

FIRST REGULAR SESSION

HOUSE BILL NO. 609

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES BAKER (25) (Sponsor), GRILL, McGHEE, OXFORD, SCHNEIDER, McCLANAHAN, QUINN (9), LOW (39), SCHOEMEHL, DOUGHERTY, FRAME, QUINN (7), SCHLOTTACH, LAMPE AND JETTON (Co-sponsors).

Read 1st time January 25, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

0850L.01I

AN ACT

To repeal sections 302.140, 302.177, and 302.178, RSMo, and to enact in lieu thereof six new sections relating to teenage driver safety, with penalty provisions.

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

Section A. Sections 302.140, 302.177, and 302.178, RSMo, are repealed and six new
2 sections enacted in lieu thereof, to be known as sections 170.310, 302.140, 302.145, 302.177,
3 302.178, and 304.810, to read as follows:

170.310. 1. Every school district shall make a driver's education course available
2 **to students of the age of fifteen or older. The requirement for offering a course may be met**
3 **by the district offering the course with its own resources or by entering into an agreement**
4 **with another district or with the Missouri Virtual School, created under section 161.670,**
5 **RSMo.**

6 **2. The department of elementary and secondary education shall develop a driver's**
7 **education course to be offered by the Missouri Virtual School.**

302.140. 1. Every application for an instruction permit shall be made upon a form
2 furnished by the director, which application shall be certified by the applicant to be true and
3 correct, and every such application shall be accompanied by a fee of [one dollar] **three dollars.**
4 **Two dollars of this fee shall go to the driver's education fund established under section**
5 **302.145.**

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 2. In addition to the fee prescribed in subsection 1 of this section, applicants for a
7 motorcycle instruction permit under section 302.132 shall pay a special motorcycle safety
8 education fee of two dollars and seventy-five cents.

**302.145. 1. There is hereby created in the state treasury the "Driver's Education
2 Fund", which shall consist of money collected under subsection 1 of section 302.140,
3 subsections 7 and 8 of section 302.177, and subsection 4 of section 302.178. The state
4 treasurer shall be custodian of the fund and shall approve disbursements from the fund
5 in accordance with sections 30.170 and 30.180, RSMo. Upon appropriation, money in the
6 fund shall be used solely for the administration of section 170.310, RSMo. Specifically, the
7 money in the fund shall be used by the department of elementary and secondary education
8 to develop the driver's education course required under section 170.310, RSMo, and to
9 provide course cost subsidies to parents of students who qualify for reduced price lunch.**

10 **2. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any**
11 **moneys remaining in the fund at the end of the biennium shall not revert to the credit of**
12 **the general revenue fund.**

13 **3. The state treasurer shall invest moneys in the fund in the same manner as other**
14 **funds are invested. Any interest and moneys earned on such investments shall be credited**
15 **to the fund.**

 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 of sections
4 302.010 to 302.605, the director shall issue or renew such license; except that no license shall
5 be issued if an applicant's license is currently suspended, canceled, revoked, disqualified, or
6 deposited in lieu of bail. Such license shall expire on the applicant's birthday in the sixth year
7 of issuance, unless the license must be issued for a shorter period due to other requirements of
8 law or for transition or staggering of work as determined by the director. The license must be
9 renewed on or before the date of expiration, which date shall be shown on the license.

10 2. To all applicants for a license or renewal to transport persons or property classified
11 in section 302.015 who are less than twenty-one years of age or greater than sixty-nine years of
12 age, and who submit a satisfactory application and meet the requirements of sections 302.010
13 to 302.605, the director shall issue or renew such license; except that no license shall be issued
14 if an applicant's license is currently suspended, canceled, revoked, disqualified, or deposited in
15 lieu of bail. Such license shall expire on the applicant's birthday in the third year of issuance,
16 unless the license must be issued for a shorter period due to other requirements of law or for
17 transition or staggering of work as determined by the director. The license must be renewed on
18 or before the date of expiration, which date shall be shown on the license. A license issued under

19 this section to an applicant who is over the age of sixty-nine and contains a school bus
20 endorsement shall not be issued for a period that exceeds one year.

21 3. To all other applicants for a license or renewal of a license who are at least twenty-one
22 years of age and under the age of seventy, and who submit a satisfactory application and meet
23 the requirements of sections 302.010 to 302.605, the director shall issue or renew such license;
24 except that no license shall be issued if an applicant's license is currently suspended, canceled,
25 revoked, disqualified, or deposited in lieu of bail. Such license shall expire on the applicant's
26 birthday in the sixth year of issuance, unless the license must be issued for a shorter period due
27 to other requirements of law or for transition or staggering of work as determined by the director.
28 The license must be renewed on or before the date of expiration, which date shall be shown on
29 the license.

