

SECOND REGULAR SESSION

HOUSE BILL NO. 1420

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES ST. ONGE (Sponsor), FAITH, SATER, WELLS, WALLACE, MEADOWS, MUNZLINGER, SCHAD, DAY, EMERY, DUSENBERG, COX, RUESTMAN, CUNNINGHAM (86), SCHARNHORST, McGHEE AND DAVIS (Co-sponsors).

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D. ADAM CRUMBLISS, Chief Clerk

3314L.011

AN ACT

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

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Section A. Section 302.720, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 302.720, to read as follows: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 requirements of sections 302.700 to 302.780, except for the driving test. A permit holder, unless otherwise disqualified, may be granted one six-month renewal within a one-year period. The fee for such permit or renewal shall be five dollars. In the alternative, a commercial driver's

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.

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 converse**
36 **with the general public, understand highway traffic signs and signals in the English**
37 **language, respond to official inquiries, and make entries on reports and records.**

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

43 (3) Beginning August 28, 2006, the director shall only issue or renew third-party tester
44 certification to junior colleges or community colleges established under chapter 178, RSMo, or
45 to private companies who own, lease, or maintain their own fleet and administer in-house testing
46 to their employees, or to school districts and their agents that administer in-house testing to the
47 school district's or agent's employees. Any third-party tester who violates any of the rules and
48 regulations adopted and promulgated pursuant to this section shall be subject to having his
49 certification revoked by the department. The department shall provide written notice and an

50 opportunity for the third-party tester to be heard in substantially the same manner as provided
51 in chapter 536, RSMo. If any applicant submits evidence that he has successfully completed a
52 test administered by a third-party tester, the actual driving test for a commercial driver's license
53 may then be waived.

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

60 (5) The director shall have the authority to waive the driving skills test for any qualified
61 military applicant for a commercial driver's license who is currently licensed at the time of
62 application for a commercial driver's license. The director shall impose conditions and
63 limitations to restrict the applicants from whom the department may accept alternative
64 requirements for the skills test described in federal regulation 49 C.F.R. 383.77. An applicant
65 must certify that, during the two-year period immediately preceding application for a commercial
66 driver's license, all of the following apply:

67 (a) The applicant has not had more than one license;

68 (b) The applicant has not had any license suspended, revoked, or cancelled;

69 (c) The applicant has not had any convictions for any type of motor vehicle for the
70 disqualifying offenses contained in this chapter or federal rule 49 C.F.R. 383.51(b);

71 (d) The applicant has not had more than one conviction for any type of motor vehicle for
72 serious traffic violations;

73 (e) The applicant has not had any conviction for a violation of state or local law relating
74 to motor vehicle traffic control, but not including any parking violation, arising in connection
75 with any traffic accident, and has no record of an accident in which he or she was at fault;

76 (f) The applicant is regularly employed in a job requiring operation of a commercial
77 motor vehicle and has operated the vehicle for at least sixty days during the two years
78 immediately preceding application for a commercial driver's license. The vehicle must be
79 representative of the commercial motor vehicle the driver applicant operates or expects to
80 operate;

81 (g) The applicant, if on active duty, must provide a notarized affidavit signed by a
82 commanding officer as proof of driving experience as indicated in paragraph (f) of this
83 subdivision;

84 (h) The applicant, if honorably discharged from military service, must provide a
85 form-DD214 or other proof of military occupational specialty;

86 (i) The applicant must meet all federal and state qualifications to operate a commercial
87 vehicle; and

88 (j) The applicant will be required to complete all applicable knowledge tests.

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

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

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