

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 68, Page 27, Section 160.663, Line 19, by deleting the word "building." and inserting in lieu thereof the following:

"building;

(5) "Master key box", an exterior secure master key box that meets the standards prescribed under Underwriters Laboratories Standard 1037 for use by fire protection and law enforcement."; and

Further amend said bill, page, and section, Line 24, by inserting after all of the said line the following:

"3. A school district or charter school may equip each school with one or more master key boxes to contain the necessary keys and access tools for fire protection and law enforcement to gain access to exterior or interior doors or entryways, including those equipped with an anti-intruder door lock required under this section."; and

Further amend said bill and section, Pages 27 to 28, by renumbering subsequent subsections accordingly; and

Further amend said bill and section, Page 28, Line 41, by inserting after all of the said line the following:

"(3) A school district or charter school may receive donations of master key boxes and moneys for the purchase of master key boxes."; and

Further amend said bill, Page 78, Section 168.036, Line 71, by inserting after all of said section and line the following:

"168.133. 1. As used in this section, "screened volunteer" shall mean any person who assists a school by providing uncompensated service and who may periodically be left alone with students. The school district or charter school shall ensure that a criminal background check is conducted for all screened volunteers, who shall complete the criminal background check prior to being left alone with a student. ~~[Screened volunteers include, but are not limited to, persons who regularly assist in the office or library, mentor or tutor students, coach or supervise a school-~~

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~~sponsored activity before or after school, or chaperone students on an overnight trip.]~~ Screened volunteers may only access student education records when necessary to assist the district or charter school and while supervised by staff members. Volunteers that are not screened shall not be left alone with a student or have access to student records.

2. (1) The school district or charter school shall ensure that a criminal background check is conducted on any person employed after January 1, 2005, authorized to have contact with pupils and prior to the individual having contact with any pupil. ~~[Such persons include, but are not limited to, administrators, teachers, aides, paraprofessionals, assistants, secretaries, custodians, cooks, screened volunteers, and nurses.]~~

(2) The school district or charter school shall also ensure that a criminal background check is conducted for school bus drivers and drivers of other vehicles owned by the school district or charter school or operated under contract with a school district or charter school and used for the purpose of transporting school children. The school district or charter school may allow such drivers to operate buses and other vehicles pending the result of the criminal background check. ~~[For bus drivers,]~~ The school district or charter school shall be responsible for conducting the criminal background check on drivers employed by the school district or charter school under section 43.540.

(3) For drivers employed or contracted by a pupil transportation company under contract with the school district or a charter school, the criminal background check shall be conducted by the pupil transportation company pursuant to section ~~[43.540]~~ 43.539 and conform to the requirements established in the National Child Protection Act of 1993, as amended by the Volunteers for Children Act.

(4) Personnel who have successfully undergone a criminal background check and a check of the family care safety registry as part of the professional license application process under section 168.021 and who have received clearance on the checks within one prior year of employment shall be considered to have completed the background check requirement.

(5) A criminal background check under this section shall include a search of any information publicly available in an electronic format through a public index or single case display.

3. In order to facilitate the criminal history background check, the applicant shall submit a set of fingerprints collected pursuant to standards determined by the Missouri highway patrol. The fingerprints shall be used by the highway patrol to search the criminal history repository and shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal history files.

4. The applicant shall pay the fee for the state criminal history record information pursuant to section 43.530 and sections 210.900 to 210.936 and pay the appropriate fee determined by the Federal Bureau of Investigation for the federal criminal history record when he or she applies for a position authorized to have contact with pupils pursuant to this section. The department shall distribute the fees collected for the state and federal criminal histories to the Missouri highway patrol.

1           5. The department of elementary and secondary education shall facilitate an annual check of  
2 employed persons holding current active certificates under section 168.021 against criminal history  
3 records in the central repository under section 43.530, the sexual offender registry under sections  
4 589.400 to 589.426, and child abuse central registry under sections 210.109 to 210.183. The  
5 department of elementary and secondary education shall facilitate procedures for school districts  
6 and charter schools to submit personnel information annually for persons employed by the school  
7 districts or charter schools who do not hold a current valid certificate who are required by subsection  
8 1 of this section to undergo a criminal background check, sexual offender registry check, and child  
9 abuse central registry check. The Missouri state highway patrol shall provide ongoing electronic  
10 updates to criminal history background checks of those persons previously submitted, both those  
11 who have an active certificate and those who do not have an active certificate, by the department of  
12 elementary and secondary education. This shall fulfill the annual check against the criminal history  
13 records in the central repository under section 43.530.

14           6. The school district or charter school may adopt a policy to provide for reimbursement of  
15 expenses incurred by an employee for state and federal criminal history information pursuant to  
16 section 43.530.

17           7. If, as a result of the criminal history background check mandated by this section, it is  
18 determined that the holder of a certificate issued pursuant to section 168.021 has pled guilty or nolo  
19 contendere to, or been found guilty of a crime or offense listed in section 168.071, or a similar crime  
20 or offense committed in another state, the United States, or any other country, regardless of  
21 imposition of sentence, such information shall be reported to the department of elementary and  
22 secondary education.

