

SECOND REGULAR SESSION

# HOUSE BILL NO. 1370

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES SKAGGS (Sponsor), SPRENG, SWINGER, WITTE, KUESSNER, WAGNER, STORCH, JOLLY, LOWE (44), LOW (39) AND LeVOTA (Co-sponsors).

Read 1st time January 12, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3039L.01I

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### AN ACT

To repeal sections 302.130 and 302.171, RSMo, and to enact in lieu thereof two new sections relating to driver's licenses.

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

Section A. Sections 302.130 and 302.171, RSMo, are repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 302.130 and 302.171, 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, guardian, a driver training instructor holding a valid driver education endorsement on a  
12 teaching certificate issued by the department of elementary and secondary education or a  
13 qualified instructor of a private drivers' education program who has a valid driver's license.  
14 Beginning January 1, 2001, an applicant for a temporary instruction permit shall successfully

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.

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

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

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

51 by the state department of elementary and secondary education is occupying a seat beside the  
52 driver.

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

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

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

68 7. Beginning January 1, 2003, the director shall issue with every temporary instruction  
69 permit issued pursuant to subsection 1 of this section a sticker or sign bearing the words  
70 "PERMIT DRIVER". The design and size of such sticker or sign shall be determined by the  
71 director by regulation. Every applicant issued a temporary instruction permit and sticker on or  
72 after January 1, 2003, may display or affix the sticker or sign on the rear window of the motor  
73 vehicle. Such sticker or sign may be displayed on the rear window of the motor vehicle  
74 whenever the holder of the instruction permit operates a motor vehicle during his or her  
75 temporary permit licensure period.

76 8. Beginning July 1, 2005, the director shall verify that an applicant for an instruction  
77 permit issued under this section is lawfully present in the United States before accepting the  
78 application. The director shall not issue an instruction permit for a period that exceeds an  
79 applicant's lawful presence in the United States. The director may establish procedures to verify  
80 the lawful presence of the applicant and establish the duration of any permit issued under this  
81 section. **Notwithstanding any law to the contrary, an applicant's presentation of a valid**  
82 **United States military picture identification card shall constitute proof that an applicant**  
83 **is lawfully present in the United States under this subsection.**

84 9. The director may adopt rules and regulations necessary to carry out the provisions of  
85 this section.

302.171. 1. Beginning July 1, 2005, the director shall verify that an applicant for a driver's license is lawfully present in the United States before accepting the application. The director shall not issue a driver's license for a period that exceeds an applicant's lawful presence in the United States. The director may establish procedures to verify the lawful presence of the applicant and establish the duration of any driver's license issued under this section. **Notwithstanding any law to the contrary, an applicant's presentation of a valid United States military picture identification card shall constitute proof that an applicant is lawfully present in the United States under this section.**

An application for a license shall be made upon an approved form furnished by the director. Every application shall state the full name, Social Security number, age, height, weight, color of eyes, sex, residence, mailing address of the applicant, and the classification for which the applicant has been licensed, and, if so, when and by what state, and whether or not such license has ever been suspended, revoked, or disqualified, and, if revoked, suspended or disqualified, the date and reason for such suspension, revocation or disqualification and whether the applicant is making a one dollar donation to promote an organ donation program as prescribed in subsection 2 of this section. A driver's license, nondriver's license, or instruction permit issued under this chapter shall contain the applicant's legal name as it appears on a birth certificate or as legally changed through marriage or court order. No name change by common usage based on common law shall be permitted. The application shall also contain such information as the director may require to enable the director to determine the applicant's qualification for driving a motor vehicle; and shall state whether or not the applicant has been convicted in this or any other state for violating the laws of this or any other state or any ordinance of any municipality, relating to driving without a license, careless driving, or driving while intoxicated, or failing to stop after an accident and disclosing the applicant's identity, or driving a motor vehicle without the owner's consent. The application shall contain a certification by the applicant as to the truth of the facts stated therein. Every person who applies for a license to operate a motor vehicle who is less than twenty-one years of age shall be provided with educational materials relating to the hazards of driving while intoxicated, including information on penalties imposed by law for violation of the intoxication-related offenses of the state. Beginning January 1, 2001, if the applicant is less than eighteen years of age, the applicant must comply with all requirements for the issuance of an intermediate driver's license pursuant to section 302.178.

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

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

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

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

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

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

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

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

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