

FIRST REGULAR SESSION

HOUSE BILL NO. 820

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DENISON.

1769L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 302.341 and 302.700, RSMo, and to enact in lieu thereof three new sections relating to commercial drivers' licensing, with existing penalty provisions and an effective date.

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

Section A. Sections 302.341 and 302.700, RSMo, are repealed and three new sections
2 enacted in lieu thereof, to be known as sections 302.341, 302.700, and 302.768, to read as
3 follows:

302.341. 1. If a Missouri resident charged with a moving traffic violation of this state
2 or any county or municipality of this state fails to dispose of the charges of which the resident
3 is accused through authorized prepayment of fine and court costs and fails to appear on the return
4 date or at any subsequent date to which the case has been continued, or without good cause fails
5 to pay any fine or court costs assessed against the resident for any such violation within the
6 period of time specified or in such installments as approved by the court or as otherwise provided
7 by law, any court having jurisdiction over the charges shall within ten days of the failure to
8 comply inform the defendant by ordinary mail at the last address shown on the court records that
9 the court will order the director of revenue to suspend the defendant's driving privileges if the
10 charges are not disposed of and fully paid within thirty days from the date of mailing. Thereafter,
11 if the defendant fails to timely act to dispose of the charges and fully pay any applicable fines and
12 court costs, the court shall notify the director of revenue of such failure and of the pending
13 charges against the defendant. Upon receipt of this notification, the director shall suspend the
14 license of the driver, effective immediately, and provide notice of the suspension to the driver

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.

15 at the last address for the driver shown on the records of the department of revenue. Such
16 suspension shall remain in effect until the court with the subject pending charge requests setting
17 aside the noncompliance suspension pending final disposition, or satisfactory evidence of
18 disposition of pending charges and payment of fine and court costs, if applicable, is furnished
19 to the director by the individual. Upon proof of disposition of charges and payment of fine and
20 court costs, if applicable, and payment of the reinstatement fee as set forth in section 302.304,
21 the director shall return the license and remove the suspension from the individual's driving
22 record **if the individual was not operating a commercial motor vehicle or a commercial**
23 **driver's license holder at the time of the offense.** The filing of financial responsibility with
24 the bureau of safety responsibility, department of revenue, shall not be required as a condition
25 of reinstatement of a driver's license suspended solely under the provisions of this section.

26 2. If any city, town or village receives more than thirty-five percent of its annual general
27 operating revenue from fines and court costs for traffic violations occurring on state highways,
28 all revenues from such violations in excess of thirty-five percent of the annual general operating
29 revenue of the city, town or village shall be sent to the director of the department of revenue and
30 shall be distributed annually to the schools of the county in the same manner that proceeds of all
31 penalties, forfeitures and fines collected for any breach of the penal laws of the state are
32 distributed. For the purpose of this section the words "state highways" shall mean any state or
33 federal highway, including any such highway continuing through the boundaries of a city, town
34 or village with a designated street name other than the state highway number. The director of
35 the department of revenue shall set forth by rule a procedure whereby excess revenues as set
36 forth above shall be sent to the department of revenue. If any city, town, or village disputes a
37 determination that it has received excess revenues required to be sent to the department of
38 revenue, such city, town, or village may submit to an annual audit by the state auditor under the
39 authority of article IV, section 13 of the Missouri Constitution. Any rule or portion of a rule, as
40 that term is defined in section 536.010, that is created under the authority delegated in this
41 section shall become effective only if it complies with and is subject to all of the provisions of
42 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable
43 and if any of the powers vested with the general assembly under chapter 536 to review, to delay
44 the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then
45 the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall
46 be invalid and void.

302.700. 1. Sections 302.700 to 302.780 may be cited as the "Uniform Commercial
2 Driver's License Act".

