

SECOND REGULAR SESSION

# HOUSE BILL NO. 1800

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE SMITH (14).

Read 1st time January 23, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

3667L.01I

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### AN ACT

To repeal sections 302.060, 302.130, and 302.178, RSMo, and to enact in lieu thereof four new sections relating to teenage drivers, with penalty provisions.

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

Section A. Sections 302.060, 302.130, and 302.178, RSMo, are repealed and four new  
2 sections enacted in lieu thereof, to be known as sections 302.060, 302.130, 302.178, and  
3 304.810, to read as follows:

302.060. The director shall not issue any license and shall immediately deny any driving  
2 privilege:

3 (1) To any person who is under the age of eighteen years, if such person operates a motor  
4 vehicle in the transportation of persons or property as classified in section 302.015;

5 (2) To any person who is under the age of sixteen years, except as hereinafter provided;

6 (3) To any person whose license has been suspended, during such suspension, or to any  
7 person whose license has been revoked, until the expiration of one year after such license was  
8 revoked;

9 (4) To any person who is an habitual drunkard or is addicted to the use of narcotic drugs;

10 (5) To any person who has previously been adjudged to be incapacitated and who at the  
11 time of application has not been restored to partial capacity;

12 (6) To any person who, when required by this law to take an examination, has failed to  
13 pass such examination;

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 (7) To any person who has an unsatisfied judgment against such person, as defined in  
15 chapter 303, RSMo, until such judgment has been satisfied or the financial responsibility of such  
16 person, as defined in section 303.120, RSMo, has been established;

17 (8) To any person whose application shows that the person has been convicted within  
18 one year prior to such application of violating the laws of this state relating to failure to stop after  
19 an accident and to disclose the person's identity or driving a motor vehicle without the owner's  
20 consent;

21 (9) To any person who has been convicted more than twice of violating state law, or a  
22 county or municipal ordinance where the defendant was represented by or waived the right to an  
23 attorney in writing, relating to driving while intoxicated; except that, after the expiration of ten  
24 years from the date of conviction of the last offense of violating such law or ordinance relating  
25 to driving while intoxicated, a person who was so convicted may petition the circuit court of the  
26 county in which such last conviction was rendered and the court shall review the person's habits  
27 and conduct since such conviction. If the court finds that the petitioner has not been convicted  
28 of any offense related to alcohol, controlled substances or drugs during the preceding ten years  
29 and that the petitioner's habits and conduct show such petitioner to no longer pose a threat to the  
30 public safety of this state, the court may order the director to issue a license to the petitioner if  
31 the petitioner is otherwise qualified pursuant to the provisions of sections 302.010 to 302.540.  
32 No person may obtain a license pursuant to the provisions of this subdivision through court  
33 action more than one time;

34 (10) To any person who has been convicted twice within a five-year period of violating  
35 state law, or a county or municipal ordinance where the defendant was represented by or waived  
36 the right to an attorney in writing, of driving while intoxicated, or who has been convicted of the  
37 crime of involuntary manslaughter while operating a motor vehicle in an intoxicated condition.  
38 The director shall not issue a license to such person for five years from the date such person was  
39 convicted for involuntary manslaughter while operating a motor vehicle in an intoxicated  
40 condition or for driving while intoxicated for the second time. Any person who has been denied  
41 a license for two convictions of driving while intoxicated prior to July 27, 1989, shall have the  
42 person's license issued, upon application, unless the two convictions occurred within a five-year  
43 period, in which case, no license shall be issued to the person for five years from the date of the  
44 second conviction;

45 (11) To any person who is otherwise disqualified pursuant to the provisions of sections  
46 302.010 to 302.780, chapter 303, RSMo, or section 544.046, RSMo;

47 (12) To any person who is under the age of eighteen years, if such person's parents or  
48 legal guardians file a certified document with the department of revenue stating that the director  
49 shall not issue such person a driver's license. Each document filed by the person's parents or

50 legal guardians shall be made upon a form furnished by the director and shall include identifying  
51 information of the person for whom the parents or legal guardians are denying the driver's  
52 license. The document shall also contain identifying information of the person's parents or legal  
53 guardians. The document shall be certified by the parents or legal guardians to be true and  
54 correct. This provision shall not apply to any person who is legally emancipated. The parents  
55 or legal guardians may later file an additional document with the department of revenue which  
56 reinstates the person's ability to receive a driver's license;

