

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 648
AND
HOUSE BILL NO. 477
AND
HOUSE BILL NO. 805
91ST GENERAL ASSEMBLY

Reported from the Committee on Transportation, April 12, 2001, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

1664S.07C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 302.130 and 302.178, RSMo 2000, relating to drivers' licenses, and to enact in lieu thereof two new sections relating to the same subject, with an emergency clause.

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

Section A. Sections 302.130 and 302.178, RSMo 2000, are repealed and two new
2 sections enacted in lieu thereof, to be known as sections 302.130 and 302.178, to read as
3 follows:

302.130. 1. Any person at least fifteen years of age who, except for age or lack of
2 instruction in operating a motor vehicle, would otherwise be qualified to obtain a license
3 pursuant to sections 302.010 to 302.340 may apply for and the director shall issue a
4 temporary instruction permit entitling the applicant, while having such permit in the
5 applicant's immediate possession, to drive a motor vehicle of the appropriate class upon the
6 highways for a period of twelve months, but any such person, except when operating a
7 motorcycle or motortricycle, must be accompanied by a licensed operator for the type of motor
8 vehicle being operated who is actually occupying a seat beside the driver for the purpose of
9 giving instruction in driving the motor vehicle, who is at least twenty-one years of age, and

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

10 in the case of any driver under sixteen years of age, the licensed operator occupying the seat
11 beside the driver shall be a grandparent, parent [or], guardian, **a driver training**
12 **instructor holding a valid driver education endorsement on a teaching certificate**
13 **issued by the department of elementary and secondary education or a qualified**
14 **instructor of a private drivers' education program** who has a valid driver's
15 license. Beginning January 1, 2001, an applicant for a temporary instruction permit shall
16 successfully complete a vision test and a test of the applicant's ability to understand highway
17 signs which regulate, warn or direct traffic and practical knowledge of the traffic laws of this
18 state, pursuant to section 302.173. In addition, beginning January 1, 2001, no permit shall
19 be granted pursuant to this subsection unless a parent or legal guardian gives written
20 permission by signing the application and in so signing, state they, or their designee as set
21 forth in subsection 2 of this section, will provide a minimum of twenty hours of
22 behind-the-wheel driving instruction. **The twenty hours of behind-the-wheel driving**
23 **instruction that is completed pursuant to this subsection may include any time that**
24 **the holder of an instruction permit has spent operating a motor vehicle in a driver**
25 **training program taught by a driver training instructor holding a valid driver**
26 **education endorsement on a teaching certificate issued by the department of**
27 **elementary and secondary education or by a qualified instructor of a private**
28 **drivers' education program. If the applicant for a permit is enrolled in a federal**
29 **residential job training program, the instructor, as defined in subsection 5 of this**
30 **section, is authorized to sign the application stating that the applicant will receive**
31 **the behind-the-wheel driving instruction required by this section.**

32 2. In the event the parent, grandparent or guardian of the person under sixteen years
33 of age has a physical disability which prohibits or disqualifies said parent, grandparent or
34 guardian from being a qualified licensed operator pursuant to this section, said parent,
35 grandparent or guardian may designate a maximum of two individuals authorized to
36 accompany the applicant for the purpose of giving instruction in driving the motor
37 vehicle. An authorized designee must be a licensed operator for the type of motor vehicle
38 being operated and have attained twenty-one years of age. At least one of the designees must
39 occupy the seat beside the applicant while giving instruction in driving the motor
40 vehicle. The name of the authorized designees must be provided to the department of revenue
41 by the parent, grandparent or guardian at the time of application for the temporary
42 instruction permit. The name of each authorized designee shall be printed on the temporary
43 instruction permit, however, the director may delay the time at which permits are printed
44 bearing such names until the inventories of blank permits and related forms existing on
45 August 28, 1998, are exhausted.

46 3. The director, upon proper application on a form prescribed by the director, in his
47 or her discretion, may issue a restricted instruction permit effective for a school year or more
48 restricted period to an applicant who is enrolled in a high school driver training program
49 taught by a driver training instructor holding a valid driver education endorsement on a
50 teaching certificate issued by the state department of elementary and secondary education
51 even though the applicant has not reached the age of sixteen years but has passed the age of
52 fifteen years. Such instruction permit shall entitle the applicant, when the applicant has
53 such permit in his or her immediate possession, to operate a motor vehicle on the highways,
54 but only when a driver training instructor holding a valid driver education endorsement on
55 a teaching certificate issued by the state department of elementary and secondary education
56 is occupying a seat beside the driver.

57 4. The director, in his or her discretion, may issue a temporary driver's permit to an
58 applicant who is otherwise qualified for a license permitting the applicant to operate a motor
59 vehicle while the director is completing the director's investigation and determination of all
60 facts relative to such applicant's rights to receive a license. Such permit must be in the
61 applicant's immediate possession while operating a motor vehicle, and it shall be invalid when
62 the applicant's license has been issued or for good cause has been refused.

