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HOUSE AMENDMENT NO. \_\_\_\_

TO

HOUSE AMENDMENT NO. \_\_\_\_

Thomas Lowy

Offered By

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1 AMEND House Amendment No. \_\_\_\_ to House Committee Substitute for Senate Bill No. 0568  
2 Page 5 Line 26, by inserting after all of said line the following:

3 "Further amend said bill, Page 5, Section 301.147, Line 29, by inserting after all of said line the  
4 following:

5 "302.341. 1. If a Missouri resident charged with a moving traffic violation of this state or  
6 any county or municipality of this state fails to dispose of the charges of which the resident is  
7 accused through authorized prepayment of fine and court costs and fails to appear on the return  
8 date or at any subsequent date to which the case has been continued, or without good cause fails to  
9 pay any fine or court costs assessed against the resident for any such violation within the period of  
10 time specified or in such installments as approved by the court or as otherwise provided by law,  
11 any court having jurisdiction over the charges shall within ten days of the failure to comply inform  
12 the defendant by ordinary mail at the last address shown on the court records that the court will  
13 order the director of revenue to suspend the defendant's driving privileges if the charges are not  
14 disposed of and fully paid within thirty days from the date of mailing. Thereafter, if the defendant  
15 fails to timely act to dispose of the charges and fully pay any applicable fines and court costs, the  
16 court shall notify the director of revenue of such failure and of the pending charges against the  
17 defendant. Upon receipt of this notification, the director shall suspend the license of the driver,  
18 effective immediately, and provide notice of the suspension to the driver at the last address for the  
19 driver shown on the records of the department of revenue. Such suspension shall remain in effect  
20 until the court with the subject pending charge requests setting aside the noncompliance  
21 suspension pending final disposition, or satisfactory evidence of disposition of pending charges  
22 and payment of fine and court costs, if applicable, is furnished to the director by the individual.

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1 Upon proof of disposition of charges and payment of fine and court costs, if applicable, and  
2 payment of the reinstatement fee as set forth in section 302.304, the director shall return the  
3 license and remove the suspension from the individual's driving record if the individual was not  
4 operating a commercial motor vehicle or a commercial driver's license holder at the time of the  
5 offense. The filing of financial responsibility with the bureau of safety responsibility, department  
6 of revenue, shall not be required as a condition of reinstatement of a driver's license suspended  
7 solely under the provisions of this section.

8 2. If any city, town or village receives more than thirty-five percent of its annual general  
9 operating revenue from fines and court costs for traffic violations occurring on state highways, all  
10 revenues from such violations in excess of thirty-five percent of the annual general operating  
11 revenue of the city, town or village shall be sent to the director of the department of revenue and  
12 shall be distributed annually to the schools of the county in the same manner that proceeds of all  
13 penalties, forfeitures and fines collected for any breach of the penal laws of the state are  
14 distributed. For the purpose of this section the words "state highways" shall mean any state or  
15 federal highway, including any such highway continuing through the boundaries of a city, town or  
16 village with a designated street name other than the state highway number. The director of the  
17 department of revenue shall set forth by rule a procedure whereby excess revenues as set forth  
18 above shall be sent to the department of revenue. If any city, town, or village disputes a  
19 determination that it has received excess revenues required to be sent to the department of  
20 revenue, such city, town, or village may submit to an annual audit by the state auditor under the  
21 authority of article IV, section 13 of the Missouri Constitution. Any rule or portion of a rule, as  
22 that term is defined in section 536.010, that is created under the authority delegated in this section  
23 shall become effective only if it complies with and is subject to all of the provisions of chapter  
24 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any  
25 of the powers vested with the general assembly under chapter 536 to review, to delay the effective  
26 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of  
27 rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and  
28 void.

29 302.700. 1. Sections 302.700 to 302.780 may be cited as the "Uniform Commercial  
30 Driver's License Act".

