

SECOND REGULAR SESSION

# HOUSE BILL NO. 975

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES DAVIS (Sponsor) AND NANCE (Co-sponsor).

Pre-filed December 1, 2005, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3507L.01I

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### AN ACT

To repeal section 302.060, RSMo, and to enact in lieu thereof one new section 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Section A. Section 302.060, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 302.060, to read as follows:

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

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

(2) To any person who is under the age of sixteen years, except as hereinafter provided;

(3) To any person whose license has been suspended, during such suspension, or to any person whose license has been revoked, until the expiration of one year after such license was revoked;

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

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

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

(7) To any person who has [an unsatisfied judgment against such person, as defined in chapter 303, RSMo,] **a judgment, as defined in section 303.010, RSMo, against such person**

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.

16 **which is unsatisfied** until such judgment has been satisfied **in accordance with section**  
17 **303.120, RSMo**, or the financial responsibility of such person[, as defined in section 303.120,  
18 RSMo,] has been established **in accordance with section 303.160, RSMo**;

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 defendant was represented by or waived the right to an  
25 attorney in writing, relating to driving while intoxicated; except that, after the expiration of ten  
26 years from the date of conviction of the last offense of violating such law or ordinance relating  
27 to driving while intoxicated, a person who was so convicted may petition the circuit court of the  
28 county in which such last conviction was rendered and the court shall review the person's habits  
29 and conduct since such conviction. If the court finds that the petitioner has not been convicted  
30 of any offense related to alcohol, controlled substances or drugs during the preceding ten years  
31 and that the petitioner's habits and conduct show such petitioner to no longer pose a threat to the  
32 public safety of this state, the court may order the director to issue a license to the petitioner if  
33 the petitioner is otherwise qualified pursuant to the provisions of sections 302.010 to 302.540.  
34 No person may obtain a license pursuant to the provisions of this subdivision through court  
35 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 defendant was represented by or waived  
38 the right to an attorney in writing, of driving while intoxicated, or who has been convicted of the  
39 crime of involuntary manslaughter while operating a motor vehicle in an intoxicated condition.  
40 The director shall not issue a license to such person for five years from the date such person was  
41 convicted for involuntary manslaughter while operating a motor vehicle in an intoxicated  
42 condition or for driving while intoxicated for the second time. Any person who has been denied  
43 a license for two convictions of driving while intoxicated prior to July 27, 1989, shall have the  
44 person's license issued, upon application, unless the two convictions occurred within a five-year  
45 period, in which case, no license shall be issued to the person for five years from the date of the  
46 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;

59 **(13) To any person less than eighteen years of age who has not completed a formal**  
60 **driver's education course. For purposes of this subdivision, "formal driver's education**  
61 **course" means a driver's education instruction offered through any public or private**  
62 **secondary school in this state, any driving school or other entity certified to provide**  
63 **driver's education instruction in this state, or any other similar course of instruction**  
64 **approved by the department of revenue.**

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