

FIRST REGULAR SESSION

HOUSE BILL NO. 661

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE RUTH.

1581H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 302.755, RSMo, and to enact in lieu thereof one new section relating to the operation of a commercial motor vehicle, with penalty provisions.

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

Section A. Section 302.755, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 302.755, to read as follows:

302.755. 1. A person is disqualified from driving a commercial motor vehicle for a period of not less than one year if convicted of a first violation of:

(1) Driving a motor vehicle under the influence of alcohol or a controlled substance, or of an alcohol-related enforcement contact as defined in subsection 3 of section 302.525;

(2) Driving a commercial motor vehicle which causes a fatality through the negligent operation of the commercial motor vehicle, including but not limited to the offenses of vehicular manslaughter, homicide by motor vehicle, and negligent homicide;

(3) Driving a commercial motor vehicle while revoked pursuant to section 302.727;

(4) Leaving the scene of an accident involving a commercial or noncommercial motor vehicle operated by the person;

(5) Using a commercial or noncommercial motor vehicle in the commission of any felony, as defined in section 302.700, except a felony as provided in subsection 4 of this section.

2. If any of the violations described in subsection 1 of this section occur while transporting a hazardous material the person is disqualified for a period of not less than three years.

3. Any person is disqualified from operating a commercial motor vehicle for life if convicted of two or more violations of any of the offenses specified in subsection 1 of this

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.

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, under which a disqualification for life under this section may be reduced to a period
21 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
24 manufacture, distribution, or dispensing of a controlled substance, or possession with intent to
25 manufacture, distribute, or dispense a controlled substance.

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

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

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

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

39 9. Any person convicted of driving while out of service on a second occasion during any
40 ten-year period, involving separate incidents, shall be disqualified in the manner prescribed in
41 49 CFR 383, or as amended by the Secretary.

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

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

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

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

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

58 15. Any person disqualified from operating a commercial motor vehicle pursuant to
59 subsection 1, 2, 3 or 4 of this section shall have such commercial driver's license cancelled, and
60 upon conclusion of the period of disqualification shall take the written and driving tests and meet
61 all other requirements of sections 302.700 to 302.780. Such disqualification and cancellation
62 shall not be withdrawn by the director until such person reapplies for a commercial driver's
63 license in this or any other state after meeting all requirements of sections 302.700 to 302.780.

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

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

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

78 **19. Any person is disqualified from driving a commercial motor vehicle for life if**
79 **convicted of using a commercial motor vehicle in the commission of a felony involving an**
80 **act or practice of severe forms of trafficking in persons, as defined in 22 U.S.C. Section**
81 **7102 (11). A disqualification for life under this subsection shall not be reduced.**

✓