

SECOND REGULAR SESSION

HOUSE BILL NO. 1763

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MCGIRL.

4739H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 302.735, RSMo, and to enact in lieu thereof one new section relating to nondomiciled commercial drivers' licenses and learners' permits.

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

Section A. Section 302.735, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 302.735, to read as follows:

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

2. A commercial driver's license shall expire on the applicant's birthday in the sixth year after 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, and must be renewed on or before the date of expiration. When a person changes such person's name an application for a duplicate license shall be made to the director of revenue. When a person changes such person's mailing address or residence the applicant shall notify the director of revenue of said change, however, no application for a duplicate license is required. A commercial license issued pursuant to this section to an applicant less than twenty-one years of age and seventy years of age and older shall expire on the applicant's birthday in 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.

18 third year after issuance, unless the license must be issued for a shorter period as determined
19 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 a biennial commercial driver's license containing a school
25 bus endorsement to an applicant who is seventy-five years of age or older. The fee for such
26 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]~~ **Beginning August 28, 2026**, notwithstanding
70 any provisions of subsections 1 and 5 of this section to the contrary, the director may issue a
71 nondomiciled commercial driver's license or commercial driver's instruction permit to a
72 resident of a foreign jurisdiction if the United States Secretary of Transportation has
73 determined that the commercial motor vehicle testing and licensing standards in the foreign
74 jurisdiction do not meet the testing 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]~~ **shall** present evidence satisfactory to the director that the
77 applicant currently has employment with an employer in this state **as a temporary**
78 **agricultural worker under the federal H-2A program, temporary non-agricultural**
79 **worker under the federal H-2B program, or as a treaty investor under the federal E-2**
80 **program. Proof of such position shall require a labor certification through the**
81 **Department of Labor, the applicant's current employer, or other specified proof of work**
82 **established through the federal visa process. Persons in approved employment-based**
83 **nonimmigrant categories specified in this subdivision shall be required to provide an**
84 **unexpired Form I-94 or Form I-94A and an unexpired foreign passport at every license**
85 **issuance, transfer, renewal, and upgrade action.**

86 (3) The nondomiciled applicant ~~[must]~~ **shall** meet the same testing, driver record
87 requirements, conditions, and is subject to the same disqualification and conviction reporting
88 requirements applicable to resident commercial drivers.

89 ~~(3)~~ (4) The nondomiciled commercial driver's license ~~[will]~~ **shall** expire on the
90 same date that the ~~[documents establishing lawful presence for employment expire]~~

91 nondomiciled license holder's period of admission documented on the Form I-94 or
92 Form I-94A expires, or in one year, whichever is earlier.

93 (5) The director shall utilize the Systematic Alien Verification for Entitlements
94 (SAVE) program, administered by Citizenship and Immigration Services, to verify the
95 immigration status and employment-based nonimmigrant category information
96 provided by the applicant. The director shall retain copies of the required
97 documents in the department's records for not less than two years. The director
98 shall provide copies of the required documents and proof of SAVE verification to the
99 Federal Motor Carrier Safety Administration upon request.

100 (6) The word "nondomiciled" shall appear on the face of the nondomiciled
101 commercial driver's license. Any applicant for a Missouri nondomiciled commercial driver's
102 license or commercial driver's instruction permit ~~[must]~~ shall first surrender any
103 nondomiciled commercial driver's license issued by another state.

104 ~~[(4)]~~ (7) The nondomiciled commercial driver's license applicant ~~[must]~~ shall pay the
105 same fees as required for the issuance of a resident commercial driver's license or commercial
106 driver's instruction permit.

107 (8) Renewal of a nondomiciled commercial driver's license or commercial
108 driver's instruction permit issued under this subsection shall be in person.

109 (9) Upon notification from the Federal Motor Carrier Safety Administration, the
110 Department of Homeland Security, the Department of State, or other federal agency
111 with jurisdiction that a nondomiciled commercial driver's license or commercial
112 driver's instruction permit holder licensed in this state no longer holds lawful
113 nonimmigrant status, or if the nondomiciled commercial driver's license or
114 commercial driver's instruction permit holder violates any terms of their immigration
115 status, the director shall be required to initiate a process to remove the commercial
116 privilege from the license within thirty days.

117 (10) Each time the director renews, transfers, upgrades, amends, corrects,
118 reprints, or otherwise duplicates a previously issued nondomiciled commercial driver's
119 license or commercial driver's instruction permit, the director shall, in addition to
120 confirming that the applicant's foreign passport is unexpired, verify through SAVE that
121 the applicant's I-94 or I-94A "admit until date" has not expired and that the applicant's
122 immigration category as noted on the I-94 or I-94A, or as confirmed by SAVE, remains
123 listed as temporary agricultural worker under the federal H-2A program, temporary
124 non-agricultural worker under the federal H-2B program, or as a treaty investor under
125 the federal E-2 program.

126 (11) Notwithstanding any other provision of this subsection, applicants for
127 nondomiciled commercial driver's licenses or commercial driver's instruction permits

128 **who are United States citizens, lawful permanent residents, or noncitizen nationals**
129 **domiciled in a United States territory shall be required to provide at least one of the**
130 **following documents to prove that the applicant is eligible to receive such license:**

- 131 **(a) Valid, unexpired United States passport;**
- 132 **(b) Certified copy of a birth certificate filed with a state office of vital statistics or**
133 **equivalent agency in the applicant's state of birth, Puerto Rico, the Virgin Islands,**
134 **Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands;**
- 135 **(c) Consular Report of Birth Abroad (CRBA) issued by the Department of State;**
- 136 **(d) Certificate of Naturalization issued by the Department of Homeland**
137 **Security;**
- 138 **(e) Certificate of Citizenship issued by the Department of Homeland Security; or**
- 139 **(f) Valid, unexpired Permanent Resident Card issued by Citizenship and**
140 **Immigration Services or Immigration and Naturalization Services.**

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

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