

SECOND REGULAR SESSION

HOUSE BILL NO. 1105

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES CRAWFORD (Sponsor), MOORE, LEMBKE, PHILLIPS,
REINHART, PEARCE, SMITH (14), ENGLER, WHORTON, QUINN, SELBY, CROWELL, HENKE,
LUETKEMEYER, DOUGHERTY, CUNNINGHAM (145), HOBBS,
WARD AND MUNZLINGER (Co-sponsors).

Read 1st time January 15, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3535L.011

AN ACT

To repeal sections 302.130, 302.171, 302.173, 302.177, 302.181, 302.720, and 302.735, RSMo,
and to enact in lieu thereof seven new sections relating to drivers' licenses.

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

Section A. Sections 302.130, 302.171, 302.173, 302.177, 302.181, 302.720, and
2 302.735, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as
3 sections 302.130, 302.171, 302.173, 302.177, 302.181, 302.720, and 302.735, to read as follows:
302.130. 1. Any person at least fifteen years of age who, except for age or lack of
2 instruction in operating a motor vehicle, would otherwise be qualified to obtain a license
3 pursuant to sections 302.010 to 302.340 may apply for and the director shall issue a temporary
4 instruction permit entitling the applicant, while having such permit in the applicant's immediate
5 possession, to drive a motor vehicle of the appropriate class upon the highways for a period of
6 twelve months, but any such person, except when operating a motorcycle or motortricycle, must
7 be accompanied by a licensed operator for the type of motor vehicle being operated who is
8 actually occupying a seat beside the driver for the purpose of giving instruction in driving the
9 motor vehicle, who is at least twenty-one years of age, and in the case of any driver under sixteen
10 years of age, the licensed operator occupying the seat beside the driver shall be a grandparent,
11 parent, guardian, a driver training instructor holding a valid driver education endorsement on a
12 teaching certificate issued by the department of elementary and secondary education or a
13 qualified instructor of a private drivers' education program who has a valid driver's license.

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.

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

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

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

50 training instructor holding a valid driver education endorsement on a teaching certificate issued
51 by the state department of elementary and secondary education is occupying a seat beside the
52 driver.

53 4. The director, in his or her discretion, may issue a temporary driver's permit to an
54 applicant who is otherwise qualified for a license permitting the applicant to operate a motor
55 vehicle while the director is completing the director's investigation and determination of all facts
56 relative to such applicant's rights to receive a license. Such permit must be in the applicant's
57 immediate possession while operating a motor vehicle, and it shall be invalid when the
58 applicant's license has been issued or for good cause has been refused.

59 5. In the event that the applicant for a temporary instruction permit described in
60 subsection 1 of this section is a participant in a federal residential job training program, the
61 permittee may operate a motor vehicle accompanied by a driver training instructor who holds a
62 valid driver education endorsement issued by the department of elementary and secondary
63 education and a valid driver's license.

64 6. A person at least fifteen years of age may operate a motor vehicle as part of a driver
65 training program taught by a driver training instructor holding a valid driver education
66 endorsement on a teaching certificate issued by the department of elementary and secondary
67 education or a qualified instructor of a private drivers' education program.

68 7. Beginning January 1, 2003, the director shall issue with every temporary instruction
69 permit issued pursuant to subsection 1 of this section a sticker or sign bearing the words
70 "PERMIT DRIVER". The design and size of such sticker or sign shall be determined by the
71 director by regulation. Every applicant issued a temporary instruction permit and sticker on or
72 after January 1, 2003, may display or affix the sticker or sign on the rear window of the motor
73 vehicle. Such sticker or sign may be displayed on the rear window of the motor vehicle
74 whenever the holder of the instruction permit operates a motor vehicle during his or her
75 temporary permit licensure period.

76 8. **The director shall verify that an applicant for an instruction permit issued under**
77 **this section is lawfully present in the United States before accepting the application. The**
78 **director shall not issue an instruction permit for a period that exceeds an applicant's lawful**
79 **presence in the United States. The director may establish procedures to verify the lawful**
80 **presence of the applicant and establish the duration of any permit issued under this**
81 **section.**

82 9. The director may adopt rules and regulations necessary to carry out the provisions of
83 this section.

