

SECOND REGULAR SESSION

HOUSE BILL NO. 3522

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SHARPE (4).

7518H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 302.173, RSMo, and to enact in lieu thereof one new section relating to driver's examination requirements.

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

Section A. Section 302.173, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 302.173, to read as follows:

302.173. 1. Any applicant for a license, who does not possess a valid license issued pursuant to the laws of this state, another state, or a country which has a reciprocal agreement with the state of Missouri regarding the exchange of licenses pursuant to section 302.172 shall be examined as herein provided. Any person who has failed to renew such person's license on or before the date of its expiration or within six months thereafter must take the complete examination. Any active member of the Armed Forces, their adult dependents or any active member of the Peace Corps may apply for a renewal license without examination of any kind, unless otherwise required by sections 302.700 to 302.780, provided the renewal application shows that the previous license had not been suspended or revoked. Any person honorably discharged from the Armed Forces of the United States who held a valid license prior to being inducted may apply for a renewal license within sixty days after such person's honorable discharge without submitting to any examination of such person's ability to safely operate a motor vehicle over the highways of this state unless otherwise required by sections 302.700 to 302.780, other than the vision test provided in section 302.175, unless the facts set out in the renewal application or record of convictions on the expiring license, or the records of the director show that there is good cause to authorize the director to require the applicant to submit to the complete examination. No applicant for a renewal license shall be required to

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 submit to any examination of his or her ability to safely operate a motor vehicle over the
19 highways of this state unless otherwise required by sections 302.700 to 302.780 or regulations
20 promulgated thereunder, other than a test of the applicant's ability to understand highway
21 signs regulating, warning or directing traffic and the vision test provided in section 302.175,
22 unless the facts set out in the renewal application or record of convictions on the expiring
23 license, or the records of the director show that there is good cause to authorize the director to
24 require the applicant to submit to the complete examination. The examination shall be made
25 available in each county. Reasonable notice of the time and place of the examination shall be
26 given the applicant by the person or officer designated to conduct it. The complete
27 examination shall include a test of the applicant's natural or corrected vision as prescribed in
28 section 302.175, the applicant's ability to understand highway signs regulating, warning or
29 directing traffic, the applicant's practical knowledge of the traffic laws of this state, and an
30 actual demonstration of ability to exercise due care in the operation of a motor vehicle of the
31 classification for which the license is sought. **The written portion of the examination shall**
32 **only be administered in the English language and no translators shall be allowed for**
33 **applicants taking the written portion of the examination.** When an applicant for a license
34 has a license from a state which has requirements for issuance of a license comparable to the
35 Missouri requirements or a license from a country which has a reciprocal agreement with the
36 state of Missouri regarding the exchange of licenses pursuant to section 302.172 and such
37 license has not expired more than six months prior to the date of application for the Missouri
38 license, the director may waive the test of the applicant's practical knowledge of the traffic
39 laws of this state, and the requirement of actual demonstration of ability to exercise due care
40 in the operation of a motor vehicle. If the director has reasonable grounds to believe that an
41 applicant is suffering from some known physical or mental ailment which ordinarily would
42 interfere with the applicant's fitness to operate a motor vehicle safely upon the highways, the
43 director may require that the examination include a physical or mental examination by a
44 licensed physician of the applicant's choice, at the applicant's expense, to determine the fact.
45 The director shall prescribe regulations to ensure uniformity in the examinations and in the
46 grading thereof and shall prescribe and furnish all forms to the members of the highway patrol
47 and to other persons authorized to conduct examinations as may be necessary to enable the
48 officer or person to properly conduct the examination. The records of the examination shall
49 be forwarded to the director who shall not issue any license hereunder if in the director's
50 opinion the applicant is not qualified to operate a motor vehicle safely upon the highways of
51 this state.

52 2. Beginning July 1, 2005, when the examiner has reasonable grounds to believe that
53 an individual has committed fraud or deception during the examination process, the license
54 examiner shall immediately forward to the director all information relevant to any fraud or

55 deception, including, but not limited to, a statement of the examiner's grounds for belief that
56 the person committed or attempted to commit fraud or deception in the written, skills, or
57 vision examination.

58 3. The director of revenue shall delegate the power to conduct the examinations
59 required for a license or permit to any member of the highway patrol or any person employed
60 by the highway patrol. The powers delegated to any examiner may be revoked at any time by
61 the director of revenue upon notice.

62 4. Notwithstanding the requirements of subsections 1 and 3 of this section, the
63 successful completion of a motorcycle rider training course approved pursuant to sections
64 302.133 to 302.137 shall constitute an actual demonstration of the person's ability to exercise
65 due care in the operation of a motorcycle or motortricycle, and no further practical knowledge
66 or driving test shall be required to obtain a motorcycle or motortricycle license or
67 endorsement. The motorcycle rider training course completion shall be accepted for purposes
68 of motorcycle license or endorsement issuance for one year from the date of course
69 completion.

70 5. Notwithstanding the requirements of subsections 1 and 3 of this section, the
71 successful completion of a military motorcycle rider training course that meets or exceeds the
72 Motorcycle Safety Foundation curriculum standards by an applicant who is an active member
73 of the United States Armed Forces, shall constitute an actual demonstration of the person's
74 ability to exercise due care in the operation of a motorcycle or motortricycle, and no further
75 practical knowledge or driving test shall be required to obtain a motorcycle or motortricycle
76 license or endorsement. The military motorcycle rider training course completion shall be
77 accepted for purposes of motorcycle license or endorsement issuance for one year from the
78 date of course completion. The director of revenue is authorized to promulgate rules and
79 regulations for the administration and implementation of this subsection including rules
80 governing the presentment of motorcycle training course completion cards from a military
81 motorcycle rider training course or other documentation showing that the applicant has
82 successfully completed a course in basic motorcycle safety instruction that meets or exceeds
83 curriculum standards established by the Motorcycle Safety Foundation or other national
84 organization whose purpose is to improve the safety of motorcyclists on the nation's streets
85 and highways. Any rule or portion of a rule, as that term is defined in section 536.010, that is
86 created under the authority delegated in this section shall become effective only if it complies
87 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
88 This section and chapter 536 are nonseverable and if any of the powers vested with the
89 general assembly pursuant to chapter 536 to review, to delay the effective date, or to
90 disapprove and annul a rule are subsequently held unconstitutional, then the grant of

91 rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid
92 and void.

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