

SECOND REGULAR SESSION

HOUSE BILL NO. 1541

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES ST. ONGE (Sponsor), YAEGER, WOOD, PAGE, MEADOWS,
SWINGER AND WAGNER (Co-sponsors).

Read 1st time January 25, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4493L.01I

AN ACT

To repeal sections 302.130 and 302.178, RSMo, and to enact in lieu thereof two new sections relating to the graduated driver's licensing system, with an effective date.

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

Section A. Sections 302.130 and 302.178, RSMo, are repealed and two new sections
2 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, 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] **2007**, no permit shall be granted
18 pursuant to this subsection unless a parent or legal guardian gives written permission by signing
19 the 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] **forty** hours of behind-the-wheel driving instruction,
21 **including a minimum of ten hours of behind-the-wheel driving instruction that occurs**
22 **during the nighttime hours falling between sunset and sunrise.** The [twenty] **forty** hours of
23 behind-the-wheel driving instruction that is completed pursuant to this subsection may include
24 any time that the holder of an instruction permit has spent operating a motor vehicle in a driver
25 training program taught by a driver training instructor holding a valid driver education
26 endorsement on a teaching certificate issued by the department of elementary and secondary
27 education or by a qualified instructor of a private drivers' education program. If the applicant for
28 a permit is enrolled in a federal residential job training program, the instructor, as [defined]
29 **referred to** in subsection 5 of this section, is authorized to sign the application stating that the
30 applicant will receive the behind-the-wheel driving instruction required by this section.

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

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

51 immediate possession, to operate a motor vehicle on the highways, but only when a driver
52 training instructor holding a valid driver education endorsement on a teaching certificate issued
53 by the state department of elementary and secondary education is occupying a seat beside the
54 driver.

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

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

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

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

78 8. Beginning July 1, 2005, the director shall verify that an applicant for an instruction
79 permit issued under this section is lawfully present in the United States before accepting the
80 application. The director shall not issue an instruction permit for a period that exceeds an
81 applicant's lawful presence in the United States. The director may establish procedures to verify
82 the lawful presence of the applicant and establish the duration of any permit issued under this
83 section.

84 9. The director may adopt rules and regulations necessary to carry out the provisions of
85 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, legal guardian, or, if the applicant is a participant in a
13 federal residential job training program, a driving instructor employed by a federal residential
14 job training program, sign the application stating that the applicant has completed at least
15 [twenty] **forty** 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.

40 **3.** Each intermediate driver's license shall be restricted by requiring that the driver and
41 all passengers in the licensee's vehicle wear safety belts at all times. This safety belt restriction
42 shall not apply to a person operating a motorcycle. **For the first six months after issuance of**
43 **the intermediate driver's license, the holder of the license shall not operate a motor vehicle**
44 **with more than one passenger who is under the age of nineteen who is not a member of the**
45 **holder's immediate family. As used in this subsection, an intermediate driver's license**
46 **holder's immediate family shall include brothers, sisters, stepbrothers or stepsisters of the**
47 **driver, including adopted or foster children residing in the same household of the**
48 **intermediate driver's license holder. After the expiration of the first six months, the holder**
49 **of an intermediate driver's license shall not operate a motor vehicle with more than three**
50 **passengers who are under nineteen years of age and who are not members of the holder's**
51 **immediate family.**

52 [3.] **4.** Notwithstanding the provisions of section 302.177 to the contrary, the fee for an
53 intermediate driver's license shall be five dollars and such license shall be valid for a period of
54 two years.

55 [4.] **5.** Any intermediate driver's licensee accumulating six or more points in a
56 twelve-month period may be required to participate in and successfully complete a
57 driver-improvement program approved by the director of the department of public safety. The
58 driver-improvement program ordered by the director of revenue shall not be used in lieu of point
59 assessment.

60 [5.] **6.** (1) An intermediate driver's licensee who has, for the preceding twelve-month
61 period, had no alcohol-related enforcement contacts, as defined in section 302.525 and no traffic
62 convictions for which points are assessed, upon reaching the age of eighteen years may apply for
63 and receive without further examination, other than a vision test as prescribed by section
64 302.173, a license issued pursuant to this chapter granting full driving privileges. Such person
65 shall pay the required fee for such license as prescribed in section 302.177.

66 (2) If an intermediate driver's license expires on a Saturday, Sunday, or legal holiday,
67 such license shall remain valid for the five business days immediately following the expiration
68 date. In no case shall a licensee whose intermediate driver's license expires on a Saturday,
69 Sunday, or legal holiday be guilty of an offense of driving with an expired or invalid driver's
70 license if such offense occurred within five business days immediately following an expiration
71 date that occurs on a Saturday, Sunday, or legal holiday.

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

78 [6.] 7. No person upon reaching the age of eighteen years whose intermediate driver's
79 license and driving privilege is denied, suspended, canceled or revoked in this state or any other
80 state, for any reason may apply for a full driver's license until such license or driving privilege
81 is fully reinstated. Any such person whose intermediate driver's license has been revoked
82 pursuant to the provisions of sections 302.010 to 302.540 shall, upon receipt of reinstatement of
83 the revocation from the director, pass the complete driver examination, apply for a new license,
84 and pay the proper fee before again operating a motor vehicle upon the highways of this state.

85 [7.] 8. A person shall be exempt from the intermediate licensing requirements if the
86 person has reached the age of eighteen years and meets all other licensing requirements.

87 [8.] 9. **Any person who violates any of the provisions of this section relating to**
88 **intermediate drivers licenses or the provisions of section 302.130, RSMo, relating to**
89 **temporary instruction permits is guilty of an infraction and no points shall be assessed to**
90 **their driving record for any such violation.**

91 10. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that
92 is created under the authority delegated in this section shall become effective only if it complies
93 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section
94 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers
95 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the
96 effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the
97 grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be
98 invalid and void.

Section B. The repeal and reenactment of sections 302.130 and 302.178 shall become
2 effective January 1, 2007.

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