FIRST REGULAR SESSION

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 771

97TH GENERAL ASSEMBLY

1693H.03C D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 302.700, as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402, merged with conference committee substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 470, merged with conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, merged with conference committee substitute for house committee substitute for senate bill no. 568, ninety-sixth general assembly, second regular session, 302.720, 302.735, 302.740, 302.755, and 304.820, RSMo, and to enact in lieu thereof six new sections relating to commercial drivers' licenses, with penalty provisions.

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

Section A. Sections 302.700, as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402, merged with conference committee substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 470, merged with conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, merged with conference committee substitute for house committee substitute for senate bill no. 568, ninety-sixth general assembly, second regular session, 302.720, 302.735, 302.740, 302.755, and 304.820, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 302.700, 302.720, 302.735, 302.740, 302.755, and 304.820, to read as follows:

302.700. 1. Sections 302.700 to 302.780 may be cited as the "Uniform Commercial Driver's License Act".

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.

2. When used in sections 302.700 to 302.780, the following words and phrases mean:

(1) "Alcohol", any substance containing any form of alcohol, including, but not limited to, ethanol, methanol, propanol and isopropanol;

(2) "Alcohol concentration", the number of grams of alcohol per one hundred milliliters of blood or the number of grams of alcohol per two hundred ten liters of breath or the number of grams of alcohol per sixty-seven milliliters of urine;

(3) **"CDL driver", a person holding or a person required to hold a commercial driver's license (CDL);**

(4) "CDLIS driver record", the electronic record of the individual commercial driver's status and history stored by the state of record as part of the Commercial Driver's License Information System (CDLIS) established under 49 U.S.C. Section 31309, et seq.;

[(4)**]** **(5)** "CDLIS motor vehicle record (CDLIS MVR)", a report generated from the CDLIS driver record which meets the requirements for access to CDLIS information and is provided by states to users authorized in 49 CFR **[**Part**]** 384, subject to the provisions of the Driver Privacy Protection Act, 18 U.S.C. Sections 2721 to 2725, et seq.;

[(5)**]** **(6)** "Commercial driver's instruction permit", a **commercial learner's** permit issued **[**pursuant to section 302.720**]** **to an individual by a state or other jurisdiction of domicile in accordance with the standards contained in 49 CFR 383, which, when carried with a valid driver's license issued by the same state or jurisdiction, authorizes the individual to operate a class of commercial motor vehicle when accompanied by a holder of a valid commercial driver's license for purposes of behind-the-wheel training. When issued to a commercial driver's license holder, a commercial learner's permit serves as authorization for accompanied behind-the-wheel training in a commercial motor vehicle for which the holder's current commercial driver's license is not valid**;

[(6)**]** **(7)** "Commercial driver's license **(CDL)**", a license issued by this state **or other jurisdiction of domicile in accordance with 49 CFR 383** **[**to an individual**]** which authorizes the individual to operate a **class of** commercial motor vehicle;

[(7)**]** **(8)** "Commercial driver's license downgrade", occurs when:

(a) A driver changes the self-certification to interstate, but operates exclusively in transportation or operation excepted from 49 CFR **[**Part**]** 391, as provided in 49 CFR **[**Part**]** 390.3(f), 391.2, 391.68, or 398.3;

(b) A driver changes the self-certification to intrastate only, if the driver qualifies under the state's physical qualification requirements for intrastate only;

(c) A driver changes the self-certification to intrastate, but operating exclusively in transportation or operations excepted from all or part of the state driver qualification requirements; or

39 (d) The state removes the commercial driver's license privilege from the driver's license;
40 **[**(8)**] (9)** "Commercial driver's license information system (CDLIS)", the information
41 system established pursuant to the Commercial Motor Vehicle Safety Act of 1986 (Title XII of
42 Pub. Law 99-570) to serve as a clearinghouse for locating information related to the licensing
43 and identification of commercial motor vehicle drivers;
44 **[**(9)**] (10)** "Commercial motor vehicle", a motor vehicle **[**designed or used to**] or**
45 **combination of motor vehicles used in commerce to** transport passengers or property:
46 (a) If the vehicle has a gross combination weight rating **or gross combination weight**
47 of twenty-six thousand one or more pounds inclusive of a towed unit which has a gross vehicle
48 weight rating **[**of**] or gross vehicle weight of more than** ten thousand one pounds or more**,**
49 **whichever is greater**;
50 (b) If the vehicle has a gross vehicle weight rating **or gross vehicle weight** of twenty-six
51 thousand one or more pounds **[**or such lesser rating as determined by federal regulation**] ,**
52 **whichever is greater**;
53 (c) If the vehicle is designed to transport sixteen or more passengers, including the
54 driver; or
55 (d) If the vehicle is transporting hazardous materials and is required to be placarded
56 under the Hazardous Materials Transportation Act (46 U.S.C. **Section** 1801, et seq.);
57 **[**(10)**] (11)** "Controlled substance", any substance so classified under Section 102(6) of
58 the Controlled Substances Act (21 U.S.C. **Section** 802(6)), and includes all substances listed in
59 schedules I through V of 21 CFR **[**Part**]** 1308, as they may be revised from time to time;
60 **[**(11)**] (12)** "Conviction", an unvacated adjudication of guilt, including pleas of guilt and
61 nolo contendere, or a determination that a person has violated or failed to comply with the law
62 in a court of original jurisdiction or an authorized administrative proceeding, an unvacated
63 forfeiture of bail or collateral deposited to secure the person's appearance in court, the payment
64 of a fine or court cost, or violation of a condition of release without bail, regardless of whether
65 the penalty is rebated, suspended or prorated, including an offense for failure to appear or pay;
66 **[**(12)**] (13)** "Director", the director of revenue or his authorized representative;
67 **[**(13)**] (14)** "Disqualification", any of the following three actions:
68 (a) The suspension, revocation, or cancellation of a commercial driver's license **or**
69 **commercial driver's instruction permit**;
70 (b) Any withdrawal of a person's privileges to drive a commercial motor vehicle by a
71 state, Canada, or Mexico as the result of a violation of federal, state, county, municipal, or local
72 law relating to motor vehicle traffic control or violations committed through the operation of
73 motor vehicles, other than parking, vehicle weight, or vehicle defect violations;

