

SECOND REGULAR SESSION

# HOUSE BILL NO. 2336

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PETERS.

6083H.011

D. ADAM CRUMBLISS, Chief Clerk

## AN ACT

To repeal section 302.171, RSMo, and section 302.060 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, and to enact in lieu thereof three new sections relating to driver's licenses, with penalty provisions and an effective date.

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

Section A. Section 302.171, RSMo, and section 302.060 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, are repealed and three new sections enacted in lieu thereof, to be known as sections 302.060, 302.061, and 302.171, to read as follows:

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

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

(2) To any person who is under the age of sixteen years, **or to any person who is under eighteen years of age who fails to meet the qualifications of section 302.061**, except as [hereinafter] provided **by this section**;

(3) To any person whose license has been suspended, during such suspension, or to any person whose license has been revoked, until the expiration of one year after such license was revoked;

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

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

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

16 (7) To any person who has an unsatisfied judgment against such person, as defined in  
17 chapter 303, until such judgment has been satisfied or the financial responsibility of such person,  
18 as described in section [303.120] **303.020**, has been established;

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

23 (9) To any person who has been convicted more than twice of violating state law, or a  
24 county or municipal ordinance where the defendant was represented by or waived the right to an  
25 attorney in writing, relating to driving while intoxicated; except that, after the expiration of ten  
26 years from the date of conviction of the last offense of violating such law or ordinance relating  
27 to driving while intoxicated, a person who was so convicted may petition the circuit court of the  
28 county in which such last conviction was rendered and the court shall review the person's habits  
29 and conduct since such conviction, including the results of a criminal history check as defined  
30 in section 302.010. If the court finds that the petitioner has not been found guilty of, and has no  
31 pending charges for any offense related to alcohol, controlled substances or drugs and has no  
32 other alcohol-related enforcement contacts as defined in section 302.525 during the preceding  
33 ten years and that the petitioner's habits and conduct show such petitioner to no longer pose a  
34 threat to the public safety of this state, the court shall order the director to issue a license to the  
35 petitioner if the petitioner is otherwise qualified pursuant to the provisions of sections 302.010  
36 to 302.540. No person may obtain a license pursuant to the provisions of this subdivision  
37 through court action more than one time;

38 (10) To any person who has been found guilty of acting with criminal negligence while  
39 driving while intoxicated to cause the death of another person, or to any person who has been  
40 convicted twice within a five-year period of violating state law, county or municipal ordinance  
41 of driving while intoxicated, or any other intoxication-related traffic offense as defined in section  
42 577.001, except that, after the expiration of five years from the date of conviction of the last  
43 offense of violating such law or ordinance, a person who was so convicted may petition the  
44 circuit court of the county in which such last conviction was rendered and the court shall review  
45 the person's habits and conduct since such conviction, including the results of a criminal history  
46 check as defined in section 302.010. If the court finds that the petitioner has not been found  
47 guilty of, and has no pending charges for any offense related to alcohol, controlled substances,  
48 or drugs and has no other alcohol-related enforcement contacts as defined in section 302.525  
49 during the preceding five years, and that the petitioner's habits and conduct show such petitioner

50 to no longer pose a threat to the public safety of this state, the court shall order the director to  
51 issue a license to the petitioner if the petitioner is otherwise qualified pursuant to the provisions  
52 of sections 302.010 to 302.540;

53 (11) To any person who is otherwise disqualified pursuant to the provisions of this  
54 chapter, chapter 303, or section 544.046;

55 (12) To any person who is under the age of eighteen years, if such person's parents or  
56 legal guardians file a certified document with the department of revenue stating that the director  
57 shall not issue such person a driver's license. Each document filed by the person's parents or  
58 legal guardians shall be made upon a form furnished by the director and shall include identifying  
59 information of the person for whom the parents or legal guardians are denying the driver's  
60 license. The document shall also contain identifying information of the person's parents or legal  
61 guardians. The document shall be certified by the parents or legal guardians to be true and  
62 correct. This provision shall not apply to any person who is legally emancipated. The parents  
63 or legal guardians may later file an additional document with the department of revenue which  
64 reinstates the person's ability to receive a driver's license.

