

SECOND REGULAR SESSION

HOUSE BILL NO. 2087

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HIGDON.

5492H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 302.178, RSMo, and to enact in lieu thereof twelve new sections relating to high-risk driving offenses committed by intermediate driver's license holders, with penalty provisions.

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

Section A. Section 302.178, RSMo, is repealed and twelve new sections enacted in lieu thereof, to be known as sections 302.178, 302.800, 302.802, 302.804, 302.806, 302.808, 302.810, 302.812, 302.814, 302.816, 302.818, and 302.820, to read as follows:

302.178. 1. Any person between the ages of sixteen and eighteen years who is qualified to obtain a license pursuant to sections 302.010 to 302.340 may apply for, and the director shall issue, an intermediate driver's license entitling the applicant, while having such license in his or her possession, to operate a motor vehicle of the appropriate class upon the highways of this state in conjunction with the requirements of this section. An intermediate driver's license shall be readily distinguishable from a license issued to those over the age of eighteen. All applicants for an intermediate driver's license shall:

- (1) Successfully complete the examination required by section 302.173;
- (2) Pay the fee required by subsection 4 of this section;
- (3) Have had a temporary instruction permit issued pursuant to subsection 1 of section 302.130 for at least a six-month period or a valid license from another state; and
- (4) Have a parent, grandparent, legal guardian, or, if the applicant is a participant in a federal residential job training program, a driving instructor employed by a federal residential job training program, sign the application stating that the applicant has completed at least forty hours of supervised driving experience under a temporary instruction permit issued pursuant to

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.

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;

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 had no citations for any high-risk driving offense as defined in section**
31 **302.800 during the preceding twelve months; and**

32 (7) Have no nonalcoholic traffic convictions for which points are assessed pursuant to
33 section 302.302, within the preceding six months.

34 2. An intermediate driver's license grants the licensee the same privileges to operate that
35 classification of motor vehicle as a license issued pursuant to section 302.177, except that no
36 person shall operate a motor vehicle on the highways of this state under such an intermediate
37 driver's license between the hours of 1:00 a.m. and 5:00 a.m. unless accompanied by a person
38 described in subsection 1 of section 302.130; except the licensee may operate a motor vehicle
39 without being accompanied if the travel is to or from a school or educational program or activity,
40 a regular place of employment or in emergency situations as defined by the director by
41 regulation.

42 3. Each intermediate driver's license shall be restricted by requiring that the driver and
43 all passengers in the licensee's vehicle wear safety belts at all times. This safety belt restriction
44 shall not apply to a person operating a motorcycle. For the first six months after issuance of the
45 intermediate driver's license, the holder of the license shall not operate a motor vehicle with more
46 than one passenger who is under the age of nineteen who is not a member of the holder's
47 immediate family. As used in this subsection, an intermediate driver's license holder's immediate
48 family shall include brothers, sisters, stepbrothers or stepsisters of the driver, including adopted
49 or foster children residing in the same household of the intermediate driver's license holder.
50 After the expiration of the first six months, the holder of an intermediate driver's license shall
51 not operate a motor vehicle with more than three passengers who are under nineteen years of age

52 and who are not members of the holder's immediate family. The passenger restrictions of this
53 subsection shall not be applicable to any intermediate driver's license holder who is operating
54 a motor vehicle being used in agricultural work-related activities.

55 4. Notwithstanding the provisions of section 302.177 to the contrary, the fee for an
56 intermediate driver's license shall be five dollars and such license shall be valid for a period of
57 two years.

58 5. Any intermediate driver's licensee accumulating six or more points in a twelve-month
59 period may be required to participate in and successfully complete a driver-improvement
60 program approved by the state highways and transportation commission. The
61 driver-improvement program ordered by the director of revenue shall not be used in lieu of point
62 assessment.

63 6. (1) An intermediate driver's licensee who has, for the preceding twelve-month period,
64 had no alcohol-related enforcement contacts, as defined in section 302.525, ~~and~~ no traffic
65 convictions for which points are assessed, **and no citations for any high-risk driving offense**
66 **as defined in section 302.800**, upon reaching the age of eighteen years or within the thirty days
67 immediately preceding their eighteenth birthday, may apply for and receive without further
68 examination, other than a vision test as prescribed by section 302.173, a license issued pursuant
69 to this chapter granting full driving privileges. Such person shall pay the required fee for such
70 license as prescribed in section 302.177.

71 (2) If an intermediate driver's license expires on a Saturday, Sunday, or legal holiday,
72 such license shall remain valid for the five business days immediately following the expiration
73 date. In no case shall a licensee whose intermediate driver's license expires on a Saturday,
74 Sunday, or legal holiday be guilty of an offense of driving with an expired or invalid driver's
75 license if such offense occurred within five business days immediately following an expiration
76 date that occurs on a Saturday, Sunday, or legal holiday.