(c) A determination by the Federal Motor Carrier Safety Administration that a person is not qualified to operate a commercial motor vehicle under 49 CFR **[**Part**]** 383.52 or **[**Part**]** 391;

[(14)**] (15)** "Drive", to drive, operate or be in physical control of a commercial motor vehicle;

[(15)**] (16)** "Driver", any person who drives, operates, or is in physical control of a motor vehicle, or who is required to hold a commercial driver's license;

[(16)**] (17)** "Driver applicant", an individual who applies to obtain, transfer, upgrade, or renew a commercial driver's license **or commercial driver's instruction permit** in this state;

[(17)**] (18)** "Driving under the influence of alcohol", the commission of any one or more of the following acts:

(a) Driving a commercial motor vehicle with the alcohol concentration of four one-hundredths of a percent or more as prescribed by the **[**secretary**] Secretary** or such other alcohol concentration as may be later determined by the **[**secretary**] Secretary** by regulation;

(b) Driving a commercial or noncommercial motor vehicle while intoxicated in violation of any federal or state law, or in violation of a county or municipal ordinance;

(c) Driving a commercial or noncommercial motor vehicle with excessive blood alcohol content in violation of any federal or state law, or in violation of a county or municipal ordinance;

(d) Refusing to submit to a chemical test in violation of section 577.041, section 302.750, any federal or state law, or a county or municipal ordinance; or

(e) Having any state, county or municipal alcohol-related enforcement contact, as defined in subsection 3 of section 302.525; provided that any suspension or revocation pursuant to section 302.505, committed in a noncommercial motor vehicle by an individual twenty-one years of age or older shall have been committed by the person with an alcohol concentration of at least eight-hundredths of one percent or more, or in the case of an individual who is less than twenty-one years of age, shall have been committed by the person with an alcohol concentration of at least two-hundredths of one percent or more, and if committed in a commercial motor vehicle, a concentration of four-hundredths of one percent or more;

[(18)**] (19)** "Driving under the influence of a controlled substance", the commission of any one or more of the following acts in a commercial or noncommercial motor vehicle:

(a) Driving a commercial or noncommercial motor vehicle while under the influence of any substance so classified under Section 102(6) of the Controlled Substances Act (21 U.S.C. **Section** 802(6)), including any substance listed in schedules I through V of 21 CFR **[**Part**]** 1308, as they may be revised from time to time;

(b) Driving a commercial or noncommercial motor vehicle while in a drugged condition in violation of any federal or state law or in violation of a county or municipal ordinance; or

110 (c) Refusing to submit to a chemical test in violation of section 577.041, section
111 302.750, any federal or state law, or a county or municipal ordinance;
112 **[**(19)**] (20) "Electronic device", includes but is not limited to a cellular telephone,**
113 **personal digital assistant, pager, computer, or any other device used to input, write, send,**
114 **receive, or read text;**
115 **(21)** "Employer", any person, including the United States, a state, or a political
116 subdivision of a state, who owns or leases a commercial motor vehicle or assigns a driver to
117 operate such a vehicle;
118 **[**(20)**] (22)** "Endorsement", an authorization on an individual's commercial driver's
119 license **[**permitting**] or commercial learner's permit required to permit** the individual to
120 operate certain types of commercial motor vehicles;
121 **[**(21)**] (23)** "Farm vehicle", a commercial motor vehicle controlled and operated by a
122 farmer used exclusively for the transportation of agricultural products, farm machinery, farm
123 supplies, or a combination of these, within one hundred fifty miles of the farm, other than one
124 which requires placarding for hazardous materials as defined in this section, or used in the
125 operation of a common or contract motor carrier, except that a farm vehicle shall not be a
126 commercial motor vehicle when the total combined gross weight rating does not exceed
127 twenty-six thousand one pounds when transporting fertilizers as defined in subdivision **[**(27)**]**
128 **(29)** of this subsection;
129 **[**(22)**] (24)** "Fatality", the death of a person as a result of a motor vehicle accident;
130 **[**(23)**] (25)** "Felony", any offense under state or federal law that is punishable by death
131 or imprisonment for a term exceeding one year;
132 **[**(24)**] (26)** "Foreign", outside the fifty states of the United States and the District of
133 Columbia;
134 **[**(25)**] (27)** "Gross combination weight rating" or "GCWR", the value specified by the
135 manufacturer as the loaded weight of a combination (articulated) vehicle. In the absence of a
136 value specified by the manufacturer, GCWR will be determined by adding the GVWR of the
137 power unit and the total weight of the towed unit and any load thereon;
138 **[**(26)**] (28)** "Gross vehicle weight rating" or "GVWR", the value specified by the
139 manufacturer as the loaded weight of a single vehicle;
140 **[**(27)**] (29)** "Hazardous materials", any material that has been designated as hazardous
141 under 49 U.S.C. **Section** 5103 and is required to be placarded under subpart F of CFR **[**Part**]** 172
142 or any quantity of a material listed as a select agent or toxin in 42 CFR **[**Part**]** 73. Fertilizers,
143 including but not limited to ammonium nitrate, phosphate, nitrogen, anhydrous ammonia, lime,
144 potash, motor fuel or special fuel, shall not be considered hazardous materials when transported
145 by a farm vehicle provided all other provisions of this definition are followed;

