

HCS#2 HB 1155 -- TRANSPORTATION

SPONSOR: Denison

COMMITTEE ACTION: Voted "do pass - federal mandate" by the Committee on Transportation by a vote of 11 to 0.

This substitute changes the laws regarding limited driving privileges and commercial driver's licenses. In its main provisions, the substitute:

(1) Removes the provisions allowing the issuance of limited driving privileges to a repeat driving while intoxicated offender for the purpose of seeking medical treatment or for any other circumstance that the court or department director finds would create an undue hardship if not allowed but specifies that it can be used for driving to or from the person's place of employment, attending school, attending an alcohol or drug treatment program, or seeking the services of a certified ignition interlock device provider. The substitute specifies that certain repeat offenders will not be eligible for limited driving privileges until they have completed the first 30 days of a suspension or 45 days of a revocation;

(2) Requires a prior offender of an intoxication-related offense to perform at least 30 days of community service and a persistent offender of intoxication-related offenses to perform at least 60 days of community service before he or she is eligible for parole or probation;

(3) Specifies that a commercial motor vehicle operator or a holder of a commercial driver's license will not be eligible to have a suspension for failure to appear removed from his or her driving record. Currently, if a person fails to timely dispose of a traffic ticket, the court will notify the Director of the Department of Revenue of the fact and the department director must suspend the offender's driver's license until the person pays the fines and applicable court costs. Upon proof of disposition of the charges and payment of a reinstatement fee, the department director must return the license and remove the suspension from the person's driver's record;

(4) Specifies that a person will be disqualified for a commercial driver's license for any withdrawal of his or her privilege to drive a commercial vehicle by the countries of Canada or Mexico as the result of certain specified motor vehicle violations;

(5) Requires an applicant for a commercial driver's license or commercial driver's instruction permit to comply with the

requirements of the Federal Motor Carrier Safety Administration by certifying that he or she is:

(a) A driver operating or expecting to operate in interstate or foreign commerce or is otherwise subject to and meets federal rules and is required to obtain a medical examiner's certificate;

(b) A driver operating or expecting to operate entirely in interstate commerce that is exempt from federal law and not required to obtain a medical examiner's certificate;

(c) A driver operating only in intrastate commerce and is subject to Missouri driver qualifications; or

(d) A driver operating or expecting to operate only in intrastate commerce and engaging only in operations exempt from all Missouri driver qualification requirements; and

(6) Specifies that an applicant certifying to operation in nonexempt commerce must provide the state with a current medical examiner's certificate or a certificate accompanied by a medical variance or waiver. The bill specifies the certification process. A person who falsifies any information in an application for or an update of medical certification status information cannot be licensed to operate a commercial vehicle or his or her commercial driver's license must be canceled for a period of one year after the department director discovers the falsification.

The provisions of the substitute will become effective on the date the Director of the Department of Revenue begins accepting medical certifications or on May 1, 2013, whichever occurs first.

FISCAL NOTE: Estimated Net Cost on General Revenue Fund of Up to \$17,040 in FY 2013, \$0 in FY 2014, and \$0 in FY 2015. No impact on Other State Funds in FY 2013, FY 2014, and FY 2015.

PROPOSERS: Supporters say that the bill is necessary to bring Missouri into compliance with federal requirements.

Testifying for the bill were Representative Denison; Department of Transportation; Department of Revenue; and Missouri Trucking Association.

OPPOSERS: There was no opposition voiced to the committee.