65 2. Any person whose license is reinstated under the provisions of subdivision (9) or (10)  
66 of subsection 1 of this section shall be required to file proof with the director of revenue that any  
67 motor vehicle operated by the person is equipped with a functioning, certified ignition interlock  
68 device as a required condition of reinstatement. The ignition interlock device required for  
69 reinstatement under this subsection and for obtaining a limited driving privilege under paragraph  
70 (a) or (b) of subdivision (8) of subsection 3 of section 302.309 shall have a photo identification  
71 technology feature, and a court may require a global positioning system feature for such device.  
72 The ignition interlock device shall further be required to be maintained on all motor vehicles  
73 operated by the person for a period of not less than six months immediately following the date  
74 of reinstatement. If the monthly monitoring reports show that the ignition interlock device has  
75 registered any confirmed blood alcohol concentration readings above the alcohol setpoint  
76 established by the department of transportation or that the person has tampered with or  
77 circumvented the ignition interlock device within the last three months of the six-month period  
78 of required installation of the ignition interlock device, then the period for which the person must  
79 maintain the ignition interlock device following the date of reinstatement shall be extended until  
80 the person has completed three consecutive months with no violations as described in this  
81 section. If the person fails to maintain such proof with the director, the license shall be  
82 suspended until proof as required by this section is filed with the director.

83 3. Any person who petitions the court for reinstatement of his or her license pursuant to  
84 subdivision (9) or (10) of subsection 1 of this section shall make application with the Missouri  
85 state highway patrol as provided in section 43.540, and shall submit two sets of fingerprints

86 collected pursuant to standards as determined by the highway patrol. One set of fingerprints  
87 shall be used by the highway patrol to search the criminal history repository and the second set  
88 shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal  
89 history files. At the time of application, the applicant shall supply to the highway patrol the court  
90 name and case number for the court where he or she has filed his or her petition for  
91 reinstatement. The applicant shall pay the fee for the state criminal history check pursuant to  
92 section 43.530 and pay the appropriate fee determined by the Federal Bureau of Investigation for  
93 the federal criminal history record. The Missouri highway patrol, upon receipt of the results of  
94 the criminal history check, shall forward a copy of the results to the circuit court designated by  
95 the applicant and to the department. Notwithstanding the provisions of section 610.120, all  
96 records related to any criminal history check shall be accessible and available to the director and  
97 the court.

**302.061. 1. The provisions of this section shall be known and may be cited as the**  
2 **"Show-Me Good Grades Act". In addition to the requirement of section 302.171, the**  
3 **director of revenue shall not accept any application by any applicant for an operator's**  
4 **license or a temporary permit issued under section 302.130 who is fifteen to eighteen years**  
5 **of age and whose name has been submitted to the department of revenue by a public school**  
6 **in accordance with subsection 2 of this section.**

7 **2. Each public school district shall provide to the department of revenue, at least**  
8 **one time for each semester of the school year, a list of the names of all students who are not**  
9 **in compliance with the standards for eligibility developed under the provisions of this**  
10 **section.**

11 **3. The department of elementary and secondary education shall develop a plan that**  
12 **includes, but is not limited to, elements that demonstrate effort on the student's part, such**  
13 **as attendance, and maintaining grades and achieving assessment scores consistent with**  
14 **their skills and abilities. The public school district shall ensure that students are aware of**  
15 **the department standards and provide multiple opportunities in the fifth grade year and**  
16 **subsequent years for students to receive information and participate in academic**  
17 **counseling in anticipation of meeting such standards. The department standards shall**  
18 **ensure that the student continues to make educational progress. The student shall be**  
19 **required to meet the standards in the academic year preceding such student's application**  
20 **for an operator's license or temporary permit. A student enrolled in public school who**  
21 **withdraws from public school and was not in compliance with the department standards**  
22 **for eligibility for an operator's license or temporary permit at the time of such withdrawal**  
23 **shall remain subject to the requirements of this section until such student demonstrates**  
24 **that department standards have been achieved.**

25           **4. If an applicant does not achieve the department standards, the applicant's**  
26 **driver's license test shall be postponed until the applicant demonstrates that the**  
27 **department standards have been achieved. The department's plan shall create methods**  
28 **for demonstrating, no less frequently than once a semester, that standards have been met.**  
29 **The department standards shall also include a method for evaluating students who transfer**  
30 **into a school district after the age of fourteen who may not initially meet the department**  
31 **standards to prevent undue delay for that student to qualify.**

32           **5. Any person who is an emancipated minor, as defined under section 302.171, who**  
33 **does not meet the qualifications prescribed in this section may request the school board of**  
34 **the school district in which such person resides to grant a waiver from the requirements**  
35 **of this section, and such waiver shall be granted if the school board determines that having**  
36 **a license to operate a motor vehicle is in the best interests of that person. In addition, any**  
37 **person who withdraws from school and earns a GED shall be granted, upon request, a**  
38 **waiver from the requirements of this section.**

