

FIRST REGULAR SESSION

HOUSE BILL NO. 241

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE NEELY.

0263H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 302.720, RSMo, and to enact in lieu thereof two new sections relating to commercial driver's licenses.

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

Section A. Section 302.720, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 302.720 and 302.723, to read as follows:

302.720. 1. Except when operating under an instruction permit as described in this section, no person may drive a commercial motor vehicle unless the person has been issued a commercial driver's license with applicable endorsements valid for the type of vehicle being operated as specified in sections 302.700 to 302.780. A commercial driver's instruction permit shall allow the holder of a valid license to operate a commercial motor vehicle when accompanied by the holder of a commercial driver's license valid for the vehicle being operated and who occupies a seat beside the individual, or reasonably near the individual in the case of buses, for the purpose of giving instruction in driving the commercial motor vehicle. No person may be issued a commercial driver's instruction permit until he or she has passed written tests which comply with the minimum federal standards. A commercial driver's instruction permit shall be valid for the vehicle being operated for a period of not more than six months, and shall not be issued until the permit holder has met all other requirements of sections 302.700 to 302.780, except for the driving test. A permit holder, unless otherwise disqualified, may be granted one six-month renewal within a one-year period. The fee for such permit or renewal shall be five dollars. In the alternative, a commercial driver's instruction permit shall be issued for a thirty-day period to allow the holder of a valid driver's license to operate a commercial motor vehicle if the applicant has completed all other requirements except the driving test. The

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 permit may be renewed for one additional thirty-day period and the fee for the permit and for
19 renewal shall be five dollars.

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

34 (1) The written and driving tests shall be held at such times and in such places as the
35 superintendent may designate. A twenty-five dollar examination fee shall be paid by the
36 applicant upon completion of any written or driving test, except the examination fee shall be
37 waived for applicants seventy years of age or older renewing a license with a school bus
38 endorsement. The director shall delegate the power to conduct the examinations required under
39 sections 302.700 to 302.780 to any member of the highway patrol or any person employed by
40 the highway patrol qualified to give driving examinations. The written test shall only be
41 administered in the English language. No translators shall be allowed for applicants taking the
42 test. **A hearing test shall not be a component of the written test or driving test for any**
43 **applicant who is deaf or hard of hearing.**

44 (2) The director shall adopt and promulgate rules and regulations governing the
45 certification of third-party testers by the department of revenue. Such rules and regulations shall
46 substantially comply with the requirements of 49 CFR 383, Section 383.75. A certification to
47 conduct third-party testing shall be valid for one year, and the department shall charge a fee of
48 one hundred dollars to issue or renew the certification of any third-party tester.

49 (3) Beginning August 28, 2006, the director shall only issue or renew third-party tester
50 certification to community colleges established under chapter 178 or to private companies who
51 own, lease, or maintain their own fleet and administer in-house testing to their employees, or to
52 school districts and their agents that administer in-house testing to the school district's or agent's
53 employees. Any third-party tester who violates any of the rules and regulations adopted and

54 promulgated pursuant to this section shall be subject to having his certification revoked by the
55 department. The department shall provide written notice and an opportunity for the third-party
56 tester to be heard in substantially the same manner as provided in chapter 536. If any applicant
57 submits evidence that he has successfully completed a test administered by a third-party tester,
58 the actual driving test for a commercial driver's license may then be waived.

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

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

72 (a) The applicant has not had more than one license;

73 (b) The applicant has not had any license suspended, revoked, or cancelled;

74 (c) The applicant has not had any convictions for any type of motor vehicle for the
75 disqualifying offenses contained in this chapter or federal rule 49 CFR 383.51(b);

76 (d) The applicant has not had more than one conviction for any type of motor vehicle for
77 serious traffic violations;

78 (e) The applicant has not had any conviction for a violation of state or local law relating
79 to motor vehicle traffic control, but not including any parking violation, arising in connection
80 with any traffic accident, and has no record of an accident in which he or she was at fault;

81 (f) The applicant has been regularly employed within the last ninety days in a military
82 position requiring operation of a commercial motor vehicle and has operated the vehicle for at
83 least sixty days during the two years immediately preceding application for a commercial driver's
84 license. The vehicle must be representative of the commercial motor vehicle the driver applicant
85 operates or expects to operate;

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

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

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

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

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

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

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

111 **6. The director shall adopt and promulgate rules and regulations establishing a**
112 **process for applicants with disabilities to request testing accommodations with respect to**
113 **both the written and driving tests required under this section and to establish criteria for**
114 **awarding such accommodations. Any rule or portion of a rule, as that term is defined in**
115 **section 536.010, that is created under the authority delegated in this section shall become**
116 **effective only if it complies with and is subject to all of the provisions of chapter 536 and,**
117 **if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any**
118 **of the powers vested with the general assembly pursuant to chapter 536 to review, to delay**
119 **the effective date, or to disapprove and annul a rule are subsequently held**
120 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**
121 **after August 28, 2019, shall be invalid and void.**

2 **302.723. Notwithstanding any other provision of law, any entity providing CDL**
2 **training to persons preparing to apply for CDL licenses under the provisions of sections**

- 3 302.700 to 302.780 shall provide reasonable accommodations for persons who are deaf or
4 hard of hearing.

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