

SECOND REGULAR SESSION

HOUSE BILL NO. 2138

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES PAGE (Sponsor), MUSCHANY, SMITH (14), LEMBKE, TILLEY, AVERY, BIVINS, THRELKELD, SCHAAF, SUTHERLAND, ICET, BOGETTO, KUESSNER, SCHOEMEHL AND JETTON (Co-sponsors).

Read 1st time March 31, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

5648L.01I

AN ACT

To repeal section 302.178, RSMo, and to enact in lieu thereof one new section relating to intermediate driver's licenses.

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

Section A. Section 302.178, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 302.178, to read as follows:

- 302.178. 1. Beginning January 1, 2001, any person between the ages of sixteen and eighteen years who is qualified to obtain a license pursuant to sections 302.010 to 302.340 may apply for, and the director shall issue, an intermediate driver's license entitling the applicant, while having such license in his or her possession, to operate a motor vehicle of the appropriate class upon the highways of this state in conjunction with the requirements of this section. An intermediate driver's license shall be readily distinguishable from a license issued to those over the age of eighteen. All applicants for an intermediate driver's license shall:
- (1) Successfully complete the examination required by section 302.173;
 - (2) Pay the fee required by subsection 3 of this section;
 - (3) Have had a temporary instruction permit issued pursuant to subsection 1 of section 302.130 for at least a six-month period or a valid license from another state; and
 - (4) Have a parent, grandparent, legal guardian, or, if the applicant is a participant in a federal residential job training program, a driving instructor employed by a federal residential

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 job training program, sign the application stating that the applicant has completed at least twenty
15 hours of supervised driving experience under a temporary instruction permit issued pursuant to
16 subsection 1 of section 302.130, or, if the applicant is an emancipated minor, the person over
17 twenty-one years of age who supervised such driving. For purposes of this section, the term
18 "emancipated minor" means a person who is at least sixteen years of age, but less than eighteen
19 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] as
34 **set out in this subsection.** No person shall operate a motor vehicle on the highways of this state
35 under such an intermediate driver's license between the hours of 1:00 a.m. and 5:00 a.m. unless
36 accompanied by a person described in subsection 1 of section 302.130; except the licensee may
37 operate a motor vehicle without being accompanied if the travel is to or from a school or
38 educational program or activity, a regular place of employment or in emergency situations as
39 defined by the director by regulation. Each intermediate driver's license shall be restricted by
40 requiring that the driver and all passengers in the licensee's vehicle wear safety belts at all times.
41 This safety belt restriction shall not apply to a person operating a motorcycle. **No person shall**
42 **operate a motor vehicle on the highways of this state under such an intermediate driver's**
43 **license with more than one passenger under the age of eighteen unless accompanied by a**
44 **person described in subsection 1 of section 302.130 and no passengers under the age of**
45 **eighteen shall be permitted between the hours of 10:00 p.m. and 5:00 a.m., unless**
46 **accompanied by a person described in subsection 1 of section 302.130.**

47 3. Notwithstanding the provisions of section 302.177 to the contrary, the fee for an
48 intermediate driver's license shall be five dollars and such license shall be valid for a period of
49 two years.

50 4. Any intermediate driver's licensee accumulating six or more points in a twelve-month
51 period may be required to participate in and successfully complete a driver-improvement
52 program approved by the director of the department of public safety. The driver-improvement
53 program ordered by the director of revenue shall not be used in lieu of point assessment.

54 5. (1) An intermediate driver's licensee who has, for the preceding twelve-month period,
55 had no alcohol-related enforcement contacts, as defined in section 302.525 and no traffic
56 convictions for which points are assessed, upon reaching the age of eighteen years may apply for
57 and receive without further examination, other than a vision test as prescribed by section
58 302.173, a license issued pursuant to this chapter granting full driving privileges. Such person
59 shall pay the required fee for such license as prescribed in section 302.177.

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

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

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

79 7. A person shall be exempt from the intermediate licensing requirements if the person
80 has reached the age of eighteen years and meets all other licensing requirements.

81 8. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that
82 is created under the authority delegated in this section shall become effective only if it complies
83 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section
84 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers
85 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the

86 effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the
87 grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be
88 invalid and void.

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