302.171. 1. **The director shall verify that an applicant for a driver's license is**
2 **lawfully present in the United States before accepting the application. The director shall**

3 **not issue a driver's license for a period that exceeds an applicant's lawful presence in the**
4 **United States. The director may establish procedures to verify the lawful presence of the**
5 **applicant and establish the duration of any driver's license issued under this section. An**
6 application for a license shall be made upon an approved form furnished by the director. Every
7 application shall state the full name, Social Security number, age, height, weight, color of eyes,
8 sex, residence, mailing address of the applicant, and the classification for which the applicant
9 has been licensed, and, if so, when and by what state, and whether or not such license has ever
10 been suspended, revoked, or disqualified, and, if revoked, suspended or disqualified, the date and
11 reason for such suspension, revocation or disqualification and whether the applicant is making
12 a one dollar donation to promote an organ donation program as prescribed in subsection 2 of this
13 section. **A driver's license, nondriver's license, or instruction permit issued under this**
14 **chapter shall contain the applicant's legal name as it appears on a birth certificate or as**
15 **legally changed through marriage or court order. No name change by common usage**
16 **based on common law shall be permitted.** The application shall also contain such information
17 as the director may require to enable the director to determine the applicant's qualification for
18 driving a motor vehicle; and shall state whether or not the applicant has been convicted in this
19 or any other state for violating the laws of this or any other state or any ordinance of any
20 municipality, relating to driving without a license, careless driving, or driving while intoxicated,
21 or failing to stop after an accident and disclosing the applicant's identity, or driving a motor
22 vehicle without the owner's consent. The application shall contain a certification by the applicant
23 as to the truth of the facts stated therein. Every person who applies for a license to operate a
24 motor vehicle who is less than twenty-one years of age shall be provided with educational
25 materials relating to the hazards of driving while intoxicated, including information on penalties
26 imposed by law for violation of the intoxication-related offenses of the state. Beginning January
27 1, 2001, if the applicant is less than eighteen years of age, the applicant must comply with all
28 requirements for the issuance of an intermediate driver's license pursuant to section 302.178.

29 2. An applicant for a license may make a donation of one dollar to promote an organ
30 donor program. The director of revenue shall collect the donations and deposit all such
31 donations in the state treasury to the credit of the organ donor program fund established in
32 sections 194.297 to 194.304, RSMo. Moneys in the organ donor program fund shall be used
33 solely for the purposes established in sections 194.297 to 194.304, RSMo, except that the
34 department of revenue shall retain no more than one percent for its administrative costs. The
35 donation prescribed in this subsection is voluntary and may be refused by the applicant for the
36 license at the time of issuance or renewal of the license. The director shall make available an
37 informational booklet or other informational sources on the importance of organ donations to
38 applicants for licensure as designed by the organ donation advisory committee established in

39 sections 194.297 to 194.304, RSMo. The director shall inquire of each applicant at the time the
40 licensee presents the completed application to the director whether the applicant is interested in
41 making the one dollar donation prescribed in this subsection and whether the applicant is
42 interested in inclusion in the organ donor registry and shall also specifically inform the licensee
43 of the ability to consent to organ donation by completing the form on the reverse of the license
44 that the applicant will receive in the manner prescribed by subsection 6 of section 194.240,
45 RSMo. The director shall notify the department of health and senior services of information
46 obtained from applicants who indicate to the director that they are interested in registry
47 participation, and the department of health and senior services shall enter the complete name,
48 address, date of birth, race, gender and a unique personal identifier in the registry established in
49 subsection 1 of section 194.304, RSMo.

50 3. An applicant for a license may make a donation of one dollar to promote a blindness
51 education, screening and treatment program. The director of revenue shall collect the donations
52 and deposit all such donations in the state treasury to the credit of the blindness education,
53 screening and treatment program fund established in section 192.935, RSMo. Moneys in the
54 blindness education, screening and treatment program fund shall be used solely for the purposes
55 established in section 192.935, RSMo, except that the department of revenue shall retain no more
56 than one percent for its administrative costs. The donation prescribed in this subsection is
57 voluntary and may be refused by the applicant for the license at the time of issuance or renewal
58 of the license. The director shall inquire of each applicant at the time the licensee presents the
59 completed application to the director whether the applicant is interested in making the one dollar
60 donation prescribed in this subsection.