77 (3) The director of revenue shall deny an application for a full driver's license until the
78 person has had no traffic convictions for which points are assessed for a period of twelve months
79 prior to the date of application for license or until the person is eligible to apply for a six-year
80 driver's license as provided for in section 302.177, provided the applicant is otherwise eligible
81 for full driving privileges. An intermediate driver's license shall expire when the licensee is
82 eligible and receives a full driver's license as prescribed in subdivision (1) of this section.

83 7. No person upon reaching the age of eighteen years whose intermediate driver's license
84 and driving privilege is denied, suspended, cancelled or revoked in this state or any other state
85 for any reason may apply for a full driver's license until such license or driving privilege is fully
86 reinstated. Any such person whose intermediate driver's license has been revoked pursuant to
87 the provisions of sections 302.010 to 302.540, **or pursuant to the provisions of sections**

88 **302.800 to 302.820**, shall, upon receipt of reinstatement of the revocation from the director, pass
89 the complete driver examination, apply for a new license, and pay the proper fee before again
90 operating a motor vehicle upon the highways of this state.

91 8. A person shall be exempt from the intermediate licensing requirements if the person
92 has reached the age of eighteen years and meets all other licensing requirements.

93 9. Any person who violates any of the provisions of this section relating to intermediate
94 drivers' licenses or the provisions of section 302.130 relating to temporary instruction permits
95 is guilty of an infraction, and no points shall be assessed to his or her driving record for any such
96 violation.

97 10. Any rule or portion of a rule, as that term is defined in section 536.010, that is
98 created under the authority delegated in this section shall become effective only if it complies
99 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
100 This section and chapter 536 are nonseverable and if any of the powers vested with the general
101 assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and
102 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and
103 any rule proposed or adopted after August 28, 2000, shall be invalid and void.

302.800. 1. As used in sections 302.800 to 302.820, the following terms mean:

2 **(1) "Department", the department of revenue of the state of Missouri;**

3 **(2) "Director", the director of the department of revenue or his or her authorized**
4 **representative;**

5 **(3) "Intermediate driver's license", a driver's license issued under section 302.178**
6 **to persons between the ages of sixteen and eighteen years;**

7 **(4) "Revocation", the termination by formal action of the department of a person's**
8 **intermediate driver's license;**

9 **(5) "State", a state, territory, or possession of the United States, the District of**
10 **Columbia, the Commonwealth of Puerto Rico, and any province of Canada;**

11 **(6) "Suspension", the temporary withdrawal by formal action of the department**
12 **of a person's intermediate driver's license. The suspension shall be for a period specifically**
13 **designated by the department under the provisions of sections 302.800 to 302.820.**

14 **2. A holder of an intermediate driver's license who is under the age of eighteen**
15 **years is guilty of high-risk driving if he or she commits any of the following violations:**

16 **(1) Speeding in excess of ten miles per hour over the posted speed limit in violation**
17 **of a state law or in violation of a county or municipal ordinance;**

18 **(2) Leaving the scene of an accident in violation of section 577.060 or any county**
19 **or municipal ordinance;**

20 **(3) Careless and imprudent driving in violation of subsection 4 of section 304.016**
21 **or any county or municipal ordinance;**

22 **(4) Endangerment of a highway worker in violation of section 304.585;**

23 **(5) Aggravated endangerment of a highway worker in violation of section 304.585;**

24 **(6) Endangerment of an emergency responder in violation of section 304.894; or**

25 **(7) Aggravated endangerment of an emergency responder in violation of section**
26 **304.894.**

27 **3. Notwithstanding any other provision of law, the department shall suspend or**
28 **revoke the license of any person under the age of eighteen years who holds an intermediate**
29 **driver's license upon its determination that such person was cited with a traffic offense**
30 **categorized as high-risk driving under subsection 2 of this section.**

31 **4. The department shall make a determination of those facts on the basis of the**
32 **report of a law enforcement officer required under section 302.802, and this determination**
33 **shall be final unless a hearing is requested and held. If a hearing is held, the department**
34 **shall review the matter and make a final determination on the basis of evidence received**
35 **at the hearing.**

36 **5. The determination of these facts by the department is independent of the**
37 **determination of the same or similar facts in the adjudication of any criminal charges**
38 **arising out of the same occurrence. The disposition of those criminal charges shall not**
39 **affect any suspension or revocation under this section.**

302.802. 1. Except as provided in subsection 3 of this section, a law enforcement
2 **officer who cites an intermediate driver's license holder under the age of eighteen years**
3 **with a traffic offense categorized as high-risk driving shall forward to the department a**
4 **certified report of all information relevant to the enforcement action, including**
5 **information which adequately identifies the person cited with the offense, a statement of**
6 **the officer's grounds for belief that the person violated any state statute related to the**
7 **offense, and a copy of the citation and complaint filed with the court.**

