

FIRST REGULAR SESSION

HOUSE BILL NO. 176

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KALBERLOH.

0181H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 302.177, 302.272, and 302.735, RSMo, and to enact in lieu thereof three new sections relating to school bus endorsements, with an emergency clause.

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

Section A. Sections 302.177, 302.272, and 302.735, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 302.177, 302.272, and 302.735, to read as follows:

302.177. 1. To all applicants for a license or renewal to transport persons or property classified in section 302.015 who are at least twenty-one years of age and under the age of seventy, and who submit a satisfactory application and meet the requirements of sections 302.010 to 302.605, the director shall issue or renew such license; except that no license shall be issued if an applicant's license is currently suspended, cancelled, revoked, disqualified, or deposited in lieu of bail. Such license shall expire on the applicant's birthday in the sixth year of issuance, unless the license must be issued for a shorter period due to other requirements of law or for transition or staggering of work as determined by the director. The license must be renewed on or before the date of expiration, which date shall be shown on the license.

2. To all applicants for a license or renewal to transport persons or property classified in section 302.015 who are less than twenty-one years of age or greater than sixty-nine years of age, and who submit a satisfactory application and meet the requirements of sections 302.010 to 302.605, the director shall issue or renew such license; except that no license shall be issued if an applicant's license is currently suspended, cancelled, revoked, disqualified, or deposited in lieu of bail. Such license shall expire on the applicant's birthday in the third year of issuance, unless the license must be issued for a shorter period due to other requirements of

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 law or for transition or staggering of work as determined by the director. The license must be
18 renewed on or before the date of expiration, which date shall be shown on the license. A
19 license issued under this section to an applicant who is over the age of ~~[sixty-nine]~~ **seventy-**
20 **four** and contains a school bus endorsement shall not be issued for a period that exceeds one
21 year.

22 3. To all other applicants for a license or renewal of a license who are at least twenty-
23 one years of age and under the age of seventy, and who submit a satisfactory application and
24 meet the requirements of sections 302.010 to 302.605, the director shall issue or renew such
25 license; except that no license shall be issued if an applicant's license is currently suspended,
26 cancelled, revoked, disqualified, or deposited in lieu of bail. Such license shall expire on the
27 applicant's birthday in the sixth year of issuance, unless the license must be issued for a
28 shorter period due to other requirements of law or for transition or staggering of work as
29 determined by the director. The license must be renewed on or before the date of expiration,
30 which date shall be shown on the license.

31 4. To all other applicants for a license or renewal of a license who are less than
32 twenty-one years of age or greater than sixty-nine years of age, and who submit a satisfactory
33 application and meet the requirements of sections 302.010 to 302.605, the director shall issue
34 or renew such license; except that no license shall be issued if an applicant's license is
35 currently suspended, cancelled, revoked, disqualified, or deposited in lieu of bail. Such
36 license shall expire on the applicant's birthday in the third year of issuance, unless the license
37 must be issued for a shorter period due to other requirements of law or for transition or
38 staggering of work as determined by the director. The license must be renewed on or before
39 the date of expiration, which date shall be shown on the license.

40 5. The fee for a license issued for a period which exceeds three years under
41 subsection 1 of this section shall be thirty dollars.

42 6. The fee for a license issued for a period of three years or less under subsection 2 of
43 this section shall be fifteen dollars, except that the fee for a license issued for one year or less
44 which contains a school bus endorsement shall be five dollars, except renewal fees shall be
45 waived for applicants ~~[seventy]~~ **seventy-five** years of age or older seeking school bus
46 endorsements.

47 7. The fee for a license issued for a period which exceeds three years under
48 subsection 3 of this section shall be fifteen dollars.

49 8. The fee for a license issued for a period of three years or less under subsection 4 of
50 this section shall be seven dollars and fifty cents.

51 9. Beginning July 1, 2005, the director shall not issue a driver's license for a period
52 that exceeds an applicant's lawful presence in the United States. The director may establish

53 procedures to verify the lawful presence of the applicant and establish the duration of any
54 driver's license issued under this section.

55 10. The director of revenue may adopt any rules and regulations necessary to carry
56 out the provisions of this section. No rule or portion of a rule promulgated pursuant to the
57 authority of this section shall become effective unless it has been promulgated pursuant to the
58 provisions of chapter 536.

