

FIRST REGULAR SESSION

# HOUSE BILL NO. 1496

## 103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE BILLINGTON.

2985H.011

JOSEPH ENGLER, Chief Clerk

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### AN ACT

To repeal sections 302.178 and 451.090, RSMo, and to enact in lieu thereof three new sections relating to married minors.

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

Section A. Sections 302.178 and 451.090, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 302.178, 451.015, and 451.090, to read as follows:

- 302.178. 1. Any person between the ages of sixteen and eighteen years who is qualified to obtain a license pursuant to sections 302.010 to 302.340 may apply for, and the director shall issue, an intermediate driver's license entitling the applicant, while having such license in his or her possession, to operate a motor vehicle of the appropriate class upon the highways of this state in conjunction with the requirements of this section. An intermediate driver's license shall be readily distinguishable from a license issued to those over the age of eighteen. All applicants for an intermediate driver's license shall:
- (1) Successfully complete the examination required by section 302.173;
  - (2) Pay the fee required by subsection 4 of this section;
  - (3) Have had a temporary instruction permit issued pursuant to subsection 1 of section 302.130 for at least a six-month period or a valid license from another state; and
  - (4) Have a parent, grandparent, legal guardian, or, if the applicant is a participant in a federal residential job training program, a driving instructor employed by a federal residential job training program, sign the application stating that the applicant has completed at least forty hours of supervised driving experience under a temporary instruction permit issued pursuant to subsection 1 of section 302.130, or, if the applicant is an emancipated minor, 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.

17 person over twenty-one years of age who supervised such driving. For purposes of this  
18 section, the term "emancipated minor" means a person who is at least sixteen years of age,  
19 **except as provided under section 451.090**, but less than eighteen years of age, who:

20 (a) Marries with the consent of the legal custodial parent or legal guardian pursuant to  
21 section 451.080;

22 (b) Has been declared emancipated by a court of competent jurisdiction;

23 (c) Enters active duty in the Armed Forces;

24 (d) Has written consent to the emancipation from the custodial parent or legal  
25 guardian; or

26 (e) Through employment or other means provides for such person's own food, shelter  
27 and other cost-of-living expenses;

28 (5) Have had no alcohol-related enforcement contacts as defined in section 302.525  
29 during the preceding twelve months; and

30 (6) Have no nonalcoholic traffic convictions for which points are assessed pursuant to  
31 section 302.302, within the preceding six months.

32 2. An intermediate driver's license grants the licensee the same privileges to operate  
33 that classification of motor vehicle as a license issued pursuant to section 302.177, except that  
34 no person shall operate a motor vehicle on the highways of this state under such an  
35 intermediate driver's license between the hours of 1:00 a.m. and 5:00 a.m. unless  
36 accompanied by a person described in subsection 1 of section 302.130; except the licensee  
37 may operate a motor vehicle without being accompanied if the travel is to or from a school or  
38 educational program or activity, a regular place of employment or in emergency situations as  
39 defined by the director by regulation.

40 3. Each intermediate driver's license shall be restricted by requiring that the driver  
41 and all passengers in the licensee's vehicle wear safety belts at all times. This safety belt  
42 restriction shall not apply to a person operating a motorcycle. For the first six months after  
43 issuance of the intermediate driver's license, the holder of the license shall not operate a motor  
44 vehicle with more than one passenger who is under the age of nineteen who is not a member  
45 of the holder's immediate family. As used in this subsection, an intermediate driver's license  
46 holder's immediate family shall include brothers, sisters, stepbrothers or stepsisters of the  
47 driver, including adopted or foster children residing in the same household of the intermediate  
48 driver's license holder. After the expiration of the first six months, the holder of an  
49 intermediate driver's license shall not operate a motor vehicle with more than three passengers  
50 who are under nineteen years of age and who are not members of the holder's immediate  
51 family. The passenger restrictions of this subsection shall not be applicable to any  
52 intermediate driver's license holder who is operating a motor vehicle being used in  
53 agricultural work-related activities.

54           4. Notwithstanding the provisions of section 302.177 to the contrary, the fee for an  
55 intermediate driver's license shall be five dollars and such license shall be valid for a period of  
56 two years.

57           5. Any intermediate driver's licensee accumulating six or more points in a twelve-  
58 month period may be required to participate in and successfully complete a driver-  
59 improvement program approved by the state highways and transportation commission. The  
60 driver-improvement program ordered by the director of revenue shall not be used in lieu of  
61 point assessment.