8 **2. The report required by this section shall be certified under penalties of perjury**
9 **for making a false statement to a public official and shall be made on forms supplied by the**
10 **department or in a manner specified by regulations of the department.**

11 **3. A county or municipal ordinance relating to the cited offense shall not be the**
12 **basis for suspension or revocation of an intermediate driver's license under the provisions**
13 **of sections 302.800 to 302.820, unless the law enforcement officer citing the violation, other**
14 **than an elected peace officer or official, has been licensed by the director of the department**
15 **of public safety under the provisions of chapter 590.**

302.804. 1. Whenever an intermediate driver's license holder is cited with a traffic offense categorized as high-risk driving, the officer, acting on behalf of the department, shall serve the notice of suspension or revocation personally on the intermediate driver's license holder.

2. When the law enforcement officer serves the notice of suspension or revocation, the officer shall take possession of the person's intermediate driver's license. When the officer takes possession of such license, the officer, acting on behalf of the department, shall issue a temporary permit, which is valid for fifteen days after its date of issuance, and shall also give the person cited a notice that shall inform the person of all rights and responsibilities under sections 302.800 to 302.820. The notice shall be in such form that the intermediate driver's license holder may sign the original as evidence of receipt thereof. The notice shall also contain a detachable form permitting the intermediate driver's license holder to request a hearing. Signing the hearing request form and mailing such request to the department shall constitute a formal application for a hearing.

3. A copy of the completed notice of suspension or revocation form, a copy of any completed temporary permit form, a copy of the notice of rights and responsibilities given to the intermediate driver's license holder, including any request for hearing, and any driver's license taken into possession under this section shall be forwarded to the department by the officer along with the report required in section 302.802.

4. The department shall provide forms for notice of suspension or revocation, for notice of rights and responsibilities, for request for a hearing, and for temporary permits to law enforcement agencies.

302.806. 1. The license suspension or revocation shall become effective fifteen days after the intermediate driver's license holder has received the notice of suspension or revocation as provided in section 302.804, or is deemed to have received the notice of suspension or revocation by mail as provided in section 302.804. If a request for a hearing is received by or postmarked to the department within that fifteen-day period, the effective date of the suspension or revocation shall be stayed until a final order is issued following the hearing; provided that, any delay in the hearing that is caused or requested by the subject person or counsel representing that person without good cause shown shall not result in a stay of the suspension or revocation during the period of delay.

2. The period of license suspension or revocation under this section shall be as follows:

(1) If the person's driving record shows no prior high-risk driving offense, the period of suspension shall be thirty days after the effective date of suspension.

14 **(2) If the person's driving record shows one or more prior high-risk driving**
15 **offenses, the period of revocation shall be one year.**

302.808. 1. Any person who has received a notice of suspension or revocation may
2 **make a request within fifteen days of receipt of the notice for a review of the department's**
3 **determination at a hearing. If the person's intermediate driver's license has not been**
4 **previously surrendered, it may be surrendered at the time the request for a hearing is**
5 **made.**

6 **2. At the time the request for a hearing is made, if it appears from the record that**
7 **the person is the holder of a valid intermediate driver's license issued by this state and that**
8 **the intermediate driver's license has been surrendered, the department shall issue a**
9 **temporary permit, which shall be valid until the scheduled date for the hearing. The**
10 **department may later issue an additional temporary permit or permits in order to stay the**
11 **effective date of the suspension or revocation until the final order is issued following the**
12 **hearing.**

13 **3. The hearing may be held by telephone, or if requested by the person or such**
14 **person's attorney or representative at a regional location as designated by the director.**
15 **The hearing shall be conducted by examiners who are licensed to practice law in the state**
16 **of Missouri and who are employed by the department on a part-time or full-time basis, as**
17 **the department may determine.**

18 **4. The sole issue at the hearing shall be whether, by a preponderance of the**
19 **evidence, the person was driving a vehicle under the circumstances set out in section**
20 **302.802. The burden of proof shall be on the state to adduce such evidence. If the**
21 **department finds in the affirmative on this issue, the suspension or revocation order shall**
22 **be sustained. If the department finds in the negative on this issue, the suspension or**
23 **revocation order shall be rescinded.**

24 **5. The procedure at such hearing shall be conducted in accordance with chapter**
25 **536 and with sections 302.800 to 302.820. A report certified under subsection 2 of section**
26 **302.802 shall be admissible in a like manner as a verified report as evidence of the facts**
27 **stated therein, and any provision of chapter 536 to the contrary shall not apply.**

28 **6. The department shall promptly notify the person of its decision, including the**
29 **reasons for that decision. Such notification shall include a notice advising the person that**
30 **the department's decision shall be final within fifteen days from the date such notice was**
31 **mailed unless the person challenges the department's decision within that time period by**
32 **filing an appeal in the circuit court in the county where the offense occurred.**

33 7. Unless the person, within fifteen days after being notified of the department's
34 decision, files an appeal for judicial review under section 302.810, the decision of the
35 department shall be final.

