

FIRST REGULAR SESSION

# HOUSE BILL NO. 393

## 100TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE ELLEBRACHT.

0991H.011

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To repeal section 302.171, RSMo, and to enact in lieu thereof five new sections relating to mandatory driver's education and training, with a contingent effective date.

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

Section A. Section 302.171, RSMo, is repealed and five new sections enacted in lieu thereof, to be known as sections 302.171, 302.212, 302.214, 302.216, and 302.218, to read as follows:

302.171. 1. The director shall verify that an applicant for a driver's license is a Missouri resident or national of the United States or a noncitizen with a lawful immigration status, and a Missouri resident before accepting the application. The director shall not issue a driver's license for a period that exceeds the duration of an applicant's lawful immigration status in the United States. The director may establish procedures to verify the Missouri residency or United States naturalization or lawful immigration status and Missouri residency of the applicant and establish the duration of any driver's license issued under this section. An application for a license shall be made upon an approved form furnished by the director. Every application shall state the full name, Social Security number, age, height, weight, color of eyes, sex, residence, mailing address of the applicant, and the classification for which the applicant has been licensed, and, if so, when and by what state, and whether or not such license has ever been suspended, revoked, or disqualified, and, if revoked, suspended or disqualified, the date and reason for such suspension, revocation or disqualification and whether the applicant is making a one dollar donation to promote an organ donation program as prescribed in subsection 2 of this section. A driver's license, nondriver's license, or instruction permit issued under this chapter shall contain the applicant's legal name as it appears on a birth certificate or as legally changed through marriage

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.

17 or court order. No name change by common usage based on common law shall be permitted.  
18 The application shall also contain such information as the director may require to enable the  
19 director to determine the applicant's qualification for driving a motor vehicle; and shall state  
20 whether or not the applicant has been convicted in this or any other state for violating the laws  
21 of this or any other state or any ordinance of any municipality, relating to driving without a  
22 license, careless driving, or driving while intoxicated, or failing to stop after an accident and  
23 disclosing the applicant's identity, or driving a motor vehicle without the owner's consent. The  
24 application shall contain a certification by the applicant as to the truth of the facts stated therein.  
25 Every person who applies for a license to operate a motor vehicle who is less than twenty-one  
26 years of age shall be provided with educational materials relating to the hazards of driving while  
27 intoxicated, including information on penalties imposed by law for violation of the  
28 intoxication-related offenses of the state. Beginning January 1, 2001, if the applicant is less than  
29 eighteen years of age, the applicant must comply with all requirements for the issuance of an  
30 intermediate driver's license pursuant to section 302.178. For persons mobilized and deployed  
31 with the United States Armed Forces, an application under this subsection shall be considered  
32 satisfactory by the department of revenue if it is signed by a person who holds general power of  
33 attorney executed by the person deployed, provided the applicant meets all other requirements  
34 set by the director. **Beginning January 1, 2021, if the applicant has never held a driver's**  
35 **license issued by the state of Missouri or any other state or territory of the United States**  
36 **or foreign country, the applicant shall successfully complete a driver's education program**  
37 **approved by the Missouri highways and transportation commission as required under**  
38 **section 302.212.**

39 2. An applicant for a license may make a donation of one dollar to promote an organ  
40 donor program. The director of revenue shall collect the donations and deposit all such  
41 donations in the state treasury to the credit of the organ donor program fund established in  
42 sections 194.297 to 194.304. Moneys in the organ donor program fund shall be used solely for  
43 the purposes established in sections 194.297 to 194.304 except that the department of revenue  
44 shall retain no more than one percent for its administrative costs. The donation prescribed in this  
45 subsection is voluntary and may be refused by the applicant for the license at the time of issuance  
46 or renewal of the license. The director shall make available an informational booklet or other  
47 informational sources on the importance of organ and tissue donations to applicants for licensure  
48 as designed by the organ donation advisory committee established in sections 194.297 to  
49 194.304. The director shall inquire of each applicant at the time the licensee presents the  
50 completed application to the director whether the applicant is interested in making the one dollar  
51 donation prescribed in this subsection and whether the applicant is interested in inclusion in the  
52 organ donor registry and shall also specifically inform the licensee of the ability to consent to

53 organ donation by completing the form on the reverse of the license that the applicant will  
54 receive in the manner prescribed by subdivision (1) of subsection 1 of section 194.225. A  
55 symbol shall be placed on the front of the document indicating the applicant's desire to be listed  
56 in the registry. The director shall notify the department of health and senior services of  
57 information obtained from applicants who indicate to the director that they are interested in  
58 registry participation, and the department of health and senior services shall enter the complete  
59 name, address, date of birth, race, gender and a unique personal identifier in the registry  
60 established in subsection 1 of section 194.304.

