

SECOND REGULAR SESSION

HOUSE BILL NO. 1841

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES LOW (39) (Sponsor), WALSH, GRILL, LOWE (44), SCHIEFFER, MEINERS, OXFORD AND LAMPE (Co-sponsors).

Read 1st time January 24, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

3823L.01I

AN ACT

To repeal sections 302.130 and 302.171, RSMo, and to enact in lieu thereof two new sections relating to drivers' 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Section A. Sections 302.130 and 302.171, RSMo, are repealed and two new sections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. An
14 applicant for a temporary instruction permit shall successfully complete a vision test and a test

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.

15 of the applicant's ability to understand highway signs which regulate, warn or direct traffic and
16 practical knowledge of the traffic laws of this state, pursuant to section 302.173. In addition,
17 beginning January 1, 2007, no permit shall be granted pursuant to this subsection unless a parent
18 or legal guardian gives written permission by signing the application and in so signing, state they,
19 or their designee as set forth in subsection 2 of this section, will provide a minimum of forty
20 hours of behind-the-wheel driving instruction, including a minimum of ten hours of
21 behind-the-wheel driving instruction that occurs during the nighttime hours falling between
22 sunset and sunrise. The forty hours of behind-the-wheel driving instruction that is completed
23 pursuant to this subsection may include any time that the holder of an instruction permit has
24 spent operating a motor vehicle in a driver training program taught by a driver training instructor
25 holding a valid driver education endorsement on a teaching certificate issued by the department
26 of elementary and secondary education or by a qualified instructor of a private drivers' education
27 program. If the applicant for a permit is enrolled in a federal residential job training program,
28 the instructor[, as defined in subsection 5 of this section,] is authorized to sign the application
29 stating that the applicant will receive the behind-the-wheel driving instruction required by this
30 section.

31 2. In the event the parent, grandparent or guardian of the person under sixteen years of
32 age has a physical disability which prohibits or disqualifies said parent, grandparent or guardian
33 from being a qualified licensed operator pursuant to this section, said parent, grandparent or
34 guardian may designate a maximum of two individuals authorized to accompany the applicant
35 for the purpose of giving instruction in driving the motor vehicle. An authorized designee must
36 be a licensed operator for the type of motor vehicle being operated and have attained twenty-one
37 years of age. At least one of the designees must occupy the seat beside the applicant while
38 giving instruction in driving the motor vehicle. The name of the authorized designees must be
39 provided to the department of revenue by the parent, grandparent or guardian at the time of
40 application for the temporary instruction permit. The name of each authorized designee shall be
41 printed on the temporary instruction permit, however, the director may delay the time at which
42 permits are printed bearing such names until the inventories of blank permits and related forms
43 existing on August 28, 1998, are exhausted.

44 3. The director, upon proper application on a form prescribed by the director, in his or
45 her discretion, may issue a restricted instruction permit effective for a school year or more
46 restricted period to an applicant who is enrolled in a high school driver training program taught
47 by a driver training instructor holding a valid driver education endorsement on a teaching
48 certificate issued by the state department of elementary and secondary education even though the
49 applicant has not reached the age of sixteen years but has passed the age of fifteen years. Such
50 instruction permit shall entitle the applicant, when the applicant has such permit in his or her

51 immediate possession, to operate a motor vehicle on the highways, but only when a driver
52 training instructor holding a valid driver education endorsement on a teaching certificate issued
53 by the state department of elementary and secondary education is occupying a seat beside the
54 driver.

55 4. The director, in his or her discretion, may issue a temporary driver's permit to an
56 applicant who is otherwise qualified for a license permitting the applicant to operate a motor
57 vehicle while the director is completing the director's investigation and determination of all facts
58 relative to such applicant's rights to receive a license. Such permit must be in the applicant's
59 immediate possession while operating a motor vehicle, and it shall be invalid when the
60 applicant's license has been issued or for good cause has been refused.

61 5. In the event that the applicant for a temporary instruction permit described in
62 subsection 1 of this section is a participant in a federal residential job training program, the
63 permittee may operate a motor vehicle accompanied by a driver training instructor who holds a
64 valid driver education endorsement issued by the department of elementary and secondary
65 education and a valid driver's license.

66 6. A person at least fifteen years of age may operate a motor vehicle as part of a driver
67 training program taught by a driver training instructor holding a valid driver education
68 endorsement on a teaching certificate issued by the department of elementary and secondary
69 education or a qualified instructor of a private drivers' education program.

70 7. Beginning January 1, 2003, the director shall issue with every temporary instruction
71 permit issued pursuant to subsection 1 of this section a sticker or sign bearing the words
72 "PERMIT DRIVER". The design and size of such sticker or sign shall be determined by the
73 director by regulation. Every applicant issued a temporary instruction permit and sticker on or
74 after January 1, 2003, may display or affix the sticker or sign on the rear window of the motor
75 vehicle. Such sticker or sign may be displayed on the rear window of the motor vehicle
76 whenever the holder of the instruction permit operates a motor vehicle during his or her
77 temporary permit licensure period.

