

## CCS HCS SCS SB 1001, 896 & 761 -- DRIVERS' LICENSES

This bill changes the laws regarding the licensure of certain motor vehicle drivers.

### LAWFUL PRESENCE

Applicants for a noncommercial driver's license who are 65 years of age or older and who were previously issued a Missouri driver's license, instruction permit, or nondriver's license will be exempt from showing proof of lawful presence. Any person who is not 65 years of age and does not have the required documents to prove lawful presence may be issued a one-year driver's license renewal. The renewal will only be issued to an applicant who has previously held a Missouri noncommercial driver's license, noncommercial instruction permit, or a nondriver's license for a period of 15 years or more and does not have the required documents to prove lawful presence. No further renewal will be issued without producing proof of lawful presence.

### OUT-OF-SERVICE ORDERS

The Highways and Transportation Commission is allowed to suspend, revoke, or cancel the registration, license, permit, or other credentials issued to a motor carrier if a federal agency or the commission has issued an out-of-service order against the motor carrier. The law is applicable to out-of-service orders placing a motor carrier's entire operation out of service but does not apply to orders placing an individual driver or vehicle out of service.

If the commission issues an order, the motor carrier must not operate any commercial motor vehicle or allow an employee to operate any commercial motor vehicle in intrastate or interstate commerce. After the commission has issued an order, the motor carrier must surrender all license plates, motor carrier licenses, registrations, permits, and other credentials. After the commission has issued an order, the out-of-state motor carrier will not be eligible to apply for the issuance or reinstatement of any license, registration, permit, certificate, or other credentials until the out-of-service order has been rescinded or the orders have been set aside by a court of proper jurisdiction.

Any federal or state order will be admissible in administrative and court proceedings, and the orders will constitute prima facie evidence that the motor carrier violated federal regulations or that the motor carrier's operation of commercial motor vehicles poses an imminent hazard. The bill also changes the laws regarding the right to seek judicial review, law enforcement

powers, and liability regarding an out-of-service order.

#### INTERMEDIATE DRIVER'S LICENSES

Beginning January 1, 2007, parents or legal guardians of applicants for a temporary instruction permit will be required to provide 40 hours of behind-the-wheel driving instruction including a minimum of 10 hours during the nighttime hours. Currently, only 20 hours are required.

For the first six months after the issuance of an intermediate driver's license, the driver cannot operate a vehicle with more than one passenger younger than 19 years of age who is not a member of the driver's immediate family. After the first six-month time period, the driver must not operate a vehicle with more than three passengers younger than 19 years of age who are not members of the driver's immediate family until he or she receives a full driver's license.

An intermediate driver's licensee will have 30 days before his or her eighteenth birthday to apply for and receive without further examination full driving privileges if he or she has had a clean record as specified in the bill for the preceding 12 months.

Any person who violates the provisions regarding intermediate drivers' licenses or temporary permits will be guilty of an infraction, but no points will be assessed against his or her driving record.

#### THIRD-PARTY TESTING

Beginning August 28, 2006, the Director of the Department of Revenue will only issue or renew third-party tester certification to junior or community colleges; private companies who own, lease, or maintain their own fleet and administer in-house testing to their employees; or school districts and their agents that administer in-house testing to their employees.

The bill becomes effective August 28, 2006, except for Section 302.171, RSMo, regarding lawful presence, which contains an emergency clause.