31 2. When used in sections 302.700 to 302.780, the following words and phrases mean:

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1 (1) "Alcohol", any substance containing any form of alcohol, including, but not limited to,  
2 ethanol, methanol, propanol and isopropanol;

3 (2) "Alcohol concentration", the number of grams of alcohol per one hundred milliliters of  
4 blood or the number of grams of alcohol per two hundred ten liters of breath or the number of  
5 grams of alcohol per sixty-seven milliliters of urine;

6 (3) "CDLIS driver record", the electronic record of the individual commercial driver's  
7 status and history stored by the state of record as part of the Commercial Driver's License  
8 Information System (CDLIS) established under 49 U.S.C. Section 31309, et seq.:

9 (4) "CDLIS motor vehicle record (CDLIS MVR)", a report generated from the CDLIS  
10 driver record which meets the requirements for access to CDLIS information and is provided by  
11 states to users authorized in 49 CFR Part 384, subject to the provisions of the Driver Privacy  
12 Protection Act, 18 U.S.C. Sections 2721 to 2725, et seq.:

13 (5) "Commercial driver's instruction permit", a permit issued pursuant to section 302.720;

14 [(4)] (6) "Commercial driver's license", a license issued by this state to an individual  
15 which authorizes the individual to operate a commercial motor vehicle;

16 [(5)] (7) "Commercial driver's license downgrade", occurs when:

17 (a) A driver changes the self-certification to interstate, but operates exclusively in  
18 transportation or operation excepted from 49 CFR Part 391, as provided in 49 CFR Part 390.3(f),  
19 391.2, 391.68, or 398.3;

20 (b) A driver changes the self-certification to intrastate only, if the driver qualifies under  
21 the state's physical qualification requirements for intrastate only;

22 (c) A driver changes the self-certification to intrastate, but operating exclusively in  
23 transportation or operations excepted from all or part of the state driver qualification  
24 requirements; or

25 (d) The state removes the commercial driver's license privilege from the driver's license;

26 (8) "Commercial driver's license information system (CDLIS)", the information system  
27 established pursuant to the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law  
28 99-570) to serve as a clearinghouse for locating information related to the licensing and  
29 identification of commercial motor vehicle drivers;

30 [(6)] (9) "Commercial motor vehicle", a motor vehicle designed or used to transport  
31 passengers or property:

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1 (a) If the vehicle has a gross combination weight rating of twenty-six thousand one or  
2 more pounds inclusive of a towed unit which has a gross vehicle weight rating of ten thousand  
3 one pounds or more;

4 (b) If the vehicle has a gross vehicle weight rating of twenty-six thousand one or more  
5 pounds or such lesser rating as determined by federal regulation;

6 (c) If the vehicle is designed to transport sixteen or more passengers, including the driver;  
7 or

8 (d) If the vehicle is transporting hazardous materials and is required to be placarded under  
9 the Hazardous Materials Transportation Act (46 U.S.C. 1801, et seq.);

10 [(7)] (10) "Controlled substance", any substance so classified under Section 102(6) of the  
11 Controlled Substances Act (21 U.S.C. 802(6)), and includes all substances listed in schedules I  
12 through V of 21 CFR part 1308, as they may be revised from time to time;

13 [(8)] (11) "Conviction", an unvacated adjudication of guilt, including pleas of guilt and  
14 nolo contendere, or a determination that a person has violated or failed to comply with the law in a  
15 court of original jurisdiction or an authorized administrative proceeding, an unvacated forfeiture  
16 of bail or collateral deposited to secure the person's appearance in court, the payment of a fine or  
17 court cost, or violation of a condition of release without bail, regardless of whether the penalty is  
18 rebated, suspended or prorated, including an offense for failure to appear or pay;

19 [(9)] (12) "Director", the director of revenue or his authorized representative;

20 [(10)] (13) "Disqualification", any of the following three actions:

21 (a) The suspension, revocation, or cancellation of a commercial driver's license;

22 (b) Any withdrawal of a person's privileges to drive a commercial motor vehicle by a  
23 state, Canada, or Mexico as the result of a violation of federal, state, county, municipal, or local  
24 law relating to motor vehicle traffic control or violations committed through the operation of  
25 motor vehicles, other than parking, vehicle weight, or vehicle defect violations;

26 (c) A determination by the Federal Motor Carrier Safety Administration that a person is  
27 not qualified to operate a commercial motor vehicle under 49 CFR Part 383.52 or Part 391;

28 [(11)] (14) "Drive", to drive, operate or be in physical control of a commercial motor  
29 vehicle;

30 [(12)] (15) "Driver", any person who drives, operates, or is in physical control of a motor  
31 vehicle, or who is required to hold a commercial driver's license;

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1       (16) "Driver applicant", an individual who applies to obtain, transfer, upgrade, or renew a  
2 commercial driver's license in this state;

