

FIRST REGULAR SESSION

HOUSE BILL NO. 1009

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ROSS.

2102H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 302.720, RSMo, and to enact in lieu thereof one new section relating to commercial driver's license testing.

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

Section A. Section 302.720, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 302.720, to read as follows: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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

110 **6. Notwithstanding the provisions of this section or any other law to the contrary,**
111 **beginning December 1, 2019, the director of the department of revenue shall certify as a**
112 **third-party tester any private education institution or other private entity, provided the**
113 **institution or entity meets the necessary qualifications required by the state.**

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