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

39 5. The fee for a license issued for a period which exceeds three years under subsection
40 1 of this section shall be thirty dollars.

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

44 7. The fee for a license issued for a period which exceeds three years under subsection
45 3 of this section shall be [fifteen] **seventeen** dollars. **Two dollars of this fee shall go to the**
46 **driver's education fund established under section 302.145.**

47 8. The fee for a license issued for a period of three years or less under subsection 4 of
48 this section shall be [seven] **nine** dollars and fifty cents. **Two dollars of this fee shall go to the**
49 **driver's education fund established under section 302.145.**

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

54 10. The director of revenue may adopt any rules and regulations necessary to carry out
55 the provisions of this section. No rule or portion of a rule promulgated pursuant to the authority
56 of this section shall become effective unless it has been promulgated pursuant to the provisions
57 of chapter 536, RSMo.

 302.178. 1. Any person between the ages of sixteen and eighteen years who is qualified
2 to obtain a license pursuant to sections 302.010 to 302.340 may apply for, and the director shall
3 issue, an intermediate driver's license entitling the applicant, while having such license in his or
4 her possession, to operate a motor vehicle of the appropriate class upon the highways of this state
5 in conjunction with the requirements of this section. An intermediate driver's license shall be
6 readily distinguishable from a license issued to those over the age of eighteen. All applicants for
7 an intermediate driver's license shall:

- 8 (1) Successfully complete the examination required by section 302.173;
- 9 (2) Pay the fee required by subsection 4 of this section;
- 10 (3) Have had a temporary instruction permit issued pursuant to subsection 1 of section
11 302.130 for at least a six-month period or a valid license from another state; and
- 12 (4) Have a parent, grandparent, legal guardian, or, if the applicant is a participant in a
13 federal residential job training program, a driving instructor employed by a federal residential
14 job training program, sign the application stating that the applicant has completed at least forty
15 hours of supervised driving experience under a temporary instruction permit issued pursuant to
16 subsection 1 of section 302.130, or, if the applicant is an emancipated minor, the person over
17 twenty-one years of age who supervised such driving. For purposes of this section, the term
18 "emancipated minor" means a person who is at least sixteen years of age, but less than eighteen
19 years of age, who:
 - 20 (a) Marries with the consent of the legal custodial parent or legal guardian pursuant to
21 section 451.080, RSMo;
 - 22 (b) Has been declared emancipated by a court of competent jurisdiction;
 - 23 (c) Enters active duty in the armed forces;
 - 24 (d) Has written consent to the emancipation from the custodial parent or legal guardian;
 - 25 or
 - 26 (e) Through employment or other means provides for such person's own food, shelter
27 and other cost-of-living expenses;
- 28 (5) Have had no alcohol-related enforcement contacts as defined in section 302.525
29 during the preceding twelve months; and
- 30 (6) Have no nonalcoholic traffic convictions for which points are assessed pursuant to
31 section 302.302, within the preceding six months.

32 2. An intermediate driver's license grants the licensee the same privileges to operate that
33 classification of motor vehicle as a license issued pursuant to section 302.177, except that no
34 person shall operate a motor vehicle on the highways of this state under such an intermediate
35 driver's license between the hours of 1:00 a.m. and 5:00 a.m. unless accompanied by a person
36 described in subsection 1 of section 302.130; except the licensee may operate a motor vehicle
37 without being accompanied if the travel is to or from a school or educational program or activity,
38 a regular place of employment or in emergency situations as defined by the director by
39 regulation.

40 3. Each intermediate driver's license shall be restricted by requiring that the driver and
41 all passengers in the licensee's vehicle wear safety belts at all times. This safety belt restriction
42 shall not apply to a person operating a motorcycle. For the first six months after issuance of the
43 intermediate driver's license, the holder of the license shall not operate a motor vehicle with more
44 than one passenger who is under the age of nineteen who is not a member of the holder's
45 immediate family. As used in this subsection, an intermediate driver's license holder's immediate
46 family shall include brothers, sisters, stepbrothers or stepsisters of the driver, including adopted
47 or foster children residing in the same household of the intermediate driver's license holder.
48 After the expiration of the first six months, the holder of an intermediate driver's license shall
49 not operate a motor vehicle with more than three passengers who are under nineteen years of age
50 and who are not members of the holder's immediate family. The passenger restrictions of this
51 subsection shall not be applicable to any intermediate driver's license holder who is operating
52 a motor vehicle being used in agricultural work-related activities.