3       [(13)] (17) "Driving under the influence of alcohol", the commission of any one or more  
4 of the following acts:

5       (a) Driving a commercial motor vehicle with the alcohol concentration of four  
6 one-hundredths of a percent or more as prescribed by the secretary or such other alcohol  
7 concentration as may be later determined by the secretary by regulation;

8       (b) Driving a commercial or noncommercial motor vehicle while intoxicated in violation  
9 of any federal or state law, or in violation of a county or municipal ordinance;

10       (c) Driving a commercial or noncommercial motor vehicle with excessive blood alcohol  
11 content in violation of any federal or state law, or in violation of a county or municipal ordinance;

12       (d) Refusing to submit to a chemical test in violation of section 577.041, section 302.750,  
13 any federal or state law, or a county or municipal ordinance; or

14       (e) Having any state, county or municipal alcohol-related enforcement contact, as defined  
15 in subsection 3 of section 302.525; provided that any suspension or revocation pursuant to section  
16 302.505, committed in a noncommercial motor vehicle by an individual twenty-one years of age  
17 or older shall have been committed by the person with an alcohol concentration of at least  
18 eight-hundredths of one percent or more, or in the case of an individual who is less than  
19 twenty-one years of age, shall have been committed by the person with an alcohol concentration  
20 of at least two-hundredths of one percent or more, and if committed in a commercial motor  
21 vehicle, a concentration of four-hundredths of one percent or more;

22       [(14)] (18) "Driving under the influence of a controlled substance", the commission of any  
23 one or more of the following acts in a commercial or noncommercial motor vehicle:

24       (a) Driving a commercial or noncommercial motor vehicle while under the influence of  
25 any substance so classified under Section 102(6) of the Controlled Substances Act (21 U.S.C.  
26 802(6)), including any substance listed in schedules I through V of 21 CFR Part 1308, as they may  
27 be revised from time to time;

28       (b) Driving a commercial or noncommercial motor vehicle while in a drugged condition  
29 in violation of any federal or state law or in violation of a county or municipal ordinance; or

30       (c) Refusing to submit to a chemical test in violation of section 577.041, section 302.750,  
31 any federal or state law, or a county or municipal ordinance;

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1 [(15)] (19) "Employer", any person, including the United States, a state, or a political  
2 subdivision of a state, who owns or leases a commercial motor vehicle or assigns a driver to  
3 operate such a vehicle;

4 (20) "Endorsement", an authorization on an individual's commercial driver's license  
5 permitting the individual to operate certain types of commercial motor vehicles;

6 [(16)] (21) "Farm vehicle", a commercial motor vehicle controlled and operated by a  
7 farmer used exclusively for the transportation of agricultural products, farm machinery, farm  
8 supplies, or a combination of these, within one hundred fifty miles of the farm, other than one  
9 which requires placarding for hazardous materials as defined in this section, or used in the  
10 operation of a common or contract motor carrier, except that a farm vehicle shall not be a  
11 commercial motor vehicle when the total combined gross weight rating does not exceed  
12 twenty-six thousand one pounds when transporting fertilizers as defined in subdivision [(21)] (27)  
13 of this subsection;

14 [(17)] (22) "Fatality", the death of a person as a result of a motor vehicle accident;

15 [(18)] (23) "Felony", any offense under state or federal law that is punishable by death or  
16 imprisonment for a term exceeding one year;

17 (24) "Foreign", outside the fifty states of the United States and the District of Columbia;

18 [(19)] (25) "Gross combination weight rating" or "GCWR", the value specified by the  
19 manufacturer as the loaded weight of a combination (articulated) vehicle. In the absence of a  
20 value specified by the manufacturer, GCWR will be determined by adding the GVWR of the  
21 power unit and the total weight of the towed unit and any load thereon;

22 [(20)] (26) "Gross vehicle weight rating" or "GVWR", the value specified by the  
23 manufacturer as the loaded weight of a single vehicle;

24 [(21)] (27) "Hazardous materials", any material that has been designated as hazardous  
25 under 49 U.S.C. 5103 and is required to be placarded under subpart F of CFR Part 172 or any  
26 quantity of a material listed as a select agent or toxin in 42 CFR Part 73. Fertilizers, including but  
27 not limited to ammonium nitrate, phosphate, nitrogen, anhydrous ammonia, lime, potash, motor  
28 fuel or special fuel, shall not be considered hazardous materials when transported by a farm  
29 vehicle provided all other provisions of this definition are followed;