146 **[**(28)**] (30)** "Imminent hazard", the existence of a condition that presents a substantial
147 likelihood that death, serious illness, severe personal injury, or a substantial endangerment to
148 health, property, or the environment may occur before the reasonably foreseeable completion
149 date of a formal proceeding begins to lessen the risk of that death, illness, injury, or
150 endangerment;
151 **[**(29)**] (31)** "Issuance", the initial licensure, license transfers, license renewals, and
152 license upgrades;
153 **[**(30)**] (32) "Manual transmission" (also known as a stick shift, stick, straight drive**
154 **or standard transmission), a transmission utilizing a driver-operated clutch that is**
155 **activated by a pedal or lever and a gear-shift mechanism operated either by hand or foot.**
156 **All other transmissions, whether semi-automatic or automatic, will be considered**
157 **automatic for the purposes of the standardized restriction code;**
158 **(33)** "Medical examiner", a person who is licensed, certified, or registered, in accordance
159 with applicable state laws and regulations, to perform physical examinations. The term includes,
160 but is not limited to, doctors of medicine, doctors of osteopathy, physician assistants, advanced
161 practice nurses, and doctors of chiropractic;
162 **[**(31)**] (34)** "Medical variance", when a driver has received one of the following that
163 allows the driver to be issued a medical certificate:
164 (a) An exemption letter permitting operation of a commercial motor vehicle under 49
165 CFR **[**Part**]** 381, Subpart C or 49 CFR **[**Part**]** 391.64;
166 (b) A skill performance evaluation certificate permitting operation of a commercial
167 motor vehicle under 49 CFR **[**Part**]** 391.49;
168 **[**(32)**] (35) "Mobile telephone", a mobile communication device that is classified as**
169 **or uses any commercial mobile radio service, as defined in the regulations of the Federal**
170 **Communications Commission, 47 SFR 20.3, but does not include two-way or citizens band**
171 **radio services;**
172 **(36)** "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks;
173 **[**(33)**] (37)** "Noncommercial motor vehicle", a motor vehicle or combination of motor
174 vehicles not defined by the term "commercial motor vehicle" in this section;
175 **[**(34)**] (38)** "Out of service", a temporary prohibition against the operation of a
176 commercial motor vehicle by a particular driver, or the operation of a particular commercial
177 motor vehicle, or the operation of a particular motor carrier;
178 **[**(35)**] (39)** "Out-of-service order", a declaration by an authorized enforcement officer
179 of a federal, state, Canadian, Mexican or any local jurisdiction, that a driver, or a commercial
180 motor vehicle, or a motor carrier operation, is out of service under 49 CFR **[**Part**]** 386.72, 392.5,

392.9a, 395.13, or 396.9, or comparable laws, or the North American Standard Out-of-Service Criteria;

[(36)**] (40)** "School bus", a commercial motor vehicle used to transport preprimary, primary, or secondary school students from home to school, from school to home, or to and from school-sponsored events. School bus does not include a bus used as a common carrier as defined by the Secretary;

[(37)**] (41)** "Secretary", the Secretary of Transportation of the United States;

[(38)**] (42)** "Serious traffic violation", driving a commercial motor vehicle in such a manner that the driver receives a conviction for the following offenses or driving a noncommercial motor vehicle when the driver receives a conviction for the following offenses and the conviction results in the suspension or revocation of the driver's license or noncommercial motor vehicle driving privilege:

(a) Excessive speeding, as defined by the Secretary by regulation;

(b) Careless, reckless or imprudent driving which includes, but shall not be limited to, any violation of section 304.016, any violation of section 304.010, or any other violation of federal or state law, or any county or municipal ordinance while driving a commercial motor vehicle in a willful or wanton disregard for the safety of persons or property, or improper or erratic traffic lane changes, or following the vehicle ahead too closely, but shall not include careless and imprudent driving by excessive speed;

(c) A violation of any federal or state law or county or municipal ordinance regulating the operation of motor vehicles arising out of an accident or collision which resulted in death to any person, other than a parking violation;

(d) Driving a commercial motor vehicle without obtaining a commercial driver's license in violation of any federal or state or county or municipal ordinance;

