

FIRST REGULAR SESSION

HOUSE BILL NO. 231

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SOMMER (Sponsor), BERRY,
KELLEY (127) AND MUNTZEL (Co-sponsors).

0621L.031

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 302.130, RSMo, and to enact in lieu thereof one new section relating to temporary instruction permits.

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

Section A. Section 302.130, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 302.130, to read as follows:

302.130. 1. Any person at least fifteen years of age who, except for age or lack of instruction in operating a motor vehicle, would otherwise be qualified to obtain a license pursuant to sections 302.010 to 302.340 may apply for and the director shall issue a temporary instruction permit entitling the applicant, while having such permit in the applicant's immediate possession, to drive a motor vehicle of the appropriate class upon the highways for a period of twelve months, but any such person, except when operating a motorcycle or motortricycle, must be accompanied by a licensed operator for the type of motor vehicle being operated who is actually occupying a seat beside the driver for the purpose of giving instruction in driving the motor vehicle, who is at least twenty-one years of age, **who is free from the effects of alcohol and drugs that would cause impaired judgment**, and in the case of any driver under sixteen years of age, the licensed operator occupying the seat beside the driver shall be a grandparent, parent, guardian, a person who is at least [twenty-five] **twenty-one** years of age who has been licensed for a minimum of three years and has received written permission from the parent or legal guardian to escort or accompany the driver, a driver training instructor holding a valid driver education endorsement on a teaching certificate issued by the department of elementary and secondary education, or a qualified instructor of a private drivers' education program who

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 has a valid driver's license. **The name of any person receiving written permission from a**
18 **parent or legal guardian to escort or accompany a driver under the age of sixteen under**
19 **this subsection shall be kept in the vehicle with the driver in the form of a notarized**
20 **statement by the parent or legal guardian.** An applicant for a temporary instruction permit
21 shall successfully complete a vision test and a test of the applicant's ability to understand
22 highway signs which regulate, warn or direct traffic and practical knowledge of the traffic laws
23 of this state, pursuant to section 302.173. In addition, beginning January 1, 2007, no permit shall
24 be granted pursuant to this subsection unless a parent or legal guardian gives written permission
25 by signing the application and in so signing, state they, or their designee as set forth in subsection
26 2 of this section, will provide a minimum of forty hours of behind-the-wheel driving instruction,
27 including a minimum of ten hours of behind-the-wheel driving instruction that occurs during the
28 nighttime hours falling between sunset and sunrise. The forty hours of behind-the-wheel driving
29 instruction that is completed pursuant to this subsection may include any time that the holder of
30 an instruction permit has spent operating a motor vehicle in a driver training program taught by
31 a driver training instructor holding a valid driver education endorsement on a teaching certificate
32 issued by the department of elementary and secondary education or by a qualified instructor of
33 a private drivers' education program. If the applicant for a permit is enrolled in a federal
34 residential job training program, the instructor, as [defined] **described** in subsection 5 of this
35 section, is authorized to sign the application stating that the applicant will receive the
36 behind-the-wheel driving instruction required by this section.

37 2. In the event the parent, grandparent or guardian of the person under sixteen years of
38 age has a physical disability which prohibits or disqualifies said parent, grandparent or guardian
39 from being a qualified licensed operator pursuant to this section, said parent, grandparent or
40 guardian may designate a maximum of two individuals authorized to accompany the applicant
41 for the purpose of giving instruction in driving the motor vehicle. An authorized designee must
42 be a licensed operator for the type of motor vehicle being operated and have attained twenty-one
43 years of age. At least one of the designees must occupy the seat beside the applicant while
44 giving instruction in driving the motor vehicle **and be free from the effects of alcohol or drugs**
45 **that would cause impaired judgment.** The name of the authorized designees must be provided
46 to the department of revenue by the parent, grandparent or guardian at the time of application for
47 the temporary instruction permit. The name of each authorized designee shall be printed on the
48 temporary instruction permit, however, the director may delay the time at which permits are
49 printed bearing such names until the inventories of blank permits and related forms existing on
50 August 28, 1998, are exhausted.

51 3. The director, upon proper application on a form prescribed by the director, in his or
52 her discretion, may issue a restricted instruction permit effective for a school year or more

53 restricted period to an applicant who is enrolled in a high school driver training program taught
54 by a driver training instructor holding a valid driver education endorsement on a teaching
55 certificate issued by the state department of elementary and secondary education even though the
56 applicant has not reached the age of sixteen years but has passed the age of fifteen years. Such
57 instruction permit shall entitle the applicant, when the applicant has such permit in his or her
58 immediate possession, to operate a motor vehicle on the highways, but only when a driver
59 training instructor holding a valid driver education endorsement on a teaching certificate issued
60 by the state department of elementary and secondary education is occupying a seat beside the
61 driver.

62 4. The director, in his or her discretion, may issue a temporary driver's permit to an
63 applicant who is otherwise qualified for a license permitting the applicant to operate a motor
64 vehicle while the director is completing the director's investigation and determination of all facts
65 relative to such applicant's rights to receive a license. Such permit must be in the applicant's
66 immediate possession while operating a motor vehicle, and it shall be invalid when the
67 applicant's license has been issued or for good cause has been refused.

68 5. In the event that the applicant for a temporary instruction permit described in
69 subsection 1 of this section is a participant in a federal residential job training program, the
70 permittee may operate a motor vehicle accompanied by a driver training instructor who holds a
71 valid driver education endorsement issued by the department of elementary and secondary
72 education and a valid driver's license.

73 6. A person at least fifteen years of age may operate a motor vehicle as part of a driver
74 training program taught by a driver training instructor holding a valid driver education
75 endorsement on a teaching certificate issued by the department of elementary and secondary
76 education or a qualified instructor of a private drivers' education program.

77 7. Beginning January 1, 2003, the director shall issue with every temporary instruction
78 permit issued pursuant to subsection 1 of this section a sticker or sign bearing the words
79 "PERMIT DRIVER". The design and size of such sticker or sign shall be determined by the
80 director by regulation. Every applicant issued a temporary instruction permit and sticker on or
81 after January 1, 2003, may display or affix the sticker or sign on the rear window of the motor
82 vehicle. Such sticker or sign may be displayed on the rear window of the motor vehicle
83 whenever the holder of the instruction permit operates a motor vehicle during his or her
84 temporary permit licensure period.

85 8. Beginning July 1, 2005, the director shall verify that an applicant for an instruction
86 permit issued under this section is lawfully present in the United States before accepting the
87 application. The director shall not issue an instruction permit for a period that exceeds an
88 applicant's lawful presence in the United States. The director may establish procedures to verify

89 the lawful presence of the applicant and establish the duration of any permit issued under this
90 section.

91 9. The director may adopt rules and regulations necessary to carry out the provisions of
92 this section.

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