57 **(13) To any person less than eighteen years of age who has not completed a formal**  
58 **driver's education course. For purposes of this subdivision, "formal driver's education**  
59 **course" means a driver's education instruction offered through any public or private**  
60 **secondary school in this state, any driving school or other entity certified to provide**  
61 **driver's education instruction in this state, or any other similar course of instruction**  
62 **approved by the department of revenue.**

302.130. 1. Any person at least fifteen years of age who, except for age or lack of  
2 instruction in operating a motor vehicle, would otherwise be qualified to obtain a license  
3 pursuant to sections 302.010 to 302.340 may apply for and the director shall issue a temporary  
4 instruction permit entitling the applicant, while having such permit in the applicant's immediate  
5 possession, to drive a motor vehicle of the appropriate class upon the highways for a period of  
6 twelve months, but any such person, except when operating a motorcycle or motortricycle, must  
7 be accompanied by a licensed operator for the type of motor vehicle being operated who is  
8 actually occupying a seat beside the driver for the purpose of giving instruction in driving the  
9 motor vehicle, who is at least twenty-one years of age, and in the case of any driver under sixteen  
10 years of age, the licensed operator occupying the seat beside the driver shall be a grandparent,  
11 parent, guardian, a driver training instructor holding a valid driver education endorsement on a  
12 teaching certificate issued by the department of elementary and secondary education or a  
13 qualified instructor of a private drivers' education program who has a valid driver's license. An  
14 applicant for a temporary instruction permit shall successfully complete a vision test and a test  
15 of the applicant's ability to understand highway signs which regulate, warn or direct traffic and  
16 practical knowledge of the traffic laws of this state, pursuant to section 302.173. In addition,  
17 beginning January 1, 2007, no permit shall be granted pursuant to this subsection unless a parent  
18 or legal guardian gives written permission by signing the application and in so signing, state they,  
19 or their designee as set forth in subsection 2 of this section, will provide a minimum of [forty]  
20 **two hundred** hours of behind-the-wheel driving instruction, including a minimum of [ten] **fifty**  
21 hours of behind-the-wheel driving instruction that occurs during the nighttime hours falling  
22 between sunset and sunrise. The [forty] **two hundred** hours of behind-the-wheel driving  
23 instruction that is completed pursuant to this subsection may include any time that the holder of

24 an instruction permit has spent operating a motor vehicle in a driver training program taught by  
25 a driver training instructor holding a valid driver education endorsement on a teaching certificate  
26 issued by the department of elementary and secondary education or by a qualified instructor of  
27 a private drivers' education program. If the applicant for a permit is enrolled in a federal  
28 residential job training program, the instructor[, as defined in subsection 5 of this section,] is  
29 authorized to sign the application stating that the applicant will receive the behind-the-wheel  
30 driving instruction required by this section.

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

44         3. The director, upon proper application on a form prescribed by the director, in his or  
45 her discretion, may issue a restricted instruction permit effective for a school year or more  
46 restricted period to an applicant who is enrolled in a high school driver training program taught  
47 by a driver training instructor holding a valid driver education endorsement on a teaching  
48 certificate issued by the state department of elementary and secondary education even though the  
49 applicant has not reached the age of sixteen years but has passed the age of fifteen years. Such  
50 instruction permit shall entitle the applicant, when the applicant has such permit in his or her  
51 immediate possession, to operate a motor vehicle on the highways, but only when a driver  
52 training instructor holding a valid driver education endorsement on a teaching certificate issued  
53 by the state department of elementary and secondary education is occupying a seat beside the  
54 driver.

55         4. The director, in his or her discretion, may issue a temporary driver's permit to an  
56 applicant who is otherwise qualified for a license permitting the applicant to operate a motor  
57 vehicle while the director is completing the director's investigation and determination of all facts  
58 relative to such applicant's rights to receive a license. Such permit must be in the applicant's

59 immediate possession while operating a motor vehicle, and it shall be invalid when the  
60 applicant's license has been issued or for good cause has been refused.

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

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

70 7. Beginning January 1, 2003, the director shall issue with every temporary instruction  
71 permit issued pursuant to subsection 1 of this section a sticker or sign bearing the words  
72 "PERMIT DRIVER". The design and size of such sticker or sign shall be determined by the  
73 director by regulation. Every applicant issued a temporary instruction permit and sticker on or  
74 after January 1, 2003, [may] **shall** display or affix the sticker or sign on the rear window of the  
75 motor vehicle. Such sticker or sign [may] **shall** be displayed on the rear window of the motor  
76 vehicle whenever the holder of the instruction permit operates a motor vehicle during his or her  
77 temporary permit licensure period.