61         3. An applicant for a license may make a donation of one dollar to promote a blindness  
62 education, screening and treatment program. The director of revenue shall collect the donations  
63 and deposit all such donations in the state treasury to the credit of the blindness education,  
64 screening and treatment program fund established in section 209.015. Moneys in the blindness  
65 education, screening and treatment program fund shall be used solely for the purposes  
66 established in section 209.015; except that the department of revenue shall retain no more than  
67 one percent for its administrative costs. The donation prescribed in this subsection is voluntary  
68 and may be refused by the applicant for the license at the time of issuance or renewal of the  
69 license. The director shall inquire of each applicant at the time the licensee presents the  
70 completed application to the director whether the applicant is interested in making the one dollar  
71 donation prescribed in this subsection.

72         4. Beginning July 1, 2005, the director shall deny the driving privilege of any person who  
73 commits fraud or deception during the examination process or who makes application for an  
74 instruction permit, driver's license, or nondriver's license which contains or is substantiated with  
75 false or fraudulent information or documentation, or who knowingly conceals a material fact or  
76 otherwise commits a fraud in any such application. The period of denial shall be one year from  
77 the effective date of the denial notice sent by the director. The denial shall become effective ten  
78 days after the date the denial notice is mailed to the person. The notice shall be mailed to the  
79 person at the last known address shown on the person's driving record. The notice shall be  
80 deemed received three days after mailing unless returned by the postal authorities. No such  
81 individual shall reapply for a driver's examination, instruction permit, driver's license, or  
82 nondriver's license until the period of denial is completed. No individual who is denied the  
83 driving privilege under this section shall be eligible for a limited driving privilege issued under  
84 section 302.309.

85         5. All appeals of denials under this section shall be made as required by section 302.311.

86         6. The period of limitation for criminal prosecution under this section shall be extended  
87 under subdivision (1) of subsection 3 of section 556.036.

88           7. The director may promulgate rules and regulations necessary to administer and enforce  
89 this section. No rule or portion of a rule promulgated pursuant to the authority of this section  
90 shall become effective unless it has been promulgated pursuant to chapter 536.

91           8. Notwithstanding any provision of this chapter that requires an applicant to provide  
92 proof of Missouri residency for renewal of a noncommercial driver's license, noncommercial  
93 instruction permit, or nondriver's license, an applicant who is sixty-five years and older and who  
94 was previously issued a Missouri noncommercial driver's license, noncommercial instruction  
95 permit, or Missouri nondriver's license is exempt from showing proof of Missouri residency.

96           9. Notwithstanding any provision of this chapter, for the renewal of a noncommercial  
97 driver's license, noncommercial instruction permit, or nondriver's license, a photocopy of an  
98 applicant's United States birth certificate along with another form of identification approved by  
99 the department of revenue, including, but not limited to, United States military identification or  
100 United States military discharge papers, shall constitute sufficient proof of Missouri citizenship.

101           10. Notwithstanding any other provision of this chapter, if an applicant does not meet  
102 the requirements of subsection 8 of this section and does not have the required documents to  
103 prove Missouri residency, United States naturalization, or lawful immigration status, the  
104 department may issue a one-year driver's license renewal. This one-time renewal shall only be  
105 issued to an applicant who previously has held a Missouri noncommercial driver's license,  
106 noncommercial instruction permit, or nondriver's license for a period of fifteen years or more and  
107 who does not have the required documents to prove Missouri residency, United States  
108 naturalization, or lawful immigration status. After the expiration of the one-year period, no  
109 further renewal shall be provided without the applicant producing proof of Missouri residency,  
110 United States naturalization, or lawful immigration status.

**302.212. 1. Notwithstanding any other provision of law to the contrary, beginning  
2 January 1, 2021, every applicant for a driver's license or an intermediate driver's license  
3 who has never held a driver's license issued by the state of Missouri or any other state or  
4 territory of the United States or foreign country shall successfully complete a driver's  
5 education program approved by the Missouri highways and transportation commission.**

**6           2. No application for a license for the operation of a motor vehicle, or an  
7 intermediate license, shall be accepted from any person who has never held a driver's  
8 license issued by the state of Missouri or any other state or territory of the United States  
9 or foreign country unless there is also submitted with the application, on a form approved  
10 by the department of revenue, written evidence of successful completion by the applicant  
11 of a driver's education program approved by the Missouri highways and transportation  
12 commission as provided under section 302.214, which was completed not more than ninety  
13 days prior to the date of the application.**

14           **3. The educational requirements of this section shall be in addition to the licensing**  
15 **requirements for an intermediate driver's license under section 302.178.**

**302.214. 1. The department of transportation shall enter into agreements with**  
2 **public or private institutions or organizations to provide driver's education programs free**  
3 **of charge to persons who have never held a driver's license issued by the state of Missouri**  
4 **or any other state or territory of the United States or foreign country. Moneys for such**  
5 **contracts shall be allocated from the driver's education and training fund established**  
6 **under section 302.216.**

