HOUSE BILL NO. 2304

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KNIGHT.

AN ACT

To amend chapter 302, RSMo, by adding thereto one new section relating to commercial driving privileges.

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

Section A. Chapter 302, RSMo, is amended by adding thereto one new section, to be
2 known as section 302.850, to read as follows:

302.850. 1. In addition to the requirements of sections 302.700 to 302.780, at the
2 **time of application for any commercial driver's license or commercial driver's**
3 **instruction permit, the department of revenue shall access the Federal Motor Carrier**
4 **Safety Administration's Drug and Alcohol Clearinghouse to verify the applicant's**
5 **eligibility for issuance under 49 CFR Part 382 and 49 CFR Part 383. If the response or**
6 **notification from the Drug and Alcohol Clearinghouse indicates the applicant is**
7 **prohibited from operating a commercial motor vehicle under 49 CFR 382.501(a), the**
8 **department shall deny the issuance of the commercial driver's license or commercial**
9 **driver's instruction permit.**
10 **2. (1) Upon receiving notification from the Drug and Alcohol Clearinghouse**
11 **under 49 CFR 382.501(a) that a Missouri commercial driver's license holder or**
12 **commercial driver's instruction permit holder is prohibited from operating a**
13 **commercial motor vehicle, the department shall downgrade the driver's license or**
14 **instruction permit. Such downgrade action shall be taken and recorded on the person's**
15 **Commercial Driver's License Information System (CDLIS) driver record within sixty**
16 **days of the receipt of such notification from the clearinghouse.**

17   **(2) If, before the effective date of the downgrade under subdivision (1) of this**
18 **subsection, the department receives notification under 49 CFR 382.503(a) that the**
19 **commercial driver's license holder or commercial driver's instruction permit holder is**
20 **no longer prohibited from operating a commercial motor vehicle, the state shall**
21 **terminate the downgrade without removing the person's commercial driving privilege.**
22   **(3) If, after downgrade has occurred, the department receives notification under**
23 **49 CFR 383.503(a) that the driver is no longer prohibited from operating a commercial**
24 **motor vehicle, the department shall allow reinstatement of the commercial driver's**
25 **license or commercial driver's instruction permit.**
26   **(4) If the downgrade action taken under this section has been taken and updated**
27 **on the CDLIS driver record and the department receives notice from the Federal Motor**
28 **Carrier Safety Administration that the driver was erroneously identified as prohibited**
29 **from operating a commercial motor vehicle, the department shall:**
30   **(a) Reinstate the person's commercial driving privilege; and**
31   **(b) Expunge the downgrade action from the CDLIS driver record.**
32   **3.   No driver holding a commercial driver's license or commercial driver's**
33 **instruction permit shall operate a commercial motor vehicle if prohibited by 49 CFR**
34 **382.501(a).**
35   **4. The director of revenue may promulgate all necessary rules and regulations**
36 **for the administration of this section. Any rule or portion of a rule, as that term is**
37 **defined in section 536.010, that is created under the authority delegated in this section**
38 **shall become effective only if it complies with and is subject to all of the provisions of**
39 **chapter 536 and, if applicable, section 536.028. This section and chapter 536 are**
40 **nonseverable and if any of the powers vested with the general assembly pursuant to**
41 **chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are**
42 **subsequently held unconstitutional, then the grant of rulemaking authority and any rule**
43 **proposed or adopted after August 28, 2024, shall be invalid and void.**

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