

SECOND REGULAR SESSION

HOUSE BILL NO. 976

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES WHORTON (Sponsor), DAY, KUESSNER, SCHAAF, HENKE,
FISHER, BIVINS, WILDBERGER, MEADOWS, HARRIS (110),
DARROUGH AND MCGHEE (Co-sponsors).

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STEPHEN S. DAVIS, Chief Clerk

3048L.01I

AN ACT

To repeal sections 302.130 and 302.171, RSMo, and to enact in lieu thereof two new sections relating to driver's licenses.

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

Section A. Sections 302.130 and 302.171, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 302.130 and 302.171, 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 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.

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. Beginning July 1, 2005, the director shall verify that an applicant for an instruction
77 permit issued under this section is lawfully present in the United States before accepting the
78 application. The director shall not issue an instruction permit for a period that exceeds an
79 applicant's lawful presence in the United States. The director may establish procedures to verify
80 the lawful presence of the applicant and establish the duration of any permit issued under this
81 section. **Notwithstanding any law to the contrary, an applicant's presentation of a valid**
82 **Military Service Record Form DD214 noting honorable discharge shall constitute proof**
83 **that an applicant is lawfully present in the United States under this subsection.**

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

302.171. 1. Beginning July 1, 2005, the director shall verify that an applicant for a driver's license is lawfully present in the United States before accepting the application. The director shall not issue a driver's license for a period that exceeds an applicant's lawful presence in the United States. The director may establish procedures to verify the lawful presence of the applicant and establish the duration of any driver's license issued under this section. **Notwithstanding any law to the contrary, an applicant's presentation of a valid Military Service Record Form DD214 noting honorable discharge shall constitute proof that an applicant is lawfully present in the United States under this section.** An application for a license shall be made upon an approved form furnished by the director. Every application shall state the full name, Social Security number, age, height, weight, color of eyes, sex, residence, mailing address of the applicant, and the classification for which the applicant has been licensed, and, if so, when and by what state, and whether or not such license has ever been suspended, revoked, or disqualified, and, if revoked, suspended or disqualified, the date and reason for such suspension, revocation or disqualification and whether the applicant is making a one dollar donation to promote an organ donation program as prescribed in subsection 2 of this section. A driver's license, nondriver's license, or instruction permit issued under this chapter shall contain the applicant's legal name as it appears on a birth certificate or as legally changed through marriage or court order. No name change by common usage based on common law shall be permitted. The application shall also contain such information as the director may require to enable the director to determine the applicant's qualification for driving a motor vehicle; and shall state whether or not the applicant has been convicted in this or any other state for violating the laws of this or any other state or any ordinance of any municipality, relating to driving without a license, careless driving, or driving while intoxicated, or failing to stop after an accident and disclosing the applicant's identity, or driving a motor vehicle without the owner's consent. The application shall contain a certification by the applicant as to the truth of the facts stated therein. Every person who applies for a license to operate a motor vehicle who is less than twenty-one years of age shall be provided with educational materials relating to the hazards of driving while intoxicated, including information on penalties imposed by law for violation of the intoxication-related offenses of the state. Beginning January 1, 2001, if the applicant is less than eighteen years of age, the applicant must comply with all requirements for the issuance of an intermediate driver's license pursuant to section 302.178.

2. An applicant for a license may make a donation of one dollar to promote an organ donor program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the organ donor program fund established in sections 194.297 to 194.304, RSMo. Moneys in the organ donor program fund shall be used solely for the purposes established in sections 194.297 to 194.304, RSMo, except that the

37 department of revenue shall retain no more than one percent for its administrative costs. The
38 donation prescribed in this subsection is voluntary and may be refused by the applicant for the
39 license at the time of issuance or renewal of the license. The director shall make available an
40 informational booklet or other informational sources on the importance of organ donations to
41 applicants for licensure as designed by the organ donation advisory committee established in
42 sections 194.297 to 194.304, RSMo. The director shall inquire of each applicant at the time the
43 licensee presents the completed application to the director whether the applicant is interested in
44 making the one dollar donation prescribed in this subsection and whether the applicant is
45 interested in inclusion in the organ donor registry and shall also specifically inform the licensee
46 of the ability to consent to organ donation by completing the form on the reverse of the license
47 that the applicant will receive in the manner prescribed by subsection 6 of section 194.240,
48 RSMo. The director shall notify the department of health and senior services of information
49 obtained from applicants who indicate to the director that they are interested in registry
50 participation, and the department of health and senior services shall enter the complete name,
51 address, date of birth, race, gender and a unique personal identifier in the registry established in
52 subsection 1 of section 194.304, RSMo.

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

64 4. Beginning July 1, 2005, the director shall deny the driving privilege of any person who
65 commits fraud or deception during the examination process or who makes application for an
66 instruction permit, driver's license, or nondriver's license which contains or is substantiated with
67 false or fraudulent information or documentation, or who knowingly conceals a material fact or
68 otherwise commits a fraud in any such application. The period of denial shall be one year from
69 the effective date of the denial notice sent by the director. The denial shall become effective ten
70 days after the date the denial notice is mailed to the person. The notice shall be mailed to the
71 person at the last known address shown on the person's driving record. The notice shall be
72 deemed received three days after mailing unless returned by the postal authorities. No such

73 individual shall reapply for a driver's examination, instruction permit, driver's license, or
74 nondriver's license until the period of denial is completed. No individual who is denied the
75 driving privilege under this section shall be eligible for a limited driving privilege issued under
76 section 302.309.

77 5. All appeals of denials under this section shall be made as required by section 302.311.

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

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

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