

FIRST REGULAR SESSION

# HOUSE BILL NO. 696

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES DAVIS (Sponsor), NOLTE, NIEVES, DUSENBERG, GUERNSEY, PARKINSON, KOENIG, FUNDERBURK, MCGHEE, GATSCHENBERGER, RUESTMAN, ALLEN, SMITH (14), NANCE, JONES (117) AND MUNZLINGER (Co-sponsors).

1734L.01I

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 302.173, RSMo, and to enact in lieu thereof one new section relating to drivers' examinations.

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

Section A. Section 302.173, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 302.173, to read as follows:

302.173. 1. Any applicant for a license, who does not possess a valid license issued pursuant to the laws of this state, another state, or a country which has a reciprocal agreement with the state of Missouri regarding the exchange of licenses pursuant to section 302.172 shall be examined as herein provided. Any person who has failed to renew such person's license on or before the date of its expiration or within six months thereafter must take the complete examination. Any active member of the armed forces, their adult dependents or any active member of the peace corps may apply for a renewal license without examination of any kind, unless otherwise required by sections 302.700 to 302.780, provided the renewal application shows that the previous license had not been suspended or revoked. Any person honorably discharged from the armed forces of the United States who held a valid license prior to being inducted may apply for a renewal license within sixty days after such person's honorable discharge without submitting to any examination of such person's ability to safely operate a motor vehicle over the highways of this state unless otherwise required by sections 302.700 to 302.780, other than the vision test provided in section 302.175, unless the facts set out in the renewal application or record of convictions on the expiring license, or the records of the director

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 show that there is good cause to authorize the director to require the applicant to submit to the  
17 complete examination. No applicant for a renewal license shall be required to submit to any  
18 examination of his or her ability to safely operate a motor vehicle over the highways of this state  
19 unless otherwise required by sections 302.700 to 302.780 or regulations promulgated thereunder,  
20 other than a test of the applicant's ability to understand highway signs regulating, warning or  
21 directing traffic and the vision test provided in section 302.175, unless the facts set out in the  
22 renewal application or record of convictions on the expiring license, or the records of the director  
23 show that there is good cause to authorize the director to require the applicant to submit to the  
24 complete examination. The examination shall be made available in each county. Reasonable  
25 notice of the time and place of the examination shall be given the applicant by the person or  
26 officer designated to conduct it. The complete examination shall include a test of the applicant's  
27 natural or corrected vision as prescribed in section 302.175, the applicant's ability to understand  
28 highway signs regulating, warning or directing traffic, the applicant's practical knowledge of the  
29 traffic laws of this state, and an actual demonstration of ability to exercise due care in the  
30 operation of a motor vehicle of the classification for which the license is sought. **Examinations**  
31 **conducted under the authority of this section shall only be administered in the English**  
32 **language so that the applicant can demonstrate his or her ability to read the English**  
33 **language sufficiently to understand highway traffic signs and safety warnings. The**  
34 **director shall neither supply nor permit the use of language interpreters in connection with**  
35 **the written and driving tests required under this section.** When an applicant for a license has  
36 a license from a state which has requirements for issuance of a license comparable to the  
37 Missouri requirements or a license from a country which has a reciprocal agreement with the  
38 state of Missouri regarding the exchange of licenses pursuant to section 302.172 and such license  
39 has not expired more than six months prior to the date of application for the Missouri license,  
40 the director may waive the test of the applicant's practical knowledge of the traffic laws of this  
41 state, and the requirement of actual demonstration of ability to exercise due care in the operation  
42 of a motor vehicle. If the director has reasonable grounds to believe that an applicant is suffering  
43 from some known physical or mental ailment which ordinarily would interfere with the  
44 applicant's fitness to operate a motor vehicle safely upon the highways, the director may require  
45 that the examination include a physical or mental examination by a licensed physician of the  
46 applicant's choice, at the applicant's expense, to determine the fact. The director shall prescribe  
47 regulations to ensure uniformity in the examinations and in the grading thereof and shall  
48 prescribe and furnish all forms to the members of the highway patrol and to other persons  
49 authorized to conduct examinations as may be necessary to enable the officer or person to  
50 properly conduct the examination. The records of the examination shall be forwarded to the

51 director who shall not issue any license hereunder if in the director's opinion the applicant is not  
52 qualified to operate a motor vehicle safely upon the highways of this state.

53         2. Beginning July 1, 2005, when the examiner has reasonable grounds to believe that an  
54 individual has committed fraud or deception during the examination process, the license  
55 examiner shall immediately forward to the director all information relevant to any fraud or  
56 deception, including, but not limited to, a statement of the examiner's grounds for belief that the  
57 person committed or attempted to commit fraud or deception in the written, skills, or vision  
58 examination.

59         3. The director of revenue shall delegate the power to conduct the examinations required  
60 for a license or permit to any member of the highway patrol or any person employed by the  
61 highway patrol. The powers delegated to any examiner may be revoked at any time by the  
62 director of revenue upon notice.

63         4. Notwithstanding the requirements of subsections 1 and 3 of this section, the successful  
64 completion of a motorcycle rider training course approved pursuant to sections 302.133 to  
65 302.137 shall constitute an actual demonstration of the person's ability to exercise due care in  
66 the operation of a motorcycle or motortricycle, and no further driving test shall be required to  
67 obtain a motorcycle or motortricycle license or endorsement.

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