78 8. Beginning July 1, 2005, the director shall verify that an applicant for an instruction  
79 permit issued under this section is lawfully present in the United States before accepting the  
80 application. The director shall not issue an instruction permit for a period that exceeds an  
81 applicant's lawful presence in the United States. The director may establish procedures to verify  
82 the lawful presence of the applicant and establish the duration of any permit issued under this  
83 section.

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

302.178. 1. Any person between the ages of sixteen and eighteen years who is qualified  
2 to obtain a license pursuant to sections 302.010 to 302.340 may apply for, and the director shall  
3 issue, an intermediate driver's license entitling the applicant, while having such license in his or  
4 her possession, to operate a motor vehicle of the appropriate class upon the highways of this state  
5 in conjunction with the requirements of this section. An intermediate driver's license shall be  
6 readily distinguishable from a license issued to those over the age of eighteen. All applicants for  
7 an intermediate driver's license shall:

- 8 (1) Successfully complete the examination required by section 302.173;
- 9 (2) Pay the fee required by subsection 4 of this section;

10 (3) Have had a temporary instruction permit issued pursuant to subsection 1 of section  
11 302.130 for at least a six-month period or a valid license from another state; and

12 (4) Have a parent, grandparent, legal guardian, or, if the applicant is a participant in a  
13 federal residential job training program, a driving instructor employed by a federal residential  
14 job training program, sign the application stating that the applicant has completed at least forty  
15 hours of supervised driving experience under a temporary instruction permit issued pursuant to  
16 subsection 1 of section 302.130, or, if the applicant is an emancipated minor, the person over  
17 twenty-one years of age who supervised such driving. For purposes of this section, the term  
18 "emancipated minor" means a person who is at least sixteen years of age, but less than eighteen  
19 years of age, who:

20 (a) Marries with the consent of the legal custodial parent or legal guardian pursuant to  
21 section 451.080, RSMo;

22 (b) Has been declared emancipated by a court of competent jurisdiction;

23 (c) Enters active duty in the armed forces;

24 (d) Has written consent to the emancipation from the custodial parent or legal guardian;

25 or

26 (e) Through employment or other means provides for such person's own food, shelter  
27 and other cost-of-living expenses;

28 (5) Have had no alcohol-related enforcement contacts as defined in section 302.525  
29 during the preceding twelve months; and

30 (6) Have no nonalcoholic traffic convictions for which points are assessed pursuant to  
31 section 302.302, within the preceding six months.

32 2. An intermediate driver's license grants the licensee the same privileges to operate that  
33 classification of motor vehicle as a license issued pursuant to section 302.177, except that no  
34 person shall operate a motor vehicle on the highways of this state under such an intermediate  
35 driver's license between the hours of 1:00 a.m. and 5:00 a.m. unless accompanied by a person  
36 described in subsection 1 of section 302.130; except the licensee may operate a motor vehicle  
37 without being accompanied if the travel is to or from a school or educational program or activity,  
38 a regular place of employment or in emergency situations as defined by the director by  
39 regulation.

40 3. Each intermediate driver's license shall be restricted by requiring that the driver and  
41 all passengers in the licensee's vehicle wear safety belts at all times. This safety belt restriction  
42 shall not apply to a person operating a motorcycle. For the [first six months after issuance of the  
43 intermediate driver's license,] **first year after issuance of the intermediate driver's license,**  
44 **the holder of the license shall not operate a motor vehicle with any passenger under the age**  
45 **of nineteen who is not a member of the holder's immediate family. After the expiration of**

46 **the first year**, the holder of the license shall not operate a motor vehicle with more than one  
47 passenger who is under the age of nineteen who is not a member of the holder's immediate  
48 family. As used in this subsection, an intermediate driver's license holder's immediate family  
49 shall include brothers, sisters, stepbrothers or stepsisters of the driver, including adopted or foster  
50 children residing in the same household of the intermediate driver's license holder. [After the  
51 expiration of the first six months, the holder of an intermediate driver's license shall not operate  
52 a motor vehicle with more than three passengers who are under nineteen years of age and who  
53 are not members of the holder's immediate family.] The passenger restrictions of this subsection  
54 shall not be applicable to any intermediate driver's license holder who is operating a motor  
55 vehicle being used in agricultural work-related activities.