3 2. When used in sections 302.700 to 302.780, the following words and phrases mean:

4 (1) "Alcohol", any substance containing any form of alcohol, including, but not limited
5 to, ethanol, methanol, propanol and isopropanol;

6 (2) "Alcohol concentration", the number of grams of alcohol per one hundred milliliters
7 of blood or the number of grams of alcohol per two hundred ten liters of breath or the number
8 of grams of alcohol per sixty-seven milliliters of urine;

9 (3) **"CDLIS driver record", the electronic record of the individual commercial**
10 **driver's status and history stored by the state of record as part of the Commercial Driver's**
11 **License Information System (CDLIS) established under 49 U.S.C. Section 31309, et seq.;**

12 (4) **"CDLIS motor vehicle record (CDLIS MVR)", a report generated from the**
13 **CDLIS driver record which meets the requirements for access to CDLIS information and**
14 **is provided by states to users authorized in 49 CFR Part 384, subject to the provisions of**
15 **the Driver Privacy Protection Act, 18 U.S.C. Sections 2721 to 2725, et seq.;**

16 (5) "Commercial driver's instruction permit", a permit issued pursuant to section
17 302.720;

18 [(4)] (6) "Commercial driver's license", a license issued by this state to an individual
19 which authorizes the individual to operate a commercial motor vehicle;

20 [(5)] (7) **"Commercial driver's license downgrade", occurs when:**

21 (a) **A driver changes the self-certification to interstate, but operates exclusively in**
22 **transportation or operation excepted from 49 CFR Part 391, as provided in 49 CFR Part**
23 **390.3(f), 391.2, 391.68, or 383.3;**

24 (b) **A driver changes the self-certification to intrastate only, if the driver qualifies**
25 **under the state's physical qualification requirements for interstate only;**

26 (c) **A driver changes the self-certification to intrastate, but operating exclusively in**
27 **transportation or operations excepted from all or part of the state driver qualification**
28 **requirements; or**

29 (d) **The state removes the commercial driver's license privilege from the driver's**
30 **license;**

31 (8) "Commercial driver's license information system (CDLIS)", the information system
32 established pursuant to the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub.
33 Law 99-570) to serve as a clearinghouse for locating information related to the licensing and
34 identification of commercial motor vehicle drivers;

35 [(6)] (9) "Commercial motor vehicle", a motor vehicle designed or used to transport
36 passengers or property:

37 (a) If the vehicle has a gross combination weight rating of twenty-six thousand one or
38 more pounds inclusive of a towed unit which has a gross vehicle weight rating of ten thousand
39 one pounds or more;

40 (b) If the vehicle has a gross vehicle weight rating of twenty-six thousand one or more
41 pounds or such lesser rating as determined by federal regulation;

42 (c) If the vehicle is designed to transport sixteen or more passengers, including the
43 driver; or

44 (d) If the vehicle is transporting hazardous materials and is required to be placarded
45 under the Hazardous Materials Transportation Act (46 U.S.C. 1801, et seq.);

46 [(7)] (10) "Controlled substance", any substance so classified under Section 102(6) of
47 the Controlled Substances Act (21 U.S.C. 802(6)), and includes all substances listed in schedules
48 I through V of 21 CFR part 1308, as they may be revised from time to time;

49 [(8)] (11) "Conviction", an unvacated adjudication of guilt, including pleas of guilt and
50 nolo contendere, or a determination that a person has violated or failed to comply with the law in
51 a court of original jurisdiction or an authorized administrative proceeding, an unvacated
52 forfeiture of bail or collateral deposited to secure the person's appearance in court, the payment
53 of a fine or court cost, or violation of a condition of release without bail, regardless of whether
54 the penalty is rebated, suspended or prorated, including an offense for failure to appear or pay;

55 [(9)] (12) "Director", the director of revenue or his authorized representative;

56 [(10)] (13) "Disqualification", any of the following three actions:

57 (a) The suspension, revocation, or cancellation of a commercial driver's license;

58 (b) Any withdrawal of a person's privileges to drive a commercial motor vehicle by a
59 state, **Canada, or Mexico** as the result of a violation of federal, state, county, municipal, or local
60 law relating to motor vehicle traffic control or violations committed through the operation of
61 motor vehicles, other than parking, vehicle weight, or vehicle defect violations;

62 (c) A determination by the Federal Motor Carrier Safety Administration that a person
63 is not qualified to operate a commercial motor vehicle under 49 CFR Part 383.52 or Part 391;

64 [(11)] (14) "Drive", to drive, operate or be in physical control of a commercial motor
65 vehicle;

66 [(12)] (15) "Driver", any person who drives, operates, or is in physical control of a motor
67 vehicle, or who is required to hold a commercial driver's license;

68 (16) **"Driver applicant", an individual who applies to obtain, transfer, upgrade, or
69 renew a commercial driver's license in this state;**

