

FIRST REGULAR SESSION

HOUSE BILL NO. 218

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES GUEST (Sponsor), WHORTON, SUTHERLAND, SANDER,
DOUGHERTY, MOORE, SATER, ERVIN, MUNZLINGER,
BROWN (30) AND SCHLOTTACH (Co-sponsors).

Read 1st time January 13, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

0278L.03I

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Section A. Sections 302.060 and 302.171, RSMo, are repealed and three new sections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9 person whose license has been revoked, until the expiration of one year after such license was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;

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

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

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 ninety percent or higher for the previous school year;**

8 **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. Beginning July 1, 2005, the director shall verify that an applicant for a
2 driver's license is lawfully present in the United States before accepting the application. The
3 director shall not issue a driver's license for a period that exceeds an applicant's lawful presence

4 in the United States. The director may establish procedures to verify the lawful presence of the
5 applicant and establish the duration of any driver's license issued under this section. An
6 application for a license shall be made upon an approved form furnished by the director. Every
7 application shall state the full name, Social Security number, age, height, weight, color of eyes,
8 sex, residence, mailing address of the applicant, and the classification for which the applicant
9 has been licensed, and, if so, when and by what state, and whether or not such license has ever
10 been suspended, revoked, or disqualified, and, if revoked, suspended or disqualified, the date and
11 reason for such suspension, revocation or disqualification and whether the applicant is making
12 a one dollar donation to promote an organ donation program as prescribed in subsection 2 of this
13 section. A driver's license, nondriver's license, or instruction permit issued under this chapter
14 shall contain the applicant's legal name as it appears on a birth certificate or as legally changed
15 through marriage or court order. No name change by common usage based on common law shall
16 be permitted. The application shall also contain such information as the director may require to
17 enable the director to determine the applicant's qualification for driving a motor vehicle; and
18 shall state whether or not the applicant has been convicted in this or any other state for violating
19 the laws of this or any other state or any ordinance of any municipality, relating to driving
20 without a license, careless driving, or driving while intoxicated, or failing to stop after an
21 accident and disclosing the applicant's identity, or driving a motor vehicle without the owner's
22 consent. The application shall contain a certification by the applicant as to the truth of the facts
23 stated therein. Every person who applies for a license to operate a motor vehicle who is less than
24 twenty-one years of age shall be provided with educational materials relating to the hazards of
25 driving while intoxicated, including information on penalties imposed by law for violation of the
26 intoxication-related offenses of the state. Beginning January 1, 2001, if the applicant is less than
27 eighteen years of age, the applicant must comply with all requirements for the issuance of an
28 intermediate driver's license pursuant to section 302.178. **An applicant who is less than
29 eighteen years of age and is not an emancipated minor shall meet the requirements of
30 section 302.062 in order to receive a license issued pursuant to this chapter. As used in this
31 section, the term "emancipated minor" is a person who is at least sixteen years of age, but
32 less than eighteen years of age, who marries, enters active duty in the armed forces, or who
33 the custodial parent or legal guardian has relinquished from parental control by express
34 or implied consent, and who through employment or other means provides for such
35 person's own food, shelter, and other cost-of-living expenses.**

36 2. An applicant for a license may make a donation of one dollar to promote an organ
37 donor program. The director of revenue shall collect the donations and deposit all such
38 donations in the state treasury to the credit of the organ donor program fund established in
39 sections 194.297 to 194.304, RSMo. Moneys in the organ donor program fund shall be used

40 solely for the purposes established in sections 194.297 to 194.304, RSMo, except that the
41 department of revenue shall retain no more than one percent for its administrative costs. The
42 donation prescribed in this subsection is voluntary and may be refused by the applicant for the
43 license at the time of issuance or renewal of the license. The director shall make available an
44 informational booklet or other informational sources on the importance of organ donations to
45 applicants for licensure as designed by the organ donation advisory committee established in
46 sections 194.297 to 194.304, RSMo. The director shall inquire of each applicant at the time the
47 licensee presents the completed application to the director whether the applicant is interested in
48 making the one dollar donation prescribed in this subsection and whether the applicant is
49 interested in inclusion in the organ donor registry and shall also specifically inform the licensee
50 of the ability to consent to organ donation by completing the form on the reverse of the license
51 that the applicant will receive in the manner prescribed by subsection 6 of section 194.240,
52 RSMo. The director shall notify the department of health and senior services of information
53 obtained from applicants who indicate to the director that they are interested in registry
54 participation, and the department of health and senior services shall enter the complete name,
55 address, date of birth, race, gender and a unique personal identifier in the registry established in
56 subsection 1 of section 194.304, RSMo.

57 3. An applicant for a license may make a donation of one dollar to promote a blindness
58 education, screening and treatment program. The director of revenue shall collect the donations
59 and deposit all such donations in the state treasury to the credit of the blindness education,
60 screening and treatment program fund established in section 192.935, RSMo. Moneys in the
61 blindness education, screening and treatment program fund shall be used solely for the purposes
62 established in section 192.935, RSMo, except that the department of revenue shall retain no more
63 than one percent for its administrative costs. The donation prescribed in this subsection is
64 voluntary and may be refused by the applicant for the license at the time of issuance or renewal
65 of the license. The director shall inquire of each applicant at the time the licensee presents the
66 completed application to the director whether the applicant is interested in making the one dollar
67 donation prescribed in this subsection.

68 4. Beginning July 1, 2005, the director shall deny the driving privilege of any person who
69 commits fraud or deception during the examination process or who makes application for an
70 instruction permit, driver's license, or nondriver's license which contains or is substantiated with
71 false or fraudulent information or documentation, or who knowingly conceals a material fact or
72 otherwise commits a fraud in any such application. The period of denial shall be one year from
73 the effective date of the denial notice sent by the director. The denial shall become effective ten
74 days after the date the denial notice is mailed to the person. The notice shall be mailed to the
75 person at the last known address shown on the person's driving record. The notice shall be

76 deemed received three days after mailing unless returned by the postal authorities. No such
77 individual shall reapply for a driver's examination, instruction permit, driver's license, or
78 nondriver's license until the period of denial is completed. No individual who is denied the
79 driving privilege under this section shall be eligible for a limited driving privilege issued under
80 section 302.309.

81 5. All appeals of denials under this section shall be made as required by section 302.311.

82 6. The period of limitation for criminal prosecution under this section shall be extended
83 under subdivision (1) of subsection 3 of section 556.036, RSMo.

84 7. The director may promulgate rules and regulations necessary to administer and enforce
85 this section. No rule or portion of a rule promulgated pursuant to the authority of this section
86 shall become effective unless it has been promulgated pursuant to chapter 536, RSMo.