

FIRST REGULAR SESSION

# HOUSE BILL NO. 708

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES GUEST (Sponsor), KINGERY, FISHER, RUESTMAN,  
WHORTON, WOOD AND WALLACE (Co-sponsors).

Read 1st time February 1, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

1689L.01I

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### AN ACT

To repeal sections 302.060 and 302.171, RSMo, and to enact in lieu thereof three new sections relating to driver's licenses, with penalty provisions.

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*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Section A. Sections 302.060 and 302.171, RSMo, are repealed and three new sections  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9 person whose license has been revoked, until the expiration of one year after such license was  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] **303.020**, 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 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.

**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 under section  
3 302.130 who is fifteen to eighteen years of age to present a certificate once a year 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.**

28 **3. For the purposes of this section, the term "withdrawal" means the student is no**  
29 **longer enrolled in school or has ten or more consecutive or fifteen total days of unexcused**  
30 **absences in a single semester or means missing five or more consecutive sessions in a course**  
31 **leading to a certificate of high school equivalence due to unexcused absences. The**  
32 **determination of unexcused absences shall be made by the superintendent or chief**  
33 **administrative official of the school or the parent in the case of a home school. For**  
34 **purposes of this section, a student who fails to maintain a cumulative grade point average**  
35 **equal to or above 1.75 on a 4.0 scale based on end of semester grading may not be**  
36 **considered as being in compliance with this section until such student raises his or her**  
37 **cumulative grade point average to 1.75 or above at the conclusion of any subsequent**  
38 **grading period.**

39 **4. Any person who is an emancipated minor, as defined in section 302.171, who**  
40 **does not meet the qualifications prescribed by subsection 1 of this section may request the**  
41 **school board of the school district in which such person resides to grant a waiver from the**  
42 **requirements of this section and such waiver shall be granted if the school board**  
43 **determines that having a license to operate a motor vehicle is in the best interests of that**  
44 **person. In addition, any person who withdraws from school and earns a GED may request**  
45 **a waiver from the requirements of this section.**

46 **5. Any person who knowingly submits false information to the department under**  
47 **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 under 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.

87           8. Notwithstanding any provisions of this chapter that requires an applicant to provide  
88 proof of lawful presence for renewal of a noncommercial driver's license, noncommercial  
89 instruction permit, or nondriver's license, an applicant who is sixty-five years and older and who  
90 was previously issued a Missouri noncommercial driver's license, noncommercial instruction  
91 permit, or Missouri nondriver's license is exempt from showing proof of lawful presence.

92           9. Notwithstanding any other provision of this chapter, if an applicant does not meet the  
93 requirements of subsection 8 of this section and does not have the required documents to prove  
94 lawful presence, the department may issue a one-year driver's license renewal. This one-time  
95 renewal shall only be issued to an applicant who previously has held a Missouri noncommercial  
96 driver's license, noncommercial instruction permit, or nondriver's license for a period of fifteen  
97 years or more and who does not have the required documents to prove lawful presence. After  
98 the expiration of the one-year period, no further renewal shall be provided without the applicant  
99 producing proof of lawful presence.

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