70 [(13)] (17) "Driving under the influence of alcohol", the commission of any one or more
71 of the following acts:

72 (a) Driving a commercial motor vehicle with the alcohol concentration of four
73 one-hundredths of a percent or more as prescribed by the secretary or such other alcohol
74 concentration as may be later determined by the secretary by regulation;

75 (b) Driving a commercial or noncommercial motor vehicle while intoxicated in violation
76 of any federal or state law, or in violation of a county or municipal ordinance;

77 (c) Driving a commercial or noncommercial motor vehicle with excessive blood alcohol
78 content in violation of any federal or state law, or in violation of a county or municipal
79 ordinance;

80 (d) Refusing to submit to a chemical test in violation of section 577.041, section
81 302.750, any federal or state law, or a county or municipal ordinance; or

82 (e) Having any state, county or municipal alcohol-related enforcement contact, as defined
83 in subsection 3 of section 302.525; provided that any suspension or revocation pursuant to
84 section 302.505, committed in a noncommercial motor vehicle by an individual twenty-one years
85 of age or older shall have been committed by the person with an alcohol concentration of at least
86 eight-hundredths of one percent or more, or in the case of an individual who is less than
87 twenty-one years of age, shall have been committed by the person with an alcohol concentration
88 of at least two-hundredths of one percent or more, and if committed in a commercial motor
89 vehicle, a concentration of four-hundredths of one percent or more;

90 [(14)] (18) "Driving under the influence of a controlled substance", the commission of
91 any one or more of the following acts in a commercial or noncommercial motor vehicle:

92 (a) Driving a commercial or noncommercial motor vehicle while under the influence of
93 any substance so classified under Section 102(6) of the Controlled Substances Act (21 U.S.C.
94 802(6)), including any substance listed in schedules I through V of 21 CFR Part 1308, as they
95 may be revised from time to time;

96 (b) Driving a commercial or noncommercial motor vehicle while in a drugged condition
97 in violation of any federal or state law or in violation of a county or municipal ordinance; or

98 (c) Refusing to submit to a chemical test in violation of section 577.041, section
99 302.750, any federal or state law, or a county or municipal ordinance;

100 (19) **"Employee", any operator of a commercial motor vehicle, including the full**
101 **time, regularly employed drivers; casual, intermittent, or occasional drivers; leased drivers**
102 **and independent, owner-operator contractors who, while in the course of operating a**
103 **commercial motor vehicle, are either directly employed by or under lease to an employer;**

104 [(15)] (20) "Employer", any person, including the United States, a state, or a political
105 subdivision of a state, who owns or leases a commercial motor vehicle or assigns a driver to
106 operate such a vehicle;

107 (21) **"Endorsement", an authorization on an individual's commercial driver's**
108 **license permitting the individual to operate certain types of commercial motor vehicles;**

109 [(16)] (22) "Farm vehicle", a commercial motor vehicle controlled and operated by a
110 farmer used exclusively for the transportation of agricultural products, farm machinery, farm
111 supplies, or a combination of these, within one hundred fifty miles of the farm, other than one
112 which requires placarding for hazardous materials as defined in this section, or used in the
113 operation of a common or contract motor carrier, except that a farm vehicle shall not be a

114 commercial motor vehicle when the total combined gross weight rating does not exceed
115 twenty-six thousand one pounds when transporting fertilizers as defined in subdivision (21) of
116 this subsection;

117 [(17)] **(23)** "Fatality", the death of a person as a result of a motor vehicle accident;

118 [(18)] **(24)** "Felony", any offense under state or federal law that is punishable by death
119 or imprisonment for a term exceeding one year;

120 **(25) "Foreign", outside the United States and the District of Columbia;**

121 [(19)] **(26)** "Gross combination weight rating" or "GCWR", the value specified by the
122 manufacturer as the loaded weight of a combination (articulated) vehicle.

