

FIRST REGULAR SESSION

# HOUSE BILL NO. 411

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES LOW (Sponsor), OXFORD, ZIMMERMAN, KANDER,  
WALTON GRAY AND LAMPE (Co-sponsors).

0611L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 302.130 and 302.171, RSMo, and to enact in lieu thereof two new sections relating to drivers' licenses.

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*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Section A. Sections 302.130 and 302.171, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 302.130 and 302.171, to read as follows: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 instruction in operating a motor vehicle, would otherwise be qualified to obtain a license pursuant to sections 302.010 to 302.340 may apply for and the director shall issue a temporary instruction permit entitling the applicant, while having such permit in the applicant's immediate possession, to drive a motor vehicle of the appropriate class upon the highways for a period of twelve months, but any such person, except when operating a motorcycle or motortricycle, must be accompanied by a licensed operator for the type of motor vehicle being operated who is actually occupying a seat beside the driver for the purpose of giving instruction in driving the motor vehicle, who is at least twenty-one years of age, and in the case of any driver under sixteen years of age, the licensed operator occupying the seat beside the driver shall be a grandparent, parent, guardian, a driver training instructor holding a valid driver education endorsement on a teaching certificate issued by the department of elementary and secondary education or a qualified instructor of a private drivers' education program who has a valid driver's license. An applicant for a temporary instruction permit shall successfully complete a vision test and a test of the applicant's ability to understand highway signs which regulate, warn or direct traffic and practical knowledge of the traffic laws of this state, pursuant to section 302.173. In addition,

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.

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 and tissue  
46 donations to applicants for licensure as designed by the organ donation advisory committee  
47 established in sections 194.297 to 194.304, RSMo. The director shall inquire of each applicant  
48 at the time the licensee presents the completed application to the director whether the applicant  
49 is interested in making the one dollar donation prescribed in this subsection and whether the  
50 applicant is interested in inclusion in the organ donor registry and shall also specifically inform  
51 the licensee of the ability to consent to organ donation by completing the form on the reverse of  
52 the license that the applicant will receive in the manner prescribed by subdivision (1) of  
53 subsection 1 of section 194.225, RSMo. A symbol shall be placed on the front of the document  
54 indicating the applicant's desire to be listed in the registry. The director shall notify the  
55 department of health and senior services of information obtained from applicants who indicate  
56 to the director that they are interested in registry participation, and the department of health and  
57 senior services shall enter the complete name, address, date of birth, race, gender and a unique  
58 personal identifier in the registry established in subsection 1 of section 194.304, RSMo.

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

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

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

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

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

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

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

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