62           6. (1) An intermediate driver's licensee who has, for the preceding twelve-month  
63 period, had no alcohol-related enforcement contacts, as defined in section 302.525 and no  
64 traffic convictions for which points are assessed, upon reaching the age of eighteen years or  
65 within the thirty days immediately preceding their eighteenth birthday may apply for and  
66 receive without further examination, other than a vision test as prescribed by section 302.173,  
67 a license issued pursuant to this chapter granting full driving privileges. Such person shall  
68 pay the required fee for such license as prescribed in section 302.177.

69           (2) If an intermediate driver's license expires on a Saturday, Sunday, or legal holiday,  
70 such license shall remain valid for the five business days immediately following the  
71 expiration date. In no case shall a licensee whose intermediate driver's license expires on a  
72 Saturday, Sunday, or legal holiday be guilty of an offense of driving with an expired or invalid  
73 driver's license if such offense occurred within five business days immediately following an  
74 expiration date that occurs on a Saturday, Sunday, or legal holiday.

75           (3) The director of revenue shall deny an application for a full driver's license until  
76 the person has had no traffic convictions for which points are assessed for a period of twelve  
77 months prior to the date of application for license or until the person is eligible to apply for a  
78 six-year driver's license as provided for in section 302.177, provided the applicant is  
79 otherwise eligible for full driving privileges. An intermediate driver's license shall expire  
80 when the licensee is eligible and receives a full driver's license as prescribed in subdivision  
81 (1) of this section.

82           7. No person upon reaching the age of eighteen years whose intermediate driver's  
83 license and driving privilege is denied, suspended, cancelled or revoked in this state or any  
84 other state for any reason may apply for a full driver's license until such license or driving  
85 privilege is fully reinstated. Any such person whose intermediate driver's license has been  
86 revoked pursuant to the provisions of sections 302.010 to 302.540 shall, upon receipt of  
87 reinstatement of the revocation from the director, pass the complete driver examination, apply  
88 for a new license, and pay the proper fee before again operating a motor vehicle upon the  
89 highways of this state.

90 8. A person shall be exempt from the intermediate licensing requirements if the  
91 person has reached the age of eighteen years and meets all other licensing requirements.

92 9. Any person who violates any of the provisions of this section relating to  
93 intermediate drivers' licenses or the provisions of section 302.130 relating to temporary  
94 instruction permits is guilty of an infraction, and no points shall be assessed to his or her  
95 driving record for any such violation.

96 10. Any rule or portion of a rule, as that term is defined in section 536.010, that is  
97 created under the authority delegated in this section shall become effective only if it complies  
98 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.  
99 This section and chapter 536 are nonseverable and if any of the powers vested with the  
100 general assembly pursuant to chapter 536 to review, to delay the effective date or to  
101 disapprove and annul a rule are subsequently held unconstitutional, then the grant of  
102 rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid  
103 and void.

**451.015. A minor who is legally married under the provisions of this chapter  
2 shall be considered an emancipated minor and shall be qualified and competent to  
3 contract for housing, employment, purchase of an automobile, receipt of a student loan,  
4 or admission to high school or postsecondary school; to obtain medical and mental  
5 health care; to establish a bank account; to be admitted to a shelter for victims of  
6 domestic violence as that phrase is used in sections 455.200 to 455.220, a rape crisis  
7 center as defined in section 455.003, or a homeless shelter; and to receive services as a  
8 victim of domestic violence or sexual assault as such terms are defined in section 455.010  
9 including, but not limited to, counseling, court advocacy, financial assistance, and other  
10 advocacy services. An emancipated minor may also commence, prosecute, or defend  
11 any action in his or her own name as the real party in interest.**

451.090. 1. No recorder shall issue a license authorizing the marriage of any male or  
2 female under ~~sixteen~~ **seventeen** years of age nor shall a license be issued authorizing the  
3 marriage of any male or female twenty-one years of age or older to a male or female under  
4 eighteen years of age.

5 2. No recorder shall issue a license authorizing the marriage of any male or female  
6 under the age of eighteen years, except with the consent of his or her custodial parent or  
7 guardian, which consent shall be given at the time, in writing, stating the residence of the  
8 person giving such consent, signed and sworn to before an officer authorized to administer  
9 oaths.

10 3. The recorder shall state in every license whether the parties applying for same, one  
11 or either or both of them, are of age, or whether the male is under the age of eighteen years or  
12 the female under the age of eighteen years, and if the male is under the age of eighteen years

13 or the female is under the age of eighteen years, the name of the custodial parent or guardian  
14 consenting to such marriage. Applicants shall provide proof of age to the recorder in the form  
15 of a certified copy of the applicant's birth certificate, passport, or other government-issued  
16 identification, which shall then be documented by the recorder.

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