provision of law, any person who
2 **commits or assists another individual in committing fraud or deception**
3 **during any examination process required by sections 302.010 to 302.782, or**
4 **who knowingly conceals a material fact or provides information which**
5 **contains or is substantiated with false or fraudulent information or**
6 **documentation, or otherwise commits a fraud in an application for an**
7 **instruction permit, driver's license, nondriver's license, or commercial**
8 **driver's license or permit is guilty of a class A misdemeanor.**

9 2. An applicant who pleads guilty or nolo contendere to, or is found

10 **guilty of a violation of this section shall not be licensed to operate a motor**
11 **vehicle or commercial motor vehicle for a period of one year after such plea,**
12 **finding, or conviction.**

13 **3. Any person assisting an applicant who pleads guilty or nolo**
14 **contendere to, or is found guilty of a violation of this section shall have his**
15 **or her existing motor vehicle or commercial motor vehicle license revoked**
16 **and lose all driving privileges for a period of one year after such plea,**
17 **finding, or conviction.**

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

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

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

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

16 (4) The applicant has successfully passed an examination for the operation of a
17 school bus as prescribed by the director of revenue. The examination shall include, but
18 need not be limited to, a written skills examination of applicable laws, rules and
19 procedures, **including any examinations prescribed by the secretary of the**
20 **United States Department of Transportation**, and a driving test in the type of
21 vehicle to be operated. The test shall be completed in the appropriate class of vehicle
22 to be driven. For purposes of this section classes of school buses shall comply with the
23 Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570).

24 2. Except as otherwise provided in this section, a school bus [permit]
25 **endorsement** shall be renewed every three years and shall require the applicant to
26 provide a medical examination as specified in subdivision (3) of subsection 1 of this
27 section and to successfully pass a written skills examination as prescribed by the
28 director of revenue in consultation with the department of elementary and secondary

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

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

40 4. Upon the applicant's completion of the requirements of subsections 1, 2 and
41 3 of this section, the director of revenue [shall] **may** issue a temporary school bus permit
42 to the applicant until such time as a [permanent] school bus [permit] **endorsement**
43 shall be issued following the record clearance as provided in subsection 6 of this section.

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

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

49 (2) Who has pled guilty to or been found guilty of any felony or misdemeanor for
50 violation of drug regulations as defined in chapter 195, RSMo; of any felony for an
51 offense against the person as defined by chapter 565, RSMo, or any other offense against
52 the person involving the endangerment of a child as prescribed by law; of any
53 misdemeanor or felony for a sexual offense as defined by chapter 566, RSMo; of any
54 misdemeanor or felony for prostitution as defined by chapter 567, RSMo; of any
55 misdemeanor or felony for an offense against the family as defined in chapter 568, RSMo;
56 of any felony or misdemeanor for a weapons offense as defined by chapter 571, RSMo;
57 of any misdemeanor or felony for pornography or related offense as defined by chapter
58 573, RSMo; or of any similar crime in any federal, state, municipal or other court of
59 similar jurisdiction of which the director has knowledge;

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

64 6. The [department of social services or the] Missouri highway patrol[, whichever

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

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

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

89 **9. The director may adopt any rules and regulations necessary to carry**
90 **out the provisions of this section. Any rule or portion of a rule, as that term**
91 **is defined in section 536.010, RSMo, that is created under the authority**
92 **delegated in this section shall become effective only if it complies with and**
93 **is subject to all of the provisions of chapter 536, RSMo, and, if applicable,**
94 **section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**
95 **and if any of the powers vested with the general assembly pursuant to**
96 **chapter 536, RSMo, to review, to delay the effective date, or to disapprove and**
97 **annul a rule are subsequently held unconstitutional, then the grant of**
98 **rulemaking authority and any rule proposed or adopted after August 28, 2004,**
99 **shall be invalid and void.**

100 **10. Except as otherwise provided in this section, an applicant who**
101 **possesses a valid driver's license from another state with a valid school bus**

102 endorsement and who is otherwise qualified to receive a school bus
 103 endorsement in this state, shall be issued a school bus permit. The
 104 requirements to obtain and retain such permit shall be identical to those
 105 requirements for a school bus endorsement issued pursuant to this section.

302.273. 1. Notwithstanding any provisions of section 302.272, any
 2 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
 4 endorsement as required by the secretary pursuant to 49 CFR, part 383,
 5 section 383.123.

