

SECOND REGULAR SESSION

# HOUSE BILL NO. 2046

## 94TH GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVES BAKER (25) (Sponsor), DAY, SCHNEIDER, SCHOEMEHL,  
TALBOY AND NORR (Co-sponsors).

Read 1st time February 7, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

4794L.01I

---

### AN ACT

To repeal section 302.178, RSMo, and to enact in lieu thereof three new sections relating to teenage driver safety.

---

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

Section A. Section 302.178, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 170.310, 302.145, and 302.178, to read as follows:

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

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

**302.145. 1. There is hereby created in the state treasury the "Driver's Education Fund", which shall consist of moneys from appropriations and donations received from any private individual or private entity. The state treasurer shall be custodian of the fund and shall approve disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo. Upon appropriation, money in the fund shall be used by the department of elementary and secondary education or the University of Missouri Online High School to provide the driver's education course required under section 170.310, RSMo, to students**

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.

8 **who qualify for reduced price lunch at no cost to the students or his or her parents or legal**  
9 **guardians.**

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.**

302.178. 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 dollars and such license shall be valid for a period of  
55 two years.

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

60 6. (1) (a) An intermediate driver's licensee who has, for the preceding twelve-month  
61 period, had no alcohol-related enforcement contacts, as defined in section 302.525 and no traffic  
62 convictions for which points are assessed, upon reaching the age of eighteen years or within the  
63 thirty days immediately preceding [their] **his or her** eighteenth birthday may apply for and

64 receive without further examination, other than a vision test as prescribed by section 302.173,  
65 a license issued pursuant to this chapter granting full driving privileges. Such person shall pay  
66 the required fee for such license as prescribed in section 302.177; or

67 **(b) An intermediate driver's licensee who has, for the preceding twelve-month**  
68 **period, had no alcohol-related enforcement contacts, as defined in section 302.525, and no**  
69 **traffic convictions for which points are assessed, and who has completed a driver's**  
70 **education course under section 170.310, RSMo, upon reaching the age of seventeen years**  
71 **or within sixty days immediately preceding his or her seventeenth birthday may apply for**  
72 **and receive without further examination, other than a vision test as prescribed by section**  
73 **302.173, a license issued under this chapter granting full driving privileges following his**  
74 **or her seventeenth birthday. 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.

✓