(e) Driving a commercial motor vehicle without a commercial driver's license in the driver's possession in violation of any federal or state or county or municipal ordinance. Any individual who provides proof to the court which has jurisdiction over the issued citation that the individual held a valid commercial driver's license on the date that the citation was issued shall not be guilty of this offense;

(f) Driving a commercial motor vehicle without the proper commercial driver's license class or endorsement for the specific vehicle group being operated or for the passengers or type of cargo being transported in violation of any federal or state law or county or municipal ordinance; **[**or**]**

(g) **Violating a state or local law or ordinance on motor vehicle traffic control prohibiting texting while driving a commercial motor vehicle;**

(h) Violating a state or local law or ordinance on motor vehicle traffic control restricting or prohibiting the use of a hand-held mobile telephone while driving a commercial motor vehicle; or

(i) Any other violation of a federal or state law or county or municipal ordinance regulating the operation of motor vehicles, other than a parking violation, as prescribed by the **[**secretary**] Secretary** by regulation;

[(39)**] (43)** "State", a state of the United States**, including the District of Columbia**;

[(40)**] (44) "Tank vehicle", any commercial motor vehicle that is designed to transport any liquid or gaseous materials within a tank or tanks having an individual rated capacity of more than one hundred nineteen gallons and an aggregate rated capacity of one thousand gallons or more that is either permanently or temporarily attached to the vehicle or the chassis. A commercial motor vehicle transporting an empty storage container tank, not designed for transportation, with a rated capacity of one thousand gallons or more, that is temporarily attached to a flatbed trailer is not considered a tank vehicle;**

(45) "Texting", manually entering alphanumeric text into, or reading text from, an electronic device. This action includes but is not limited to short message service, e-mailing, instant messaging, commanding or requesting access to a website, pressing more than a single button to initiate or terminate a voice communication using a mobile telephone, or engaging in any other form of electronic text retrieval or entry, for present or future communication. Texting does not include:

(a) Inputting, selecting, or reading information on a global positioning system or navigation system;

(b) Pressing a single button to initiate or terminate a voice communication using a mobile telephone; or

(c) Using a device capable of performing multiple functions (e.g., fleet management systems, dispatching devices, smart phones, citizens band radios, music players) for a purpose that is not otherwise prohibited in this part;

(46) "United States", the fifty states and the District of Columbia.

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. **No person**

9 **may be issued a commercial driver's instruction permit until he or she has passed written**
10 **tests which comply with the minimum federal standards.** A commercial driver's instruction
11 permit shall be valid for the vehicle being operated for a period of not more than six months, and
12 shall not be issued until the permit holder has met all other requirements of sections 302.700 to
13 302.780, except for the driving test. A permit holder, unless otherwise disqualified, may be
14 granted one six-month renewal within a one-year period. The fee for such permit or renewal
15 shall be five dollars. In the alternative, a commercial driver's instruction permit shall be issued
16 for a thirty-day period to allow the holder of a valid driver's license to operate a commercial
17 motor vehicle if the applicant has completed all other requirements except the driving test. The
18 permit may be renewed for one additional thirty-day period and the fee for the permit and for
19 renewal shall be five dollars.
20 2. No person may be issued a commercial driver's license until he has passed written and
21 driving tests for the operation of a commercial motor vehicle which complies with the minimum
22 federal standards established by the Secretary and has satisfied all other requirements of the
23 Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570), as well as any
24 other requirements imposed by state law. **All applicants for a commercial driver's license**
25 **shall have maintained the appropriate class of commercial driver's instruction permit**
26 **issued by this state or any other state for a minimum of fourteen calendar days prior to the**
27 **date of taking the skills test.** Applicants for a hazardous materials endorsement must also meet
28 the requirements of the U.S. Patriot Act of 2001 (Title X of Public Law 107-56) as specified and
29 required by regulations promulgated by the Secretary. Nothing contained in this subsection shall
30 be construed as prohibiting the director from establishing alternate testing formats for those who
31 are functionally illiterate; provided, however, that any such alternate test must comply with the
32 minimum requirements of the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub.
33 Law 99-570) as established by the Secretary.
34 (1) The written and driving tests shall be held at such times and in such places as the
35 superintendent may designate. A twenty-five dollar examination fee shall be paid by the
36 applicant upon completion of any written or driving test, except the examination fee shall be
37 waived for applicants seventy years of age or older renewing a license with a school bus
38 endorsement. The director shall delegate the power to conduct the examinations required under
39 sections 302.700 to 302.780 to any member of the highway patrol or any person employed by
40 the highway patrol qualified to give driving examinations. The written test shall only be
41 administered in the English language. No translators shall be allowed for applicants taking the
42 test.
43 (2) The director shall adopt and promulgate rules and regulations governing the
44 certification of third-party testers by the department of revenue. Such rules and regulations shall