6 2. The director is authorized to promulgate any rules and regulations
 7 necessary to carry out the provisions of this section. Any rule or portion of
 8 a rule, as that term is defined in section 536.010, RSMo, that is created under
 9 the authority delegated in this section shall become effective only if it
 10 complies with and is subject to all of the provisions of chapter 536, RSMo,
 11 and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo,
 12 are nonseverable and if any of the powers vested with the general assembly
 13 pursuant to chapter 536, RSMo, to review, to delay the effective date, or to
 14 disapprove and annul a rule are subsequently held unconstitutional, then the
 15 grant of rulemaking authority and any rule proposed or adopted after August
 16 28, 2004, shall be invalid and void.

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

- 4 (1) Any moving violation of a state law or
- 5 county or municipal or federal traffic ordinance or
- 6 regulation not listed in this section, other than a
- 7 violation of vehicle equipment provisions or a
- 8 court-ordered supervision as provided in
- 9 section 302.303 2 points
- 10 (except any violation of municipal stop sign
- 11 ordinance where no accident is involved 1 point)
- 12 (2) Speeding
- 13 In violation of a state law 3 points
- 14 In violation of a county or municipal ordinance 2 points
- 15 (3) Leaving the scene of an accident in
- 16 violation of section 577.060, RSMo 12 points

17	In violation of any county or municipal	
18	ordinance	6 points
19	(4) Careless and imprudent driving in	
20	violation of subsection 4 of section 304.016, RSMo	4 points
21	In violation of a county or municipal ordinance	2 points
22	(5) Operating without a valid license in	
23	violation of subdivision (1) or (2) of subsection 1	
24	of section 302.020:	
25	(a) For the first conviction	2 points
26	(b) For the second conviction	4 points
27	(c) For the third conviction	6 points
28	(6) Operating with a suspended or	
29	revoked license prior to restoration of operating	
30	privileges	12 points
31	(7) Obtaining a license by misrepresentation	12 points
32	(8) For the first conviction of driving	
33	while in an intoxicated condition or under the	
34	influence of controlled substances or drugs	8 points
35	(9) For the second or subsequent	
36	conviction of any of the following offenses however	
37	combined: driving while in an intoxicated condition,	
38	driving under the influence of controlled substances	
39	or drugs or driving with a blood alcohol content	
40	of eight-hundredths of one percent or more by weight	12 points
41	(10) For the first conviction for driving	
42	with blood alcohol content eight-hundredths of	
43	one percent or more by weight	
44	In violation of state law	8 points
45	In violation of a county or municipal ordinance	
46	or federal law or regulation	8 points
47	(11) Any felony involving the use of a motor	
48	vehicle	12 points
49	(12) Knowingly permitting unlicensed operator	
50	to operate a motor vehicle	4 points
51	(13) For a conviction for failure to maintain	
52	financial responsibility pursuant to county or municipal	

53 ordinance or pursuant to section 303.025, RSMo 4 points

54 2. The director shall, as provided in subdivision (5) of subsection 1 of this section,
55 assess an operator points for a conviction pursuant to subdivision (1) or (2) of subsection
56 1 of section 302.020, when the director issues such operator a license or permit pursuant
57 to the provisions of sections 302.010 to 302.340.

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

61 4. When any of the acts listed in subdivision (2), (3), (4) or (8) of subsection 1 of
62 this section constitutes both a violation of a state law and a violation of a county or
63 municipal ordinance, points may be assessed for either violation but not for
64 both. Notwithstanding that an offense arising out of the same occurrence could be
65 construed to be a violation of subdivisions (8), (9) and (10) of subsection 1 of this section,
66 no person shall be tried or convicted for more than one offense pursuant to subdivisions
67 (8), (9) and (10) of subsection 1 of this section for offenses arising out of the same
68 occurrence.

