

SECOND REGULAR SESSION

# HOUSE BILL NO. 1698

## 92ND GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVES GUEST (Sponsor), SUTHERLAND, YATES, MAY, WHORTON,  
CUNNINGHAM (86), WILSON (119) AND DAVIS (122) (Co-sponsors).

Read 1<sup>st</sup> time March 30, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4857L.011

---

### AN ACT

To repeal sections 302.060 and 302.171, RSMo, and to enact in lieu thereof three new sections relating to drivers' licenses, with penalty provisions.

---

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

Section A. Sections 302.060 and 302.171, RSMo, are repealed and three new sections  
2 enacted in lieu thereof, to be known as sections 302.060, 302.062, and 302.171, to read as  
3 follows:

302.060. The director shall not issue any license and shall immediately deny any driving  
2 privilege:

3 (1) To any person who is under the age of eighteen years, if such person operates a motor  
4 vehicle in the transportation of persons or property as classified in section 302.015;

5 (2) To any person who is under the age of sixteen years, **or to any person who is under**  
6 **eighteen years of age who fails to meet the qualifications of section 302.062**, except as  
7 [hereinafter] provided **by this section**;

8 (3) To any person whose license has been suspended, during such suspension, or to any  
9 person whose license has been revoked, until the expiration of one year after such license was  
10 revoked;

11 (4) To any person who is an habitual drunkard or is addicted to the use of narcotic drugs;

12 (5) To any person who has previously been adjudged to be incapacitated and who at the  
13 time of application has not been restored to partial capacity;

14 (6) To any person who, when required by this law to take an examination, has failed to  
15 pass such examination;

**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.**

16 (7) To any person who has an unsatisfied judgment against such person, as defined in  
17 chapter 303, RSMo, until such judgment has been satisfied or the financial responsibility of such  
18 person, as defined in section 303.120, RSMo, has been established;

19 (8) To any person whose application shows that the person has been convicted within  
20 one year prior to such application of violating the laws of this state relating to failure to stop after  
21 an accident and to disclose the person's identity or driving a motor vehicle without the owner's  
22 consent;

23 (9) To any person who has been convicted more than twice of violating state law, or a  
24 county or municipal ordinance where the judge in such cases was an attorney and the defendant  
25 was represented by or waived the right to an attorney in writing, relating to driving while  
26 intoxicated; except that, after the expiration of ten years from the date of conviction of the last  
27 offense of violating such law or ordinance relating to driving while intoxicated, a person who  
28 was so convicted may petition the circuit court of the county in which such last conviction was  
29 rendered and the court shall review the person's habits and conduct since such conviction. If the  
30 court finds that the petitioner has not been convicted of any offense related to alcohol, controlled  
31 substances or drugs during the preceding ten years and that the petitioner's habits and conduct  
32 show such petitioner to no longer pose a threat to the public safety of this state, the court may  
33 order the director to issue a license to the petitioner if the petitioner is otherwise qualified  
34 pursuant to the provisions of sections 302.010 to 302.540. No person may obtain a license  
35 pursuant to the provisions of this subdivision through court action more than one time;

36 (10) To any person who has been convicted twice within a five-year period of violating  
37 state law, or a county or municipal ordinance where the judge in such cases was an attorney and  
38 the defendant was represented by or waived the right to an attorney in writing, of driving while  
39 intoxicated, or who has been convicted of the crime of involuntary manslaughter while operating  
40 a motor vehicle in an intoxicated condition. The director shall not issue a license to such person  
41 for five years from the date such person was convicted for involuntary manslaughter while  
42 operating a motor vehicle in an intoxicated condition or for driving while intoxicated for the  
43 second time. Any person who has been denied a license for two convictions of driving while  
44 intoxicated prior to July 27, 1989, shall have the person's license issued, upon application, unless  
45 the two convictions occurred within a five-year period, in which case, no license shall be issued  
46 to the person for five years from the date of the second conviction;

47 (11) To any person who is otherwise disqualified pursuant to the provisions of sections  
48 302.010 to 302.780, chapter 303, RSMo, or section 544.046, RSMo;

49 (12) To any person who is under the age of eighteen years, if such person's parents or  
50 legal guardians file a certified document with the department of revenue stating that the director  
51 shall not issue such person a driver's license. Each document filed by the person's parents or

52 legal guardians shall be made upon a form furnished by the director and shall include identifying  
53 information of the person for whom the parents or legal guardians are denying the driver's  
54 license. The document shall also contain identifying information of the person's parents or legal  
55 guardians. The document shall be certified by the parents or legal guardians to be true and  
56 correct. This provision shall not apply to any person who is legally emancipated. The parents  
57 or legal guardians may later file an additional document with the department of revenue which  
58 reinstates the person's ability to receive a driver's license.