45 substantially comply with the requirements of 49 CFR **[**Part**]** 383, Section 383.75. A
46 certification to conduct third-party testing shall be valid for one year, and the department shall
47 charge a fee of one hundred dollars to issue or renew the certification of any third-party tester.
48 (3) Beginning August 28, 2006, the director shall only issue or renew third-party tester
49 certification to community colleges established under chapter 178 or to private companies who
50 own, lease, or maintain their own fleet and administer in-house testing to their employees, or to
51 school districts and their agents that administer in-house testing to the school district's or agent's
52 employees. Any third-party tester who violates any of the rules and regulations adopted and
53 promulgated pursuant to this section shall be subject to having his certification revoked by the
54 department. The department shall provide written notice and an opportunity for the third-party
55 tester to be heard in substantially the same manner as provided in chapter 536. If any applicant
56 submits evidence that he has successfully completed a test administered by a third-party tester,
57 the actual driving test for a commercial driver's license may then be waived.
58 (4) Every applicant for renewal of a commercial driver's license shall provide such
59 certifications and information as required by the **[**secretary**]** **Secretary** and if such person
60 transports a hazardous material must also meet the requirements of the U.S. Patriot Act of 2001
61 (Title X of Public Law 107-56) as specified and required by regulations promulgated by the
62 Secretary. Such person shall be required to take the written test for such endorsement. A
63 twenty-five dollar examination fee shall be paid upon completion of such tests.
64 (5) The director shall have the authority to waive the driving skills test for any qualified
65 military applicant for a commercial driver's license who is currently licensed at the time of
66 application for a commercial driver's license. The director shall impose conditions and
67 limitations to restrict the applicants from whom the department may accept alternative
68 requirements for the skills test described in federal regulation 49 **[**C.F.R.**]** **CFR** 383.77. An
69 applicant must certify that, during the two-year period immediately preceding application for a
70 commercial driver's license, all of the following apply:
71 (a) The applicant has not had more than one license;
72 (b) The applicant has not had any license suspended, revoked, or cancelled;
73 (c) The applicant has not had any convictions for any type of motor vehicle for the
74 disqualifying offenses contained in this chapter or federal rule 49 **[**C.F.R.**]** **CFR** 383.51(b);
75 (d) The applicant has not had more than one conviction for any type of motor vehicle for
76 serious traffic violations;
77 (e) The applicant has not had any conviction for a violation of state or local law relating
78 to motor vehicle traffic control, but not including any parking violation, arising in connection
79 with any traffic accident, and has no record of an accident in which he or she was at fault;

80 (f) The applicant **[**is**] has been** regularly employed **[**in a job**] within the last ninety days**
81 **in a military position** requiring operation of a commercial motor vehicle and has operated the
82 vehicle for at least sixty days during the two years immediately preceding application for a
83 commercial driver's license. The vehicle must be representative of the commercial motor vehicle
84 the driver applicant operates or expects to operate;
85 (g) The applicant, if on active duty, must provide a notarized affidavit signed by a
86 commanding officer as proof of driving experience as indicated in paragraph (f) of this
87 subdivision;
88 (h) The applicant, if honorably discharged from military service, must provide a
89 form-DD214 or other proof of military occupational specialty;
90 (i) The applicant must meet all federal and state qualifications to operate a commercial
91 vehicle; and
92 (j) The applicant will be required to complete all applicable knowledge tests.
93 3. A commercial driver's license **or commercial instruction permit** may not be issued
94 to a person while the person is disqualified from driving a commercial motor vehicle, when a
95 disqualification is pending in any state or while the person's driver's license is suspended,
96 revoked, or **[**cancelled**] canceled** in any state; nor may a commercial driver's license be issued
97 unless the person first surrenders in a manner prescribed by the director any commercial driver's
98 license issued by another state, which license shall be returned to the issuing state for
99 cancellation.
100 4. Beginning July 1, 2005, the director shall not issue an instruction permit under this
101 section unless the director verifies that the applicant is lawfully present in the United States
102 before accepting the application. The director may, by rule or regulation, establish procedures
103 to verify the lawful presence of the applicant under this section. No rule or portion of a rule
104 promulgated pursuant to the authority of this section shall become effective unless it has been
105 promulgated pursuant to chapter 536.
106 5. Notwithstanding the provisions of this section or any other law to the contrary,
107 beginning August 28, 2008, the director of the department of revenue shall certify as a third-party
108 tester any municipality that owns, leases, or maintains its own fleet that requires certain
109 employees as a condition of employment to hold a valid commercial driver's license; and that
110 administered in-house testing to such employees prior to August 28, 2006.

302.735. 1. An application shall not be taken from a nonresident after September 30,
2 2005. The application for a commercial driver's license shall include, but not be limited to, the
3 applicant's legal name, mailing and residence address, if different, a physical description of the
4 person, including sex, height, weight and eye color, the person's Social Security number, date
5 of birth and any other information deemed appropriate by the director. The application shall also

6 require, beginning September 30, 2005, the applicant to provide the names of all states where
7 the applicant has been previously licensed to drive any type of motor vehicle during the
8 preceding ten years.

9 2. A commercial driver's license shall expire on the applicant's birthday in the sixth year
10 after issuance, unless the license must be issued for a shorter period due to other requirements
11 of law or for transition or staggering of work as determined by the director, and must be renewed
12 on or before the date of expiration. When a person changes such person's name an application
13 for a duplicate license shall be made to the director of revenue. When a person changes such
14 person's mailing address or residence the applicant shall notify the director of revenue of said
15 change, however, no application for a duplicate license is required. A commercial license issued
16 pursuant to this section to an applicant less than twenty-one years of age and seventy years of age
17 and older shall expire on the applicant's birthday in the third year after issuance, unless the
18 license must be issued for a shorter period as determined by the director.