69 5. The director of revenue shall put into effect a system for staying the
70 assessment of points against an operator. The system shall provide that the satisfactory
71 completion of a driver-improvement program or, in the case of violations committed while
72 operating a motorcycle, a motorcycle-rider training course approved by the director of the
73 department of public safety, by an operator, when so ordered and verified by any court
74 having jurisdiction over any law of this state or county or municipal ordinance,
75 regulating motor vehicles, other than a violation committed in a commercial motor
76 vehicle as defined in section 302.700 **or a violation committed by an individual**
77 **who has been issued a commercial driver's license or is required to obtain a**
78 **commercial driver's license in this state or any other state**, shall be accepted by
79 the director in lieu of the assessment of points for a violation pursuant to subdivision (1),
80 (2) or (4) of subsection 1 of this section or pursuant to subsection 3 of this section. For
81 the purposes of this subsection, the driver-improvement program shall meet or exceed
82 the standards of the National Safety Council's eight-hour "Defensive Driving Course" or,
83 in the case of a violation which occurred during the operation of a motorcycle, the
84 program shall meet the standards established by the director of the department of public
85 safety pursuant to sections 302.133 to 302.138. The completion of a driver-improvement
86 program or a motorcycle-rider training course shall not be accepted in lieu of points more
87 than one time in any thirty-six-month period and shall be completed within sixty days
88 of the date of conviction in order to be accepted in lieu of the assessment of

89 points. Every court having jurisdiction pursuant to the provisions of this subsection
90 shall, within fifteen days after completion of the driver-improvement program or
91 motorcycle-rider training course by an operator, forward a record of the completion to the
92 director, all other provisions of the law to the contrary notwithstanding. The director
93 shall 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
2 302.309, the director of revenue shall return the license to the operator immediately
3 upon the termination of the period of suspension and upon compliance with the
4 requirements of chapter 303, RSMo.

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

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

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

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

16 (b) Seeking medical treatment for such operator;

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

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

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

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

26 (3) An operator may make application to the proper court in the county in which
27 such operator resides or in the county in which is located the operator's principal place
28 of business or employment. Any application for a limited driving privilege made to a
29 circuit court shall name the director as a party defendant and shall be served upon the
30 director prior to the grant of any limited privilege, and shall be accompanied by a copy
31 of the applicant's driving record as certified by the director. Any applicant for a limited

32 driving privilege shall have on file with the department of revenue proof of financial
33 responsibility as required by chapter 303, RSMo. Any application by a person who
34 transports persons or property as classified in section 302.015 may be accompanied by
35 proof of financial responsibility as required by chapter 303, RSMo, but if proof of
36 financial responsibility does not accompany the application, or if the applicant does not
37 have on file with the department of revenue proof of financial responsibility, the court
38 or the director has discretion to grant the limited driving privilege to the person solely
39 for the purpose of operating a vehicle whose owner has complied with chapter 303,
40 RSMo, for that vehicle, and the limited driving privilege must state such
41 restriction. When operating such vehicle under such restriction the person shall carry
42 proof that the owner has complied with chapter 303, RSMo, for that vehicle.

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

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

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

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

68 (c) Ineligibility for a license because of the provisions of subdivision (1), (2), (4),
69 (5), (6), (7), (8), (9), (10) or (11) of section 302.060;

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

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

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

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

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

89 **(6) No person who possesses a commercial driver's license shall receive**
90 **a limited driving privilege issued for the purpose of operating a commercial**
91 **motor vehicle if such person's driving privilege is suspended, revoked,**
92 **canceled, denied, or disqualified. Nothing in this section shall prohibit the**
93 **issuance of a limited driving privilege for the purpose of operating a**
94 **noncommercial motor vehicle provided that pursuant to the provisions of this**
95 **section, the applicant is not otherwise ineligible for a limited driving**
96 **privilege.**

97 **(7)** (a) Provided that pursuant to the provisions of this section, the applicant is
98 not otherwise ineligible for a limited driving privilege, a circuit court or the director may,
99 in the manner prescribed in this subsection, allow a person who has had such person's
100 license to operate a motor vehicle revoked where that person cannot obtain a new license
101 for a period of ten years, as prescribed in subdivision (9) of section 302.060, to apply for
102 a limited driving privilege pursuant to this subsection if such person has served at least
103 three years of such disqualification or revocation. Such person shall present evidence

104 satisfactory to the court or the director that such person has not been convicted of any
105 offense related to alcohol, controlled substances or drugs during the preceding three
106 years and that the person's habits and conduct show that the person no longer poses a
107 threat to the public safety of this state.

