

SECOND REGULAR SESSION

[PERFECTED]

# HOUSE BILL NO. 2078

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES HUBBARD (Sponsor), EL-AMIN, MUNZLINGER, NANCE, FISHER, KINGERY, ROBB, QUINN (7), LOEHNER, SCHAD, WALLACE, McGHEE, FRANZ, PARSON, WELLS, MOORE, WOOD, DENISON, JONES (117), WRIGHT, DEEKEN, HOSKINS, JETTON, SMITH (150) AND WILSON (119).

Read 1st time February 11, 2008 and copies ordered printed.

Read 2nd time February 12, 2008 and referred to the Special Committee on Urban Education Reform February 14, 2008.

Reported from the Special Committee on Urban Education Reform April 2, 2008 with recommendation that the bill Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

Reported from the Committee on Rules April 9, 2008 with recommendation that the bill Do Pass with no time limit for debate.

Taken up for Perfection April 23, 2008. Bill ordered Perfected and printed.

D. ADAM CRUMBLISS, Chief Clerk

4320L.01P

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## AN ACT

To repeal sections 302.060 and 302.171, RSMo, and to enact in lieu thereof three new sections relating to driver's licenses, with penalty provisions and an effective date.

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

Section A. Sections 302.060 and 302.171, RSMo, are repealed and three new sections  
2 enacted in lieu thereof, to be known as sections 302.060, 302.063, and 302.171, to read as  
3 follows:

302.060. The director shall not issue any license and shall immediately deny any driving  
2 privilege:

3 (1) To any person who is under the age of eighteen years, if such person operates a motor  
4 vehicle in the transportation of persons or property as classified in section 302.015;

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.

5 (2) To any person who is under the age of sixteen years, **or to any person who is under**  
6 **eighteen years of age who fails to meet the qualifications of section 302.063**, except as  
7 [hereinafter] provided **by this section**;

8 (3) To any person whose license has been suspended, during such suspension, or to any  
9 person whose license has been revoked, until the expiration of one year after such license was  
10 revoked;

11 (4) To any person who is an habitual drunkard or is addicted to the use of narcotic drugs;

12 (5) To any person who has previously been adjudged to be incapacitated and who at the  
13 time of application has not been restored to partial capacity;

14 (6) To any person who, when required by this law to take an examination, has failed to  
15 pass such examination;

16 (7) To any person who has an unsatisfied judgment against such person, as defined in  
17 chapter 303, RSMo, until such judgment has been satisfied or the financial responsibility of such  
18 person, as defined in section [303.120] **303.020**, RSMo, has been established;

19 (8) To any person whose application shows that the person has been convicted within  
20 one year prior to such application of violating the laws of this state relating to failure to stop after  
21 an accident and to disclose the person's identity or driving a motor vehicle without the owner's  
22 consent;

23 (9) To any person who has been convicted more than twice of violating state law, or a  
24 county or municipal ordinance where the defendant was represented by or waived the right to an  
25 attorney in writing, relating to driving while intoxicated; except that, after the expiration of ten  
26 years from the date of conviction of the last offense of violating such law or ordinance relating  
27 to driving while intoxicated, a person who was so convicted may petition the circuit court of the  
28 county in which such last conviction was rendered and the court shall review the person's habits  
29 and conduct since such conviction. If the court finds that the petitioner has not been convicted  
30 of any offense related to alcohol, controlled substances or drugs during the preceding ten years  
31 and that the petitioner's habits and conduct show such petitioner to no longer pose a threat to the  
32 public safety of this state, the court may order the director to issue a license to the petitioner if  
33 the petitioner is otherwise qualified pursuant to the provisions of sections 302.010 to 302.540.  
34 No person may obtain a license pursuant to the provisions of this subdivision through court  
35 action more than one time;

36 (10) To any person who has been convicted twice within a five-year period of violating  
37 state law, or a county or municipal ordinance where the defendant was represented by or waived  
38 the right to an attorney in writing, of driving while intoxicated, or who has been convicted of the  
39 crime of involuntary manslaughter while operating a motor vehicle in an intoxicated condition.  
40 The director shall not issue a license to such person for five years from the date such person was

