

SECOND REGULAR SESSION

# HOUSE BILL NO. 2268

102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE VOSS.

4919H.011

DANA RADEMAN MILLER, Chief Clerk

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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 new drivers, with a penalty provision.

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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Section A. Sections 302.130 and 302.178, RSMo, are repealed and two new sections  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  
4 temporary instruction permit entitling the applicant, while having such permit in the  
5 applicant's immediate possession, to drive a motor vehicle of the appropriate class upon the  
6 highways for a period of twelve months, but any such person, except when operating a  
7 motorcycle or motortricycle, must be accompanied by a licensed operator for the type of  
8 motor vehicle being operated who is actually occupying a seat beside the driver for the  
9 purpose of giving instruction in driving the motor vehicle, who is at least twenty-one years of  
10 age, and in the case of any driver under sixteen years of age, the licensed operator occupying  
11 the seat beside the driver shall be a grandparent, parent, guardian, a person who is at least  
12 twenty-five years of age who has been licensed for a minimum of three years and has received  
13 written permission from the parent or legal guardian to escort or accompany the driver, a  
14 driver training instructor holding a valid driver education endorsement on a teaching  
15 certificate issued by the department of elementary and secondary education or a qualified  
16 instructor of a private drivers' education program who has a valid driver's license. **Any**  
17 **person occupying a seat beside a driver as required under this subsection shall not be**

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

36 2. In the event the parent, grandparent or guardian of the person under sixteen years  
37 of age has a physical disability which prohibits or disqualifies said parent, grandparent or  
38 guardian from being a qualified licensed operator pursuant to this section, said parent,  
39 grandparent or guardian may designate a maximum of two individuals authorized to  
40 accompany the applicant for the purpose of giving instruction in driving the motor vehicle.  
41 An authorized designee must be a licensed operator for the type of motor vehicle being  
42 operated and have attained twenty-one years of age. At least one of the designees must  
43 occupy the seat beside the applicant while giving instruction in driving the motor vehicle.  
44 **Any person occupying a seat beside a driver as required under this subsection shall not**  
45 **be under the influence of alcohol, controlled substances, or marijuana.** The name of the  
46 authorized designees must be provided to the department of revenue by the parent,  
47 grandparent or guardian at the time of application for the temporary instruction permit. The  
48 name of each authorized designee shall be printed on the temporary instruction permit,  
49 however, the director may delay the time at which permits are printed bearing such names  
50 until the inventories of blank permits and related forms existing on August 28, 1998, are  
51 exhausted.

52 3. The director, upon proper application on a form prescribed by the director, in his or  
53 her discretion, may issue a restricted instruction permit effective for a school year or more  
54 restricted period to an applicant who is enrolled in a high school driver training program

55 taught by a driver training instructor holding a valid driver education endorsement on a  
56 teaching certificate issued by the state department of elementary and secondary education  
57 even though the applicant has not reached the age of sixteen years but has passed the age of  
58 fifteen years. Such instruction permit shall entitle the applicant, when the applicant has such  
59 permit in his or her immediate possession, to operate a motor vehicle on the highways, but  
60 only when a driver training instructor holding a valid driver education endorsement on a  
61 teaching certificate issued by the state department of elementary and secondary education is  
62 occupying a seat beside the driver.

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

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

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

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

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

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

          302.178. 1. Any person between the ages of sixteen and eighteen years who is  
2 qualified to obtain a license pursuant to sections 302.010 to 302.340 may apply for, and the  
3 director shall issue, an intermediate driver's license entitling the applicant, while having such  
4 license in his or her possession, to operate a motor vehicle of the appropriate class upon the  
5 highways of this state in conjunction with the requirements of this section. An intermediate  
6 driver's license shall be readily distinguishable from a license issued to those over the age of  
7 eighteen. All applicants for 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  
11 section 302.130 for at least a six-month period or a valid license from another state; and
- 12          (4) Have a parent, grandparent, legal guardian, or, if the applicant is a participant in a  
13 federal residential job training program, a driving instructor employed by a federal residential  
14 job training program, sign the application stating that the applicant has completed at least  
15 forty hours of supervised driving experience under a temporary instruction permit issued  
16 pursuant to subsection 1 of section 302.130, or, if the applicant is an emancipated minor, the  
17 person over twenty-one years of age who supervised such driving. For purposes of this  
18 section, the term "emancipated minor" means a person who is at least sixteen years of age, but  
19 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;
  - 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  
25 guardian; 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  
33 that classification of motor vehicle as a license issued pursuant to section 302.177, except that  
34 no person shall operate a motor vehicle on the highways of this state under such an  
35 intermediate driver's license between the hours of 1:00 a.m. and 5:00 a.m. unless

36 accompanied by a person described in subsection 1 of section 302.130; except the licensee  
37 may operate a motor vehicle without being accompanied if the travel is to or from a school or  
38 educational program or activity, a regular place of employment or in emergency situations as  
39 defined by the director by regulation. **Any person accompanying a driver as required**  
40 **under this subsection shall not be under the influence of alcohol, controlled substances,**  
41 **or marijuana.**

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

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

59 5. Any intermediate driver's licensee accumulating six or more points in a twelve-  
60 month period may be required to participate in and successfully complete a driver-  
61 improvement program approved by the state highways and transportation commission. The  
62 driver-improvement program ordered by the director of revenue shall not be used in lieu of  
63 point assessment.

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

71 (2) If an intermediate driver's license expires on a Saturday, Sunday, or legal holiday,  
72 such license shall remain valid for the five business days immediately following the

73 expiration date. In no case shall a licensee whose intermediate driver's license expires on a  
74 Saturday, Sunday, or legal holiday be guilty of an offense of driving with an expired or invalid  
75 driver's license if such offense occurred within five business days immediately following an  
76 expiration date that occurs on a Saturday, Sunday, or legal holiday.

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

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

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

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

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

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