108 (b) Provided that pursuant to the provisions of this section, the applicant is not
109 otherwise ineligible for a limited driving privilege or convicted of involuntary
110 manslaughter while operating a motor vehicle in an intoxicated condition, a circuit court
111 or the director may, in the manner prescribed in this subsection, allow a person who has
112 had such person's license to operate a motor vehicle revoked where that person cannot
113 obtain a new license for a period of five years because of two convictions of driving while
114 intoxicated, as prescribed in subdivision (10) of section 302.060, to apply for a limited
115 driving privilege pursuant to this subsection if such person has served at least two years
116 of such disqualification or revocation. Such person shall present evidence satisfactory
117 to the court or the director that such person has not been convicted of any offense related
118 to alcohol, controlled substances or drugs during the preceding two years and that the
119 person's habits and conduct show that the person no longer poses a threat to the public
120 safety of this state. Any person who is denied a license permanently in this state
121 because of an alcohol-related conviction subsequent to a restoration of such person's
122 driving privileges pursuant to subdivision (9) of section 302.060 shall not be eligible for
123 limited driving privilege pursuant to the provisions of this subdivision.

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

132 5. The director of revenue shall promulgate rules and regulations necessary to
133 carry out the provisions of this section. Any rule or portion of a rule, as that term is
134 defined in section 536.010, RSMo, that is created under the authority delegated in this
135 section shall become effective only if it complies with and is subject to all of the
136 provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section
137 and chapter 536, RSMo, are nonseverable and if any of the powers vested with the
138 general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date
139 or to disapprove and annul a rule are subsequently held unconstitutional, then the grant

140 of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall
141 be invalid and void.

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

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

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

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

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

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

10 (3) "Commercial driver's instruction permit", a permit issued pursuant to section
11 302.720;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

57 (a) Driving a commercial motor vehicle with the alcohol concentration of four
58 one-hundredths of a percent or more as prescribed by the secretary or such other alcohol

59 concentration as may be later determined by the secretary by regulation;

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

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

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

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

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

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

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

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

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

92 (16) "Farm vehicle", a commercial motor vehicle controlled and operated by a
93 farmer used exclusively for the transportation of agricultural products, farm machinery,
94 farm supplies, or a combination of these, within one hundred fifty miles of the farm,

95 other than one which requires placarding for hazardous materials as defined in this
96 section, or used in the operation of a common or contract motor carrier, except that a
97 farm vehicle shall not be a commercial motor vehicle when the total combined gross
98 weight rating does not exceed twenty-six thousand one pounds when transporting
99 fertilizers as defined in subdivision (20) of this subsection;

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

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

104 [(18)] (19) "Gross combination weight rating" or "GCWR", the value specified by
105 the manufacturer as the loaded weight of a combination (articulated) vehicle. In the
106 absence of a value specified by the manufacturer, GCWR will be determined by adding
107 the GVWR of the power unit and the total weight of the towed unit and any load thereon;

108 [(19)] (20) "Gross vehicle weight rating" or "GVWR", the value specified by the
109 manufacturer as the loaded weight of a single vehicle;

110 [(20)] (21) "Hazardous materials", hazardous materials as specified in Section
111 103 of the Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq.). Fertilizers,
112 including but not limited to ammonium nitrate, phosphate, nitrogen, anhydrous
113 ammonia, lime, potash, motor fuel or special fuel, shall not be considered hazardous
114 materials when transported by a farm vehicle provided all other provisions of this
115 definition are followed;

116 (22) **"Imminent hazard", the existence of a condition that presents a**
117 **substantial likelihood that death, serious illness, severe personal injury, or**
118 **a substantial endangerment to health, property, or the environment may**
119 **occur before the reasonably foreseeable completion date of a formal**
120 **proceeding begins to lessen the risk of that death, illness, injury, or**
121 **endangerment;**

122 (23) **"Issuance", the initial licensure, license transfers, license renewals,**
123 **and license upgrades;**

124 [(21)] (24) "Motor vehicle", any self-propelled vehicle not operated exclusively
125 upon tracks;

126 (25) **"Noncommercial motor vehicle", a motor vehicle or combination of**
127 **motor vehicles not defined by the term "commercial motor vehicle" in this**
128 **section;**

129 [(22)] (26) "Out of service", a temporary prohibition against the operation of a
130 commercial motor vehicle by a particular driver, or the operation of a particular

131 commercial motor vehicle, or the operation of a particular motor carrier;

132 [(23)] **(27)** "Out-of-service order", a declaration by the Federal Highway
133 Administration, or any authorized enforcement officer of a federal, state, Commonwealth
134 of Puerto Rico, Canadian, Mexican or any local jurisdiction, that a driver, or a
135 commercial motor vehicle, or a motor carrier operation, is out of service;

