

FIRST REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 120

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE O'CONNOR.

Pre-filed December 12, 2000, and 1000 copies ordered printed.

Read 1st time January 3, 2001.

Read 2nd time January 4, 2001, and referred to the Committee on Motor Vehicle and Traffic Regulations, January 23, 2001.

Reported from the Committee on Motor Vehicle and Traffic Regulations, February 26, 2001, with recommendation that the bill Do
Pass.

Taken up for Perfection March 27, 2001. Bill ordered Perfected and printed, as amended.

TED WEDEL, Chief Clerk

0483L.01P

AN ACT

To repeal sections 302.173 and 307.173, RSMo 2000, relating to motor vehicle safety, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions.

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

Section A. Sections 302.173 and 307.173, RSMo 2000, are repealed and two new
2 sections enacted in lieu thereof, to be known as sections 302.173 and 307.173, to read as follows:
302.173. 1. Any applicant for a license, who does not possess a valid license issued
2 pursuant to the laws of this state **or any other state** shall be examined as herein provided. Any
3 person who has failed to renew such person's license on or before the date of its expiration or
4 within six months thereafter must take the complete examination. Any active member of the
5 armed forces, their adult dependents or any active member of the peace corps may apply for a
6 renewal license without examination of any kind, unless otherwise required by sections 302.700
7 to 302.780, provided the renewal application shows that the previous license had not been
8 suspended or revoked. Any person honorably discharged from the armed forces of the United
9 States who held a valid license prior to being inducted may apply for a renewal license within
10 sixty days after such person's honorable discharge without submitting to any examination of such

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

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

44 2. The director of revenue shall delegate the power to conduct the examinations required
45 for a license or permit to any member of the highway patrol or any person employed by the
46 highway patrol. The powers delegated to any examiner may be revoked at any time by the

47 director of revenue upon notice.

48 3. Notwithstanding the requirements of subsections 1 and 2 of this section, the successful
49 completion of a motorcycle rider training course approved pursuant to sections 302.133 to
50 302.138 shall constitute an actual demonstration of the person's ability to exercise due care in
51 the operation of a motorcycle or motortricycle, and no further driving test shall be required to
52 obtain a motorcycle or motortricycle license or endorsement.

307.173. 1. Except as provided in subsections 2 and 6 of this section, no person shall
2 operate any motor vehicle registered in this state on any public highway or street of this state
3 with any manufactured vision-reducing material applied to any portion of the motor vehicle's
4 windshield, sidewings, or windows located immediately to the left and right of the driver which
5 reduces visibility from within or without the motor vehicle. This section shall not prohibit
6 labels, stickers, decalcomania, or informational signs on motor vehicles or the application of
7 tinted or solar screening material to recreational vehicles as defined in section 700.010, RSMo,
8 provided that such material does not interfere with the driver's normal view of the road. This
9 section shall not prohibit factory installed tinted glass, the equivalent replacement thereof or
10 tinting material applied to the upper portion of the motor vehicle's windshield which is normally
11 tinted by the manufacturer of motor vehicle safety glass.

12 2. [A permit to] **Any person may** operate a motor vehicle with [a front sidewing vent
13 or window] **side and rear windows** that [has] **have** a sun screening device, in conjunction with
14 safety glazing material, that has a light transmission of thirty-five percent or more plus or minus
15 three percent and a luminous reflectance of thirty-five percent or less plus or minus three percent
16 [may be issued by the department of public safety to a person having a physical disorder
17 requiring the use of such vision-reducing material. If, according to the permittee's physician, the
18 physical disorder requires the use of a sun screening device which permits less light transmission
19 and luminous reflectance than allowed under the requirements of this subsection, the limits of
20 this subsection may be altered for that permittee in accordance with the physician's prescription.
21 The director of the department of public safety shall promulgate rules and regulations for the
22 issuance of the permit. The permit shall allow operation of the vehicle by immediate family
23 members who are husband, wife and sons or daughters who reside in the household].

24 3. A motor vehicle in violation of this section shall not be approved during any motor
25 vehicle safety inspection required pursuant to sections 307.350 to 307.390.

26 4. [No rule or portion of a rule promulgated under the authority of this chapter shall
27 become effective unless it has been promulgated pursuant to the provisions of section 536.024,
28 RSMo.] **Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that**
29 **is created under the authority delegated in this section shall become effective only if it**
30 **complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**

31 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**
32 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**
33 **to review, to delay the effective date or to disapprove and annul a rule are subsequently**
34 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
35 **adopted after August 28, 2001, shall be invalid and void.**

36 5. Any person who violates the provisions of this section is guilty of a class C
37 misdemeanor.

38 6. Any vehicle licensed with a historical license plate shall be exempt from the
39 requirements of this section.