

FIRST REGULAR SESSION

# HOUSE BILL NO. 320

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES DAY (Sponsor), JONES (117), McGHEE, MUNZLINGER, MEADOWS, WILSON (119), WRIGHT, SATER, KOMO, BIVINS, DOUGHERTY, WETER, LOEHNER, WALLACE, SCHAAF, SCHAD, WHORTON, FUNDERBURK, WELLS AND SANDER (Co-sponsors).

Read 1st time January 10, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

1033L.01I

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### AN ACT

To repeal sections 302.130 and 302.178, RSMo, and to enact in lieu thereof two new sections relating to driver's licenses, with penalty provisions

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

Section A. Sections 302.130 and 302.178, RSMo, are repealed and two new sections  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

302.130. 1. Any person at least fifteen years of age who, except for age or lack of  
2 instruction in operating a motor vehicle, would otherwise be qualified to obtain a license  
3 pursuant to sections 302.010 to 302.340 may apply for and the director shall issue a temporary  
4 instruction permit entitling the applicant, while having such permit in the applicant's immediate  
5 possession, to drive a motor vehicle of the appropriate class upon the highways for a period of  
6 twelve months, but any such person, except when operating a motorcycle or motortricycle, must  
7 be accompanied by a licensed operator for the type of motor vehicle being operated who is  
8 actually occupying a seat beside the driver for the purpose of giving instruction in driving the  
9 motor vehicle, who is at least twenty-one years of age, and in the case of any driver under sixteen  
10 years of age, the licensed operator occupying the seat beside the driver shall be a grandparent,  
11 parent, **other family member over the age of twenty-one**, guardian, a driver training instructor  
12 holding a valid driver education endorsement on a teaching certificate issued by the department  
13 of elementary and secondary education or a qualified instructor of a private drivers' education

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 program who has a valid driver's license. An applicant for a temporary instruction permit shall  
15 successfully complete a vision test and a test of the applicant's ability to understand highway  
16 signs which regulate, warn or direct traffic and practical knowledge of the traffic laws of this  
17 state, pursuant to section 302.173. In addition, beginning January 1, 2007, no permit shall be  
18 granted pursuant to this subsection unless a parent, **other family member over the age of**  
19 **twenty-one**, or legal guardian gives written permission by signing the application and in so  
20 signing, state they, or their designee as set forth in subsection 2 of this section, will provide a  
21 minimum of forty hours of behind-the-wheel driving instruction, including a minimum of ten  
22 hours of behind-the-wheel driving instruction that occurs during the nighttime hours falling  
23 between sunset and sunrise. The forty hours of behind-the-wheel driving instruction that is  
24 completed pursuant to this subsection may include any time that the holder of an instruction  
25 permit has spent operating a motor vehicle in a driver training program taught by a driver  
26 training instructor holding a valid driver education endorsement on a teaching certificate issued  
27 by the department of elementary and secondary education or by a qualified instructor of a private  
28 drivers' education program. If the applicant for a permit is enrolled in a federal residential job  
29 training program, the instructor, as defined in subsection 5 of this section, is authorized to sign  
30 the application stating that the applicant will receive the behind-the-wheel driving instruction  
31 required by this section.

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

45         3. The director, upon proper application on a form prescribed by the director, in his or  
46 her discretion, may issue a restricted instruction permit effective for a school year or more  
47 restricted period to an applicant who is enrolled in a high school driver training program taught  
48 by a driver training instructor holding a valid driver education endorsement on a teaching  
49 certificate issued by the state department of elementary and secondary education even though the

50 applicant has not reached the age of sixteen years but has passed the age of fifteen years. Such  
51 instruction permit shall entitle the applicant, when the applicant has such permit in his or her  
52 immediate possession, to operate a motor vehicle on the highways, but only when a driver  
53 training instructor holding a valid driver education endorsement on a teaching certificate issued  
54 by the state department of elementary and secondary education is occupying a seat beside the  
55 driver.

56 4. The director, in his or her discretion, may issue a temporary driver's permit to an  
57 applicant who is otherwise qualified for a license permitting the applicant to operate a motor  
58 vehicle while the director is completing the director's investigation and determination of all facts  
59 relative to such applicant's rights to receive a license. Such permit must be in the applicant's  
60 immediate possession while operating a motor vehicle, and it shall be invalid when the  
61 applicant's license has been issued or for good cause has been refused.