41 convicted for involuntary manslaughter while operating a motor vehicle in an intoxicated  
42 condition or for driving while intoxicated for the second time. Any person who has been denied  
43 a license for two convictions of driving while intoxicated prior to July 27, 1989, shall have the  
44 person's license issued, upon application, unless the two convictions occurred within a five-year  
45 period, in which case, no license shall be issued to the person for five years from the date of the  
46 second conviction;

47 (11) To any person who is otherwise disqualified pursuant to the provisions of sections  
48 302.010 to 302.780, chapter 303, RSMo, or section 544.046, RSMo;

49 (12) To any person who is under the age of eighteen years, if such person's parents or  
50 legal guardians file a certified document with the department of revenue stating that the director  
51 shall not issue such person a driver's license. Each document filed by the person's parents or  
52 legal guardians shall be made upon a form furnished by the director and shall include identifying  
53 information of the person for whom the parents or legal guardians are denying the driver's  
54 license. The document shall also contain identifying information of the person's parents or legal  
55 guardians. The document shall be certified by the parents or legal guardians to be true and  
56 correct. This provision shall not apply to any person who is legally emancipated. The parents  
57 or legal guardians may later file an additional document with the department of revenue which  
58 reinstates the person's ability to receive a driver's license.

**302.063. 1. In addition to the requirement of section 302.171, the director of**  
2 **revenue shall not accept any application by any applicant for an operator's license or a**  
3 **temporary permit issued under section 302.130 who is fifteen to eighteen years of age and**  
4 **whose name has been submitted to the department of revenue by a public school in**  
5 **accordance with subsection 2 of this section.**

6 **2. Each public school district shall provide to the department of revenue, at least**  
7 **one time for each semester of the school year, a list of the names of all students who are not**  
8 **in compliance with the standards for eligibility developed under the provisions of this**  
9 **section.**

10 **3. The department of elementary and secondary education shall develop a plan that**  
11 **includes, but is not limited to, elements that demonstrate effort on the student's part, such**  
12 **as attendance, and maintaining grades and achieving assessment scores consistent with**  
13 **their skills and abilities. The public school district shall ensure that students are aware of**  
14 **the department standards and provide multiple opportunities in the fifth grade year and**  
15 **subsequent years for students to receive information and participate in academic**  
16 **counseling in anticipation of meeting such standards. The department standards shall**  
17 **ensure that the student continues to make educational progress. The student shall be**  
18 **required to meet the standards in the academic year preceding such student's application**

19 for an operator's license or temporary permit. A student enrolled in public school who  
20 withdraws from public school and was not in compliance with the department standards  
21 for eligibility for an operator's license or temporary permit at the time of such withdrawal  
22 shall remain subject to the requirements of this section until such student demonstrates  
23 department standards have been achieved.

24 4. If an applicant does not achieve the department standards, the applicant's  
25 driver's license test shall be postponed until the applicant demonstrates the department  
26 standards have been achieved. The department's plan shall create methods for  
27 demonstrating, no less frequently than once a semester, that standards have been met. The  
28 department standards shall also include a method for evaluating students who transfer into  
29 a school district after the age of fourteen who may not initially meet the department  
30 standards to prevent undue delay for that student to qualify.

31 5. Any person who is an emancipated minor, as defined in section 302.171, who  
32 does not meet the qualifications prescribed in this section may request the school board of  
33 the school district in which such person resides to grant a waiver from the requirements  
34 of this section and such waiver shall be granted if the school board determines that having  
35 a license to operate a motor vehicle is in the best interests of that person. In addition, any  
36 person who withdraws from school and earns a GED shall be granted, upon request, a  
37 waiver from the requirements of this section.

38 6. The department of elementary and secondary education, in cooperation with the  
39 department of revenue, shall promulgate a model or models for compliance with this  
40 section.

41 7. Any person who knowingly submits false information to the department under  
42 the provisions of this section is guilty of a class C misdemeanor.