**302.062. 1. In addition to the requirements of section 302.171, the director shall  
2 require any applicant for an operator's license or a temporary permit issued pursuant to  
3 section 302.130 who is fifteen to seventeen years of age to present a certificate issued to  
4 such person from an accredited public or any private, parochial, home, or parish high  
5 school in this state or any other state, documenting that the applicant:**

- 6 (1) Is currently enrolled as a high school student in this state or any other state;
- 7 (2) Has an attendance rate of eighty-five percent or higher for the previous school  
8 year; and
- 9 (3) Has earned a minimum cumulative grade point average equal to or above 1.75  
10 on a 4.0 scale; or
- 11 (4) Is making satisfactory progress in accordance with school district policy in an  
12 alternative curriculum designed by the state board of education which places an emphasis  
13 on vocational education and job training for students who are at risk of not completing the  
14 required curriculum; or
- 15 (5) Is enrolled and progressing in accordance with school district policy in a full  
16 course at the applicant's level in a special education program for the handicapped  
17 approved by the department of elementary and secondary education which though  
18 ungraded, enrolls pupils of equivalent age.

19 **2. The superintendent of schools, or in the case of nonpublic schools, the chief  
20 administrative official, or in the case of a home school, the parent, shall provide  
21 verification of enrollment status on a form provided by the department of revenue to any  
22 student fifteen to seventeen years of age upon request for presentation to the department  
23 of revenue on application for or reinstatement of an operator's license or temporary  
24 permit. Such verification of enrollment status shall include: the student's name, date of  
25 birth, address, the date of the verification, and signature of the superintendent, the chief  
26 administrative official, or the parent, which verifies that the student is enrolled in one of  
27 the programs listed in subsection 1 of this section. Whenever a student between the age of  
28 fifteen to seventeen years of age withdraws from school, or whenever a student between  
29 such ages fails to maintain a grade point average of 2.0 or higher or who fails to attend**

30 school at a rate of eighty-five percent, except as provided in subsection 4 of this section, the  
31 superintendent, or in the case of nonpublic schools, the chief administrative official, shall  
32 notify the department of revenue within thirty days of such withdrawal or failure to  
33 maintain satisfactory academic progress. If a child fifteen to seventeen years of age  
34 withdraws from a home school program, the parent shall notify the department of revenue  
35 within thirty days of such withdrawal. Within five days of the receipt of such notice, the  
36 department of revenue shall send notice to the licensee that the license will be suspended  
37 on the thirtieth day after notice is mailed to the licensee by the department, unless the  
38 licensee sends documentation of compliance with the provisions of this section to the  
39 department within the thirty-day period. The department may charge a reinstatement fee  
40 in accordance with the provisions of section 302.304.

41         **3. For the purposes of this section, the term "withdrawal" means the student is no**  
42 **longer enrolled in school or has ten or more consecutive or fifteen total days of unexcused**  
43 **absences in a single semester or means missing five or more consecutive sessions in a course**  
44 **leading to a certificate of high school equivalence due to unexcused absences. The**  
45 **determination of unexcused absences shall be made by the superintendent or chief**  
46 **administrative official of the school or the parent in the case of a home school. For**  
47 **purposes of this section, a student who fails to maintain a cumulative grade point average**  
48 **equal to or above 2.0 on a 4.0 scale based on end of semester grading may not be**  
49 **considered as being in compliance with this section until such student raises his or her**  
50 **cumulative grade point average to 2.0 or above at the conclusion of any subsequent grading**  
51 **period.**

52         **4. Any person who is an emancipated minor, as defined in section 302.171, who**  
53 **does not meet the qualifications prescribed by subsection 1 of this section may request the**  
54 **school board of the school district in which such person resides to grant a waiver from the**  
55 **requirements of this section and such waiver shall be granted if the school board**  
56 **determines that having a license to operate a motor vehicle is in the best interests of that**  
57 **person. In addition, any person who withdraws from school and earns a GED may request**  
58 **a waiver from the requirements of this section.**

59         **5. Any person who knowingly submits false information to the department**  
60 **pursuant to the provisions of this section is guilty of a class C misdemeanor.**

