

FIRST REGULAR SESSION

[CORRECTED]

[TRULY AGREED TO AND FINALLY PASSED]

SENATE COMMITTEE SUBSTITUTE FOR

**HOUSE BILL NO. 648, HOUSE BILL
NO. 477 & HOUSE BILL NO. 805
91ST GENERAL ASSEMBLY**

1664S.07T

2001

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Section A. Sections 302.130 and 302.178, RSMo 2000, are repealed and two new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 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 temporary
4 instruction permit entitling the applicant, while having such permit in the applicant's immediate
5 possession, to drive a motor vehicle of the appropriate class upon the highways for a period of
6 twelve months, but any such person, except when operating a motorcycle or motortricycle, must
7 be accompanied by a licensed operator for the type of motor vehicle being operated who is
8 actually occupying a seat beside the driver for the purpose of giving instruction in driving the
9 motor vehicle, who is at least twenty-one years of age, and in the case of any driver under sixteen
10 years of age, the licensed operator occupying the seat beside the driver shall be a grandparent,
11 parent [or], guardian, **a driver training instructor holding a valid driver education**
12 **endorsement on a teaching certificate issued by the department of elementary and**
13 **secondary education or a qualified instructor of a private drivers' education program** who
14 has a valid driver's license. Beginning January 1, 2001, an applicant for a temporary instruction

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

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

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

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

51 training instructor holding a valid driver education endorsement on a teaching certificate issued
52 by the state department of elementary and secondary education is occupying a seat beside the
53 driver.

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

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

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

69 **7.** The director may adopt rules and regulations necessary to carry out the provisions of
70 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, may
3 apply for, and the director shall issue, an intermediate driver's license entitling the applicant,
4 while having such license in his or her possession, to operate a motor vehicle of the appropriate
5 class upon the highways of this state in conjunction with the requirements of this section. An
6 intermediate driver's license shall be readily distinguishable from a license issued to those over
7 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 section
11 302.130 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 participant**
13 **in a federal residential job training program, a driving instructor employed by a federal**
14 **residential job training program,** sign the application stating that the applicant has completed
15 at least twenty hours of supervised driving experience under a temporary instruction permit
16 issued pursuant to subsection 1 of section 302.130, or, if the applicant is an emancipated minor,

17 the person over twenty-one years of age who supervised such driving. For purposes of this
18 section, the term "emancipated minor" means a person who is at least sixteen years of age, but
19 less than eighteen years of age, who:

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

25 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 to
31 section 302.302, within the preceding six months.

32 2. An intermediate driver's license grants the licensee the same privileges to operate that
33 classification of motor vehicle as a license issued pursuant to section 302.177, except that no
34 person shall operate a motor vehicle on the highways of this state under such an intermediate
35 driver's license between the hours of 1:00 a.m. and 5:00 a.m. unless accompanied by a person
36 described in subsection 1 of section 302.130; except the licensee may operate a motor vehicle
37 without being accompanied if the travel is to or from a school or educational program or activity,
38 a regular place of employment or in emergency situations as defined by the director by
39 regulation. Each intermediate driver's license shall be restricted by requiring that the driver and
40 all passengers in the licensee's vehicle wear safety belts at all times. This safety belt restriction
41 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 of
44 two years.

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

49 5. (1) An intermediate driver's licensee who has, for the preceding twelve-month period,
50 had no alcohol-related enforcement contacts, as defined in section 302.525 and no traffic
51 convictions for which points are assessed, upon reaching the age of eighteen years may apply for
52 and receive without further examination, other than a vision test as prescribed by section

53 302.173, a license issued pursuant to this chapter granting full driving privileges. Such person
54 shall pay the required fee for such license as prescribed in section 302.177.

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

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

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

70 8. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that
71 is created under the authority delegated in this section shall become effective only if it complies
72 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section
73 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers
74 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the
75 effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the
76 grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be
77 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 of
3 the public health, welfare, peace and safety, and is hereby declared to be an emergency act within
4 the meaning of the constitution, and sections 302.130 and 302.178 of this act shall be in full
5 force and effect upon its passage and approval.