36 8. The director may adopt any rules and regulations necessary to carry out the
37 provisions of this section.

302.810. 1. Any person aggrieved by a decision of the department may file a
2 petition for trial de novo by the circuit court. The burden of proof shall be on the state to
3 adduce the evidence. Such trial shall be conducted under the Missouri rules of civil
4 procedure and not as an appeal of an administrative decision under chapter 536. The
5 petition shall be filed in the circuit court of the county where the offense occurred. The
6 case shall be decided by the judge sitting without a jury. Pursuant to local court rule under
7 article V, section 15 of the Missouri Constitution, the case may be assigned to a circuit
8 judge or an associate circuit judge, or to a traffic judge under section 479.500.

9 2. The filing of a petition for trial de novo shall not result in a stay of the suspension
10 or revocation order.

302.812. If the judge upholds the department's ruling to suspend or revoke a
2 person's license after a hearing conducted under subsection 1 of section 302.808, and the
3 person appeals such ruling, the department shall pay any court costs and attorney's fees
4 the person incurs under such appeal if the court reverses the department's ruling to
5 suspend or revoke such person's license.

302.814. 1. No person who has had an intermediate driver's license to operate a
2 motor vehicle suspended or revoked under the provisions of sections 302.800 to 302.820
3 shall have that license reinstated until such person has participated in and successfully
4 completed a driver improvement program approved by the state highways and
5 transportation commission.

6 2. The fees for the program authorized in subsection 1 of this section, or a portion
7 thereof to be determined by the division of alcohol and drug abuse of the department of
8 mental health, shall be paid by the person enrolled in the program.

302.816. Any person whose driving privilege has been suspended or revoked for a
2 first determination under sections 302.800 to 302.820 that such person was engaged in
3 high-risk driving under subsection 2 of section 302.800 shall have all official records and
4 all recordations maintained by the department of revenue of such suspension or revocation
5 expunged two years after the date of such suspension or revocation, or when such person
6 attains twenty-one years of age, whichever date first occurs. Such expungement shall be
7 performed by the department of revenue without need of a court order.

2 **302.818.** The department of revenue may promulgate all necessary rules and
3 regulations for the administration of sections 302.800 to 302.820. Any rule or portion of
4 a rule, as that term is defined in section 536.010, that is created under the authority
5 delegated in this section shall become effective only if it complies with and is subject to all
6 of the provisions of chapter 536 and, if applicable, section 536.028. This section and
7 chapter 536 are nonseverable, and if any of the powers vested with the general assembly
8 under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule
9 are subsequently held unconstitutional, then the grant of rulemaking authority and any
rule proposed or adopted after August 28, 2018, shall be invalid and void.

2 **302.820. 1.** A record of the disposition in any court proceeding involving any high-
3 risk driving offense shall be forwarded to the department of revenue, within seven days by
4 the clerk of the court in which the proceeding was held. The records shall be forwarded
5 by the department of revenue within fifteen days of receipt, to the Missouri state highway
6 patrol and shall be entered by the highway patrol in the Missouri uniform law enforcement
7 system records. Dispositions that shall be reported are guilty pleas, findings of guilt,
8 suspended imposition of sentence, suspended execution of sentence, probation, conditional
9 sentences, sentences of confinement, and any other such dispositions that may be required
10 under state or federal regulations. The record forwarded by the clerk shall clearly state
11 the name of the court, the court case number, the name, address, and motor vehicle
12 operator's license number of the person who is the subject of the proceeding, the code or
13 number assigned to the traffic citation, and any court action or requirements pertaining
thereto.

14 **2.** All records received by the Missouri state highway patrol or the department of
15 revenue under the provisions of this section shall be entered in the Missouri uniform law
16 enforcement system records and maintained by the Missouri state highway patrol.
17 Records placed in the Missouri uniform law enforcement system under the provisions of
18 this section shall be made available to any law enforcement officer in this state, any
19 prosecuting or circuit attorney in this state, or to any judge of a municipal or state court
20 upon request.

21 **3.** A person commits the offense of refusal to furnish records of disposition if he or
22 she is required to furnish records to the Missouri state highway patrol or department of
23 revenue under this section and purposely refuses to furnish such records. The offense of
24 refusal to furnish records of disposition is a class D misdemeanor.

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