39           **6. The department of elementary and secondary education, in cooperation with the**  
40 **department of revenue, shall promulgate a model or models for compliance with this**  
41 **section.**

42           **7. Any person who knowingly submits false information to the department under**  
43 **the provisions of this section is guilty of a class C misdemeanor.**

44           **8. Any rule or portion of a rule, as that term is defined in section 536.010, that is**  
45 **created under the authority delegated in this section shall become effective only if it**  
46 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**  
47 **section 536.028. This section and chapter 536 are nonseverable, and if any of the powers**  
48 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**  
49 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**  
50 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2016,**  
51 **shall be invalid and void.**

302.171. 1. The director shall verify that an applicant for a driver's license is a Missouri  
2 resident or national of the United States or a noncitizen with a lawful immigration status, and a  
3 Missouri resident before accepting the application. The director shall not issue a driver's license  
4 for a period that exceeds the duration of an applicant's lawful immigration status in the United  
5 States. The director may establish procedures to verify the Missouri residency or United States  
6 naturalization or lawful immigration status and Missouri residency of the applicant and establish  
7 the duration of any driver's license issued under this section. An application for a license shall  
8 be made upon an approved form furnished by the director. Every application shall state the full  
9 name, Social Security number, age, height, weight, color of eyes, sex, residence, mailing address

10 of the applicant, and the classification for which the applicant has been licensed, and, if so, when  
11 and by what state, and whether or not such license has ever been suspended, revoked, or  
12 disqualified, and, if revoked, suspended or disqualified, the date and reason for such suspension,  
13 revocation or disqualification and whether the applicant is making a one dollar donation to  
14 promote an organ donation program as prescribed in subsection 2 of this section. A driver's  
15 license, nondriver's license, or instruction permit issued under this chapter shall contain the  
16 applicant's legal name as it appears on a birth certificate or as legally changed through marriage  
17 or court order. No name change by common usage based on common law shall be permitted.  
18 The application shall also contain such information as the director may require to enable the  
19 director to determine the applicant's qualification for driving a motor vehicle; and shall state  
20 whether or not the applicant has been convicted in this or any other state for violating the laws  
21 of this or any other state or any ordinance of any municipality, relating to driving without a  
22 license, careless driving, or driving while intoxicated, or failing to stop after an accident and  
23 disclosing the applicant's identity, or driving a motor vehicle without the owner's consent. The  
24 application shall contain a certification by the applicant as to the truth of the facts stated therein.  
25 Every person who applies for a license to operate a motor vehicle who is less than twenty-one  
26 years of age shall be provided with educational materials relating to the hazards of driving while  
27 intoxicated, including information on penalties imposed by law for violation of the  
28 intoxication-related offenses of the state. Beginning January 1, 2001, if the applicant is less than  
29 eighteen years of age, the applicant must comply with all requirements for the issuance of an  
30 intermediate driver's license pursuant to section 302.178. **An applicant who is less than**  
31 **eighteen years of age and is not an emancipated minor shall meet the requirements of**  
32 **section 302.061 in order to receive a license issued under this chapter. As used in this**  
33 **section, the term "emancipated minor" is a person who is at least sixteen years of age, but**  
34 **less than eighteen years of age, who marries, enters active duty in the armed forces, or**  
35 **whom the custodial parent or legal guardian has relinquished from parental control by**  
36 **express or implied consent, and who through employment or other means provides for**  
37 **such person's own food, shelter, and other cost-of-living expenses.** For persons mobilized  
38 and deployed with the United States Armed Forces, an application under this subsection shall  
39 be considered satisfactory by the department of revenue if it is signed by a person who holds  
40 general power of attorney executed by the person deployed, provided the applicant meets all  
41 other requirements set by the director.

42         2. An applicant for a license may make a donation of one dollar to promote an organ  
43 donor program. The director of revenue shall collect the donations and deposit all such  
44 donations in the state treasury to the credit of the organ donor program fund established in  
45 sections 194.297 to 194.304. Moneys in the organ donor program fund shall be used solely for

