

FIRST REGULAR SESSION

HOUSE BILL NO. 488

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES GATSCHENBERGER (Sponsor), DAVIS, FISHER, SCHAD,
BRATTIN, LANT, HIGDON AND NANCE (Co-sponsors).

1209L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 302.173, RSMo, and to enact in lieu thereof two new sections relating to driver's license examination fees.

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

Section A. Section 302.173, RSMo, is repealed and two new sections enacted in lieu
2 thereof, to be known as sections 302.173 and 320.208, to read as follows:

302.173. 1. Any applicant for a license, who does not possess a valid license issued
2 pursuant to the laws of this state, another state, or a country which has a reciprocal agreement
3 with the state of Missouri regarding the exchange of licenses pursuant to section 302.172 shall
4 be examined as herein provided. Any person who has failed to renew such person's license on
5 or before the date of its expiration or within six months thereafter must take the complete
6 examination. Any active member of the armed forces, their adult dependents or any active
7 member of the peace corps may apply for a renewal license without examination of any kind,
8 unless otherwise required by sections 302.700 to 302.780, provided the renewal application
9 shows that the previous license had not been suspended or revoked. Any person honorably
10 discharged from the armed forces of the United States who held a valid license prior to being
11 inducted may apply for a renewal license within sixty days after such person's honorable
12 discharge without submitting to any examination of such person's ability to safely operate a
13 motor vehicle over the highways of this state unless otherwise required by sections 302.700 to
14 302.780, other than the vision test provided in section 302.175, unless the facts set out in the
15 renewal application or record of convictions on the expiring license, or the records of the director
16 show that there is good cause to authorize the director to require the applicant to submit to the

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.

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 foreign language interpreters in**
35 **connection with the written or driving tests required under this section.** When an applicant
36 for a license has a license from a state which has requirements for issuance of a license
37 comparable to the Missouri requirements or a license from a country which has a reciprocal
38 agreement with the state of Missouri regarding the exchange of licenses pursuant to section
39 302.172 and such license has not expired more than six months prior to the date of application
40 for the Missouri license, the director may waive the test of the applicant's practical knowledge
41 of the traffic laws of this state, and the requirement of actual demonstration of ability to exercise
42 due care in the operation of a motor vehicle. If the director has reasonable grounds to believe
43 that an applicant is suffering from some known physical or mental ailment which ordinarily
44 would interfere with the applicant's fitness to operate a motor vehicle safely upon the highways,
45 the director may require that the examination include a physical or mental examination by a
46 licensed physician of the applicant's choice, at the applicant's expense, to determine the fact. The
47 director shall prescribe regulations to ensure uniformity in the examinations and in the grading
48 thereof and shall prescribe and furnish all forms to the members of the highway patrol and to
49 other persons authorized to conduct examinations as may be necessary to enable the officer or
50 person to properly conduct the examination. The records of the examination shall be forwarded
51 to the director who shall not issue any license hereunder if in the director's opinion the applicant
52 is not 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.

68 **5. Any applicant required to take the written portion of the examination shall pay**
69 **a fifteen-dollar fee. All fees collected under this subsection shall be payable to the director**
70 **of revenue and shall be distributed as follows:**

71 **(1) Forty percent to the state highway patrol for operating expenses;**

72 **(2) Twenty percent to the drug awareness resistance education (DARE) program;**

73 **(3) Twenty percent to the local school district where the fees are collected, with**
74 **such moneys to be used for high school driver's education programs within the district;**
75 **and**

76 **(4) Twenty percent to the fire investigator's fund established in section 320.208.**

320.208. There is hereby created the "Fire Investigator's Fund" in the state
2 **treasury. Moneys in the fund shall be used solely by the division of fire safety to carry out**
3 **the duties described in subdivision (2) of subsection 1 of section 320.202 and section**
4 **320.230. The state treasurer shall be custodian of the fund and may approve**
5 **disbursements from the fund in accordance with sections 30.170 and 30.180.**
6 **Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining**
7 **in the fund at the end of the biennium shall not revert to the credit of the general revenue**
8 **fund. The state treasurer shall invest moneys in the fund in the same manner as other**
9 **funds are invested. Any interest and moneys earned on such investments shall be credited**
10 **to the fund.**