

FIRST REGULAR SESSION

HOUSE BILL NO. 591

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SCHLOTTACH (Sponsor) AND COOPER (155) (Co-sponsor).

Read 1st time February 17, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1610L.011

AN ACT

To repeal sections 43.530, 136.055, 168.133, 302.177, 302.735, RSMo, and section 302.272 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 1453 merged with conference committee substitute for house substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 968 and senate substitute for senate bill no. 969 merged with house substitute for senate substitute for senate committee substitute for senate bill nos. 1233, 840 & 1043, ninety-second general assembly, second regular session and section 302.272 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 1453 merged with conference committee substitute for house substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 968 and senate substitute for senate bill no. 969, ninety-second general assembly, second regular session, and to enact in lieu thereof seven new sections relating to licenses to transport persons or property, with an emergency clause.

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

Section A. Sections 43.530, 136.055, 168.133, 302.177, 302.735, RSMo, and section
2 302.272 as enacted by conference committee substitute for senate substitute for senate committee
3 substitute for house substitute for house committee substitute for house bill no. 1453 merged
4 with conference committee substitute for house substitute for house committee substitute for
5 senate substitute for senate committee substitute for senate bill no. 968 and senate substitute for

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

6 senate bill no. 969 merged with house substitute for senate substitute for senate committee
7 substitute for senate bill nos. 1233, 840 & 1043, ninety-second general assembly, second regular
8 session and section 302.272 as enacted by conference committee substitute for senate substitute
9 for senate committee substitute for house substitute for house committee substitute for house bill
10 no. 1453 merged with conference committee substitute for house substitute for house committee
11 substitute for senate substitute for senate committee substitute for senate bill no. 968 and senate
12 substitute for senate bill no. 969, ninety-second general assembly, second regular session, are
13 repealed and seven new sections enacted in lieu thereof, to be known as sections 43.530,
14 136.055, 168.133, 302.177, 302.272, 302.735, and 1, to read as follows:

43.530. [1.] For each request requiring the payment of a fee received by the central
2 repository, the requesting entity shall pay a fee of not more than five dollars per request for
3 criminal history record information not based on a fingerprint search when the requesting entity
4 is required to obtain such information by any provision of state or federal law and pay a fee of
5 not more than fourteen dollars per request for criminal history record information based on a
6 fingerprint search when the requesting entity is required to obtain such information by any
7 provision of state or federal law; provided that, when the requesting entity is not required to
8 obtain such information by law, the requesting entity shall pay a fee of not more than ten dollars
9 per request for criminal history record information not based on a fingerprint search and pay a
10 fee of not more than twenty dollars per request for criminal history record information based on
11 a fingerprint search. Each such request shall be limited to check and search on one individual.
12 Each request shall be accompanied by a check, warrant, voucher, money order, or electronic
13 payment payable to the state of Missouri-criminal record system or payment shall be made in a
14 manner approved by the highway patrol. The highway patrol may establish procedures for
15 receiving requests for criminal history record information for classification and search for
16 fingerprints, from courts and other entities, and for the payment of such requests. There is
17 hereby established by the treasurer of the state of Missouri a fund to be entitled as the "Criminal
18 Record System Fund". Notwithstanding the provisions of section 33.080, RSMo, to the contrary,
19 if the moneys collected and deposited into this fund are not totally expended annually for the
20 purposes set forth in sections 43.500 to 43.543, the unexpended moneys in such fund shall
21 remain in the fund and the balance shall be kept in the fund to accumulate from year to year.

22 [2. For purposes of obtaining criminal records prior to issuance of a school bus operator's
23 permit pursuant to section 302.272, RSMo, and for determining eligibility for such permit, the
24 applicant for such permit shall submit two sets of fingerprints to the director of revenue when
25 applying for the permit. The fingerprints shall be collected in a manner approved by the
26 superintendent of the highway patrol. The school bus permit applicant shall pay the appropriate
27 fee described in this section and pay the appropriate fee determined by the Federal Bureau of

28 Investigation for the federal criminal history record when he or she applies for the school bus
29 permit. Collections for records described in this subsection shall be deposited in the criminal
30 record system fund.]