30 [(22)] (28) "Imminent hazard", the existence of a condition that presents a substantial  
31 likelihood that death, serious illness, severe personal injury, or a substantial endangerment to

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health, property, or the environment may occur before the reasonably foreseeable completion date of a formal proceeding begins to lessen the risk of that death, illness, injury, or endangerment;

[(23)] (29) "Issuance", the initial licensure, license transfers, license renewals, and license upgrades;

(30) "Medical examiner", a person who is licensed, certified, or registered, in accordance with applicable state laws and regulations, to perform physical examinations. The term includes, but is not limited to, doctors of medicine, doctors of osteopathy, physician assistants, advanced practice nurses, and doctors of chiropractic;

(31) "Medical variance", when a driver has received one of the following that allows the driver to be issued a medical certificate:

(a) An exemption letter permitting operation of a commercial motor vehicle under 49 CFR Part 381, Subpart C or 49 CFR Part 391.64;

(b) A skill performance evaluation certificate permitting operation of a commercial motor vehicle under 49 CFR Part 391.49;

[(24)] (32) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks;

[(25)] (33) "Noncommercial motor vehicle", a motor vehicle or combination of motor vehicles not defined by the term "commercial motor vehicle" in this section;

[(26)] (34) "Out of service", a temporary prohibition against the operation of a commercial motor vehicle by a particular driver, or the operation of a particular commercial motor vehicle, or the operation of a particular motor carrier;

[(27)] (35) "Out-of-service order", a declaration by [the Federal Highway Administration, or any] an authorized enforcement officer of a federal, state, [Commonwealth of Puerto Rico, Canadian, Mexican or any local jurisdiction, that a driver, or a commercial motor vehicle, or a motor carrier operation, is out of service under 49 CFR Part 386.72, 392.5, 392.9a, 395.13, or 396.9, or comparable laws, or the North American Standard Out-of-Service Criteria;

[(28)] (36) "School bus", a commercial motor vehicle used to transport preprimary, primary, or secondary school students from home to school, from school to home, or to and from school-sponsored events. School bus does not include a bus used as a common carrier as defined by the Secretary;

[(29)] (37) "Secretary", the Secretary of Transportation of the United States;

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1 [(30)] (38) "Serious traffic violation", driving a commercial motor vehicle in such a  
2 manner that the driver receives a conviction for the following offenses or driving a  
3 noncommercial motor vehicle when the driver receives a conviction for the following offenses  
4 and the conviction results in the suspension or revocation of the driver's license or noncommercial  
5 motor vehicle driving privilege:

6 (a) Excessive speeding, as defined by the Secretary by regulation;

7 (b) Careless, reckless or imprudent driving which includes, but shall not be limited to, any  
8 violation of section 304.016, any violation of section 304.010, or any other violation of federal or  
9 state law, or any county or municipal ordinance while driving a commercial motor vehicle in a  
10 willful or wanton disregard for the safety of persons or property, or improper or erratic traffic lane  
11 changes, or following the vehicle ahead too closely, but shall not include careless and imprudent  
12 driving by excessive speed;

13 (c) A violation of any federal or state law or county or municipal ordinance regulating the  
14 operation of motor vehicles arising out of an accident or collision which resulted in death to any  
15 person, other than a parking violation;

16 (d) Driving a commercial motor vehicle without obtaining a commercial driver's license  
17 in violation of any federal or state or county or municipal ordinance;

18 (e) Driving a commercial motor vehicle without a commercial driver's license in the  
19 driver's possession in violation of any federal or state or county or municipal ordinance. Any  
20 individual who provides proof to the court which has jurisdiction over the issued citation that the  
21 individual held a valid commercial driver's license on the date that the citation was issued shall  
22 not be guilty of this offense;

23 (f) Driving a commercial motor vehicle without the proper commercial driver's license  
24 class or endorsement for the specific vehicle group being operated or for the passengers or type of  
25 cargo being transported in violation of any federal or state law or county or municipal ordinance;  
26 or

27 (g) Any other violation of a federal or state law or county or municipal ordinance  
28 regulating the operation of motor vehicles, other than a parking violation, as prescribed by the  
29 secretary by regulation;

30 [(31)] (39) "State", a state[, territory or possession] of the United States[, the District of  
31 Columbia, the Commonwealth of Puerto Rico, Mexico, and any province of Canada];

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1 [(32)] (40) "United States", the fifty states and the District of Columbia.