53 4. Notwithstanding the provisions of section 302.177 to the contrary, the fee for an
54 intermediate driver's license shall be [five] **seven** dollars and such license shall be valid for a
55 period of two years. **Two dollars of this fee shall go to the driver's education fund**
56 **established under section 302.145.**

57 5. Any intermediate driver's licensee accumulating six or more points in a twelve-month
58 period may be required to participate in and successfully complete a driver-improvement
59 program approved by the director of the department of public safety. The driver-improvement
60 program ordered by the director of revenue shall not be used in lieu of point assessment.

61 6. (1) **(a)** An intermediate driver's licensee who has, for the preceding twelve-month
62 period, had no alcohol-related enforcement contacts, as defined in section 302.525 and no traffic
63 convictions for which points are assessed, upon reaching the age of eighteen years or within the
64 thirty days immediately preceding [their] **his or her** eighteenth birthday may apply for and
65 receive without further examination, other than a vision test as prescribed by section 302.173,
66 a license issued pursuant to this chapter granting full driving privileges. Such person shall pay
67 the required fee for such license as prescribed in section 302.177; **or**

68 (b) **An intermediate driver's licensee who has, for the preceding twelve-month**
69 **period, had no alcohol-related enforcement contacts, as defined in section 302.525, and no**
70 **traffic convictions for which points are assessed, and who has completed a driver's**
71 **education course under section 170.310, RSMo, within ninety days immediately preceding**
72 **his or her eighteenth birthday may apply for and receive without further examination,**
73 **other than a vision test as prescribed by section 302.173, a license issued under this chapter**
74 **granting full driving privileges. Such person shall pay the required fee for such license as**
75 **prescribed in section 302.177.**

76 (2) If an intermediate driver's license expires on a Saturday, Sunday, or legal holiday,
77 such license shall remain valid for the five business days immediately following the expiration
78 date. In no case shall a licensee whose intermediate driver's license expires on a Saturday,
79 Sunday, or legal holiday be guilty of an offense of driving with an expired or invalid driver's
80 license if such offense occurred within five business days immediately following an expiration
81 date that occurs on a Saturday, Sunday, or legal holiday.

82 (3) The director of revenue shall deny an application for a full driver's license until the
83 person has had no traffic convictions for which points are assessed for a period of twelve months
84 prior to the date of application for license or until the person is eligible to apply for a six-year
85 driver's license as provided for in section 302.177, provided the applicant is otherwise eligible
86 for full driving privileges. An intermediate driver's license shall expire when the licensee is
87 eligible and receives a full driver's license as prescribed in subdivision (1) of this section.

88 7. No person upon reaching the age of eighteen years whose intermediate driver's license
89 and driving privilege is denied, suspended, canceled or revoked in this state or any other state
90 for any reason may apply for a full driver's license until such license or driving privilege is fully
91 reinstated. Any such person whose intermediate driver's license has been revoked pursuant to
92 the provisions of sections 302.010 to 302.540 shall, upon receipt of reinstatement of the
93 revocation from the director, pass the complete driver examination, apply for a new license, and
94 pay the proper fee before again operating a motor vehicle upon the highways of this state.

95 8. A person shall be exempt from the intermediate licensing requirements if the person
96 has reached the age of eighteen years and meets all other licensing requirements.

97 9. Any person who violates any of the provisions of this section relating to intermediate
98 drivers' licenses or the provisions of section 302.130 relating to temporary instruction permits
99 is guilty of an infraction, and no points shall be assessed to his or her driving record for any such
100 violation.

101 10. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that
102 is created under the authority delegated in this section shall become effective only if it complies
103 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section

104 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers
105 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the
106 effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the
107 grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be
108 invalid and void.

**304.810. 1. No person with a temporary instruction permit issued under section
2 302.130, RSMo, or an intermediate driver's license issued under section 302.178, RSMo,
3 shall operate a motor vehicle while using a cellular telephone.**

4 **2. A "cellular telephone" is any device used to access wireless telephone service.**

5 **3. The provisions of this section shall not apply to a person using a cellular**
6 **telephone for emergency purposes, including, but not limited to, an emergency call to a law**
7 **enforcement agency, health care provider, fire department, or other emergency services**
8 **agency or entity.**

9 **4. The provisions of this section shall not apply to motor vehicles operated on**
10 **private property.**

11 **5. Violation of this section shall be deemed an infraction punishable by a twenty**
12 **dollar fine for a first offense, and a fifty dollar fine for a second offense.**

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