302.272. 1. No person shall operate any school bus owned by or under contract with
2 a public school or the state board of education unless such driver has qualified for a school
3 bus endorsement under this section and complied with the pertinent rules and regulations of
4 the department of revenue and any final rule issued by the secretary of the United States
5 Department of Transportation or has a valid school bus endorsement on a valid commercial
6 driver's license issued by another state. A school bus endorsement shall be issued to any
7 applicant who meets the following qualifications:

8 (1) The applicant has a valid state license issued under this chapter;

9 (2) The applicant is at least twenty-one years of age; and

10 (3) The applicant has successfully passed an examination for the operation of a school
11 bus as prescribed by the director of revenue. The examination shall include any examinations
12 prescribed by the secretary of the United States Department of Transportation, and a driving
13 test in the type of vehicle to be operated. The test shall be completed in the appropriate class
14 of vehicle to be driven. For purposes of this section classes of school buses shall comply with
15 the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570). For
16 drivers who are at least ~~seventy~~ **seventy-five** years of age, such examination, excluding the
17 pre-trip inspection portion of the commercial driver's license skills test, shall be completed
18 annually to retain the school bus endorsement.

19 2. The director of revenue, to the best of the director's knowledge, shall not issue or
20 renew a school bus endorsement to any applicant whose driving record shows that such
21 applicant's privilege to operate a motor vehicle has been suspended, revoked or disqualified
22 or whose driving record shows a history of moving vehicle violations.

23 3. The director may adopt any rules and regulations necessary to carry out the
24 provisions of this section. Any rule or portion of a rule, as that term is defined in section
25 536.010, that is created under the authority delegated in this section shall become effective
26 only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable,
27 section 536.028. This section and chapter 536 are nonseverable and if any of the powers
28 vested with the general assembly pursuant to chapter 536 to review, to delay the effective
29 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant
30 of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be
31 invalid and void.

32 4. Notwithstanding the requirements of this section, an applicant who resides in
33 another state and possesses a valid driver's license from his or her state of residence with a
34 valid school bus endorsement for the type of vehicle being operated shall not be required to
35 obtain a Missouri driver's license with a school bus endorsement.

302.735. 1. An application shall not be taken from a nonresident after September 30,
2 2005. The application for a commercial driver's license shall include, but not be limited to,
3 the applicant's legal name, mailing and residence address, if different, a physical description
4 of the person, including sex, height, weight and eye color, the person's Social Security
5 number, date of birth and any other information deemed appropriate by the director. The
6 application shall also require, beginning September 30, 2005, the applicant to provide the
7 names of all states where the applicant has been previously licensed to drive any type of
8 motor vehicle during the preceding ten years.

9 2. A commercial driver's license shall expire on the applicant's birthday in the sixth
10 year after issuance, unless the license must be issued for a shorter period due to other
11 requirements of law or for transition or staggering of work as determined by the director, and
12 must be renewed on or before the date of expiration. When a person changes such person's
13 name an application for a duplicate license shall be made to the director of revenue. When a
14 person changes such person's mailing address or residence the applicant shall notify the
15 director of revenue of said change, however, no application for a duplicate license is required.
16 A commercial license issued pursuant to this section to an applicant less than twenty-one
17 years of age and ~~[seventy]~~ **seventy-five** years of age and older shall expire on the applicant's
18 birthday in the third year after issuance, unless the license must be issued for a shorter period
19 as determined by the director.

20 3. A commercial driver's license containing a hazardous materials endorsement issued
21 to an applicant who is between the age of twenty-one and sixty-nine shall not be issued for a
22 period exceeding five years from the approval date of the security threat assessment as
23 determined by the Transportation Security Administration.

24 4. The director shall issue an annual commercial driver's license containing a school
25 bus endorsement to an applicant who is ~~[seventy]~~ **seventy-five** years of age or older. The fee
26 for such license shall be seven dollars and fifty cents.

27 5. A commercial driver's license containing a hazardous materials endorsement issued
28 to an applicant who is seventy years of age or older shall not be issued for a period exceeding
29 three years. The director shall not require such drivers to obtain a security threat assessment
30 more frequently than such assessment is required by the Transportation Security
31 Administration under the Uniting and Strengthening America by Providing Appropriate
32 Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT ACT) of 2001.