61 **4. The director shall deny the driving privilege of any person who commits fraud**
62 **or deception during the examination process or who makes application for an instruction**
63 **permit, driver's license, or nondriver's license which contains or is substantiated with false**
64 **or fraudulent information or documentation, or who knowingly conceals a material fact**
65 **or otherwise commits a fraud in any such application. The period of denial shall be one**
66 **year from the effective date of the denial notice sent by the director. The denial shall**
67 **become effective ten days after the date the denial notice is mailed to the person. The**
68 **notice shall be mailed to the person at the last known address shown on the person's**
69 **driving record. The notice shall be deemed received three days after mailing unless**
70 **returned by the postal authorities. No such individual shall reapply for a driver's**
71 **examination, instruction permit, driver's license, or nondriver's license until the period of**
72 **denial is completed. No individual who is denied the driving privilege under this section**
73 **shall be eligible for a limited driving privilege issued under section 302.309.**

74 **5. All appeals of denials under this section shall be made as required by section**

75 **302.311.**

76 **6. The period of limitation for criminal prosecution under this section shall be**
77 **extended under subdivision (1) of subsection 3 of section 556.036, RSMo.**

78 **7. The director may promulgate rules and regulations necessary to administer and**
79 **enforce this section. No rule or portion of a rule promulgated pursuant to the authority**
80 **of this section shall become effective unless it has been promulgated pursuant to chapter**
81 **536, RSMo.**

302.173. 1. Any applicant for a license, who does not possess a valid license issued
2 pursuant to the laws of this state, another state, or a country which has a reciprocal agreement
3 with the state of Missouri regarding the exchange of licenses pursuant to section 302.172 shall
4 be examined as herein provided. Any person who has failed to renew such person's license on
5 or before the date of its expiration or within six months thereafter must take the complete
6 examination. Any active member of the armed forces, their adult dependents or any active
7 member of the peace corps may apply for a renewal license without examination of any kind,
8 unless otherwise required by sections 302.700 to 302.780, provided the renewal application
9 shows that the previous license had not been suspended or revoked. Any person honorably
10 discharged from the armed forces of the United States who held a valid license prior to being
11 inducted may apply for a renewal license within sixty days after such person's honorable
12 discharge without submitting to any examination of such person's ability to safely operate a
13 motor vehicle over the highways of this state unless otherwise required by sections 302.700 to
14 302.780, other than the vision test provided in section 302.175, unless the facts set out in the
15 renewal application or record of convictions on the expiring license, or the records of the director
16 show that there is good cause to authorize the director to require the applicant to submit to the
17 complete examination. No applicant for a renewal license shall be required to submit to any
18 examination of his or her ability to safely operate a motor vehicle over the highways of this state
19 unless otherwise required by sections 302.700 to 302.780 or regulations promulgated thereunder,
20 other than a test of the applicant's ability to understand highway signs regulating, warning or
21 directing traffic and the vision test provided in section 302.175, unless the facts set out in the
22 renewal application or record of convictions on the expiring license, or the records of the director
23 show that there is good cause to authorize the director to require the applicant to submit to the
24 complete examination. The examination shall be made available in each county. Reasonable
25 notice of the time and place of the examination shall be given the applicant by the person or
26 officer designated to conduct it. The complete examination shall include a test of the applicant's
27 natural or corrected vision as prescribed in section 302.175, the applicant's ability to understand
28 highway signs regulating, warning or directing traffic, the applicant's practical knowledge of the
29 traffic laws of this state, and an actual demonstration of ability to exercise due care in the