56 4. Notwithstanding the provisions of section 302.177 to the contrary, the fee for an  
57 intermediate driver's license shall be five dollars and such license shall be valid for a period of  
58 two years.

59 5. Any intermediate driver's licensee accumulating six or more points in a twelve-month  
60 period may be required to participate in and successfully complete a driver-improvement  
61 program approved by the director of the department of public safety. The driver-improvement  
62 program ordered by the director of revenue shall not be used in lieu of point assessment.

63 6. (1) An intermediate driver's licensee who has, for the preceding twelve-month period,  
64 had no alcohol-related enforcement contacts, as defined in section 302.525 and no traffic  
65 convictions for which points are assessed, upon reaching the age of eighteen years or within the  
66 thirty days immediately preceding their eighteenth birthday may apply for and receive without  
67 further examination, other than a vision test as prescribed by section 302.173, a license issued  
68 pursuant to this chapter granting full driving privileges. Such person shall pay the required fee  
69 for such license as prescribed in section 302.177.

70 (2) If an intermediate driver's license expires on a Saturday, Sunday, or legal holiday,  
71 such license shall remain valid for the five business days immediately following the expiration  
72 date. In no case shall a licensee whose intermediate driver's license expires on a Saturday,  
73 Sunday, or legal holiday be guilty of an offense of driving with an expired or invalid driver's  
74 license if such offense occurred within five business days immediately following an expiration  
75 date that occurs on a Saturday, Sunday, or legal holiday.

76 (3) The director of revenue shall deny an application for a full driver's license until the  
77 person has had no traffic convictions for which points are assessed for a period of twelve months  
78 prior to the date of application for license or until the person is eligible to apply for a six-year  
79 driver's license as provided for in section 302.177, provided the applicant is otherwise eligible  
80 for full driving privileges. An intermediate driver's license shall expire when the licensee is  
81 eligible and receives a full driver's license as prescribed in subdivision (1) of this section.

82           7. No person upon reaching the age of eighteen years whose intermediate driver's license  
83 and driving privilege is denied, suspended, canceled or revoked in this state or any other state  
84 for any reason may apply for a full driver's license until such license or driving privilege is fully  
85 reinstated. Any such person whose intermediate driver's license has been revoked pursuant to  
86 the provisions of sections 302.010 to 302.540 shall, upon receipt of reinstatement of the  
87 revocation from the director, pass the complete driver examination, apply for a new license, and  
88 pay the proper fee before again operating a motor vehicle upon the highways of this state.

89           8. A person shall be exempt from the intermediate licensing requirements if the person  
90 has reached the age of eighteen years and meets all other licensing requirements.

91           9. Any person who violates any of the provisions of this section relating to intermediate  
92 drivers' licenses or the provisions of section 302.130 relating to temporary instruction permits  
93 is guilty of an infraction, and no points shall be assessed to his or her driving record for any such  
94 violation.

95           10. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that  
96 is created under the authority delegated in this section shall become effective only if it complies  
97 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section  
98 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers  
99 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the  
100 effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the  
101 grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be  
102 invalid and void.

**304.810. 1. No person with a temporary instruction permit issued under section  
2 302.130, RSMo, or an intermediate driver's license issued under section 302.178, RSMo,  
3 shall operate a motor vehicle, as defined in section 301.010, RSMo, while using a wireless  
4 communication device unless that device is specifically designed and configured to allow  
5 hands-free listening and talking and is used in that manner while driving, or the motor  
6 vehicle is stationary.**

7           **2. The provisions of this section shall not apply to:**

8           **(1) Motor vehicles operated on private property;**

9           **(2) A person using a wireless telephone for emergency purposes, including, but not  
10 limited to, an emergency call to a law enforcement agency, healthcare provider, fire  
11 department, or other emergency services agency or entity;**

12           **(3) An emergency services professional using a wireless telephone while operating  
13 an authorized emergency vehicle in the course and scope of his or her duties; or**

14           **(4) A person using a digital two-way radio that utilizes a wireless telephone that**  
15 **operates by depressing a push-to-talk feature and does not require immediate proximity**  
16 **to the ear of the user, and the person is driving one of the following vehicles:**

17           **(a) A commercial motor vehicle, as defined in section 301.010, RSMo, excluding**  
18 **pickup trucks; or**

19           **(b) A wrecker or tow truck, as defined in section 301.010, RSMo.**

20           **3. Violation of this section shall be deemed an infraction punishable by a twenty-**  
21 **dollar fine for a first offense, and a fifty-dollar fine for a second offense.**

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