136.055. 1. Any person who is selected or appointed by the state director of revenue to
2 act as an agent of the department of revenue, whose duties shall be the sale of motor vehicle
3 licenses and the collection of motor vehicle sales and use taxes under the provisions of section
4 144.440, RSMo, and who receives no salary from the department of revenue, shall be authorized
5 to collect from the party requiring such services additional fees as compensation in full and for
6 all services rendered on the following basis:

7 (1) For each motor vehicle or trailer license sold, renewed or transferred--two dollars and
8 fifty cents beginning January 1, 1998; and four dollars beginning July 1, 2000; and five dollars
9 beginning August 28, 2002, for those licenses biennially renewed pursuant to section 301.147,
10 RSMo. Beginning July 1, 2003, for each motor vehicle or trailer license sold, renewed or
11 transferred--three dollars and fifty cents and seven dollars for those licenses sold or biennially
12 renewed pursuant to section 301.147, RSMo;

13 (2) For each application or transfer of title--two dollars and fifty cents beginning January
14 1, 1998;

15 (3) For each chauffeur's, operator's or driver's license--two dollars and fifty cents
16 beginning January 1, 1998; and four dollars beginning July 1, 2000; and five dollars beginning
17 July 1, 2003, for [six-year] licenses issued or renewed **for a period exceeding three years;**

18 (4) For each notice of lien processed--two dollars and fifty cents beginning August 28,
19 2000;

20 (5) No notary fee or other fee or additional charge shall be paid or collected except for
21 electronic telephone transmission reception--two dollars;

22 **(6) For each application for a security threat assessment processed as required by**
23 **the Transportation Security Administration for obtaining a hazardous materials**
24 **endorsement on a commercial driver's license--five dollars.**

25 2. All fees charged shall not exceed those in this section. Beginning July 1, 2003, the
26 fees imposed by this section shall be collected by all permanent branch offices and all full-time
27 or temporary offices maintained by the department of revenue.

28 3. Any person acting as agent of the department of revenue for the sale and issuance of
29 licenses and other documents related to motor vehicles shall have an insurable interest in all
30 license plates, licenses, tabs, forms and other documents held on behalf of the department.

31 4. The fee increases authorized by this section and approved by the general assembly
32 were requested by the fee agents. All fee agent offices shall display a three foot by four foot sign
33 with black letters of at least three inches in height on a white background which states:

34 The increased fees approved by the
35 Missouri Legislature and charged by
36 this fee office were requested by the
37 fee agents.

168.133. 1. The school district shall ensure that a criminal background check is
2 conducted on any person employed after January 1, 2005, authorized to have contact with pupils
3 and prior to the individual having contact with any pupil. Such persons include, but are not
4 limited to, administrators, teachers, aides, paraprofessionals, assistants, secretaries, custodians,
5 cooks, **school bus drivers**, and nurses. For bus drivers, the background check **shall be**
6 conducted [by the department of revenue for the issuance or renewal of a school bus permit
7 under section 302.272, RSMo, shall satisfy the background check requirements of this section]
8 **on drivers employed by the school district or employed by a pupil transportation company**
9 **under contract with the school district.**

10 2. In order to facilitate the criminal history background check on any person employed
11 after January 1, 2005, the applicant shall submit two sets of fingerprints collected pursuant to
12 standards determined by the Missouri highway patrol. One set of fingerprints shall be used by
13 the highway patrol to search the criminal history repository and the family care safety registry
14 pursuant to sections 210.900 to 210.936, RSMo, and the second set shall be forwarded to the
15 Federal Bureau of Investigation for searching the federal criminal history files.

16 3. The applicant shall pay the fee for the state criminal history record information
17 pursuant to section 43.530, RSMo, and sections 210.900 to 210.936, RSMo, and pay the
18 appropriate fee determined by the Federal Bureau of Investigation for the federal criminal history
19 record when he or she applies for a position authorized to have contact with pupils pursuant to
20 this section. The department shall distribute the fees collected for the state and federal criminal
21 histories to the Missouri highway patrol.

22 4. The school district may adopt a policy to provide for reimbursement of expenses
23 incurred by an employee for state and federal criminal history information pursuant to section
24 43.530, RSMo.

25 5. If, as a result of the criminal history background check mandated by this section, it is
26 determined that the holder of a certificate issued pursuant to section 168.021 has pled guilty or
27 nolo contendere to, or been found guilty of a crime or offense listed in section 168.071, RSMo,
28 or a similar crime or offense committed in another state, the United States, or any other country,
29 regardless of imposition of sentence, such information shall be reported to the department of
30 elementary and secondary education.