30 operation of a motor vehicle of the classification for which the license is sought. When an
31 applicant for a license has a license from a state which has requirements for issuance of a license
32 comparable to the Missouri requirements or a license from a country which has a reciprocal
33 agreement with the state of Missouri regarding the exchange of licenses pursuant to section
34 302.172 and such license has not expired more than six months prior to the date of application
35 for the Missouri license, the director may waive the test of the applicant's practical knowledge
36 of the traffic laws of this state, and the requirement of actual demonstration of ability to exercise
37 due care in the operation of a motor vehicle. If the director has reasonable grounds to believe
38 that an applicant is suffering from some known physical or mental ailment which ordinarily
39 would interfere with the applicant's fitness to operate a motor vehicle safely upon the highways,
40 the director may require that the examination include a physical or mental examination by a
41 licensed physician of the applicant's choice, at the applicant's expense, to determine the fact. The
42 director shall prescribe regulations to ensure uniformity in the examinations and in the grading
43 thereof and shall prescribe and furnish all forms to the members of the highway patrol and to
44 other persons authorized to conduct examinations as may be necessary to enable the officer or
45 person to properly conduct the examination. The records of the examination shall be forwarded
46 to the director who shall not issue any license hereunder if in the director's opinion the applicant
47 is not qualified to operate a motor vehicle safely upon the highways of this state.

48 **2. When the examiner has reasonable grounds to believe that an individual has**
49 **committed fraud or deception during the examination process, the license examiner shall**
50 **immediately forward to the director all information relevant to any fraud or deception,**
51 **including but not limited to, a statement of the examiner's grounds for belief that the**
52 **person committed or attempted to commit fraud or deception in the written, skills, or**
53 **vision examination.**

54 **3.** The director of revenue shall delegate the power to conduct the examinations required
55 for a license or permit to any member of the highway patrol or any person employed by the
56 highway patrol. The powers delegated to any examiner may be revoked at any time by the
57 director of revenue upon notice.

58 [3.] **4.** Notwithstanding the requirements of subsections 1 and [2] **3** of this section, the
59 successful completion of a motorcycle rider training course approved pursuant to sections
60 302.133 to [302.138] **302.137** shall constitute an actual demonstration of the person's ability to
61 exercise due care in the operation of a motorcycle or motortricycle, and no further driving test
62 shall be required to obtain a motorcycle or motortricycle license or endorsement.

302.177. 1. To all applicants for a license or renewal to transport persons or property
2 classified in section 302.015 who are at least twenty-one years of age and under the age of
3 seventy, and who submit a satisfactory application and meet the requirements set forth in

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

7 2. To all applicants for a license or renewal who are between twenty-one and sixty-nine
8 years of age, and who submit a satisfactory application and meet the requirements set forth in
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, and who submit a satisfactory application and meet the requirements set
20 forth in sections 302.010 to 302.605, the director shall issue or renew a license upon the payment
21 of a fee of fifteen dollars.

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

28 **6. The director shall not issue a driver's license for a period that exceeds an**
29 **applicant's lawful presence in the United States. The director may establish procedures**
30 **to verify the lawful presence of the applicant and establish the duration of any driver's**
31 **license issued under this section.**

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

 302.181. 1. The license issued pursuant to the provisions of sections 302.010 to 302.340
2 shall be in such form as the director shall prescribe, but the license shall be a card made of plastic
3 or other comparable material. All licenses shall be manufactured of materials and processes that
4 will prohibit, as nearly as possible, the ability to reproduce, alter, counterfeit, forge or duplicate

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

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

28 3. The license issued shall be carried at all times by the holder thereof while driving a
29 motor vehicle, and shall be displayed upon demand of any officer of the highway patrol, or any
30 police officer or peace officer, or any other duly authorized person, for inspection when demand
31 is made therefor. Failure of any operator of a motor vehicle to exhibit his or her license to any
32 duly authorized officer shall be presumptive evidence that such person is not a duly licensed
33 operator.

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

40 5. The director of revenue shall issue a license without the photograph to an applicant

41 therefor, who is otherwise qualified to be licensed, upon presentation to the director of a
42 statement on forms prescribed and made available by the department of revenue which states that
43 the applicant is a member of a specified religious denomination which prohibits photographs of
44 members as being contrary to its religious tenets. The license shall state thereon that no
45 photograph is required because of the religious affiliation of the licensee. The director of
46 revenue shall establish guidelines and furnish to each circuit court such forms as the director
47 deems necessary to comply with this subsection. The circuit court shall not charge or receive any
48 fee or court cost for the performance of any duty or act pursuant to this subsection.