43 8. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,  
44 that is created under the authority delegated in this section shall become effective only if  
45 it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if  
46 applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable  
47 and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,  
48 to review, to delay the effective date, or to disapprove and annul a rule are subsequently  
49 held unconstitutional, then the grant of rulemaking authority and any rule proposed or  
50 adopted after August 28, 2008, shall be invalid and void.

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. An  
6 application for a license shall be made upon an approved form furnished by the director. Every  
7 application shall state the full name, Social Security number, age, height, weight, color of eyes,  
8 sex, residence, mailing address of the applicant, and the classification for which the applicant  
9 has been licensed, and, if so, when and by what state, and whether or not such license has ever  
10 been suspended, revoked, or disqualified, and, if revoked, suspended or disqualified, the date and  
11 reason for such suspension, revocation or disqualification and whether the applicant is making  
12 a one dollar donation to promote an organ donation program as prescribed in subsection 2 of this  
13 section. A driver's license, nondriver's license, or instruction permit issued under this chapter  
14 shall contain the applicant's legal name as it appears on a birth certificate or as legally changed  
15 through marriage or court order. No name change by common usage based on common law shall  
16 be permitted. The application shall also contain such information as the director may require to  
17 enable the director to determine the applicant's qualification for driving a motor vehicle; and  
18 shall state whether or not the applicant has been convicted in this or any other state for violating  
19 the laws of this or any other state or any ordinance of any municipality, relating to driving  
20 without a license, careless driving, or driving while intoxicated, or failing to stop after an  
21 accident and disclosing the applicant's identity, or driving a motor vehicle without the owner's  
22 consent. The application shall contain a certification by the applicant as to the truth of the facts  
23 stated therein. Every person who applies for a license to operate a motor vehicle who is less than  
24 twenty-one years of age shall be provided with educational materials relating to the hazards of  
25 driving while intoxicated, including information on penalties imposed by law for violation of the  
26 intoxication-related offenses of the state. Beginning January 1, 2001, if the applicant is less than  
27 eighteen years of age, the applicant must comply with all requirements for the issuance of an  
28 intermediate driver's license pursuant to section 302.178. **An applicant who is less than**  
29 **eighteen years of age and is not an emancipated minor shall meet the requirements of**  
30 **section 302.063 in order to receive a license issued under this chapter. As used in this**  
31 **section, the term "emancipated minor" is a person who is at least sixteen years of age, but**  
32 **less than eighteen years of age, who marries, enters active duty in the armed forces, or who**  
33 **the custodial parent or legal guardian has relinquished from parental control by express**  
34 **or implied consent, and who through employment or other means provides for such**  
35 **person's own food, shelter, and other cost-of-living expenses.** For persons mobilized and  
36 deployed with the United States Armed Forces, an application under this subsection shall be  
37 considered satisfactory by the department of revenue if it is signed by a person who holds general  
38 power of attorney executed by the person deployed, provided the applicant meets all other  
39 requirements set by the director.

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

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

72           4. Beginning July 1, 2005, the director shall deny the driving privilege of any person who  
73 commits fraud or deception during the examination process or who makes application for an  
74 instruction permit, driver's license, or nondriver's license which contains or is substantiated with  
75 false or fraudulent information or documentation, or who knowingly conceals a material fact or

76 otherwise commits a fraud in any such application. The period of denial shall be one year from  
77 the effective date of the denial notice sent by the director. The denial shall become effective ten  
78 days after the date the denial notice is mailed to the person. The notice shall be mailed to the  
79 person at the last known address shown on the person's driving record. The notice shall be  
80 deemed received three days after mailing unless returned by the postal authorities. No such  
81 individual shall reapply for a driver's examination, instruction permit, driver's license, or  
82 nondriver's license until the period of denial is completed. No individual who is denied the  
83 driving privilege under this section shall be eligible for a limited driving privilege issued under  
84 section 302.309.

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

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

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

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

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

Section B. Section A of this act shall become effective January 1, 2011.

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