123 In the absence of a value specified by the manufacturer, GCWR will be determined by adding
124 the GVWR of the power unit and the total weight of the towed unit and any load thereon;

125 [(20)] **(27)** "Gross vehicle weight rating" or "GVWR", the value specified by the
126 manufacturer as the loaded weight of a single vehicle;

127 [(21)] **(28)** "Hazardous materials", any material that has been designated as hazardous
128 under 49 U.S.C. 5103 and is required to be placarded under subpart F of CFR Part 172 or any
129 quantity of a material listed as a select agent or toxin in 42 CFR Part 73. Fertilizers, including
130 but not limited to ammonium nitrate, phosphate, nitrogen, anhydrous ammonia, lime, potash,
131 motor fuel or special fuel, shall not be considered hazardous materials when transported by a
132 farm vehicle provided all other provisions of this definition are followed;

133 [(22)] **(29)** "Imminent hazard", the existence of a condition that presents a substantial
134 likelihood that death, serious illness, severe personal injury, or a substantial endangerment to
135 health, property, or the environment may occur before the reasonably foreseeable completion
136 date of a formal proceeding begins to lessen the risk of that death, illness, injury, or
137 endangerment;

138 [(23)] **(30)** "Issuance", the initial licensure, license transfers, license renewals, and
139 license upgrades;

140 **(31) "Medical examiner", a person who is licensed, certified, or registered, in
141 accordance with applicable state laws and regulations, to perform physical examinations.
142 The term includes, but is not limited to, doctors of medicine, doctors of osteopathy,
143 physician assistants, advanced practice nurses, and doctors of chiropractic;**

144 **(32) "Medical variance", when a driver has received one of the following that
145 allows the driver to be issued a medical certificate:**

146 **(a) An exemption letter permitting operation of a commercial motor vehicle under
147 49 CFR Part 381, Subpart C, and 49 CFR Part 391.4;**

148 **(b) A skill performance evaluation certificate permitting operation of a commercial
149 motor vehicle under 49 CFR Part 391.49;**

150 [(24)] (33) "Motor vehicle", any self-propelled vehicle not operated exclusively upon
151 tracks;

152 [(25)] (34) "Noncommercial motor vehicle", a motor vehicle or combination of motor
153 vehicles not defined by the term "commercial motor vehicle" in this section;

154 [(26)] (35) "Out of service", a temporary prohibition against the operation of a
155 commercial motor vehicle by a particular driver, or the operation of a particular commercial
156 motor vehicle, or the operation of a particular motor carrier;

157 [(27)] (36) "Out-of-service order", a declaration by [the Federal Highway
158 Administration, or any] **an** authorized enforcement officer of a federal, state, [Commonwealth
159 of Puerto Rico,] Canadian, Mexican or any local jurisdiction, that a driver, or a commercial
160 motor vehicle, or a motor carrier operation, is out of service **under 49 CFR Part 386.72, 392.5,**
161 **392.9a, 395.13, or 396.9, or comparable laws, or the North American Standard Out-of-**
162 **Service Criteria;**

163 [(28)] (37) "School bus", a commercial motor vehicle used to transport preprimary,
164 primary, or secondary school students from home to school, from school to home, or to and from
165 school-sponsored events. School bus does not include a bus used as a common carrier as defined
166 by the Secretary;

167 [(29)] (38) "Secretary", the Secretary of Transportation of the United States;

168 [(30)] (39) "Serious traffic violation", driving a commercial motor vehicle in such a
169 manner that the driver receives a conviction for the following offenses or driving a
170 noncommercial motor vehicle when the driver receives a conviction for the following offenses
171 and the conviction results in the suspension or revocation of the driver's license or
172 noncommercial motor vehicle driving privilege:

173 (a) Excessive speeding, as defined by the Secretary by regulation;

174 (b) Careless, reckless or imprudent driving which includes, but shall not be limited to,
175 any violation of section 304.016, any violation of section 304.010, or any other violation of
176 federal or state law, or any county or municipal ordinance while driving a commercial motor
177 vehicle in a willful or wanton disregard for the safety of persons or property, or improper or
178 erratic traffic lane changes, or following the vehicle ahead too closely, but shall not include
179 careless and imprudent driving by excessive speed;

180 (c) A violation of any federal or state law or county or municipal ordinance regulating
181 the operation of motor vehicles arising out of an accident or collision which resulted in death to
182 any person, other than a parking violation;

183 (d) Driving a commercial motor vehicle without obtaining a commercial driver's license
184 in violation of any federal or state or county or municipal ordinance;

185 (e) Driving a commercial motor vehicle without a commercial driver's license in the
186 driver's possession in violation of any federal or state or county or municipal ordinance. Any