23           8. Any school official making a report to the department of elementary and secondary  
24 education in conformity with this section shall not be subject to civil liability for such action.

25           9. For any teacher who is employed by a school district or charter school on a substitute or  
26 part-time basis within one year of such teacher's retirement from a Missouri school, the state of  
27 Missouri shall not require such teacher to be subject to any additional background checks prior to  
28 having contact with pupils. Nothing in this subsection shall be construed as prohibiting or otherwise  
29 restricting a school district or charter school from requiring additional background checks for such  
30 teachers employed by the school district or charter school.

31           10. A criminal background check and fingerprint collection conducted under subsections 1  
32 to 3 of this section shall be valid for at least a period of one year and transferrable from one school  
33 district or charter school to another district or charter school. A school district or charter school  
34 may, in its discretion, conduct a new criminal background check and fingerprint collection under  
35 subsections 1 to 3 of this section for a newly hired employee at the district's or charter school's  
36 expense. A teacher's change in type of certification shall have no effect on the transferability or  
37 validity of such records.

38           11. Nothing in this section shall be construed to alter the standards for suspension, denial, or  
39 revocation of a certificate issued pursuant to this chapter.

12. The state board of education may promulgate rules for criminal history background checks made pursuant to this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after January 1, 2005, shall be invalid and void."; and

Further amend said bill, Page 86, Section 177.086, Line 17, by inserting after all of said section and line the following:

"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 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. A license issued under this section to an applicant who is ~~[over the age of sixty-nine]~~ seventy-five years of age or older and contains a school bus endorsement shall not be issued for a period that exceeds ~~[one year]~~ two years.

3. To all other applicants for a license or renewal of a license 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

1 license must be renewed on or before the date of expiration, which date shall be shown on the  
2 license.

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

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

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

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

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

22 9. Beginning July 1, 2005, the director shall not issue a driver's license for a period that  
23 exceeds an applicant's lawful presence in the United States. The director may establish procedures  
24 to verify the lawful presence of the applicant and establish the duration of any driver's license issued  
25 under this section.

26 10. The director of revenue may adopt any rules and regulations necessary to carry out the  
27 provisions of this section. No rule or portion of a rule promulgated pursuant to the authority of this  
28 section shall become effective unless it has been promulgated pursuant to the provisions of chapter  
29 536.

30 302.272. 1. No person shall operate any school bus owned by or under contract with a  
31 public school or the state board of education unless such driver has qualified for a school bus  
32 endorsement under this section and complied with the pertinent rules and regulations of the  
33 department of revenue and any final rule issued by the secretary of the United States Department of  
34 Transportation or has a valid school bus endorsement on a valid commercial driver's license issued  
35 by another state. A school bus endorsement shall be issued to any applicant who meets the  
36 following qualifications:

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

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

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

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

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

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

26 302.735. 1. An application shall not be taken from a nonresident after September 30, 2005.  
27 The application for a commercial driver's license shall include, but not be limited to, the applicant's  
28 legal name, mailing and residence address, if different, a physical description of the person,  
29 including sex, height, weight and eye color, the person's Social Security number, date of birth and  
30 any other information deemed appropriate by the director. The application shall also require,  
31 beginning September 30, 2005, the applicant to provide the names of all states where the applicant  
32 has been previously licensed to drive any type of motor vehicle during the preceding ten years.

33 2. A commercial driver's license shall expire on the applicant's birthday in the sixth year  
34 after issuance, unless the license must be issued for a shorter period due to other requirements of law  
35 or for transition or staggering of work as determined by the director, and must be renewed on or  
36 before the date of expiration. When a person changes such person's name an application for a  
37 duplicate license shall be made to the director of revenue. When a person changes such person's  
38 mailing address or residence the applicant shall notify the director of revenue of said change,  
39 however, no application for a duplicate license is required. A commercial license issued pursuant to

1 this section to an applicant less than twenty-one years of age and seventy years of age and older  
2 shall expire on the applicant's birthday in the third year after issuance, unless the license must be  
3 issued for a shorter period as determined by the director.

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

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

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

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

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

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

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

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

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

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

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

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

13           13. (1) Effective December 19, 2005, notwithstanding any provisions of subsections 1 and  
14 5 of this section to the contrary, the director may issue a nondomiciled commercial driver's license  
15 or commercial driver's instruction permit to a resident of a foreign jurisdiction if the United States  
16 Secretary of Transportation has determined that the commercial motor vehicle testing and licensing  
17 standards in the foreign jurisdiction do not meet the testing standards established in 49 CFR 383.

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

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

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

31           14. Foreign jurisdiction for purposes of issuing a nondomiciled commercial driver's license  
32 or commercial driver's instruction permit under this section shall not include any of the fifty states  
33 of the United States or Canada or Mexico."; and

34  
35 Further amend said bill by amending the title, enacting clause, and intersectional references  
36 accordingly.