7           **2. Prior to August 1, 2020, the Missouri highways and transportation commission**  
8 **shall establish a process for certification and approval of public or private institutions or**  
9 **organizations offering private driving instruction, including a process for instructor**  
10 **certification. The commission shall maintain a list of approved entities.**

11           **3. In order to qualify for certification by the Missouri highways and transportation**  
12 **commission, an entity's program of instruction shall meet or exceed the most current**  
13 **American Driver and Traffic Safety Education Association's Novice Driver Education**  
14 **Curriculum Standards for classroom and behind-the-wheel instruction.**

15           **4. Upon certification by the commission, a driver's education program shall be**  
16 **placed on the approved driver's education list compiled by the Missouri highways and**  
17 **transportation commission and submitted to the department of revenue. A student's**  
18 **successful completion of an approved driver's education course shall satisfy the driver's**  
19 **education licensing requirement established under section 302.212.**

20           **5. The department of transportation may promulgate rules to implement the**  
21 **provisions of this section. Any rule or portion of a rule, as that term is defined in section**  
22 **536.010, that is created under the authority delegated in this section shall become effective**  
23 **only if it complies with and is subject to all of the provisions of chapter 536 and, if**  
24 **applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of**  
25 **the powers vested with the general assembly pursuant to chapter 536 to review, to delay**  
26 **the effective date, or to disapprove and annul a rule are subsequently held**  
27 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**  
28 **after August 28, 2019, shall be invalid and void.**

**302.216. 1. There is hereby created in the state treasury, for use by the Missouri**  
2 **highways and transportation commission, the "Driver's Education Training Fund". All**  
3 **moneys collected pursuant to this section, appropriations of the general assembly, federal**  
4 **grants, private donations, and any other moneys designated for the driver's education**  
5 **training program established under section 302.214 shall be deposited in the fund. Moneys**  
6 **deposited in the fund shall, upon appropriation by the general assembly to the department**

7 of transportation, be received and expended by the Missouri highways and transportation  
8 commission for the purpose of funding driver's education programs under section 302.214.  
9 Notwithstanding the provisions of section 33.080 to the contrary, any unexpended balance  
10 in the driver's education training fund at the end of any biennium shall not be transferred  
11 to the general revenue fund.

12 2. In addition to the fees prescribed under chapter 301, an additional one-dollar fee  
13 shall be collected by the department of revenue for any motor vehicle or trailer registration  
14 issued under this chapter and deposited in the state treasury to the credit of the driver's  
15 education training fund created under this section.

16 3. In addition to the license fee prescribed under section 302.177, an additional one-  
17 dollar fee shall be collected by the department of revenue and deposited in the state  
18 treasury to the credit of the driver's education training fund created under this section.

19 4. In addition to the license fee prescribed under section 302.178, an additional one-  
20 dollar fee shall be collected by the department of revenue and deposited in the state  
21 treasury to the credit of the driver's education training fund created under this section.

22 5. In addition to the fees prescribed under chapter 306, an additional one-dollar fee  
23 shall be collected by the department of revenue for any watercraft or outboard motor  
24 registration issued under this chapter and deposited in the state treasury to the credit of  
25 the driver's education training fund created under this section.

26 6. The department of transportation shall promulgate all necessary rules and  
27 regulations to establish a procedure for allocation of funds under this section. Any rule or  
28 portion of a rule, as that term is defined in section 536.010, that is created under the  
29 authority delegated in this section shall become effective only if it complies with and is  
30 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This  
31 section and chapter 536 are nonseverable, and if any of the powers vested with the general  
32 assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove  
33 and annul a rule are subsequently held unconstitutional, then the grant of rulemaking  
34 authority and any rule proposed or adopted after August 28, 2019, shall be invalid and  
35 void.

302.218. Under section 23.253 of the Missouri sunset act:

2 (1) The provisions of the new program authorized under sections 302.212 to  
3 302.216 shall automatically sunset six years after the effective date of sections 302.212 to  
4 302.216 unless reauthorized by an act of the general assembly;

5 (2) If such program is reauthorized, the program authorized under sections 302.212  
6 to 302.216 shall automatically sunset twelve years after the effective date of the  
7 reauthorization of sections 302.212 to 302.216; and

8           **(3) Sections 302.212 to 302.216 shall terminate on September first of the calendar**  
9   **year immediately following the calendar year in which the program authorized under**  
10 **sections 302.212 to 302.216 is sunset.**

Section B. Section A of this act shall become effective only upon the passage and  
2 approval by the voters of a constitutional amendment submitted to them by the general assembly  
3 allowing the imposition of an additional one-dollar licensing and registration fee for motor  
4 vehicles and trailers, an additional one-dollar licensing fee for the issuance and renewal of  
5 drivers' licenses, and an additional one-dollar registration fee for all watercraft and outboard  
6 motors, with such revenue to be used for driver's education. If such constitutional amendment  
7 is approved by the voters, this act shall become effective January 1, 2020.

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