302.171. 1. Application for a license shall be made upon an approved form furnished  
2 by the director. Every application shall state the full name, Social Security number, age, height,  
3 weight, color of eyes, sex, residence, mailing address of the applicant, and the classification for  
4 which the applicant has been licensed, and, if so, when and by what state, and whether or not  
5 such license has ever been suspended, revoked, or disqualified, and, if revoked, suspended or

6 disqualified, the date and reason for such suspension, revocation or disqualification and whether  
7 the applicant is making a one dollar donation to promote an organ donation program as  
8 prescribed in subsection 2 of this section. The application shall also contain such information  
9 as the director may require to enable the director to determine the applicant's qualification for  
10 driving a motor vehicle; and shall state whether or not the applicant has been convicted in this  
11 or any other state for violating the laws of this or any other state or any ordinance of any  
12 municipality, relating to driving without a license, careless driving, or driving while intoxicated,  
13 or failing to stop after an accident and disclosing the applicant's identity, or driving a motor  
14 vehicle without the owner's consent. The application shall contain a certification by the applicant  
15 as to the truth of the facts stated therein. Every person who applies for a license to operate a  
16 motor vehicle who is less than twenty-one years of age shall be provided with educational  
17 materials relating to the hazards of driving while intoxicated, including information on penalties  
18 imposed by law for violation of the intoxication-related offenses of the state. Beginning January  
19 1, 2001, if the applicant is less than eighteen years of age, the applicant must comply with all  
20 requirements for the issuance of an intermediate driver's license pursuant to section 302.178.

21         2. An applicant for a license may make a donation of one dollar to promote an organ  
22 donor program. The director of revenue shall collect the donations and deposit all such  
23 donations in the state treasury to the credit of the organ donor program fund established in  
24 sections 194.297 to 194.304, RSMo. Moneys in the organ donor program fund shall be used  
25 solely for the purposes established in sections 194.297 to 194.304, RSMo, except that the  
26 department of revenue shall retain no more than one percent for its administrative costs. The  
27 donation prescribed in this subsection is voluntary and may be refused by the applicant for the  
28 license at the time of issuance or renewal of the license. The director shall make available an  
29 informational booklet or other informational sources on the importance of organ donations to  
30 applicants for licensure as designed by the organ donation advisory committee established in  
31 sections 194.297 to 194.304, RSMo. The director shall inquire of each applicant at the time the  
32 licensee presents the completed application to the director whether the applicant is interested in  
33 making the one dollar donation prescribed in this subsection and whether the applicant is  
34 interested in inclusion in the organ donor registry and shall also specifically inform the licensee  
35 of the ability to consent to organ donation by completing the form on the reverse of the license  
36 that the applicant will receive in the manner prescribed by subsection 6 of section 194.240,  
37 RSMo. The director shall notify the department of health and senior services of information  
38 obtained from applicants who indicate to the director that they are interested in registry  
39 participation, and the department of health and senior services shall enter the complete name,  
40 address, date of birth, race, gender and a unique personal identifier in the registry established in  
41 subsection 1 of section 194.304, RSMo.

42           3. An applicant for a license may make a donation of one dollar to promote a blindness  
43 education, screening and treatment program. The director of revenue shall collect the donations  
44 and deposit all such donations in the state treasury to the credit of the blindness education,  
45 screening and treatment program fund established in section 192.935, RSMo. Moneys in the  
46 blindness education, screening and treatment program fund shall be used solely for the purposes  
47 established in section 192.935, RSMo, except that the department of revenue shall retain no more  
48 than one percent for its administrative costs. The donation prescribed in this subsection is  
49 voluntary and may be refused by the applicant for the license at the time of issuance or renewal  
50 of the license. The director shall inquire of each applicant at the time the licensee presents the  
51 completed application to the director whether the applicant is interested in making the one dollar  
52 donation prescribed in this subsection.

53           **4. An applicant who is less than eighteen years of age and is not an emancipated**  
54 **minor shall meet the requirements of section 302.062 in order to receive a license issued**  
55 **pursuant to this chapter. As used in this section, the term "emancipated minor" is a**  
56 **person who is at least sixteen years of age, but less than eighteen years of age, who marries,**  
57 **enters active duty in the armed forces, or who the custodial parent or legal guardian has**  
58 **relinquished from parental control by express or implied consent, and who through**  
59 **employment or other means provides for such person's own food, shelter, and other cost-**  
60 **of-living expenses.**