

SECOND REGULAR SESSION

# HOUSE BILL NO. 2497

## 99TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE REIBOLDT.

6447H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 302.170, 302.173, and 302.720, RSMo, and to enact in lieu thereof three new sections relating to licensure to operate motor vehicles, with penalty provisions.

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

Section A. Sections 302.170, 302.173, and 302.720, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 302.170, 302.173, and 302.720, to read as follows:

302.170. 1. As used in this section, the following terms shall mean:

(1) "Biometric data", shall include, but not be limited to, the following:

(a) Facial feature pattern characteristics;

(b) Voice data used for comparing live speech with a previously created speech model of a person's voice;

(c) Iris recognition data containing color or texture patterns or codes;

(d) Retinal scans, reading through the pupil to measure blood vessels lining the retina;

(e) Fingerprint, palm prints, hand geometry, measure of any and all characteristics of biometric information, including shape and length of fingertips, or recording ridge pattern or fingertip characteristics;

(f) Eye spacing;

(g) Characteristic gait or walk;

(h) DNA;

(i) Keystroke dynamic, measuring pressure applied to key pads or other digital receiving devices;

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.

16 (2) "Commercial purposes", shall not include data used or compiled solely to be used  
17 for, or obtained or compiled solely for purposes expressly allowed under Missouri law or the  
18 federal Drivers Privacy Protection Act;

19 (3) "Source documents", original or certified copies, where applicable, of documents  
20 presented by an applicant as required under 6 CFR Part 37 to the department of revenue to apply  
21 for a driver's license or nondriver's license. Source documents shall also include any documents  
22 required for the issuance of driver's licenses or nondriver's licenses by the department of revenue  
23 under the provisions of this chapter or accompanying regulations.

24 2. Except as provided in subsection 3 of this section and as required to carry out the  
25 provisions of subsection 4 of this section, the department of revenue shall not retain copies, in  
26 any format, of source documents presented by individuals applying for or holding driver's  
27 licenses or nondriver's licenses or use technology to capture digital images of source documents  
28 so that the images are capable of being retained in electronic storage in a transferable format.  
29 Documents retained as provided or required by subsections 3 and 4 of this section shall be stored  
30 solely on a system not connected to the internet nor to a wide area network that connects to the  
31 internet. Once stored on such system, the documents and data shall be purged from any systems  
32 on which they were previously stored so as to make them irretrievable.

33 3. The provisions of this section shall not apply to:

34 (1) Original application forms, which may be retained but not scanned except as  
35 provided in this section;

36 (2) Test score documents issued by state highway patrol driver examiners;

37 (3) Documents demonstrating lawful presence of any applicant who is not a citizen of  
38 the United States, including documents demonstrating duration of the person's lawful presence  
39 in the United States;

40 (4) Any document required to be retained under federal motor carrier regulations in Title  
41 49, Code of Federal Regulations, including but not limited to documents required by federal law  
42 for the issuance of a commercial driver's license and a commercial driver instruction permit;  
43 ~~and~~

44 (5) **Documents submitted by a commercial driver's license applicant who is a**  
45 **Missouri resident and is active duty military or a veteran, as "veteran" is defined in 38**  
46 **U.S.C. 101, which allow for waiver of the commercial driver's license knowledge test, skills**  
47 **test, or both; and**

48 (6) Any other document at the request of and for the convenience of the applicant where  
49 the applicant requests the department of revenue review alternative documents as proof required  
50 for issuance of a driver's license, nondriver's license, or instruction permit.

51           4. (1) To the extent not prohibited under subsection 13 of this section, the department  
52 of revenue shall amend procedures for applying for a driver's license or identification card in  
53 order to comply with the goals or standards of the federal REAL ID Act of 2005, any rules or  
54 regulations promulgated under the authority granted in such Act, or any requirements adopted  
55 by the American Association of Motor Vehicle Administrators for furtherance of the Act, unless  
56 such action conflicts with Missouri law.

57           (2) The department of revenue shall issue driver's licenses or identification cards that are  
58 compliant with the federal REAL ID Act of 2005, as amended, to all applicants for driver's  
59 licenses or identification cards unless an applicant requests a driver's license or identification  
60 card that is not REAL ID compliant. Except as provided in subsection 3 of this section and as  
61 required to carry out the provisions of this subsection, the department of revenue shall not retain  
62 the source documents of individuals applying for driver's licenses or identification cards not  
63 compliant with REAL ID. Upon initial application for a driver's license or identification card,  
64 the department shall inform applicants of the option of being issued a REAL ID compliant  
65 driver's license or identification card or a driver's license or identification card that is not  
66 compliant with REAL ID. The department shall inform all applicants:

67           (a) With regard to the REAL ID compliant driver's license or identification card:

68           a. Such card is valid for official state purposes and for official federal purposes as  
69 outlined in the federal REAL ID Act of 2005, as amended, such as domestic air travel and  
70 seeking access to military bases and most federal facilities;