136 **(28)** "School bus", a commercial motor vehicle used to transport
137 preprimary, primary, or secondary school students from home to school, from
138 school to home, or to and from school-sponsored events. School bus does not
139 include a bus used as a common carrier as defined by the secretary;

140 [(24)] **(29)** "Secretary", the Secretary of Transportation of the United States;

141 [(25)] **(30)** "Serious traffic violation", driving a commercial motor vehicle in such
142 a manner that the driver receives a conviction for **the following offenses or driving**
143 **a noncommercial motor vehicle when the driver receives a conviction for the**
144 **following offenses and the conviction results in the suspension or revocation**
145 **of the driver's license or noncommercial motor vehicle driving privilege:**

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

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

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

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

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

166 (f) **Driving a commercial motor vehicle without the proper commercial**

167 **driver's license class or endorsement for the specific vehicle group being**
168 **operated or for the passengers or type of cargo being transported in violation**
169 **of any federal or state law or county or municipal ordinance; or**

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

173 **[(26)] (31)** "State", a state, territory or possession of the United States, the
174 District of Columbia, the Commonwealth of Puerto Rico, Mexico, and any province of
175 Canada;

176 **[(27)] (32)** "United States", the fifty states and the District of Columbia.

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

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

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

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

8 **type of motor vehicle during the preceding ten years.**

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

25 3. Within thirty days after moving to this state, the holder of a commercial
26 driver's license shall apply for a commercial driver's license in this state. The applicant
27 shall meet all other requirements of sections 302.700 to 302.780, except that the director
28 may waive the driving test for a commercial driver's license as required in section
29 302.720 if the applicant for a commercial driver's license has a valid commercial driver's
30 license from a state which has requirements for issuance of such license comparable to
31 those in this state.

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

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

9 authorized to drive, the name of this state, and the words "COMMERCIAL DRIVER'S
10 LICENSE" or "CDL", the dates of issuance and expiration, the person's signature and
11 such other information as the director prescribes.

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

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

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

302.755. 1. A person is disqualified from driving a commercial motor vehicle for
2 a 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
4 controlled substance;

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

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

11 (4) Leaving the scene of an accident involving a commercial or noncommercial

12 motor vehicle operated by the person;

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

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

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

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

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

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

37 7. Any person who is convicted of operating a commercial motor vehicle [during
38 a continuous twenty-four-hour period] beginning at the time of issuance of the
39 out-of-service order **until its expiration** is guilty of a class A misdemeanor.

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

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

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

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

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

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

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

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

70 **16. The director shall disqualify a driver upon receipt of notification**
71 **that the secretary has determined a driver to be an imminent hazard**
72 **pursuant to 49 CFR, Part 383.52. Due process of a disqualification determined**
73 **by the secretary pursuant to this section shall be held in accordance with**
74 **regulations promulgated by the secretary. The period of disqualification**
75 **determined by the secretary pursuant to this section shall be served**
76 **concurrently to any other period of disqualification which may be imposed**
77 **by the director pursuant to this section. Both disqualifications shall appear**
78 **on the driving record of the driver.**

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

6 section shall not become effective and enforced until October 1, 1996.

7 2. Any employer who violates an out-of-service order, or who knowingly requires
8 or permits **or authorizes** a driver to violate or fail to comply with an out-of-service
9 order **or to commit a railroad crossing violation**, is subject to a civil penalty [of two
10 thousand five hundred dollars] **not to exceed an amount as determined by the**
11 **secretary pursuant to 49 CFR Part 383, or as amended by the secretary.**

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

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

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

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

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

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

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

11 crossing; or

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

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

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

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

22 5. **Every commercial motor vehicle as defined in section 302.700, RSMo,**
23 **shall, upon approaching a railroad grade crossing, be driven at a rate of**
24 **speed which will permit said commercial motor vehicle to be stopped before**
25 **reaching the nearest rail of such crossing and shall not be driven upon or**
26 **over such crossing until due caution has been taken to ascertain that the**
27 **course is clear. This section does not apply to vehicles which are required to**
28 **stop at railroad crossings pursuant to section 304.030.**

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

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

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

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

Section B. The repeal and reenactment of sections 302.177, 302.225, 302.272,
2 302.302, 302.309, 302.700, 302.725, 302.735, 302.740, 302.755, 302.756, 302.760, and
3 577.054, and the enactment of sections 302.727, 302.273, 302.345, and 302.347, of section
4 A of this act shall become effective September 30, 2005.

✓