

SECOND REGULAR SESSION

HOUSE BILL NO. 1038

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES YATES (Sponsor), SANDER, STEVENSON, DUSENBERG,
HOBBS, PRATT, RUESTMAN AND PEARCE (Co-sponsors).

Read 1st time January 12, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

2538L.011

AN ACT

To repeal sections 302.173 and 302.177, RSMo, and to enact in lieu thereof two new sections relating to drivers' and commercial drivers' licenses.

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

Section A. Sections 302.173 and 302.177, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 302.173 and 302.177, 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, another state, or a country which has a reciprocal agreement
3 with the state of Missouri regarding the exchange of licenses pursuant to section 302.172 shall
4 be examined as herein provided. Any person who has failed to renew such person's license on
5 or before the date of its expiration or within six months thereafter must take the complete
6 examination. Any active member of the armed forces, their adult dependents or any active
7 member of the peace corps may apply for a renewal license without examination of any kind,
8 unless otherwise required by sections 302.700 to 302.780, provided the renewal application
9 shows that the previous license had not been suspended or revoked. Any person honorably
10 discharged from the armed forces of the United States who held a valid license prior to being
11 inducted may apply for a renewal license within sixty days after such person's honorable
12 discharge without submitting to any examination of such person's ability to safely operate a
13 motor vehicle over the highways of this state unless otherwise required by sections 302.700 to
14 302.780, other than the vision test provided in section 302.175, unless the facts set out in the
15 renewal application or record of convictions on the expiring license, or the records of the director
16 show that there is good cause to authorize the director to require the applicant to submit to the

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

17 complete examination. No applicant for a renewal license shall be required to submit to any
18 examination of his or her ability to safely operate a motor vehicle over the highways of this state
19 unless otherwise required by **section 302.177 or by** sections 302.700 to 302.780 or regulations
20 promulgated thereunder, other than a test of the applicant's ability to understand highway signs
21 regulating, warning or directing traffic and the vision test provided in section 302.175, unless the
22 facts set out in the renewal application or record of convictions on the expiring license, or the
23 records of the director show that there is good cause to authorize the director to require the
24 applicant to submit to the complete examination. The examination shall be made available in
25 each county. Reasonable notice of the time and place of the examination shall be given the
26 applicant by the person or officer designated to conduct it. The complete examination shall
27 include a test of the applicant's natural or corrected vision as prescribed in section 302.175, the
28 applicant's ability to understand highway signs regulating, warning or directing traffic, the
29 applicant's practical knowledge of the traffic laws of this state, and an actual demonstration of
30 ability to exercise due care in the operation of a motor vehicle of the classification for which the
31 license is sought. When an applicant for a license has a license from a state which has
32 requirements for issuance of a license comparable to the Missouri requirements or a license from
33 a country which has a reciprocal agreement with the state of Missouri regarding the exchange
34 of licenses pursuant to section 302.172 and such license has not expired more than six months
35 prior to the date of application for the Missouri license, the director may waive the test of the
36 applicant's practical knowledge of the traffic laws of this state, and the requirement of actual
37 demonstration of ability to exercise due care in the operation of a motor vehicle. If the director
38 has reasonable grounds to believe that an applicant is suffering from some known physical or
39 mental ailment which ordinarily would interfere with the applicant's fitness to operate a motor
40 vehicle safely upon the highways, the director may require that the examination include a
41 physical or mental examination by a licensed physician of the applicant's choice, at the
42 applicant's expense, to determine the fact. The director shall prescribe regulations to ensure
43 uniformity in the examinations and in the grading thereof and shall prescribe and furnish all
44 forms to the members of the highway patrol and to other persons authorized to conduct
45 examinations as may be necessary to enable the officer or person to properly conduct the
46 examination. The records of the examination shall be forwarded to the director who shall not
47 issue any license hereunder if in the director's opinion the applicant is not qualified to operate
48 a motor vehicle safely upon the highways of this state.

49 2. The director of revenue shall delegate the power to conduct the examinations required
50 for a license or permit to any member of the highway patrol or any person employed by the
51 highway patrol. The powers delegated to any examiner may be revoked at any time by the
52 director of revenue upon notice.

53 3. Notwithstanding the requirements of subsections 1 and 2 of this section, the successful
54 completion of a motorcycle rider training course approved pursuant to sections 302.133 to
55 302.138 shall constitute an actual demonstration of the person's ability to exercise due care in
56 the operation of a motorcycle or motortricycle, and no further driving test shall be required to
57 obtain a motorcycle or motortricycle license or endorsement.

 302.177. 1. To all applicants for a license or renewal to transport persons or property
2 classified in section 302.015 who are at least twenty-one years of age and under the age of
3 [seventy] **seventy-five**, and who submit a satisfactory application and meet the requirements set
4 forth in sections 302.010 to 302.605, the director shall issue or renew a license upon the payment
5 of a fee of thirty dollars; except that, no license shall be issued if an applicant's license is
6 currently suspended, taken up, canceled, revoked, or deposited in lieu of bail.

7 2. To all applicants for a license or renewal who are between twenty-one and [sixty-nine]
8 **seventy-five** years of age, and who submit a satisfactory application and meet the requirements
9 set forth in sections 302.010 to 302.605, the director shall issue or renew a license upon the
10 payment of a fee of fifteen dollars; except that, no license shall be issued if an applicant's license
11 is currently suspended, taken up, canceled, revoked, or deposited in lieu of bail.

12 3. All licenses issued pursuant to subsections 1 and 2 of this section shall expire on the
13 applicant's birthday in the sixth year after issuance and must be renewed on or before the date
14 of expiration, which date shall be shown on the license. The director shall have the authority to
15 stagger the expiration date of driver's licenses and nondriver's licenses being issued or renewed
16 over a six-year period.

17 4. To all applicants for a license or renewal to transport persons or property classified
18 in section 302.015 who are between eighteen and twenty-one years of age [or greater than
19 sixty-nine years of age], and who submit a satisfactory application and meet the requirements set
20 forth in sections 302.010 to 302.605, the director shall issue or renew a license upon the payment
21 of a fee of fifteen dollars.

22 **5. To all applicants for a license or renewal to transport persons or property**
23 **classified in section 302.015 who are greater than seventy-five years of age, and who submit**
24 **a satisfactory application and meet the requirements set forth in sections 302.010 to**
25 **302.605 and who take and pass the complete examination as described in section 302.173,**
26 **the director shall issue or renew a license upon the payment of a fee of fifteen dollars.**

27 6. To all other applicants for a license or renewal less than twenty-one years of age [or
28 greater than sixty-nine years of age] who submit a satisfactory application and meet the
29 requirements set forth in sections 302.010 to 302.605, the director shall issue or renew a license
30 upon the payment of a fee of seven dollars and fifty cents. All licenses issued pursuant to this

31 subsection and subsection 4 of this section shall expire on the applicant's birthday in the third
32 year after issuance.

33 **7. To all other applicants for a license or renewal greater than seventy-five years**
34 **of age who submit a satisfactory application and meet the requirements set forth in sections**
35 **302.010 to 302.605, and who take and pass the complete examination as described in**
36 **section 302.173, the director shall issue or renew a license upon the payment of a fee of**
37 **seven dollars and fifty cents. All licenses issued pursuant to this subsection and subsection**
38 **5 of this section shall expire on the applicant's birthday in the second year after issuance.**

39 [6.] **8.** The director of revenue may adopt any rules and regulations necessary to carry
40 out the provisions of this section. No rule or portion of a rule promulgated pursuant to the
41 authority of this section shall become effective unless it has been promulgated pursuant to the
42 provisions of chapter 536, RSMo.