71           b. Electronic copies of source documents will be retained by the department and  
72 destroyed after the minimum time required for retention by the federal REAL ID Act of 2005,  
73 as amended;

74           c. The facial image capture will only be retained by the department if the application is  
75 finished and submitted to the department; and

76           d. Any other information the department deems necessary to inform the applicant about  
77 the REAL ID compliant driver's license or identification card under the federal REAL ID Act;

78           (b) With regard to a driver's license or identification card that is not compliant with the  
79 federal REAL ID Act:

80           a. Such card is valid for official state purposes, but it is not valid for official federal  
81 purposes as outlined in the federal REAL ID Act of 2005, as amended, such as domestic air  
82 travel and seeking access to military bases and most federal facilities;

83           b. Source documents will be verified but no copies of such documents will be retained  
84 by the department unless permitted under subsection 3 of this section, except as necessary to  
85 process a request by a license or card holder or applicant;

86 c. Any other information the department deems necessary to inform the applicant about  
87 the driver's license or identification card.

88 5. The department of revenue shall not use, collect, obtain, share, or retain biometric data  
89 nor shall the department use biometric technology to produce a driver's license or nondriver's  
90 license or to uniquely identify licensees or license applicants. This subsection shall not apply  
91 to digital images nor licensee signatures required for the issuance of driver's licenses and  
92 nondriver's licenses or to biometric data collected from employees of the department of revenue,  
93 employees of the office of administration who provide information technology support to the  
94 department of revenue, contracted license offices, and contracted manufacturers engaged in the  
95 production, processing, or manufacture of driver's licenses or identification cards in positions  
96 which require a background check in order to be compliant with the federal REAL ID Act or any  
97 rules or regulations promulgated under the authority of such Act. Except as otherwise provided  
98 by law, applicants' source documents and Social Security numbers shall not be stored in any  
99 database accessible by any other state or the federal government. Such database shall contain  
100 only the data fields included on driver's licenses and nondriver identification cards compliant  
101 with the federal REAL ID Act, and the driving records of the individuals holding such driver's  
102 licenses and nondriver identification cards.

103 6. Notwithstanding any provision of this chapter that requires an applicant to provide  
104 reasonable proof of lawful presence for issuance or renewal of a noncommercial driver's license,  
105 noncommercial instruction permit, or a nondriver's license, an applicant shall not have his or her  
106 privacy rights violated in order to obtain or renew a Missouri noncommercial driver's license,  
107 noncommercial instruction permit, or a nondriver's license.

108 7. No citizen of this state shall have his or her privacy compromised by the state or  
109 agents of the state. The state shall within reason protect the sovereignty of the citizens the state  
110 is entrusted to protect. Any data derived from a person's application shall not be sold for  
111 commercial purposes to any other organization or any other state without the express permission  
112 of the applicant without a court order; except such information may be shared with a law  
113 enforcement agency, judge, prosecuting attorney, or officer of the court, or with another state for  
114 the limited purposes set out in section 302.600, or for the purposes set forth in section 32.091,  
115 or for conducting driver history checks in compliance with the Motor Carrier Safety  
116 Improvement Act, 49 U.S.C. Section 31309. The state of Missouri shall protect the privacy of  
117 its citizens when handling any written, digital, or electronic data, and shall not participate in any  
118 standardized identification system using driver's and nondriver's license records except as  
119 provided in this section.

120 8. Other than to process a request by a license or card holder or applicant, no person shall  
121 access, distribute, or allow access to or distribution of any written, digital, or electronic data

122 collected or retained under this section without the express permission of the applicant or a court  
123 order, except that such information may be shared with a law enforcement agency, judge,  
124 prosecuting attorney, or officer of the court, or with another state for the limited purposes set out  
125 in section 302.600 or for conducting driver history checks in compliance with the Motor Carrier  
126 Safety Improvement Act, 49 U.S.C. Section 31309. A first violation of this subsection shall be  
127 a class A misdemeanor. A second violation of this subsection shall be a class E felony. A third  
128 or subsequent violation of this subsection shall be a class D felony.

129         9. Any person harmed or damaged by any violation of this section may bring a civil  
130 action for damages, including noneconomic and punitive damages, as well as injunctive relief,  
131 in the circuit court where that person resided at the time of the violation or in the circuit court  
132 of Cole County to recover such damages from the department of revenue and any persons  
133 participating in such violation. Sovereign immunity shall not be available as a defense for the  
134 department of revenue in such an action. In the event the plaintiff prevails on any count of his  
135 or her claim, the plaintiff shall be entitled to recover reasonable attorney fees from the  
136 defendants.