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

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

62 8. **The director shall not issue a driver's license or a nondriver's license for a period**
63 **that exceeds an applicant's lawful presence in the United States. The director may, by rule**
64 **or regulation, establish procedures to verify the lawful presence of the applicant and**
65 **establish the duration of any driver's license or nondriver's license issued under this**
66 **section.**

67 9. No rule or portion of a rule promulgated pursuant to the authority of this chapter shall
68 become effective unless it is promulgated pursuant to the provisions of chapter 536, RSMo.

302.720. 1. Except when operating under an instruction permit as described in this
2 section, no person may drive a commercial motor vehicle unless the person has been issued a
3 commercial driver's license with applicable endorsements valid for the type of vehicle being
4 operated as specified in sections 302.700 to 302.780. A commercial driver's instruction permit
5 shall allow the holder of a valid license to operate a commercial motor vehicle when
6 accompanied by the holder of a commercial driver's license valid for the vehicle being operated
7 and who occupies a seat beside the individual, or reasonably near the individual in the case of
8 buses, for the purpose of giving instruction in driving the commercial motor vehicle. A

9 commercial driver's instruction permit shall be valid for the vehicle being operated for a period
10 of not more than six months, and shall not be issued until the permit holder has met all other
11 requirements of sections 302.700 to 302.780, except for the driving test. A permit holder, unless
12 otherwise disqualified, may be granted one six-month renewal within a one-year period. The fee
13 for such permit or renewal shall be five dollars. In the alternative, a commercial driver's
14 instruction permit shall be issued for a thirty-day period to allow the holder of a valid driver's
15 license to operate a commercial motor vehicle if the applicant has completed all other
16 requirements except the driving test. The permit may be renewed for one additional thirty-day
17 period and the fee for the permit and for renewal shall be five dollars.

18 2. No person may be issued a commercial driver's license until he has passed written and
19 driving tests for the operation of a commercial motor vehicle which complies with the minimum
20 federal standards established by the secretary and has satisfied all other requirements of the
21 Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570), as well as any
22 other requirements imposed by state law. Applicants for a hazardous materials endorsement
23 must also meet the requirements of the U.S. Patriot Act of 2001 (Title X of Public Law 107-56)
24 as specified and required by regulations promulgated by the secretary. Nothing contained in this
25 subsection shall be construed as prohibiting the director from establishing alternate testing
26 formats for those who are functionally illiterate; provided, however, that any such alternate test
27 must comply with the minimum requirements of the Commercial Motor Vehicle Safety Act of
28 1986 (Title XII of Pub. Law 99-570) as established by the secretary.

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

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

45 driving test for a commercial driver's license may then be waived.

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

52 3. A commercial driver's license may not be issued to a person while the person is
53 disqualified from driving a commercial motor vehicle, when a disqualification is pending in any
54 state or while the person's driver's license is suspended, revoked, or canceled in any state; nor
55 may a commercial driver's license be issued unless the person first surrenders in a manner
56 prescribed by the director any commercial driver's license issued by another state, which license
57 shall be returned to the issuing state for cancellation.

58 **4. The director shall not issue an instruction permit under this section unless the**
59 **director verifies that the applicant is lawfully present in the United States before accepting**
60 **the application. The director may, by rule or regulation, establish procedures to verify the**
61 **lawful presence of the applicant under this section. No rule or portion of a rule**
62 **promulgated pursuant to the authority of this section shall become effective unless it has**
63 **been promulgated pursuant to chapter 536, RSMo.**

302.735. 1. The application for a commercial driver's license shall include, but not be
2 limited to, the legal name, mailing and residence address, if different, a physical description of
3 the person, including sex, height, weight and eye color, the person's Social Security number, date
4 of birth and any other information deemed appropriate by the director.

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

18 issuance.

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

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

29 **5. The director shall not issue a commercial driver's license under this section**
30 **unless the director verifies that the applicant is lawfully present in the United States before**
31 **accepting the application. If lawful presence is granted for a temporary period, no**
32 **commercial driver's license shall be issued. The director may, by rule or regulation,**
33 **establish procedures to verify the lawful presence of the applicant and establish the**
34 **duration of any commercial driver's license issued under this section. No rule or portion**
35 **of a rule promulgated pursuant to the authority of this section shall become effective unless**
36 **it has been promulgated pursuant to chapter 536, RSMo.**