187 individual who provides proof to the court which has jurisdiction over the issued citation that the
188 individual held a valid commercial driver's license on the date that the citation was issued shall
189 not be guilty of this offense;

190 (f) Driving a commercial motor vehicle without the proper commercial driver's license
191 class or endorsement for the specific vehicle group being operated or for the passengers or type
192 of cargo being transported in violation of any federal or state law or county or municipal
193 ordinance; or

194 (g) Any other violation of a federal or state law or county or municipal ordinance
195 regulating the operation of motor vehicles, other than a parking violation, as prescribed by the
196 secretary by regulation;

197 [(31)] (40) "State", a state[, territory or possession] of the United States[, the District of
198 Columbia, the Commonwealth of Puerto Rico, Mexico, and any province of Canada];

199 [(32)] (41) "United States", the fifty states and the District of Columbia.

**302.768. 1. Any applicant for a commercial driver's license or commercial driver's
2 instruction permit shall comply with the Federal Motor Carrier Safety Administration
3 application requirements of 49 CFR Part 383.71 by certifying to one of the following
4 applicable statements relating to federal and state driver qualification rules:**

5 (1) **Nonexcepted interstate:** Certifies the applicant is a driver operating or
6 expecting to operate in interstate or foreign commerce, or is otherwise subject to and meets
7 requirements of 49 CFR Part 391 and is required to obtain a medical examiner's certificate
8 as defined in 49 CFR Part 391.45;

9 (2) **Excepted interstate:** Certifies the applicant is a driver operating or expecting
10 to operate entirely in intrastate commerce that is not subject to Part 391 and is subject to
11 Missouri driver qualifications and not required to obtain a medical examiner's certificate;

12 (3) **Nonexcepted intrastate:** Certifies the applicant is a driver operating only in
13 intrastate commerce and is subject to Missouri driver qualifications;

14 (4) **Excepted intrastate:** Certifies the applicant operates or expects to operate only
15 in intrastate commerce, and engaging only in operations excepted from all parts of the
16 Missouri driver qualification requirements.

17 **2. Any applicant who cannot meet certification requirements under one of the
18 categories defined 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 examiners certificate or a medical examiners certificate accompanied by a medical variance
23 or waiver. The state shall retain the original or copy of the documentation of physical
24 qualification for a minimum of three years beyond the date the certificate was issued.**

25 **4. Applicants certifying to operation in nonexcepted interstate commerce or**
26 **nonexcepted intrastate commerce shall provide an updated medical certificate or variance**
27 **documents to maintain a certified status during the term of the commercial driver's license**
28 **or commercial driver's instruction permit in order to retain commercial privileges.**

29 **5. The director shall post the medical examiners certificate of information, medical**
30 **variance if applicable, and certification status to the Missouri driver record within ten**
31 **calendar days and such information will become part of the CDLIS driver record.**

32 **6. Applicants certifying to operation in nonexcepted interstate commerce or**
33 **nonexcepted intrastate commerce who fail to provide or maintain a current medical**
34 **examiners certificate, or if the state has received notice of a medical variance or waiver**
35 **expiring or being rescinded, the state shall, within ten calendar days, update the driver's**
36 **medical certification status to "not certified". The state shall notify the driver of the**
37 **change in certification status and require the driver to annually comply with requirements**
38 **for a commercial driver's license downgrade within sixty days of notice.**

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

42 **8. Any person who falsifies any information in an application for or update of**
43 **medical certification status information for a commercial driver's license shall not be**
44 **licensed to operate a commercial motor vehicle, or the person's commercial driver's license**
45 **shall be canceled for a period of one year after the director discovers such falsification.**

46 **9. The director may promulgate rules and regulations necessary to administer and**
47 **enforce this section. Any rule or portion of a rule, as that term is defined in section**
48 **536.010, that is created under the authority delegated in this section shall become effective**
49 **only if it complies with and is subject to all of the provisions of chapter 536 and, if**
50 **applicable, section 536.028. This section and chapter 536 are nonseverable and if any of**
51 **the powers vested with the general assembly pursuant to chapter 536 to review, to delay**
52 **the effective date, or to disapprove and annul a rule are subsequently held**
53 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**
54 **after August 28, 2011, shall be invalid and void.**

 Section B. The repeal and reenactment of section A of this act shall become effective
2 May 11, 2013.