

**HOUSE AMENDMENT NO. \_\_\_\_\_**  
**TO**  
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**Offered By**

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1 AMEND House Amendment No. \_\_\_\_\_ to House Committee Substitute for Senate Committee  
2 Substitute for Senate Bill No. 147, Page 1, Line 4, by inserting before the number "307.375" the  
3 following:  
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5 "302.720. 1. Except when operating under an instruction permit as described in this section,  
6 no person may drive a commercial motor vehicle unless the person has been issued a commercial  
7 driver's license with applicable endorsements valid for the type of vehicle being operated as  
8 specified in sections 302.700 to 302.780. A commercial driver's instruction permit shall allow the  
9 holder of a valid license to operate a commercial motor vehicle when accompanied by the holder of  
10 a commercial driver's license valid for the vehicle being operated and who occupies a seat beside the  
11 individual, or reasonably near the individual in the case of buses, for the purpose of giving  
12 instruction in driving the commercial motor vehicle. No person may be issued a commercial  
13 driver's instruction permit until he or she has passed written tests which comply with the minimum  
14 federal standards. A commercial driver's instruction permit shall be valid for the vehicle being  
15 operated for a period of not more than six months, and shall not be issued until the permit holder has  
16 met all other requirements of sections 302.700 to 302.780, except for the driving test. A permit  
17 holder, unless otherwise disqualified, may be granted one six-month renewal within a one-year  
18 period. The fee for such permit or renewal shall be five dollars. In the alternative, a commercial  
19 driver's instruction permit shall be issued for a thirty-day period to allow the holder of a valid  
20 driver's license to operate a commercial motor vehicle if the applicant has completed all other  
21 requirements except the driving test. The permit may be renewed for one additional thirty-day  
22 period and the fee for the permit and for renewal shall be five dollars.

23 2. No person may be issued a commercial driver's license until he has passed written and  
24 driving tests for the operation of a commercial motor vehicle which complies with the minimum  
25 federal standards established by the Secretary and has satisfied all other requirements of the  
26 Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570), as well as any other  
27 requirements imposed by state law. All applicants for a commercial driver's license shall have  
28 maintained the appropriate class of commercial driver's instruction permit issued by this state or any  
29 other state for a minimum of fourteen calendar days prior to the date of taking the skills test.  
30 Applicants for a hazardous materials endorsement must also meet the requirements of the U.S.  
31 Patriot Act of 2001 (Title X of Public Law 107-56) as specified and required by regulations  
32 promulgated by the Secretary. Nothing contained in this subsection shall be construed as  
33 prohibiting the director from establishing alternate testing formats for those who are functionally  
34 illiterate; provided, however, that any such alternate test must comply with the minimum

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1 requirements of the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570)  
2 as established by the Secretary.

3 (1) The written and driving tests shall be held at such times and in such places as the  
4 superintendent may designate. A twenty-five dollar examination fee shall be paid by the applicant  
5 upon completion of any written or driving test, except the examination fee shall be waived for  
6 applicants seventy years of age or older renewing a license with a school bus endorsement. The  
7 director shall delegate the power to conduct the examinations required under sections 302.700 to  
8 302.780 to any member of the highway patrol or any person employed by the highway patrol  
9 qualified to give driving examinations. The written test shall only be administered in the English  
10 language. No translators shall be allowed for applicants taking the test.

11 (2) The director shall adopt and promulgate rules and regulations governing the certification  
12 of third-party testers by the department of revenue. The director shall not require a minimum  
13 number of skills tests greater than ten for any school district operating as a third-party tester. Such  
14 rules and regulations shall substantially comply with the requirements of 49 CFR 383, Section  
15 383.75. A certification to conduct third-party testing shall be valid for one year, and the department  
16 shall charge a fee of one hundred dollars to issue or renew the certification of any third-party tester.

