

SECOND REGULAR SESSION

HOUSE BILL NO. 1104

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE GATSCHENBERGER.

4077H.011

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 examination fees.

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Section A. Section 302.173, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 302.173, to read as follows: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. When an
31 applicant for a license has a license from a state which has requirements for issuance of a license
32 comparable to the Missouri requirements or a license from a country which has a reciprocal
33 agreement with the state of Missouri regarding the exchange of licenses pursuant to section
34 302.172 and such license has not expired more than six months prior to the date of application
35 for the Missouri license, the director may waive the test of the applicant's practical knowledge
36 of the traffic laws of this state, and the requirement of actual demonstration of ability to exercise
37 due care in the operation of a motor vehicle. If the director has reasonable grounds to believe
38 that an applicant is suffering from some known physical or mental ailment which ordinarily
39 would interfere with the applicant's fitness to operate a motor vehicle safely upon the highways,
40 the director may require that the examination include a physical or mental examination by a
41 licensed physician of the applicant's choice, at the applicant's expense, to determine the fact. The
42 director shall prescribe regulations to ensure uniformity in the examinations and in the grading
43 thereof and shall prescribe and furnish all forms to the members of the highway patrol and to
44 other persons authorized to conduct examinations as may be necessary to enable the officer or
45 person to properly conduct the examination. The records of the examination shall be forwarded
46 to the director who shall not issue any license hereunder if in the director's opinion the applicant
47 is not qualified to operate a motor vehicle safely upon the highways of this state.

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

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

58 4. Notwithstanding the requirements of subsections 1 and 3 of this section, the successful
59 completion of a motorcycle rider training course approved pursuant to sections 302.133 to
60 302.137 shall constitute an actual demonstration of the person's ability to exercise due care in
61 the operation of a motorcycle or motortricycle, and no further driving test shall be required to
62 obtain a motorcycle or motortricycle license or endorsement.

63 5. Notwithstanding the requirements of subsections 1 and 3 of this section, the successful
64 completion of a military motorcycle rider training course that meets or exceeds the Motorcycle
65 Safety Foundation curriculum standards by an applicant who is an active member of the U.S.
66 Armed Forces, shall constitute an actual demonstration of the person's ability to exercise due care
67 in the operation of a motorcycle or motortricycle, and no further driving test shall be required to
68 obtain a motorcycle or motortricycle license or endorsement. The director of revenue is
69 authorized to promulgate rules and regulations for the administration and implementation of this
70 subsection including rules governing the presentment of motorcycle training course completion
71 cards from a military motorcycle rider training course or other documentation showing that the
72 applicant has successfully completed a course in basic motorcycle safety instruction that meets
73 or exceeds curriculum standards established by the Motorcycle Safety Foundation or other
74 national organization whose purpose is to improve the safety of motorcyclists on the nation's
75 streets and highways. Any rule or portion of a rule, as that term is defined in section 536.010,
76 that is created under the authority delegated in this section shall become effective only if it
77 complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
78 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the
79 general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove
80 and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority
81 and any rule proposed or adopted after August 28, 2012, shall be invalid and void.

82 **6. Any applicant required to take the written portion of the examination more than**
83 **once shall pay a fee of ten dollars for each additional time the applicant must retake the**
84 **examination. All fees collected under this subsection shall be payable to the director of**
85 **revenue for deposit in the state road fund pursuant to article IV, section 30(b) of the**
86 **Constitution of Missouri.**

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