46 the purposes established in sections 194.297 to 194.304 except that the department of revenue  
47 shall retain no more than one percent for its administrative costs. The donation prescribed in this  
48 subsection is voluntary and may be refused by the applicant for the license at the time of issuance  
49 or renewal of the license. The director shall make available an informational booklet or other  
50 informational sources on the importance of organ and tissue donations to applicants for licensure  
51 as designed by the organ donation advisory committee established in sections 194.297 to  
52 194.304. The director shall inquire of each applicant at the time the licensee presents the  
53 completed application to the director whether the applicant is interested in making the one dollar  
54 donation prescribed in this subsection and whether the applicant is interested in inclusion in the  
55 organ donor registry and shall also specifically inform the licensee of the ability to consent to  
56 organ donation by completing the form on the reverse of the license that the applicant will  
57 receive in the manner prescribed by subdivision (1) of subsection 1 of section 194.225. A  
58 symbol shall be placed on the front of the document indicating the applicant's desire to be listed  
59 in the registry. The director shall notify the department of health and senior services of  
60 information obtained from applicants who indicate to the director that they are interested in  
61 registry participation, and the department of health and senior services shall enter the complete  
62 name, address, date of birth, race, gender and a unique personal identifier in the registry  
63 established in subsection 1 of section 194.304.

64         3. An applicant for a license may make a donation of one dollar to promote a blindness  
65 education, screening and treatment program. The director of revenue shall collect the donations  
66 and deposit all such donations in the state treasury to the credit of the blindness education,  
67 screening and treatment program fund established in section 209.015. Moneys in the blindness  
68 education, screening and treatment program fund shall be used solely for the purposes  
69 established in section 209.015; except that the department of revenue shall retain no more than  
70 one percent for its administrative costs. The donation prescribed in this subsection is voluntary  
71 and may be refused by the applicant for the license at the time of issuance or renewal of the  
72 license. The director shall inquire of each applicant at the time the licensee presents the  
73 completed application to the director whether the applicant is interested in making the one dollar  
74 donation prescribed in this subsection.

75         4. Beginning July 1, 2005, the director shall deny the driving privilege of any person who  
76 commits fraud or deception during the examination process or who makes application for an  
77 instruction permit, driver's license, or nondriver's license which contains or is substantiated with  
78 false or fraudulent information or documentation, or who knowingly conceals a material fact or  
79 otherwise commits a fraud in any such application. The period of denial shall be one year from  
80 the effective date of the denial notice sent by the director. The denial shall become effective ten  
81 days after the date the denial notice is mailed to the person. The notice shall be mailed to the

82 person at the last known address shown on the person's driving record. The notice shall be  
83 deemed received three days after mailing unless returned by the postal authorities. No such  
84 individual shall reapply for a driver's examination, instruction permit, driver's license, or  
85 nondriver's license until the period of denial is completed. No individual who is denied the  
86 driving privilege under this section shall be eligible for a limited driving privilege issued under  
87 section 302.309.

88 5. All appeals of denials under this section shall be made as required by section 302.311.

89 6. The period of limitation for criminal prosecution under this section shall be extended  
90 under subdivision (1) of subsection 3 of section 556.036.

91 7. The director may promulgate rules and regulations necessary to administer and enforce  
92 this section. No rule or portion of a rule promulgated pursuant to the authority of this section  
93 shall become effective unless it has been promulgated pursuant to chapter 536.

94 8. Notwithstanding any provision of this chapter that requires an applicant to provide  
95 proof of Missouri residency for renewal of a noncommercial driver's license, noncommercial  
96 instruction permit, or nondriver's license, an applicant who is sixty-five years and older and who  
97 was previously issued a Missouri noncommercial driver's license, noncommercial instruction  
98 permit, or Missouri nondriver's license is exempt from showing proof of Missouri residency.

99 9. Notwithstanding any provision of this chapter, for the renewal of a noncommercial  
100 driver's license, noncommercial instruction permit, or nondriver's license, a photocopy of an  
101 applicant's United States birth certificate along with another form of identification approved by  
102 the department of revenue, including, but not limited to, United States military identification or  
103 United States military discharge papers, shall constitute sufficient proof of Missouri citizenship.

104 10. Notwithstanding any other provision of this chapter, if an applicant does not meet  
105 the requirements of subsection 8 of this section and does not have the required documents to  
106 prove Missouri residency, United States naturalization, or lawful immigration status, the  
107 department may issue a one-year driver's license renewal. This one-time renewal shall only be  
108 issued to an applicant who previously has held a Missouri noncommercial driver's license,  
109 noncommercial instruction permit, or nondriver's license for a period of fifteen years or more and  
110 who does not have the required documents to prove Missouri residency, United States  
111 naturalization, or lawful immigration status. After the expiration of the one-year period, no  
112 further renewal shall be provided without the applicant producing proof of Missouri residency,  
113 United States naturalization, or lawful immigration status.

Section B. Section A of this act shall become effective January 1, 2017.

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