2 302.768. 1. Any applicant for a commercial driver's license or commercial driver's  
3 instruction permit shall comply with the Federal Motor Carrier Safety Administration application  
4 requirements of 49 CFR Part 383.71 by certifying to one of the following applicable statements  
5 relating to federal and state driver qualification rules:

6 (1) Nonexcepted interstate: Certifies the applicant is a driver operating or expecting to  
7 operate in interstate or foreign commerce, or is otherwise subject to and meets requirements of 49  
8 CFR Part 391 and is required to obtain a medical examiner's certificate as defined in 49 CFR Part  
9 391.45;

10 (2) Excepted interstate: Certifies the applicant is a driver operating or expecting to  
11 operate entirely in interstate commerce that is not subject to Part 391 and is subject to Missouri  
12 driver qualifications and not required to obtain a medical examiner's certificate;

13 (3) Nonexcepted intrastate: Certifies the applicant is a driver operating only in intrastate  
14 commerce and is subject to Missouri driver qualifications;

15 (4) Excepted intrastate: Certifies the applicant operates or expects to operate only in  
16 intrastate commerce, and engaging only in operations excepted from all parts of the Missouri  
17 driver qualification requirements.

18 2. Any applicant who cannot meet certification requirements under one of the categories  
19 defined in subsection 1 of this section shall be denied issuance of a commercial driver's license or  
20 commercial driver's instruction permit.

21 3. An applicant certifying to operation in nonexcepted interstate or nonexcepted intrastate  
22 commerce shall provide the state with an original or copy of a current medical examiners  
23 certificate or a medical examiners certificate accompanied by a medical variance or waiver. The  
24 state shall retain the original or copy of the documentation of physical qualification for a  
25 minimum of three years beyond the date the certificate was issued.

26 4. Applicants certifying to operation in nonexcepted interstate commerce or nonexcepted  
27 intrastate commerce shall provide an updated medical certificate or variance documents to  
28 maintain a certified status during the term of the commercial driver's license or commercial  
29 driver's instruction permit in order to retain commercial privileges.

30 5. The director shall post the medical examiners certificate of information, medical  
31 variance if applicable, the applicant's self-certification and certification status to the Missouri

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1 driver record within ten calendar days and such information will become part of the CDLIS driver  
2 record.

3 6. Applicants certifying to operation in nonexcepted interstate commerce or nonexcepted  
4 intrastate commerce who fail to provide or maintain a current medical examiners certificate, or if  
5 the state has received notice of a medical variance or waiver expiring or being rescinded, the state  
6 shall, within ten calendar days, update the driver's medical certification status to "not certified".  
7 The state shall notify the driver of the change in certification status and require the driver to  
8 annually comply with requirements for a commercial driver's license downgrade within sixty days  
9 of the expiration of the applicant certification.

10 7. The department of revenue may, by rule, establish the cost and criteria for submission  
11 of updated medical certification status information as required under this section.

12 8. Any person who falsifies any information in an application for or update of medical  
13 certification status information for a commercial driver's license shall not be licensed to operate a  
14 commercial motor vehicle, or the person's commercial driver's license shall be canceled for a  
15 period of one year after the director discovers such falsification.

16 9. The director may promulgate rules and regulations necessary to administer and enforce  
17 this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is  
18 created under the authority delegated in this section shall become effective only if it complies with  
19 and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This  
20 section and chapter 536 are nonseverable and if any of the powers vested with the general  
21 assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul  
22 a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule  
23 proposed or adopted after August 28, 2012, shall be invalid and void.

24 Section B. The repeal and reenactment of section 302.700 and the enactment of section  
25 302.768 of this act shall become effective on the date the director of the department of revenue  
26 begins accepting commercial driver license medical certifications under sections 302.700 and  
27 302.768, or on May 1, 2013, whichever occurs first. If the director of revenue begins accepting  
28 commercial driver license medical certifications under sections 302.700 and 302.768 prior to May  
29 1, 2013, the director of the department of revenue shall notify the revisor of statutes of such fact.”;  
30 and”; and

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- 1 Further amend said bill by amending the title, enacting clause, and intersectional references
- 2 accordingly.

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