31 6. Any school official making a report to the department of elementary and secondary
32 education in conformity with this section shall not be subject to civil liability for such action.

33 7. Nothing in this section shall be construed to alter the standards for suspension, denial,
34 or revocation of a certificate issued pursuant to this chapter.

35 8. The state board of education may promulgate rules for criminal history background
36 checks made pursuant to this section. Any rule or portion of a rule, as that term is defined in
37 section 536.010, RSMo, that is created under the authority delegated in this section shall become
38 effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo,
39 and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are
40 nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536,
41 RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently
42 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted
43 after January 1, 2005, shall be invalid and void.

44 [9. The provisions of this section shall become effective January 1, 2005.]

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, or, beginning September 30, 2005, to an applicant for such license
20 containing a school bus endorsement issued pursuant to section 302.272, and who submit a
21 satisfactory application and meet the requirements set forth in sections 302.010 to 302.605, the
22 director shall issue or renew a license upon the payment of a fee of fifteen dollars.

23 5. To all other applicants for a license or renewal less than twenty-one years of age or
24 greater than sixty-nine years of age who submit a satisfactory application and meet the

25 requirements set forth in sections 302.010 to 302.605, the director shall issue or renew a license
26 upon the payment of a fee of seven dollars and fifty cents. All licenses issued pursuant to this
27 subsection and subsection 4 of this section or, beginning September 30, 2005, to an applicant for
28 a license to transport persons or property which contains a school bus endorsement issued
29 pursuant to section 302.272, shall expire on the applicant's birthday in the third year after
30 issuance.

31 **6.] To all applicants for a license or renewal to transport persons or property**
32 **classified in section 302.015 who are at least twenty-one years of age and under the age of**
33 **seventy, and who submit a satisfactory application and meet the requirements of sections**
34 **302.010 to 302.605, the director shall issue or renew such license; except that no license**
35 **shall be issued if an applicant's license is currently suspended, canceled, revoked,**
36 **disqualified, or deposited in lieu of bail. Such license shall expire on the applicant's**
37 **birthday in the sixth year of issuance, unless the license must be issued for a shorter period**
38 **due to other requirements of law or for transition or staggering of work as determined by**
39 **the director. The license must be renewed on or before the date of expiration, which date**
40 **shall be shown on the license.**

41 **2. To all applicants for a license or renewal to transport persons or property**
42 **classified in section 302.015 who are less than twenty-one years of age or greater than sixty-**
43 **nine years of age, and who submit a satisfactory application and meet the requirements of**
44 **sections 302.010 to 302.605, the director shall issue or renew such license; except that no**
45 **license shall be issued if an applicant's license is currently suspended, canceled, revoked,**
46 **disqualified, or deposited in lieu of bail. Such license shall expire on the applicant's**
47 **birthday in the third year of issuance, unless the license must be issued for a shorter period**
48 **due to other requirements of law or for transition or staggering of work as determined by**
49 **the director. The license must be renewed on or before the date of expiration, which date**
50 **shall be shown on the license. A license issued under this section to an applicant who is**
51 **over the age of sixty-nine and contains a school bus endorsement shall not be issued for a**
52 **period that exceeds one year.**

53 **3. To all other applicants for a license or renewal of a license who are at least**
54 **twenty-one years of age and under the age of seventy, and who submit a satisfactory**
55 **application and meet the requirements of sections 302.010 to 302.605, the director shall**
56 **issue or renew such license; except that no license shall be issued if an applicant's license**
57 **is currently suspended, canceled, revoked, disqualified, or deposited in lieu of bail. Such**
58 **license shall expire on the applicant's birthday in the sixth year of issuance, unless the**
59 **license must be issued for a shorter period due to other requirements of law or for**
60 **transition or staggering of work as determined by the director. The license must be**

61 renewed on or before the date of expiration, which date shall be shown on the license.

