

SECOND REGULAR SESSION

HOUSE BILL NO. 1353

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE FALLERT.

Pre-filed December 4, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

3671L.01I

AN ACT

To repeal sections 302.177 and 302.720, RSMo, and to enact in lieu thereof two new sections relating to school bus endorsements.

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

Section A. Sections 302.177 and 302.720, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 302.177 and 302.720, to read as follows:

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,

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.

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, **except renewal fees shall be**
44 **waived for applicants seventy years of age or older seeking school bus endorsements.**

45 7. The fee for a license issued for a period which exceeds three years under subsection
46 3 of this section shall be fifteen dollars.

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 dollars and fifty cents.

49 9. Beginning July 1, 2005, the director shall not issue a driver's license for a period that
50 exceeds an applicant's lawful presence in the United States. The director may establish

51 procedures to verify the lawful presence of the applicant and establish the duration of any driver's
52 license issued under this section.

53 10. The director of revenue may adopt any rules and regulations necessary to carry out
54 the provisions of this section. No rule or portion of a rule promulgated pursuant to the authority
55 of this section shall become effective unless it has been promulgated pursuant to the provisions
56 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, **except the renewal fee shall be**
32 **waived for applicants seventy years of age or older seeking school bus endorsements.** The
33 director shall delegate the power to conduct the examinations required under sections 302.700
34 to 302.780 to any member of the highway patrol or any person employed by the highway patrol
35 qualified to give driving examinations.

36 (2) The director shall adopt and promulgate rules and regulations governing the
37 certification of third-party testers by the department of revenue. Such rules and regulations shall
38 substantially comply with the requirements of 49 CFR Part 383, Section 383.75. A certification
39 to conduct third-party testing shall be valid for one year, and the department shall charge a fee
40 of one hundred dollars to issue or renew the certification of any third-party tester.

41 (3) Beginning August 28, 2006, the director shall only issue or renew third-party tester
42 certification to junior colleges or community colleges established under chapter 178, RSMo, or
43 to private companies who own, lease, or maintain their own fleet and administer in-house testing
44 to their employees, or to school districts and their agents that administer in-house testing to the
45 school district's or agent's employees. Any third-party tester who violates any of the rules and
46 regulations adopted and promulgated pursuant to this section shall be subject to having his
47 certification revoked by the department. The department shall provide written notice and an
48 opportunity for the third-party tester to be heard in substantially the same manner as provided
49 in chapter 536, RSMo. If any applicant submits evidence that he has successfully completed a
50 test administered by a third-party tester, the actual driving test for a commercial driver's license
51 may then be waived.

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

58 (5) The director shall have the authority to waive the driving skills test for any qualified
59 military applicant for a commercial driver's license who is currently licensed at the time of
60 application for a commercial driver's license. The director shall impose conditions and
61 limitations to restrict the applicants from whom the department may accept alternative
62 requirements for the skills test described in federal regulation 49 C.F.R. 383.77. An applicant
63 must certify that, during the two-year period immediately preceding application for a commercial
64 driver's license, all of the following apply:

- 65 (a) The applicant has not had more than one license;
66 (b) The applicant has not had any license suspended, revoked, or cancelled;

67 (c) The applicant has not had any convictions for any type of motor vehicle for the
68 disqualifying offenses contained in this chapter or federal rule 49 C.F.R. 383.51(b);

69 (d) The applicant has not had more than one conviction for any type of motor vehicle for
70 serious traffic violations;

71 (e) The applicant has not had any conviction for a violation of state or local law relating
72 to motor vehicle traffic control, but not including any parking violation, arising in connection
73 with any traffic accident, and has no record of an accident in which he or she was at fault;

74 (f) The applicant is regularly employed in a job requiring operation of a commercial
75 motor vehicle and has operated the vehicle for at least sixty days during the two years
76 immediately preceding application for a commercial driver's license. The vehicle must be
77 representative of the commercial motor vehicle the driver applicant operates or expects to
78 operate;

79 (g) The applicant, if on active duty, must provide a notarized affidavit signed by a
80 commanding officer as proof of driving experience as indicated in paragraph (f) of this
81 subdivision;

82 (h) The applicant, if honorably discharged from military service, must provide a
83 form-DD214 or other proof of military occupational specialty;

84 (i) The applicant must meet all federal and state qualifications to operate a commercial
85 vehicle; and

86 (j) The applicant will be required to complete all applicable knowledge tests.

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

93 4. Beginning July 1, 2005, the director shall not issue an instruction permit under this
94 section unless the director verifies that the applicant is lawfully present in the United States
95 before accepting the application. The director may, by rule or regulation, establish procedures
96 to verify the lawful presence of the applicant under this section. No rule or portion of a rule
97 promulgated pursuant to the authority of this section shall become effective unless it has been
98 promulgated pursuant to chapter 536, RSMo.

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