17 (3) Beginning August 28, 2006, the director shall only issue or renew third-party tester  
18 certification to community colleges established under chapter 178 or to private companies who own,  
19 lease, or maintain their own fleet and administer in-house testing to their employees, or to school  
20 districts and their agents that administer in-house testing to the school district's or agent's  
21 employees. Any third-party tester who violates any of the rules and regulations adopted and  
22 promulgated pursuant to this section shall be subject to having his certification revoked by the  
23 department. The department shall provide written notice and an opportunity for the third-party  
24 tester to be heard in substantially the same manner as provided in chapter 536. If any applicant  
25 submits evidence that he has successfully completed a test administered by a third-party tester, the  
26 actual driving test for a commercial driver's license may then be waived.

27 (4) Every applicant for renewal of a commercial driver's license shall provide such  
28 certifications and information as required by the Secretary and if such person transports a hazardous  
29 material must also meet the requirements of the U.S. Patriot Act of 2001 (Title X of Public Law  
30 107-56) as specified and required by regulations promulgated by the Secretary. Such person shall be  
31 required to take the written test for such endorsement. A twenty-five dollar examination fee shall be  
32 paid upon completion of such tests.

33 (5) The director shall have the authority to waive the driving skills test for any qualified  
34 military applicant for a commercial driver's license who is currently licensed at the time of  
35 application for a commercial driver's license. The director shall impose conditions and limitations  
36 to restrict the applicants from whom the department may accept alternative requirements for the  
37 skills test described in federal regulation 49 CFR 383.77. An applicant must certify that, during the  
38 two-year period immediately preceding application for a commercial driver's license, all of the  
39 following apply:

- 40 (a) The applicant has not had more than one license;  
41 (b) The applicant has not had any license suspended, revoked, or cancelled;  
42 (c) The applicant has not had any convictions for any type of motor vehicle for the  
43 disqualifying offenses contained in this chapter or federal rule 49 CFR 383.51(b);  
44 (d) The applicant has not had more than one conviction for any type of motor vehicle for  
45 serious traffic violations;  
46 (e) The applicant has not had any conviction for a violation of state or local law relating to  
47 motor vehicle traffic control, but not including any parking violation, arising in connection with any  
48 traffic accident, and has no record of an accident in which he or she was at fault;  
49 (f) The applicant has been regularly employed within the last ninety days in a military

1 position requiring operation of a commercial motor vehicle and has operated the vehicle for at least  
2 sixty days during the two years immediately preceding application for a commercial driver's license.  
3 The vehicle must be representative of the commercial motor vehicle the driver applicant operates or  
4 expects to operate;

5 (g) The applicant, if on active duty, must provide a notarized affidavit signed by a  
6 commanding officer as proof of driving experience as indicated in paragraph (f) of this subdivision;

7 (h) The applicant, if honorably discharged from military service, must provide a form-  
8 DD214 or other proof of military occupational specialty;

9 (i) The applicant must meet all federal and state qualifications to operate a commercial  
10 vehicle; and

11 (j) The applicant will be required to complete all applicable knowledge tests.

12 3. A commercial driver's license or commercial driver's instruction permit may not be issued  
13 to a person while the person is disqualified from driving a commercial motor vehicle, when a  
14 disqualification is pending in any state or while the person's driver's license is suspended, revoked,  
15 or cancelled in any state; nor may a commercial driver's license be issued unless the person first  
16 surrenders in a manner prescribed by the director any commercial driver's license issued by another  
17 state, which license shall be returned to the issuing state for cancellation.

18 4. Beginning July 1, 2005, the director shall not issue an instruction permit under this  
19 section unless the director verifies that the applicant is lawfully present in the United States before  
20 accepting the application. The director may, by rule or regulation, establish procedures to verify the  
21 lawful presence of the applicant under this section. No rule or portion of a rule promulgated  
22 pursuant to the authority of this section shall become effective unless it has been promulgated  
23 pursuant to chapter 536.

24 5. Notwithstanding the provisions of this section or any other law to the contrary, beginning  
25 August 28, 2008, the director of the department of revenue shall certify as a third-party tester any  
26 municipality that owns, leases, or maintains its own fleet that requires certain employees as a  
27 condition of employment to hold a valid commercial driver's license; and that administered in-house  
28 testing to such employees prior to August 28, 2006."; and  
29

30 Further amend said bill by amending the title, enacting clause, and intersectional references  
31 accordingly.  
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33 THIS AMENDS 0387H03.16H.