19 3. A commercial driver's license containing a hazardous materials endorsement issued
20 to an applicant who is between the age of twenty-one and sixty-nine shall not be issued for a
21 period exceeding five years from the approval date of the security threat assessment as
22 determined by the Transportation Security Administration.

23 4. The director shall issue an annual commercial driver's license containing a school bus
24 endorsement to an applicant who is seventy years of age or older. The fee for such license shall
25 be seven dollars and fifty cents.

26 5. A commercial driver's license containing a hazardous materials endorsement issued
27 to an applicant who is seventy years of age or older shall not be issued for a period exceeding
28 three years. The director shall not require such drivers to obtain a security threat assessment
29 more frequently than such assessment is required by the Transportation Security Administration
30 under the Uniting and Strengthening America by Providing Appropriate Tools Required to
31 Intercept and Obstruct Terrorism Act (USA PATRIOT ACT) of 2001.

32 (1) The state shall immediately revoke a hazardous materials endorsement upon receipt
33 of an initial determination of threat assessment and immediate revocation from the
34 Transportation Security Administration as defined by 49 CFR 1572.13(a).

35 (2) The state shall revoke or deny a hazardous materials endorsement within fifteen days
36 of receipt of a final determination of threat assessment from the Transportation Security
37 Administration as required by CFR 1572.13(a).

38 6. The fee for a commercial driver's license or renewal commercial driver's license issued
39 for a period greater than three years shall be forty dollars.

40 7. The fee for a commercial driver's license or renewal commercial driver's license issued
41 for a period of three years or less shall be twenty dollars.

8. The fee for a duplicate commercial driver's license shall be twenty dollars.

9. In order for the director to properly transition driver's license requirements under the Motor Carrier Safety Improvement Act of 1999 and the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT ACT) of 2001, the director is authorized to stagger expiration dates and make adjustments for any fees, including driver examination fees that are incurred by the driver as a result of the initial issuance of a transitional license required to comply with such acts.

10. Within thirty days after moving to this state, the holder of a commercial driver's license shall apply for a commercial driver's license in this state. The applicant shall meet all other requirements of sections 302.700 to 302.780, except that the director may waive the driving test for a commercial driver's license as required in section 302.720 if the applicant for a commercial driver's license has a valid commercial driver's license from a state which has requirements for issuance of such license comparable to those in this state.

11. Any person who falsifies any information in an application or test for a commercial driver's license shall not be licensed to operate a commercial motor vehicle, or the person's commercial driver's license shall be **[**cancelled**]** **canceled**, for a period of one year after the director discovers such falsification.

12. Beginning July 1, 2005, the director shall not issue a commercial driver's license under this section unless the director verifies that the applicant is lawfully present in the United States before accepting the application. If lawful presence is granted for a temporary period, no commercial driver's license shall be issued. The director may, by rule or regulation, establish procedures to verify the lawful presence of the applicant and establish the duration of any commercial driver's license issued under this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536.

13. (1) Effective December 19, 2005, notwithstanding any provisions of subsections 1 and 5 of this section to the contrary, the director may issue a **[**nonresident**]** **nondomiciled** commercial driver's license **or commercial driver's instruction permit** to a resident of a foreign jurisdiction if the United States Secretary of Transportation has determined that the commercial motor vehicle testing and licensing standards in the foreign jurisdiction do not meet the testing standards established in 49 **[**C.F.R. Part**]** **CFR** 383.

(2) Any applicant for a **[**nonresident**]** **nondomiciled** commercial driver's license **or commercial driver's instruction permit** must present evidence satisfactory to the director that the applicant currently has employment with an employer in this state. The **[**nonresident**]** **nondomiciled** applicant must meet the same testing, driver record requirements, conditions, and

77 is subject to the same disqualification and conviction reporting requirements applicable to
78 resident commercial drivers.
79 (3) The **[**nonresident**]** **nondomiciled** commercial driver's license will expire on the same
80 date that the documents establishing lawful presence for employment expire. The word
81 **[**"nonresident"**]** **"nondomiciled"** shall appear on the face of the **[**nonresident**]** **nondomiciled**
82 commercial driver's license. Any applicant for a Missouri **[**nonresident**]** **nondomiciled**
83 commercial driver's license **or commercial driver's instruction permit** must first surrender any
84 **[**nonresident**]** **nondomiciled** commercial driver's license issued by another state.
85 (4) The **[**nonresident**]** **nondomiciled** commercial driver's license applicant must pay the
86 same fees as required for the issuance of a resident commercial driver's license **or commercial**
87 **driver's instruction permit**.
88 14. Foreign jurisdiction for purposes of issuing a **[**nonresident**]** **nondomiciled**
89 commercial driver's license **or commercial driver's instruction permit** under this section shall
90 not include any of the fifty states of the United States or Canada or Mexico.