63 5. **In the event that the applicant for a temporary instruction permit**
64 **described in subsection 1 of this section is a participant in a federal residential job**
65 **training program, the permittee may operate a motor vehicle accompanied by a**
66 **driver training instructor who holds a valid driver education endorsement issued**
67 **by the department of elementary and secondary education and a valid driver's**
68 **license.**

69 6. **A person at least fifteen years of age may operate a motor vehicle as part**
70 **of a driver training program taught by a driver training instructor holding a valid**
71 **driver education endorsement on a teaching certificate issued by the department**
72 **of elementary and secondary education or a qualified instructor of a private**
73 **drivers' education program.**

74 7. The director may adopt rules and regulations necessary to carry out the provisions
75 of this section.

302.178. 1. Beginning January 1, 2001, any person between the ages of sixteen and
2 eighteen years who is qualified to obtain a license pursuant to sections 302.010 to 302.340,
3 may apply for, and the director shall issue, an intermediate driver's license entitling the
4 applicant, while having such license in his or her possession, to operate a motor vehicle of the
5 appropriate class upon the highways of this state in conjunction with the requirements of this
6 section. An intermediate driver's license shall be readily distinguishable from a license issued

7 to those over the age of eighteen. All applicants for an intermediate driver's license shall:

8 (1) Successfully complete the examination required by section 302.173;

9 (2) Pay the fee required by subsection 3 of this section;

10 (3) Have had a temporary instruction permit issued pursuant to subsection 1 of
11 section 302.130 for at least a six-month period or a valid license from another state; and

12 (4) Have a parent, grandparent [or], legal guardian, **or, if the applicant is a**
13 **participant in a federal residential job training program, a driving instructor**
14 **employed by a federal residential job training program,** sign the application stating
15 that the applicant has completed at least twenty hours of supervised driving experience under
16 a temporary instruction permit issued pursuant to subsection 1 of section 302.130, or, if the
17 applicant is an emancipated minor, the person over twenty-one years of age who supervised
18 such driving. For purposes of this section, the term "emancipated minor" means a person who
19 is at least sixteen years of age, but less than eighteen years of age, who:

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

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
31 to 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 accompanied
36 by a person described in subsection 1 of section 302.130; except the licensee may operate a
37 motor vehicle without being accompanied if the travel is to or from a school or educational
38 program or activity, a regular place of employment or in emergency situations as defined by
39 the director by regulation. Each intermediate driver's license shall be restricted by requiring
40 that the driver and all passengers in the licensee's vehicle wear safety belts at all times. This
41 safety belt restriction shall not apply to a person operating a motorcycle.

42 3. Notwithstanding the provisions of section 302.177 to the contrary, the fee for an

43 intermediate driver's license shall be five dollars and such license shall be valid for a period
44 of two years.

45 4. Any intermediate driver's licensee accumulating six or more points in a
46 twelve-month period may be required to participate in and successfully complete a
47 driver-improvement program approved by the director of the department of public safety. The
48 driver-improvement program ordered by the director of revenue shall not be used in lieu of
49 point assessment.

50 5. (1) An intermediate driver's licensee who has, for the preceding twelve-month
51 period, had no alcohol-related enforcement contacts, as defined in section 302.525 and no
52 traffic convictions for which points are assessed, upon reaching the age of eighteen years may
53 apply for and receive without further examination, other than a vision test as prescribed by
54 section 302.173, a license issued pursuant to this chapter granting full driving
55 privileges. Such person shall pay the required fee for such license as prescribed in section
56 302.177.

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

64 6. No person upon reaching the age of eighteen years whose intermediate driver's
65 license and driving privilege is denied, suspended, canceled or revoked in this state or any
66 other state, for any reason may apply for a full driver's license until such license or driving
67 privilege is fully reinstated. Any such person whose intermediate driver's license has been
68 revoked pursuant to the provisions of sections 302.010 to 302.540 shall, upon receipt of
69 reinstatement of the revocation from the director, pass the complete driver examination, apply
70 for a new license, and pay the proper fee before again operating a motor vehicle upon the
71 highways of this state.

72 7. A person shall be exempt from the intermediate licensing requirements if the
73 person has reached the age of eighteen years and meets all other licensing requirements.

74 8. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that
75 is created under the authority delegated in this section shall become effective only if it
76 complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable,
77 section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of
78 the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to

79 delay the effective date or to disapprove and annul a rule are subsequently held
80 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted
81 after August 28, 2000, shall be invalid and void.

Section B. Because proper driving instruction is important to creating safe drivers,
2 sections 302.130 and 302.178 of this act is deemed necessary for the immediate preservation
3 of the public health, welfare, peace and safety, and is hereby declared to be an emergency act
4 within the meaning of the constitution, and sections 302.130 and 302.178 of this act shall be
5 in full force and effect upon its passage and approval.