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

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

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

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

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

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

- 8 (1) Successfully complete the examination required by section 302.173;
- 9 (2) Pay the fee required by subsection 4 of this section;
- 10 (3) Have had a temporary instruction permit issued pursuant to subsection 1 of section  
11 302.130 for at least a six-month period or a valid license from another state; and
- 12 (4) Have a parent, grandparent, **other family member over the age of twenty-one**, legal  
13 guardian, or, if the applicant is a participant in a federal residential job training program, a  
14 driving instructor employed by a federal residential job training program, sign the application  
15 stating that the applicant has completed at least forty hours of supervised driving experience  
16 under a temporary instruction permit issued pursuant to subsection 1 of section 302.130, or, if  
17 the applicant is an emancipated minor, the person over twenty-one years of age who supervised  
18 such driving. For purposes of this section, the term "emancipated minor" means a person who  
19 is at least sixteen years of age, but less than eighteen years of age, who:
  - 20 (a) Marries with the consent of the legal custodial parent or legal guardian pursuant to  
21 section 451.080, RSMo;
  - 22 (b) Has been declared emancipated by a court of competent jurisdiction;
  - 23 (c) Enters active duty in the armed forces;
  - 24 (d) Has written consent to the emancipation from the custodial parent or legal guardian;
  - 25 or
  - 26 (e) Through employment or other means provides for such person's own food, shelter  
27 and other cost-of-living expenses;
- 28 (5) Have had no alcohol-related enforcement contacts as defined in section 302.525  
29 during the preceding twelve months; and
- 30 (6) Have no nonalcoholic traffic convictions for which points are assessed pursuant to  
31 section 302.302, within the preceding six months.

32 2. An intermediate driver's license grants the licensee the same privileges to operate that  
33 classification of motor vehicle as a license issued pursuant to section 302.177, except that no  
34 person shall operate a motor vehicle on the highways of this state under such an intermediate

35 driver's license between the hours of 1:00 a.m. and 5:00 a.m. unless accompanied by a person  
36 described in subsection 1 of section 302.130; except the licensee may operate a motor vehicle  
37 without being accompanied if the travel is to or from a school or educational program or activity,  
38 a regular place of employment or in emergency situations as defined by the director by  
39 regulation.

40         3. Each intermediate driver's license shall be restricted by requiring that the driver and  
41 all passengers in the licensee's vehicle wear safety belts at all times. This safety belt restriction  
42 shall not apply to a person operating a motorcycle. For the first six months after issuance of the  
43 intermediate driver's license, the holder of the license shall not operate a motor vehicle with more  
44 than one passenger who is under the age of nineteen who is not a member of the holder's  
45 immediate family. As used in this subsection, an intermediate driver's license holder's immediate  
46 family shall include brothers, sisters, stepbrothers or stepsisters of the driver, including adopted  
47 or foster children residing in the same household of the intermediate driver's license holder.  
48 After the expiration of the first six months, the holder of an intermediate driver's license shall  
49 not operate a motor vehicle with more than three passengers who are under nineteen years of age  
50 and who are not members of the holder's immediate family. The passenger restrictions of this  
51 subsection shall not be applicable to any intermediate driver's license holder who is operating  
52 a motor vehicle being used in agricultural work-related activities.

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

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

60         6. (1) An intermediate driver's licensee who has, for the preceding twelve-month period,  
61 had no alcohol-related enforcement contacts, as defined in section 302.525 and no traffic  
62 convictions for which points are assessed, upon reaching the age of eighteen years or within the  
63 thirty days immediately preceding their eighteenth birthday may apply for and receive without  
64 further examination, other than a vision test as prescribed by section 302.173, a license issued  
65 pursuant to this chapter granting full driving privileges. Such person shall pay the required fee  
66 for such license as prescribed in section 302.177.

67         (2) If an intermediate driver's license expires on a Saturday, Sunday, or legal holiday,  
68 such license shall remain valid for the five business days immediately following the expiration  
69 date. In no case shall a licensee whose intermediate driver's license expires on a Saturday,  
70 Sunday, or legal holiday be guilty of an offense of driving with an expired or invalid driver's

71 license if such offense occurred within five business days immediately following an expiration  
72 date that occurs on a Saturday, Sunday, or legal holiday.

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

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

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

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

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

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