302.740. 1. The commercial driver's license shall be manufactured of materials and
2 processes that will prohibit as nearly as possible the ability to reproduce, alter, counterfeit, forge,
3 or duplicate any license without ready detection. Such license shall include, but not be limited
4 to, the following information: a colored photograph of the person, the legal name and address
5 of the person, a physical description of the person, including sex, height, weight and eye color,
6 the person's **[**Social Security number**]** **driver's license number** or such other number or
7 identifier deemed appropriate by the director or the **[**secretary**]** **Secretary**, the date of birth, class
8 or type of commercial motor vehicle or vehicles which the person is authorized to drive, the
9 name of this state, and the words "COMMERCIAL DRIVER'S LICENSE" or "CDL", the dates
10 of issuance and expiration, the person's signature and such other information as the director
11 prescribes.
12 2. Before issuing a commercial driver's license, the director shall obtain driving record
13 information from sources including, but not limited to, the national driver's register, the
14 commercial driver's license information system, and any state driver's licensing system in which
15 the person has been licensed; except that the director shall only be required to obtain the
16 complete driving record from each state the person has ever been licensed in when such person
17 is issued an initial commercial driver's license or renews his or her commercial driver's license
18 for the first time. The director shall maintain a notation in the driving record system of the date
19 when he or she has obtained the driving records from all other states which the person has been
20 licensed.
21 3. Within ten days after issuing a commercial driver's license, the director shall notify
22 the commercial driver's license information system of such fact, providing all information

23 required to ensure identification of the person. For the purpose of this subsection, the date of
24 issuance shall be the date the commercial driver's license is mailed to the applicant.
25 4. The commercial driver's license shall indicate the class of vehicle the person may
26 drive and any applicable endorsements or restrictions. Commercial driver's license
27 classifications, endorsements and restrictions shall be in compliance with the Commercial Motor
28 Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570) and those prescribed by the director.
29 The commercial driver's license driving record shall contain a complete history of the driver,
30 including information and convictions from previous states of licensure.
31 **5. The commercial driver's instruction permit shall include but not be limited to**
32 **the same data elements as a commercial driver's license and the words "CDL PERMIT"**
33 **or "COMMERCIAL LEARNER PERMIT" and such other information as the director or**
34 **Secretary prescribes.**

302.755. 1. A person is disqualified from driving a commercial motor vehicle for a
2 period of not less than one year if convicted of a first violation of:
3 (1) Driving a motor vehicle under the influence of alcohol or a controlled substance, or
4 of an alcohol-related enforcement contact as defined in subsection 3 of section 302.525;
5 (2) Driving a commercial motor vehicle which causes a fatality through the negligent
6 operation of the commercial motor vehicle, including but not limited to the crimes of vehicular
7 manslaughter, homicide by motor vehicle, and negligent homicide;
8 (3) Driving a commercial motor vehicle while revoked pursuant to section 302.727;
9 (4) Leaving the scene of an accident involving a commercial or noncommercial motor
10 vehicle operated by the person;
11 (5) Using a commercial or noncommercial motor vehicle in the commission of any
12 felony, as defined in section 302.700, except a felony as provided in subsection 4 of this section.
13 2. If any of the violations described in subsection 1 of this section occur while
14 transporting a hazardous material the person is disqualified for a period of not less than three
15 years.
16 3. Any person is disqualified from operating a commercial motor vehicle for life if
17 convicted of two or more violations of any of the offenses specified in subsection 1 of this
18 section, or any combination of those offenses, arising from two or more separate incidents. The
19 director may issue rules and regulations, in accordance with guidelines established by the
20 **[**secretary**]** **Secretary**, under which a disqualification for life under this section may be reduced
21 to a period of not less than ten years.
22 4. Any person is disqualified from driving a commercial motor vehicle for life who uses
23 a commercial or noncommercial motor vehicle in the commission of any felony involving the

manufacture, distribution, or dispensing of a controlled substance, or possession with intent to manufacture, distribute, or dispense a controlled substance.

5. Any person is disqualified from operating a commercial motor vehicle for a period of not less than sixty days if convicted of two serious traffic violations or one hundred twenty days if convicted of three serious traffic violations, arising from separate incidents occurring within a three-year period.

6. Any person found to be operating a commercial motor vehicle while having any measurable alcohol concentration shall immediately be issued a continuous twenty-four-hour out-of-service order by a law enforcement officer in this state.

7. Any person who is convicted of operating a commercial motor vehicle beginning at the time of issuance of the out-of-service order until its expiration is guilty of a class A misdemeanor.

8. Any person convicted for the first time of driving while out of service shall be disqualified from driving a commercial motor vehicle in the manner prescribed in 49 CFR **[**Part**]** 383, or as amended by the Secretary.

9. Any person convicted of driving while out of service on a second occasion during any ten-year period, involving separate incidents, shall be disqualified in the manner prescribed in 49 CFR **[**Part**]** 383, or as amended by the Secretary.

10. Any person convicted of driving while out of service on a third or subsequent occasion during any ten-year period, involving separate incidents, shall be disqualified for a period of three years.

11. Any person convicted of a first violation of an out-of-service order while transporting hazardous materials or while operating a motor vehicle designed to transport sixteen or more passengers, including the driver, is disqualified for a period of one hundred eighty days.

12. Any person convicted of any subsequent violation of an out-of-service order in a separate incident within ten years after a previous violation, while transporting hazardous materials or while operating a motor vehicle designed to transport fifteen passengers, including the driver, is disqualified for a period of three years.

13. Any person convicted of any other offense as specified by regulations promulgated by the Secretary of Transportation shall be disqualified in accordance with such regulations.