62 **4. To all other applicants for a license or renewal of a license who are less than**
63 **twenty-one years of age or greater than sixty-nine years of age, and who submit a**
64 **satisfactory application and meet the requirements of sections 302.010 to 302.605, the**
65 **director shall issue or renew such license; except that no license shall be issued if an**
66 **applicant's license is currently suspended, canceled, revoked, disqualified, or deposited in**
67 **lieu of bail. Such license shall expire on the applicant's birthday in the third year of**
68 **issuance, unless the license must be issued for a shorter period due to other requirements**
69 **of law or for transition or staggering of work as determined by the director. The license**
70 **must be renewed on or before the date of expiration, which date shall be shown on the**
71 **license.**

72 **5. The fee for a license issued for a period which exceeds three years under**
73 **subsection 1 of this section shall be thirty dollars.**

74 **6. The fee for a license issued for a period of three years or less under subsection**
75 **2 of this section shall be fifteen dollars, except that the fee for a license issued for one year**
76 **or less which contains a school bus endorsement shall be five dollars.**

77 **7. The fee for a license issued for a period which exceeds three years under**
78 **subsection 3 of this section shall be fifteen dollars.**

79 **8. The fee for a license issued for a period of three years or less under subsection**
80 **4 of this section shall be seven dollars and fifty cents.**

81 **9. Beginning July 1, 2005, the director shall not issue a driver's license for a period that**
82 **exceeds an applicant's lawful presence in the United States. The director may establish**
83 **procedures to verify the lawful presence of the applicant and establish the duration of any driver's**
84 **license issued under this section.**

85 **[7.] 10. The director of revenue may adopt any rules and regulations necessary to carry**
86 **out the provisions of this section. No rule or portion of a rule promulgated pursuant to the**
87 **authority of this section shall become effective unless it has been promulgated pursuant to the**
88 **provisions of chapter 536, RSMo.**

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

8 (1) The applicant has a valid state license issued under this chapter [or has a license valid

9 in any other state];

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

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

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

23 2. [Except as otherwise provided in this section, a school bus endorsement shall be
24 renewed every three years and shall require the applicant to provide a medical examination as
25 specified in subdivision (3) of subsection 1 of this section and to successfully pass a written
26 skills examination as prescribed by the director of revenue in consultation with the department
27 of elementary and secondary education. If the applicant is at least seventy years of age, the
28 school bus endorsement shall be renewed annually, and the applicant shall successfully pass the
29 examination prescribed in subdivision (4) of subsection 1 of this section prior to receiving the
30 renewed endorsement, provided that the background check, as contemplated by subsections 5
31 and 6 of this section, shall continue to be conducted on a renewing applicant's previously
32 established three-year renewal schedule. The director may waive the written skills examination
33 on renewal of a school bus endorsement upon verification of the applicant's successful
34 completion within the preceding twelve months of a training program which has been approved
35 by the director in consultation with the department of elementary and secondary education and
36 which is at least eight hours in duration with special instruction in school bus driving.

37 3. The fee for a new or renewed school bus endorsement shall be three dollars.

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

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

44 (1)] whose driving record shows that such applicant's privilege to operate a motor

45 vehicle has been suspended, revoked or disqualified or whose driving record shows a history of
46 moving vehicle violations[;

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

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

61 (4) Who is listed on the child abuse and neglect registry.

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

71 7. For purposes of obtaining the record of clearance or denial for convictions specified
72 in subdivisions (2) and (3) of subsection 5 of this section, the applicant for a school bus
73 endorsement shall submit two sets of fingerprints. Beginning January 1, 2005, the director shall
74 request that the department of social services determine whether the applicant is listed on the
75 child abuse and neglect registry and shall require the applicant to submit two sets of fingerprints.
76 One set of fingerprints shall be used by the highway patrol in order to search the criminal history
77 repository and the second set shall be forwarded to the Federal Bureau of Investigation for
78 searching the federal criminal history files.

79 8. The applicant shall pay the fee for the state criminal history information pursuant to
80 section 43.530, RSMo, and pay the appropriate fee determined by the Federal Bureau of

81 Investigation for the federal criminal history record when he or she applies for the school bus
82 endorsement or permit pursuant to this section. The director shall distribute the fees collected
83 for the state and federal criminal histories to the highway patrol.

84 9. If, as a result of the criminal history background check and the check of the child
85 abuse and neglect registry required by this section, it is determined that an applicant has pled
86 guilty or nolo contendere to, or been found guilty of an offense listed in subdivisions (2) and (3)
87 of subsection 5 of this section, or a similar offense if committed in any other state, the United
88 States, or any other country, regardless of imposition of sentence, or the applicant's name appears
89 on the child abuse and neglect registry the director of revenue shall not issue or renew a school
90 bus permit to such applicant].