33 (1) The state shall immediately revoke a hazardous materials endorsement upon
34 receipt of an initial determination of threat assessment and immediate revocation from the
35 Transportation Security Administration as defined by 49 CFR 1572.13(a).

36 (2) The state shall revoke or deny a hazardous materials endorsement within fifteen
37 days of receipt of a final determination of threat assessment from the Transportation Security
38 Administration as required by CFR 1572.13(a).

39 6. The fee for a commercial driver's license or renewal commercial driver's license
40 issued for a period greater than three years shall be forty dollars.

41 7. The fee for a commercial driver's license or renewal commercial driver's license
42 issued for a period of three years or less shall be twenty dollars.

43 8. The fee for a duplicate commercial driver's license shall be twenty dollars.

44 9. In order for the director to properly transition driver's license requirements under
45 the Motor Carrier Safety Improvement Act of 1999 and the Uniting and Strengthening
46 America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act
47 (USA PATRIOT ACT) of 2001, the director is authorized to stagger expiration dates and
48 make adjustments for any fees, including driver examination fees that are incurred by the
49 driver as a result of the initial issuance of a transitional license required to comply with such
50 acts.

51 10. Within thirty days after moving to this state, the holder of a commercial driver's
52 license shall apply for a commercial driver's license in this state. The applicant shall meet all
53 other requirements of sections 302.700 to 302.780, except that the director may waive the
54 driving test for a commercial driver's license as required in section 302.720 if the applicant
55 for a commercial driver's license has a valid commercial driver's license from a state which
56 has requirements for issuance of such license comparable to those in this state.

57 11. Any person who falsifies any information in an application or test for a
58 commercial driver's license shall not be licensed to operate a commercial motor vehicle, or
59 the person's commercial driver's license shall be cancelled, for a period of one year after the
60 director discovers such falsification.

61 12. Beginning July 1, 2005, the director shall not issue a commercial driver's license
62 under this section unless the director verifies that the applicant is lawfully present in the
63 United States before accepting the application. If lawful presence is granted for a temporary
64 period, no commercial driver's license shall be issued. The director may, by rule or
65 regulation, establish procedures to verify the lawful presence of the applicant and establish
66 the duration of any commercial driver's license issued under this section. No rule or portion
67 of a rule promulgated pursuant to the authority of this section shall become effective unless it
68 has been promulgated pursuant to chapter 536.

69 13. (1) Effective December 19, 2005, notwithstanding any provisions of subsections
70 1 and 5 of this section to the contrary, the director may issue a nondomiciled commercial
71 driver's license or commercial driver's instruction permit to a resident of a foreign jurisdiction
72 if the United States Secretary of Transportation has determined that the commercial motor
73 vehicle testing and licensing standards in the foreign jurisdiction do not meet the testing
74 standards established in 49 CFR 383.

75 (2) Any applicant for a nondomiciled commercial driver's license or commercial
76 driver's instruction permit must present evidence satisfactory to the director that the applicant
77 currently has employment with an employer in this state. The nondomiciled applicant must
78 meet the same testing, driver record requirements, conditions, and is subject to the same
79 disqualification and conviction reporting requirements applicable to resident commercial
80 drivers.

81 (3) The nondomiciled commercial driver's license will expire on the same date that
82 the documents establishing lawful presence for employment expire. The word
83 "nondomiciled" shall appear on the face of the nondomiciled commercial driver's license.
84 Any applicant for a Missouri nondomiciled commercial driver's license or commercial
85 driver's instruction permit must first surrender any nondomiciled commercial driver's license
86 issued by another state.

87 (4) The nondomiciled commercial driver's license applicant must pay the same fees as
88 required for the issuance of a resident commercial driver's license or commercial driver's
89 instruction permit.

90 14. Foreign jurisdiction for purposes of issuing a nondomiciled commercial driver's
91 license or commercial driver's instruction permit under this section shall not include any of
92 the fifty states of the United States or Canada or Mexico.

 Section B. Because immediate action is necessary to ensure that children in our state
2 have transportation to school during the current national school bus driver shortage, section A
3 of this act is deemed necessary for the immediate preservation of the public health, welfare,
4 peace, and safety, and is hereby declared to be an emergency act within the meaning of the
5 constitution, and section A of this act shall be in full force and effect upon its passage and
6 approval.

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