78 8. Beginning July 1, 2005, the director shall verify that an applicant for an instruction
79 permit issued under this section is lawfully present in the United States before accepting the
80 application. The director shall not issue an instruction permit for a period that exceeds an
81 applicant's lawful presence in the United States. The director may establish procedures to verify
82 the lawful presence of the applicant and establish the duration of any permit issued under this
83 section. **Notwithstanding any other law, an applicant's presentation of a certified letter**
84 **issued by a domestic violence shelter, as defined in section 455.200, RSMo, asserting that**
85 **the victim of domestic violence has no means of documenting her lawful presence due to**

86 **her current situation shall entitle the applicant to a temporary instruction permit, with a**
87 **duration not to exceed six months.**

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

302.171. 1. Beginning July 1, 2005, the director shall verify that an applicant for a
2 driver's license is lawfully present in the United States before accepting the application. The
3 director shall not issue a driver's license for a period that exceeds an applicant's lawful presence
4 in the United States. The director may establish procedures to verify the lawful presence of the
5 applicant and establish the duration of any driver's license issued under this section.
6 **Notwithstanding any other law, an applicant's presentation of a certified letter issued by**
7 **a domestic violence shelter, as defined in section 455.200, RSMo, asserting that the victim**
8 **of domestic violence has no means of documenting her lawful presence due to her current**
9 **situation shall entitle the applicant to a temporary driver's license, with a duration not to**
10 **exceed six months.** An application for a license shall be made upon an approved form furnished
11 by the director. Every application shall state the full name, Social Security number, age, height,
12 weight, color of eyes, sex, residence, mailing address of the applicant, and the classification for
13 which the applicant has been licensed, and, if so, when and by what state, and whether or not
14 such license has ever been suspended, revoked, or disqualified, and, if revoked, suspended or
15 disqualified, the date and reason for such suspension, revocation or disqualification and whether
16 the applicant is making a one dollar donation to promote an organ donation program as
17 prescribed in subsection 2 of this section. A driver's license, nondriver's license, or instruction
18 permit issued under this chapter shall contain the applicant's legal name as it appears on a birth
19 certificate or as legally changed through marriage or court order. No name change by common
20 usage based on common law shall be permitted. The application shall also contain such
21 information as the director may require to enable the director to determine the applicant's
22 qualification for driving a motor vehicle; and shall state whether or not the applicant has been
23 convicted in this or any other state for violating the laws of this or any other state or any
24 ordinance of any municipality, relating to driving without a license, careless driving, or driving
25 while intoxicated, or failing to stop after an accident and disclosing the applicant's identity, or
26 driving a motor vehicle without the owner's consent. The application shall contain a certification
27 by the applicant as to the truth of the facts stated therein. Every person who applies for a license
28 to operate a motor vehicle who is less than twenty-one years of age shall be provided with
29 educational materials relating to the hazards of driving while intoxicated, including information
30 on penalties imposed by law for violation of the intoxication-related offenses of the state.
31 Beginning January 1, 2001, if the applicant is less than eighteen years of age, the applicant must
32 comply with all requirements for the issuance of an intermediate driver's license pursuant to

33 section 302.178. For persons mobilized and deployed with the United States Armed Forces, an
34 application under this subsection shall be considered satisfactory by the department of revenue
35 if it is signed by a person who holds general power of attorney executed by the person deployed,
36 provided the applicant meets all other requirements set by the director.

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

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

69 4. Beginning July 1, 2005, the director shall deny the driving privilege of any person who
70 commits fraud or deception during the examination process or who makes application for an
71 instruction permit, driver's license, or nondriver's license which contains or is substantiated with
72 false or fraudulent information or documentation, or who knowingly conceals a material fact or
73 otherwise commits a fraud in any such application. The period of denial shall be one year from
74 the effective date of the denial notice sent by the director. The denial shall become effective ten
75 days after the date the denial notice is mailed to the person. The notice shall be mailed to the
76 person at the last known address shown on the person's driving record. The notice shall be
77 deemed received three days after mailing unless returned by the postal authorities. No such
78 individual shall reapply for a driver's examination, instruction permit, driver's license, or
79 nondriver's license until the period of denial is completed. No individual who is denied the
80 driving privilege under this section shall be eligible for a limited driving privilege issued under
81 section 302.309.

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

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

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

88 8. Notwithstanding any provisions of this chapter that requires an applicant to provide
89 proof of lawful presence for renewal of a noncommercial driver's license, noncommercial
90 instruction permit, or nondriver's license, an applicant who is sixty-five years and older and who
91 was previously issued a Missouri noncommercial driver's license, noncommercial instruction
92 permit, or Missouri nondriver's license is exempt from showing proof of lawful presence.

93 9. Notwithstanding any other provision of this chapter, if an applicant does not meet the
94 requirements of subsection 8 of this section and does not have the required documents to prove
95 lawful presence, the department may issue a one-year driver's license renewal. This one-time
96 renewal shall only be issued to an applicant who previously has held a Missouri noncommercial
97 driver's license, noncommercial instruction permit, or nondriver's license for a period of fifteen
98 years or more and who does not have the required documents to prove lawful presence. After
99 the expiration of the one-year period, no further renewal shall be provided without the applicant
100 producing proof of lawful presence.

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