91 [10.] 3. The director may adopt any rules and regulations necessary to carry out the
92 provisions of this section. Any rule or portion of a rule, as that term is defined in section
93 536.010, RSMo, that is created under the authority delegated in this section shall become
94 effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo,
95 and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are
96 nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536,
97 RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently
98 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted
99 after August 28, 2004, shall be invalid and void.

100 [11. Except as otherwise provided in this section,]

101 **4. Notwithstanding the requirements of this section, an applicant who resides in**
102 **another state and possesses a valid driver's license from [another] his or her state of residence**
103 **with a valid school bus endorsement [and who is otherwise qualified to receive a school bus**
104 **endorsement in this state shall be issued a school bus permit. The requirements to obtain and**
105 **retain such permit shall be identical to those requirements for a school bus endorsement issued**
106 **pursuant to this section] for the type of vehicle being operated shall not be required to obtain**
107 **a Missouri driver's license with a school bus endorsement.**

108 [302.272. 1. No person shall operate any school bus owned by or under
109 contract with a public school or the state board of education unless such driver
110 has qualified for a school bus permit under this section and complied with the
111 pertinent rules and regulations of the department of revenue. A school bus permit
112 shall be issued to any applicant who meets the following qualifications:

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

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

116 (3) The applicant has passed a medical examination, including vision and
117 hearing tests, as prescribed by the director of revenue and, if the applicant is at
118 least seventy years of age, the applicant shall pass the medical examination

119 annually to maintain or renew the permit; and

120 (4) The applicant has successfully passed an examination for the
121 operation of a school bus as prescribed by the director of revenue. The
122 examination shall include, but need not be limited to, a written skills examination
123 of applicable laws, rules and procedures, and a driving test in the type of vehicle
124 to be operated. The test shall be completed in the appropriate class of vehicle to
125 be driven. For purposes of this section classes of school buses shall comply with
126 the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law
127 99-570).

128 2. Except as otherwise provided in this section, a school bus permit shall
129 be renewed every three years and shall require the applicant to provide a medical
130 examination as specified in subdivision (3) of subsection 1 of this section and to
131 successfully pass a written skills examination as prescribed by the director of
132 revenue in consultation with the department of elementary and secondary
133 education. If the applicant is at least seventy years of age, the school bus permit
134 shall be renewed annually, and the applicant shall successfully pass the
135 examination prescribed in subdivision (4) of subsection 1 of this section prior to
136 receiving the renewed permit, provided that the background check, as
137 contemplated by subsections 5 and 6 of this section, shall continue to be
138 conducted on a renewing applicant's previously established three-year renewal
139 schedule. The director may waive the written skills examination on renewal of
140 a school bus permit upon verification of the applicant's successful completion
141 within the preceding twelve months of a training program which has been
142 approved by the director in consultation with the department of elementary and
143 secondary education and which is at least eight hours in duration with special
144 instruction in school bus driving.

145 3. The fee for a new or renewed school bus permit shall be three dollars.

146 4. Upon the applicant's completion of the requirements of subsections 1,
147 2, and 3 of this section, the director of revenue shall issue a temporary school bus
148 permit to the applicant until such time as a permanent school bus permit shall be
149 issued following the record clearance as provided in subsection 6 of this section.

150 5. The director of revenue, to the best of the director's knowledge, shall
151 not issue or renew a school bus permit to any applicant:

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

155 (2) Who has pled guilty to or been found guilty of any felony or
156 misdemeanor for violation of drug regulations as defined in chapter 195, RSMo;
157 of any felony for an offense against the person as defined by chapter 565, RSMo,
158 or any other offense against the person involving child abuse or the endangerment
159 of a child as prescribed by law; of any misdemeanor or felony for a sexual
160 offense as defined by chapter 566, RSMo; of any misdemeanor or felony for
161 prostitution as defined by chapter 567, RSMo; of any misdemeanor or felony for

162 an offense against the family as defined in chapter 568, RSMo; of any felony or
163 misdemeanor for a weapons offense as defined by chapter 571, RSMo; of any
164 misdemeanor or felony for pornography or related offense as defined by chapter
165 573, RSMo; or of any similar crime in any federal, state, municipal or other court
166 of similar jurisdiction of which the director has knowledge;

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

171 (4) Who is listed on the child abuse and neglect registry.

