

FIRST REGULAR SESSION

HOUSE BILL NO. 858

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ELLEBRACHT.

1719H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 302.768, RSMo, and to enact in lieu thereof one new section relating to commercial driver's licenses.

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

Section A. Section 302.768, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 302.768, to read as follows:

302.768. 1. Any applicant for a commercial driver's license or commercial driver's instruction permit shall comply with the Federal Motor Carrier Safety Administration application requirements of 49 CFR Part 383.71 by certifying to one of the following applicable statements relating to federal and state driver qualification rules:

(1) Nonexcepted interstate: certifies the applicant is a driver operating or expecting to operate in interstate or foreign commerce, or is otherwise subject to and meets requirements of 49 CFR Part 391 and is required to obtain a medical examiner's certificate as defined in 49 CFR Part 391.45;

(2) Excepted interstate: certifies the applicant is a driver operating or expecting to operate entirely in interstate commerce that is not subject to Part 391 and is subject to Missouri driver qualifications and not required to obtain a medical examiner's certificate;

(3) Nonexcepted intrastate: certifies the applicant is a driver operating only in intrastate commerce and is subject to Missouri driver qualifications;

(4) Excepted intrastate: certifies the applicant operates or expects to operate only in intrastate commerce, and engaging only in operations excepted from all parts of the Missouri driver qualification requirements.

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 2. Any applicant who cannot meet certification requirements under one of the categories
18 described in subsection 1 of this section shall be denied issuance of a commercial driver's license
19 or commercial driver's instruction permit.

20 3. An applicant certifying to operation in nonexcepted interstate or nonexcepted
21 intrastate commerce shall provide the state with an original or copy of a current medical
22 examiner's certificate or a medical examiner's certificate accompanied by a medical variance or
23 waiver, until such time as the medical examiner's certificate information is received
24 electronically through a verification system approved by the Federal Motor Carrier Safety
25 Administration. The state shall retain the documentation of physical qualification for a minimum
26 of three years beyond the date the certificate was issued. **Applicants may submit electronic
27 copies of the certificates required under this subsection to the state in lieu of presenting
28 such documentation in person.**

29 4. Applicants certifying to operation in nonexcepted interstate commerce or nonexcepted
30 intrastate commerce shall provide updated medical certificate or variance information to
31 maintain a certified status during the term of the commercial driver's license or commercial
32 driver's instruction permit in order to retain commercial privileges. **Applicants may submit
33 electronic copies of the updated certificates required under this subsection to the state in
34 lieu of presenting such documentation in person.**

35 5. The director shall post the medical examiner's certificate of information, medical
36 variance if applicable, the applicant's self-certification and certification status to the Missouri
37 driver record within ten calendar days and such information will become part of the CDLIS
38 driver record.

39 6. Applicants certifying to operation in nonexcepted interstate commerce or nonexcepted
40 intrastate commerce who fail to provide or maintain a current medical examiner's certificate, or
41 if the state has received notice of a medical variance or waiver expiring or being rescinded, the
42 state shall, within ten calendar days, update the driver's medical certification status to "not
43 certified". The state shall notify the driver of the change in certification status and require the
44 driver to annually comply with requirements for a commercial driver's license downgrade within
45 sixty days of the expiration of the applicant certification.

46 7. The department of revenue may, by rule, establish the cost and criteria for submission
47 of updated medical certification status information as required under this section.

48 8. Any person who falsifies any information in an application for or update of medical
49 certification status information for a commercial driver's license shall not be licensed to operate
50 a commercial motor vehicle, or the person's commercial driver's license shall be cancelled for
51 a period of one year after the director discovers such falsification.

52 9. The director may promulgate rules and regulations necessary to administer and enforce
53 this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is
54 created under the authority delegated in this section shall become effective only if it complies
55 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
56 This section and chapter 536 are nonseverable and if any of the powers vested with the general
57 assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and
58 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and
59 any rule proposed or adopted after August 28, 2012, shall be invalid and void.

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