

SECOND REGULAR SESSION

HOUSE BILL NO. 2021

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES ROSS AND O'CONNOR (Co-sponsors).

Read 1st time February 21, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

4858L.011

AN ACT

To repeal sections 302.173 and 302.230, RSMo, and to enact in lieu thereof two new sections relating to driver's licenses.

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

Section A. Sections 302.173 and 302.230, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 302.173 and 302.230, 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
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. When an
31 applicant for a license has a license from a state which has requirements for issuance of a license
32 comparable to the Missouri requirements or a license from a country which has a reciprocal
33 agreement with the state of Missouri regarding the exchange of licenses pursuant to section
34 302.172 and such license has not expired more than six months prior to the date of application
35 for the Missouri license, the director may waive the test of the applicant's practical knowledge
36 of the traffic laws of this state, and the requirement of actual demonstration of ability to exercise
37 due care in the operation of a motor vehicle. If the director has reasonable grounds to believe
38 that an applicant is suffering from some known physical or mental ailment which ordinarily
39 would interfere with the applicant's fitness to operate a motor vehicle safely upon the highways,
40 the director may require that the examination include a physical or mental examination by a
41 licensed physician of the applicant's choice, at the applicant's expense, to determine the fact. The
42 director shall prescribe regulations to ensure uniformity in the examinations and in the grading
43 thereof and shall prescribe and furnish all forms to the members of the highway patrol and to
44 other persons authorized to conduct examinations as may be necessary to enable the officer or
45 person to properly conduct the examination. The records of the examination shall be forwarded
46 to the director who shall not issue any license hereunder if in the director's opinion the applicant
47 is not qualified to operate a motor vehicle safely upon the highways of this state. **The license
48 examiner shall immediately forward to the director all information relevant to any fraud
49 or deception, including but not limited to a statement of the examiner's grounds for belief
50 that the person committed or attempted to commit fraud or deception in the written, skills,
51 or vision examination.**

52 2. The director of revenue shall delegate the power to conduct the examinations required
53 for a license or permit to any member of the highway patrol or any person employed by the
54 highway patrol. The powers delegated to any examiner may be revoked at any time by the

55 director of revenue upon notice.

56 3. Notwithstanding the requirements of subsections 1 and 2 of this section, the successful
57 completion of a motorcycle rider training course approved pursuant to sections 302.133 to
58 302.138 shall constitute an actual demonstration of the person's ability to exercise due care in
59 the operation of a motorcycle or motortricycle, and no further driving test shall be required to
60 obtain a motorcycle or motortricycle license or endorsement.

 302.230. **1.** Any person who makes a false unsworn statement or affidavit or knowingly
2 swears or affirms falsely as to any matter or thing required by sections 302.010 to 302.540 shall
3 be deemed guilty of a misdemeanor and punishable only by a fine. No person found guilty of
4 making a false statement or affidavit shall be licensed to operate a motor vehicle for a period of
5 one year after such finding or conviction.

6 **2. For the purposes of this section, the term "application" means any documents**
7 **the applicant for an instruction permit, driver's license, or nondriver's license submits at**
8 **the time of the driver's license examination or at the time such person applies for an**
9 **instruction permit, driver's license, or nondriver's license for the process of establishing**
10 **driving privileges or personal identification.**

11 **3. The department of revenue shall cancel for a period of one year the instruction**
12 **permit, driver's license, or the nondriver's license and the driving privilege of any person**
13 **who makes application for an instruction permit, driver's license, or nondriver's license**
14 **which is substantiated with fraudulent information or documentation or who knowingly**
15 **conceals a material fact or otherwise commits a fraud in any such application. The**
16 **cancellation shall become effective on the thirtieth day after the date the cancellation notice**
17 **is mailed to the person. The cancellation notice shall be mailed to the person at the last**
18 **known address shown on the person's driving record. The notice is deemed received three**
19 **days after mailing, unless returned by the postal authorities. An individual may not**
20 **reapply for a driver's examination, instruction permit, driver's license, or nondriver's**
21 **license until the period of cancellation is completed.**

22 **4. All appeals of cancellations pursuant to this section shall be made as required**
23 **pursuant to section 302.311.**

24 **5. The time limitation for prosecution for a violation of the provisions of this section**
25 **shall be pursuant to subdivision (1) of subsection 3 of section 556.036, RSMo.**

26 **6. The director of the department of revenue shall promulgate any rules and**
27 **regulations necessary to implement the provisions of this section. No rule or portion of a**
28 **rule promulgated pursuant to the authority of this section shall become effective unless it**
29 **has been promulgated pursuant to chapter 536, RSMo.**