172 6. The Missouri highway patrol shall provide a record of clearance or
173 denial of clearance for any applicant for a school bus permit for the offenses
174 specified in subdivisions (2) and (3) of subsection 5 of this section. The Missouri
175 highway patrol in providing the record of clearance or denial of clearance for any
176 such applicant is authorized to obtain from the Federal Bureau of Investigation
177 any information which might aid the Missouri highway patrol in providing such
178 record of clearance or denial of clearance. The Missouri highway patrol shall
179 provide the record of clearance or denial of clearance within thirty days of the
180 date requested, relying on information available at that time, except that the
181 Missouri highway patrol shall provide any information subsequently discovered
182 to the department of revenue.

183 7. Beginning January 1, 2005, the director shall request that the
184 department of social services determine whether the applicant is listed on the
185 child abuse and neglect registry and shall require the applicant to submit two sets
186 of fingerprints. One set of fingerprints shall be used by the highway patrol in
187 order to search the criminal history repository and the second set shall be
188 forwarded to the Federal Bureau of Investigation for searching the federal
189 criminal history files.

190 8. The applicant shall pay the fee for the state criminal history
191 information pursuant to section 43.530, RSMo, and pay the appropriate fee
192 determined by the Federal Bureau of Investigation for the federal criminal history
193 record when he or she applies for the school bus permit pursuant to this section.
194 The director shall distribute the fees collected for the state and federal criminal
195 histories to the highway patrol.

196 9. If, as a result of the criminal history background check and the check
197 of the child abuse and neglect registry required by this section, it is determined
198 that an applicant has pled guilty or nolo contendere to, or been found guilty of an
199 offense listed in subdivisions (2) and (3) of subsection 5 of this section, or a
200 similar offense if committed in any other state, the United States, or any other
201 country, regardless of imposition of sentence, or the applicant's name appears on
202 the child abuse and neglect registry the director of revenue shall not issue or
203 renew a school bus permit to such applicant.

204 10. The director may adopt any rules and regulations necessary to carry

205 out the provisions of this section. Any rule or portion of a rule, as that term is
206 defined in section 536.010, RSMo, that is created under the authority delegated
207 in this section shall become effective only if it complies with and is subject to all
208 of the provisions of chapter 536, RSMo, and, if applicable, section 536.028,
209 RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the
210 powers vested with the general assembly pursuant to chapter 536, RSMo, to
211 review, to delay the effective date, or to disapprove and annul a rule are
212 subsequently held unconstitutional, then the grant of rulemaking authority and
213 any rule proposed or adopted after August 28, 2004, shall be invalid and void.]
302.735. 1. An application shall not be taken from a nonresident after September 30,
2 2005. The 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 description of the
4 person, including sex, height, weight and eye color, the person's Social Security number, date
5 of birth and any other information deemed appropriate by the director. The application shall also
6 require, beginning September 30, 2005, the applicant to provide the names of all states where
7 the applicant has been previously licensed to drive any type of motor vehicle during the
8 preceding ten years.

9 2. [The application for a commercial driver's license or renewal shall be accompanied
10 by the payment of a fee of forty dollars. The fee for a duplicate commercial driver's license shall
11 be twenty dollars.] A commercial driver's license shall expire on the applicant's birthday in the
12 sixth year after issuance, **unless the license must be issued for a shorter period due to other**
13 **requirements of law or for transition or staggering of work as determined by the director,**
14 and must be renewed on or before the date of expiration. [The director shall have the authority
15 to stagger the issuance or renewal of commercial driver's license applicants over a six-year
16 period.] When a person changes such person's name an application for a duplicate license shall
17 be made to the director of revenue. When a person changes such person's mailing address or
18 residence the applicant shall notify the director of revenue of said change, however, no
19 application for a duplicate license is required. [To all applicants for a commercial license or
20 renewal who are between eighteen and twenty-one years of age and seventy years of age and
21 older, the application shall be accompanied by a fee of twenty dollars.] A commercial license
22 issued pursuant to this section to an applicant less than twenty-one years of age and seventy years
23 of age and older [or, beginning September 30, 2005, to an applicant for a commercial driver's
24 license containing a school bus or hazardous materials endorsement] shall expire on the
25 applicant's birthday in the third year after issuance, **unless the license must be issued for a**
26 **shorter period as determined by the director.**

27 3. **A commercial driver's license containing a hazardous materials endorsement**
28 **issued to an applicant who is between the age of twenty-one and sixty-nine shall not be**
29 **issued for a period exceeding five years from the approval date of the security threat**

30 assessment as determined by the Transportation Security Administration.

