

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NO. 245

94TH GENERAL ASSEMBLY

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Reported from the Committee on Transportation March 12, 2007 with recommendation that House Committee Substitute for House Bill No. 245 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

Reported from the Committee on Rules March 15, 2007 with recommendation that the House Committee Substitute Do Pass, with no time limit for debate on Perfection.

Taken up for Perfection March 28, 2007. House Committee Substitute ordered Perfected and printed, as amended.

D. ADAM CRUMBLISS, Chief Clerk

0474L.02P

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## AN ACT

To repeal section 302.720, RSMo, and to enact in lieu thereof one new section relating to commercial driver's licenses.

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

Section A. Section 302.720, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 302.720, to read as follows:

302.720. 1. Except when operating under an instruction permit as described in this section, no person may drive a commercial motor vehicle unless the person has been issued a commercial driver's license with applicable endorsements valid for the type of vehicle being operated as specified in sections 302.700 to 302.780. A commercial driver's instruction permit shall allow the holder of a valid license to operate a commercial motor vehicle when accompanied by the holder of a commercial driver's license valid for the vehicle being operated and who occupies a seat beside the individual, or reasonably near the individual in the case of buses, for the purpose of giving instruction in driving the commercial motor vehicle. A commercial driver's instruction permit shall be valid for the vehicle being operated for a period of not more than six months, and shall not be issued until the permit holder has met all other

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.

11 requirements of sections 302.700 to 302.780, except for the driving test. A permit holder, unless  
12 otherwise disqualified, may be granted one six-month renewal within a one-year period. The fee  
13 for such permit or renewal shall be five dollars. In the alternative, a commercial driver's  
14 instruction permit shall be issued for a thirty-day period to allow the holder of a valid driver's  
15 license to operate a commercial motor vehicle if the applicant has completed all other  
16 requirements except the driving test. The permit may be renewed for one additional thirty-day  
17 period and the fee for the permit and for renewal shall be five dollars.

18         2. No person may be issued a commercial driver's license until he has passed written and  
19 driving tests for the operation of a commercial motor vehicle which complies with the minimum  
20 federal standards established by the Secretary and has satisfied all other requirements of the  
21 Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570), as well as any  
22 other requirements imposed by state law. Applicants for a hazardous materials endorsement  
23 must also meet the requirements of the U.S. Patriot Act of 2001 (Title X of Public Law 107-56)  
24 as specified and required by regulations promulgated by the Secretary. Nothing contained in this  
25 subsection shall be construed as prohibiting the director from establishing alternate testing  
26 formats for those who are functionally illiterate; provided, however, that any such alternate test  
27 must comply with the minimum requirements of the Commercial Motor Vehicle Safety Act of  
28 1986 (Title XII of Pub. Law 99-570) as established by the Secretary.

29         (1) The written and driving tests shall be held at such times and in such places as the  
30 superintendent may designate. A twenty-five dollar examination fee shall be paid by the  
31 applicant upon completion of any written or driving test. The director shall delegate the power  
32 to conduct the examinations required under sections 302.700 to 302.780 to any member of the  
33 highway patrol or any person employed by the highway patrol qualified to give driving  
34 examinations. **The written test shall only be administered in the English language and**  
35 **applicants must be able to read and speak the English language sufficiently to understand**  
36 **highway traffic signs and signals in the English language, respond to official inquiries, and**  
37 **make entries on reports and records. Applicants shall be prohibited from using an**  
38 **interpreter or translator while testing.**

39         (2) The director shall adopt and promulgate rules and regulations governing the  
40 certification of third-party testers by the department of revenue. Such rules and regulations shall  
41 substantially comply with the requirements of 49 CFR Part 383, Section 383.75. A certification  
42 to conduct third-party testing shall be valid for one year, and the department shall charge a fee  
43 of one hundred dollars to issue or renew the certification of any third-party tester.

44         (3) Beginning August 28, 2006, the director shall only issue or renew third-party tester  
45 certification to junior colleges or community colleges established under chapter 178, RSMo, or  
46 to private companies who own, lease, or maintain their own fleet and administer in-house testing

47 to their employees, or to school districts and their agents that administer in-house testing to the  
48 school district's or agent's employees. Any third-party tester who violates any of the rules and  
49 regulations adopted and promulgated pursuant to this section shall be subject to having his  
50 certification revoked by the department. The department shall provide written notice and an  
51 opportunity for the third-party tester to be heard in substantially the same manner as provided  
52 in chapter 536, RSMo. If any applicant submits evidence that he has successfully completed a  
53 test administered by a third-party tester, the actual driving test for a commercial driver's license  
54 may then be waived.

55 (4) Every applicant for renewal of a commercial driver's license shall provide such  
56 certifications and information as required by the secretary and if such person transports a  
57 hazardous material must also meet the requirements of the U.S. Patriot Act of 2001 (Title X of  
58 Public Law 107-56) as specified and required by regulations promulgated by the secretary. Such  
59 person shall be required to take the written test for such endorsement. A twenty-five dollar  
60 examination fee shall be paid upon completion of such tests.

61 3. A commercial driver's license may not be issued to a person while the person is  
62 disqualified from driving a commercial motor vehicle, when a disqualification is pending in any  
63 state or while the person's driver's license is suspended, revoked, or canceled in any state; nor  
64 may a commercial driver's license be issued unless the person first surrenders in a manner  
65 prescribed by the director any commercial driver's license issued by another state, which license  
66 shall be returned to the issuing state for cancellation.

67 4. Beginning July 1, 2005, the director shall not issue an instruction permit under this  
68 section unless the director verifies that the applicant is lawfully present in the United States  
69 before accepting the application. The director may, by rule or regulation, establish procedures  
70 to verify the lawful presence of the applicant under this section. No rule or portion of a rule  
71 promulgated pursuant to the authority of this section shall become effective unless it has been  
72 promulgated pursuant to chapter 536, RSMo.

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