

FIRST REGULAR SESSION

HOUSE BILL NO. 1372

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DINKINS.

2765H.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 medical requirements for commercial vehicle operators.

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Section A. Section 302.768, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 302.768, to read as follows: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
18 categories described in subsection 1 of this section shall be denied issuance of a commercial
19 driver's license 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
23 or waiver~~], until such time as the medical examiner's certificate information is received~~
24 ~~electronically].~~ **Documentation required under this subsection may be provided in**
25 **person or by mail, facsimile, or electronic mail,** or through a verification system approved
26 by the Federal Motor Carrier Safety Administration. The state shall retain the documentation
27 of physical qualification for a minimum of three years beyond the date the certificate was
28 issued.

29 4. Applicants certifying to operation in nonexcepted interstate commerce or
30 nonexcepted intrastate commerce shall provide updated medical certificate or variance
31 information to maintain a certified status during the term of the commercial driver's license or
32 commercial driver's instruction permit in order to retain commercial privileges.

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

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40 expiring or being rescinded, the state shall, within ten calendar days, update the driver's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

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

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

51 9. The director may promulgate rules and regulations necessary to administer and
52 enforce this section. Any rule or portion of a rule, as that term is defined in section 536.010,
53 that is created under the authority delegated in this section shall become effective only if it

54 complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
55 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with
56 the general assembly pursuant to chapter 536 to review, to delay the effective date, or to
57 disapprove and annul a rule are subsequently held unconstitutional, then the grant of
58 rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid
59 and void.

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