14. After suspending, revoking, **[**cancelling**]** **canceling** or disqualifying a driver, the director shall update records to reflect such action and notify a nonresident's licensing authority and the commercial driver's license information system within ten days in the manner prescribed in 49 CFR **[**Part**]** 384, or as amended by the Secretary.

15. Any person disqualified from operating a commercial motor vehicle pursuant to subsection 1, 2, 3 or 4 of this section shall have such commercial driver's license **[**cancelled**]**

canceled, and upon conclusion of the period of disqualification shall take the written and driving tests and meet all other requirements of sections 302.700 to 302.780. Such disqualification and cancellation shall not be withdrawn by the director until such person reapplies for a commercial driver's license in this or any other state after meeting all requirements of sections 302.700 to 302.780.

16. The director shall disqualify a driver upon receipt of notification that the Secretary has determined a driver to be an imminent hazard pursuant to 49 CFR**[**, Part**]** 383.52. Due process of a disqualification determined by the Secretary pursuant to this section shall be held in accordance with regulations promulgated by the Secretary. The period of disqualification determined by the Secretary pursuant to this section shall be served concurrently to any other period of disqualification which may be imposed by the director pursuant to this section. Both disqualifications shall appear on the driving record of the driver.

17. The director shall disqualify a commercial license holder or operator of a commercial **motor** vehicle from operation of any commercial motor vehicle upon receipt of a conviction for an offense of failure to appear or pay, and such disqualification shall remain in effect until the director receives notice that the person has complied with the requirement to appear or pay.

18. The disqualification period must be in addition to any other previous periods of disqualification in the manner prescribed in 49 CFR 383, or as amended by the Secretary, except when the major or serious violations are a result of the same incident.

304.820. 1. Except as otherwise provided in this section, no person twenty-one years of age or younger operating a moving motor vehicle upon the highways of this state shall, by means of a hand-held electronic wireless communications device, send, read, or write a text message or electronic message.

2. **Except as otherwise provided in this section, no person shall operate a commercial motor vehicle while using a hand-held mobile telephone.**

3. Except as otherwise provided in this section, no person shall operate a commercial motor vehicle while using a wireless communications device to send, read, or write a text message or electronic message.

4. The provisions of subsection 1 **through subsection 3** of this section shall not apply to a person operating:

(1) An authorized emergency vehicle; or

(2) A moving motor vehicle while using a hand-held electronic wireless communications device to:

(a) Report illegal activity;

(b) Summon medical or other emergency help;

(c) Prevent injury to a person or property; or

18 (d) Relay information between a transit or for-hire operator and that operator's
19 dispatcher, in which the device is permanently affixed to the vehicle.
20 **[**3.**] 5.** Nothing in this section shall be construed or interpreted as prohibiting a person
21 from making or taking part in a telephone call, by means of a hand-held electronic wireless
22 communications device, while operating a **noncommercial** motor vehicle upon the highways of
23 this state.
24 **[**4.**] 6.** As used in this section, "electronic message" means a self-contained piece of
25 digital communication that is designed or intended to be transmitted between hand-held
26 electronic wireless communication devices. "Electronic message" includes, but is not limited
27 to, electronic mail, a text message, an instant message, or a command or request to access an
28 internet site.
29 **[**5.**] 7.** As used in this section, "hand-held electronic wireless communications device"
30 includes any hand-held cellular phone, palm pilot, blackberry, or other mobile electronic device
31 used to communicate verbally or by text or electronic messaging, but shall not apply to any
32 device that is permanently embedded into the architecture and design of the motor vehicle.
33 **[**6.**] 8.** As used in this section, "making or taking part in a telephone call" means listening
34 to or engaging in verbal communication through a hand-held electronic wireless communication
35 device.
36 **[**7.**] 9.** As used in this section, "send, read, or write a text message or electronic message"
37 means using a hand-held electronic wireless telecommunications device to manually
38 communicate with any person by using an electronic message. Sending, reading, or writing a
39 text message or electronic message does not include reading, selecting, or entering a phone
40 number or name into a hand-held electronic wireless communications device for the purpose of
41 making a telephone call.
42 **[**8.**] 10.** A violation of this section shall be deemed an infraction and shall be deemed a
43 moving violation for purposes of point assessment under section 302.302.
44 **[**9.**] 11.** The state preempts the field of regulating the use of hand-held electronic wireless
45 communications devices in motor vehicles, and the provisions of this section shall supercede any
46 local laws, ordinances, orders, rules, or regulations enacted by a county, municipality, or other
47 political subdivision to regulate the use of hand-held electronic wireless communication devices
48 by the operator of a motor vehicle.
49 **[**10.**] 12.** The provisions of this section shall not apply to:
50 (1) The operator of a vehicle that is lawfully parked or stopped;
51 (2) Any of the following while in the performance of their official duties: a law
52 enforcement officer; a member of a fire department; or the operator of a public or private
53 ambulance;

54 (3) The use of factory-installed or aftermarket global positioning systems (GPS) or
55 wireless communications devices used to transmit or receive data as part of a digital dispatch
56 system;
57 (4) The use of voice-operated technology;
58 (5) The use of two-way radio transmitters or receivers by a licensee of the Federal
59 Communications Commission in the Amateur Radio Service.

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