31 **4. The director shall issue an annual commercial driver's license containing a**
32 **school bus endorsement to an applicant who is seventy years of age or older. The fee for**
33 **such license shall be seven dollars and seventy-five cents.**

34 **5. A commercial driver's license containing a hazardous materials endorsement**
35 **issued to an applicant who is seventy years of age or older shall not be issued for a period**
36 **exceeding three years. The director shall not require such drivers to obtain a security**
37 **threat assessment more frequently than such assessment is required by the Transportation**
38 **Security Administration under the Uniting and Strengthening America by Providing**
39 **Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT**
40 **ACT) of 2001.**

41 **6. The fee for a commercial driver's license or renewal commercial driver's license**
42 **issued for a period greater than three years shall be forty dollars.**

43 **7. The fee for a commercial driver's license or renewal commercial driver's license**
44 **issued for a period of three years or less shall be twenty dollars.**

45 **8. The fee for a duplicate commercial driver's license shall be twenty dollars.**

46 **9. In order for the director to properly transition driver's license requirements**
47 **under the Motor Carrier Safety Improvement Act of 1999 and the Uniting and**
48 **Strengthening America by Providing Appropriate Tools Required to Intercept and**
49 **Obstruct Terrorism Act (USA PATRIOT ACT) of 2001, the director is authorized to**
50 **stagger expiration dates and make adjustments for any fees, including driver examination**
51 **fees that are incurred by the driver as a result of the initial issuance of a transitional license**
52 **required to comply with such acts.**

53 [3.] **10.** Within thirty days after moving to this state, the holder of a commercial driver's
54 license shall apply for a commercial driver's license in this state. The applicant shall meet all
55 other requirements of sections 302.700 to 302.780, except that the director may waive the driving
56 test for a commercial driver's license as required in section 302.720 if the applicant for a
57 commercial driver's license has a valid commercial driver's license from a state which has
58 requirements for issuance of such license comparable to those in this state.

59 [4.] **11.** Any person who falsifies any information in an application or test for a
60 commercial driver's license shall not be licensed to operate a commercial motor vehicle, or the
61 person's commercial driver's license shall be canceled, for a period of one year after the director
62 discovers such falsification.

63 [5.] **12.** Beginning July 1, 2005, the director shall not issue a commercial driver's license
64 under this section unless the director verifies that the applicant is lawfully present in the United
65 States before accepting the application. If lawful presence is granted for a temporary period, no

66 commercial driver's license shall be issued. The director may, by rule or regulation, establish
67 procedures to verify the lawful presence of the applicant and establish the duration of any
68 commercial driver's license issued under this section. No rule or portion of a rule promulgated
69 pursuant to the authority of this section shall become effective unless it has been promulgated
70 pursuant to chapter 536, RSMo.

**Section 1. The department of elementary and secondary education shall require
2 each school district to maintain verification of medical qualifications for every school bus
3 driver employed by the district or employed by a pupil transportation company under
4 contract with the school district. Each school district shall require each driver to submit
5 the results of a medical examination on an annual basis. The state board of education may
6 promulgate rules for medical qualifications and verification of such qualifications by the
7 school districts under this section. Any rule or portion of a rule, as that term is defined in
8 section 536.010, RSMo, that is created under the authority delegated in this section shall
9 become effective only if it complies with and is subject to all of the provisions of chapter
10 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536,
11 RSMo, are nonseverable and if any of the powers vested with the general assembly
12 pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and
13 annul a rule are subsequently held unconstitutional, then the grant of rulemaking
14 authority and any rule proposed or adopted after January 1, 2005, shall be invalid and
15 void.**

Section B. Because immediate action is necessary to ensure the safety of children
2 receiving pupil transportation services and to ensure the safe transportation of hazardous
3 materials on the streets and highways of this state, section A of this act is deemed necessary for
4 the immediate preservation of the public health, welfare, peace, and safety, and is hereby
5 declared to be an emergency act within the meaning of the constitution, and section A of this act
6 shall be in full force and effect upon its passage and approval.