

SECOND REGULAR SESSION

HOUSE BILL NO. 2139

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES GATSCHENBERGER (Sponsor) AND JONES (89) (Co-sponsor).

4665L.01I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 302.173, RSMo, and to enact in lieu thereof one new section relating to drivers license examinations.

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

Section A. Section 302.173, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 302.173, to read as follows:

302.173. 1. Any applicant for a license, who does not possess a valid license issued pursuant to the laws of this state, another state, or a country which has a reciprocal agreement with the state of Missouri regarding the exchange of licenses pursuant to section 302.172 shall be examined as herein provided. Any person who has failed to renew such person's license on or before the date of its expiration or within six months thereafter must take the complete examination. Any active member of the armed forces, their adult dependents or any active member of the peace corps may apply for a renewal license without examination of any kind, unless otherwise required by sections 302.700 to 302.780, provided the renewal application shows that the previous license had not been suspended or revoked. Any person honorably discharged from the armed forces of the United States who held a valid license prior to being inducted may apply for a renewal license within sixty days after such person's honorable discharge without submitting to any examination of such person's ability to safely operate a motor vehicle over the highways of this state unless otherwise required by sections 302.700 to 302.780, other than the vision test provided in section 302.175, unless the facts set out in the renewal application or record of convictions on the expiring license, or the records of the director show that there is good cause to authorize the director to require the applicant to submit to the complete examination. No applicant for a renewal license shall be required to submit to any

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.

18 examination of his or her ability to safely operate a motor vehicle over the highways of this state
19 unless otherwise required by sections 302.700 to 302.780 or regulations promulgated thereunder,
20 other than a test of the applicant's ability to understand highway signs regulating, warning or
21 directing traffic and the vision test provided in section 302.175, unless the facts set out in the
22 renewal application or record of convictions on the expiring license, or the records of the director
23 show that there is good cause to authorize the director to require the applicant to submit to the
24 complete examination. The examination shall be made available in each county. Reasonable
25 notice of the time and place of the examination shall be given the applicant by the person or
26 officer designated to conduct it. The complete examination shall include a test of the applicant's
27 natural or corrected vision as prescribed in section 302.175, the applicant's ability to understand
28 highway signs regulating, warning or directing traffic, the applicant's practical knowledge of the
29 traffic laws of this state, and an actual demonstration of ability to exercise due care in the
30 operation of a motor vehicle of the classification for which the license is sought. **Examinations**
31 **conducted under the authority of this section shall only be administered in the English**
32 **language so that the applicant can demonstrate his or her ability to read the English**
33 **language sufficiently to understand highway traffic signs and safety warnings. The**
34 **director shall neither supply nor permit the use of foreign language interpreters in**
35 **connection with the written and driving tests required under this section.** When an
36 applicant for a license has a license from a state which has requirements for issuance of a license
37 comparable to the Missouri requirements or a license from a country which has a reciprocal
38 agreement with the state of Missouri regarding the exchange of licenses pursuant to section
39 302.172 and such license has not expired more than six months prior to the date of application
40 for the Missouri license, the director may waive the test of the applicant's practical knowledge
41 of the traffic laws of this state, and the requirement of actual demonstration of ability to exercise
42 due care in the operation of a motor vehicle. If the director has reasonable grounds to believe
43 that an applicant is suffering from some known physical or mental ailment which ordinarily
44 would interfere with the applicant's fitness to operate a motor vehicle safely upon the highways,
45 the director may require that the examination include a physical or mental examination by a
46 licensed physician of the applicant's choice, at the applicant's expense, to determine the fact. The
47 director shall prescribe regulations to ensure uniformity in the examinations and in the grading
48 thereof and shall prescribe and furnish all forms to the members of the highway patrol and to
49 other persons authorized to conduct examinations as may be necessary to enable the officer or
50 person to properly conduct the examination. The records of the examination shall be forwarded
51 to the director who shall not issue any license hereunder if in the director's opinion the applicant
52 is not qualified to operate a motor vehicle safely upon the highways of this state.

53 2. Beginning July 1, 2005, when the examiner has reasonable grounds to believe that an
54 individual has committed fraud or deception during the examination process, the license
55 examiner shall immediately forward to the director all information relevant to any fraud or
56 deception, including, but not limited to, a statement of the examiner's grounds for belief that the
57 person committed or attempted to commit fraud or deception in the written, skills, or vision
58 examination.

59 3. The director of revenue shall delegate the power to conduct the examinations required
60 for a license or permit to any member of the highway patrol or any person employed by the
61 highway patrol. The powers delegated to any examiner may be revoked at any time by the
62 director of revenue upon notice.

63 4. Notwithstanding the requirements of subsections 1 and 3 of this section, the successful
64 completion of a motorcycle rider training course approved pursuant to sections 302.133 to
65 302.137 shall constitute an actual demonstration of the person's ability to exercise due care in
66 the operation of a motorcycle or motortricycle, and no further driving test shall be required to
67 obtain a motorcycle or motortricycle license or endorsement.

68 **5. Any applicant required to take the driving portion of the examination under**
69 **subsection 1 of this section shall pay a twenty-five dollar fee and any applicant required**
70 **to take the written portion of the examination shall pay a fifteen dollar fee. All fees**
71 **collected under this subsection shall be payable to the director of revenue and shall be**
72 **deposited by the director in the state treasury to the credit of the state highway fund for**
73 **appropriation to the Missouri state highway patrol for administration of this section. This**
74 **fee shall be in addition to any other fees required upon completion of any written or**
75 **driving test.**

✓