

SECOND REGULAR SESSION
[PERFECTED]
HOUSE COMMITTEE SUBSTITUTE FOR
**HOUSE BILL NOS. 1549,
1771, 1395 & 2366**
94TH GENERAL ASSEMBLY

Reported from the Special Committee on Immigration, March 31, 2008 with recommendation that House Committee Substitute for House Bill Nos. 1549, 1771, 1395 & 2366 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

Reported from the Committee on Rules April 2, 2008 with recommendation that House Committee Substitute for House Bill Nos. 1549, 1771, 1395 & 2366 Do Pass, with no time limit for debate on Perfection.

Taken up for Perfection April 9, 2008. Bill ordered Perfected and printed.

D. ADAM CRUMBLISS, Chief Clerk

3681L.06P

AN ACT

To repeal section 302.720, RSMo, and to enact in lieu thereof five new sections relating to illegal aliens and immigration status, with penalty provisions.

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

Section A. Section 302.720, RSMo, is repealed and five new sections enacted in lieu
2 thereof, to be known as sections 43.032, 67.307, 302.720, 577.900, and 578.570, to read as
3 follows:

**43.032. Subject to appropriation, the superintendent of the Missouri state highway
2 patrol shall designate that some or all members of the highway patrol be trained in
3 accordance with a memorandum of understanding between the state of Missouri and the
4 United States Department of Homeland Security concerning the enforcement of federal
5 immigration laws during the course of their normal duties in the state of Missouri, in
6 accordance with 8 U.S.C. Section 1357(g). The superintendent shall have the authority to
7 negotiate the terms of such memorandum. The memorandum shall be signed by 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.

8 superintendent of the highway patrol, the governor, and the director of the department of
9 public safety.

67.307. 1. As used in this section, the following terms mean:

2 (1) "Law enforcement officer", a sheriff or peace officer of a municipality with the
3 duty and power of arrest for violation of the general criminal laws of the state or for
4 violation of ordinances of municipalities;

5 (2) "Municipality", any county, city, town, or village;

6 (3) "Municipality official", any elected or appointed official or any law
7 enforcement officer serving the municipality;

8 (4) "Sanctuary policy", any municipality's order, ordinance, or policy enacted or
9 followed, written or unwritten, that:

10 (a) Limits or prohibits any municipality official or person employed by the
11 municipality from communicating or cooperating with federal agencies or officials to verify
12 or report the immigration status of any alien within such municipality; or

13 (b) Declares illegal aliens are entitled to reside within the municipality in violation
14 of federal immigration law.

15 2. No municipality shall enact or adopt any sanctuary policy. Any municipality
16 that enacts or adopts a sanctuary policy, written or unwritten, shall be ineligible for any
17 moneys provided through grants administered by any state agency or department until the
18 sanctuary policy is repealed or is no longer in effect. Any member of the general assembly
19 may request the state agency or department administering the grant to verify that a
20 municipality receiving grant moneys does not have a written or unwritten sanctuary policy.

21 3. The governing body of each municipality shall provide each law enforcement
22 officer with written notice of their duty to cooperate with state and federal agencies and
23 officials on matters pertaining to enforcement of state and federal laws governing
24 immigration.

25 4. This section shall become effective on January 1, 2009.

302.720. 1. Except when operating under an instruction permit as described in this
2 section, no person may drive a commercial motor vehicle unless the person has been issued a
3 commercial driver's license with applicable endorsements valid for the type of vehicle being
4 operated as specified in sections 302.700 to 302.780. A commercial driver's instruction permit
5 shall allow the holder of a valid license to operate a commercial motor vehicle when
6 accompanied by the holder of a commercial driver's license valid for the vehicle being operated
7 and who occupies a seat beside the individual, or reasonably near the individual in the case of
8 buses, for the purpose of giving instruction in driving the commercial motor vehicle. A
9 commercial driver's instruction permit shall be valid for the vehicle being operated for a period

10 of not more than six months, and shall not be issued until the permit holder has met all other
11 requirements of sections 302.700 to 302.780, except for the driving test. A permit holder, unless
12 otherwise disqualified, may be granted one six-month renewal within a one-year period. The fee
13 for such permit or renewal shall be five dollars. In the alternative, a commercial driver's
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. No**
35 **translators shall be allowed for applicants taking the test.**

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

41 (3) Beginning August 28, 2006, the director shall only issue or renew third-party tester
42 certification to junior colleges or community colleges established under chapter 178, RSMo, or
43 to private companies who own, lease, or maintain their own fleet and administer in-house testing
44 to their employees, or to school districts and their agents that administer in-house testing to the
45 school district's or agent's employees. Any third-party tester who violates any of the rules and

46 regulations adopted and promulgated pursuant to this section shall be subject to having his
47 certification revoked by the department. The department shall provide written notice and an
48 opportunity for the third-party tester to be heard in substantially the same manner as provided
49 in chapter 536, RSMo. If any applicant submits evidence that he has successfully completed a
50 test administered by a third-party tester, the actual driving test for a commercial driver's license
51 may then be waived.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**577.900. 1. If verification of the nationality or lawful immigration status of any
2 person who is charged with a crime and confined to jail for any period of time cannot be
3 made from documents in the possession of the prisoner or after a reasonable effort on the
4 part of the arresting agency to determine the nationality or immigration status of the
5 person so confined, verification shall be made by the arresting agency within forty-eight
6 hours through a query to the Law Enforcement Support Center (LESC) of the United
7 States Department of Homeland Security or other office or agency designated for that
8 purpose by the United States Department of Homeland Security. If it is determined that
9 the prisoner is in the United States unlawfully, the arresting agency shall notify the United
10 States Department of Homeland Security.**

**11 2. Nothing in this section shall be construed to deny a person bond or prevent a
12 person from being released from confinement if such person is otherwise eligible for
13 release.**

578.570. Any person who:

**2 (1) Knowing or in reckless disregard of the truth, assists any person in committing
3 fraud or deception during the examination process for an instruction permit, driver's
4 license, or nondriver's license;**

5 (2) Knowing or in reckless disregard of the truth, assists any person in making
6 application for an instruction permit, driver's license, or nondriver's license that contains
7 or is substantiated with false or fraudulent information or documentation;

8 (3) Knowing or in reckless disregard of the truth, assists any person in concealing
9 a material fact or otherwise committing a fraud in an application for an instruction permit,
10 driver's license, or nondriver's license; or

11 (4) Engages in any conspiracy to commit any of the preceding acts or aids or abets
12 the commission of any of the preceding acts; is guilty of a class A misdemeanor.

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