137         10. The department of revenue may promulgate rules necessary to implement the  
138 provisions of this section. Any rule or portion of a rule, as that term is defined in section  
139 536.010, that is created under the authority delegated in this section shall become effective only  
140 if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section  
141 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the  
142 general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove  
143 and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority  
144 and any rule proposed or adopted after August 28, 2017, shall be invalid and void.

145         11. Biometric data, digital images, source documents, and licensee signatures, or any  
146 copies of the same, required to be collected or retained to comply with the requirements of the  
147 federal REAL ID Act of 2005 shall be retained for no longer than the minimum duration required  
148 to maintain compliance, and immediately thereafter shall be securely destroyed so as to make  
149 them irretrievable.

150         12. No agency, department, or official of this state or of any political subdivision thereof  
151 shall use, collect, obtain, share, or retain radio frequency identification data from a REAL ID  
152 compliant driver's license or identification card issued by a state, nor use the same to uniquely  
153 identify any individual.

154         13. Notwithstanding any provision of law to the contrary, the department of revenue  
155 shall not amend procedures for applying for a driver's license or identification card, nor  
156 promulgate any rule or regulation, for purposes of complying with modifications made to the  
157 federal REAL ID Act of 2005 after August 28, 2017, imposing additional requirements on

158 applications, document retention, or issuance of compliant licenses or cards, including any rules  
159 or regulations promulgated under the authority granted under the federal REAL ID Act of 2005,  
160 as amended, or any requirements adopted by the American Association of Motor Vehicle  
161 Administrators for furtherance thereof.

162 14. If the federal REAL ID Act of 2005 is modified or repealed such that driver's licenses  
163 and identification cards issued by this state that are not compliant with the federal REAL ID Act  
164 of 2005 are once again sufficient for federal identification purposes, the department shall not  
165 issue a driver's license or identification card that complies with the federal REAL ID Act of 2005  
166 and shall securely destroy, within thirty days, any source documents retained by the department  
167 for the purpose of compliance with such Act.

168 15. The provisions of this section shall expire five years after August 28, 2017.

302.173. 1. Any applicant for a license, who does not possess a valid license issued  
2 pursuant to the laws of this state, another state, or a country which has a reciprocal agreement  
3 with the state of Missouri regarding the exchange of licenses pursuant to section 302.172 shall  
4 be examined as herein provided. Any person who has failed to renew such person's license on  
5 or before the date of its expiration or within six months thereafter must take the complete  
6 examination. Any active member of the Armed Forces, their adult dependents or any active  
7 member of the Peace Corps may apply for a renewal license without examination of any kind,  
8 unless otherwise required by sections 302.700 to 302.780, provided the renewal application  
9 shows that the previous license had not been suspended or revoked. Any person honorably  
10 discharged from the Armed Forces of the United States who held a valid license prior to being  
11 inducted may apply for a renewal license within sixty days after such person's honorable  
12 discharge without submitting to any examination of such person's ability to safely operate a  
13 motor vehicle over the highways of this state unless otherwise required by sections 302.700 to  
14 302.780, other than the vision test provided in section 302.175, unless the facts set out in the  
15 renewal application or record of convictions on the expiring license, or the records of the director  
16 show that there is good cause to authorize the director to require the applicant to submit to the  
17 complete examination. No applicant for a renewal license shall be required to submit to any  
18 examination of his or her ability to safely operate a motor vehicle over the highways of this state  
19 unless otherwise required by sections 302.700 to 302.780 or regulations promulgated thereunder,  
20 other than a test of the applicant's ability to understand highway signs regulating, warning or  
21 directing traffic and the vision test provided in section 302.175, unless the facts set out in the  
22 renewal application or record of convictions on the expiring license, or the records of the director  
23 show that there is good cause to authorize the director to require the applicant to submit to the  
24 complete examination. The examination shall be made available in each county. Reasonable  
25 notice of the time and place of the examination shall be given the applicant by the person or

26 officer designated to conduct it. The complete examination shall include a test of the applicant's  
27 natural or corrected vision as prescribed in section 302.175, the applicant's ability to understand  
28 highway signs regulating, warning or directing traffic, the applicant's practical knowledge of the  
29 traffic laws of this state, and an actual demonstration of ability to exercise due care in the  
30 operation of a motor vehicle of the classification for which the license is sought. When an  
31 applicant for a license has a license from a state which has requirements for issuance of a license  
32 comparable to the Missouri requirements or a license from a country which has a reciprocal  
33 agreement with the state of Missouri regarding the exchange of licenses pursuant to section  
34 302.172 and such license has not expired more than six months prior to the date of application  
35 for the Missouri license, the director may waive the test of the applicant's practical knowledge  
36 of the traffic laws of this state, and the requirement of actual demonstration of ability to exercise  
37 due care in the operation of a motor vehicle. If the director has reasonable grounds to believe  
38 that an applicant is suffering from some known physical or mental ailment which ordinarily  
39 would interfere with the applicant's fitness to operate a motor vehicle safely upon the highways,  
40 the director may require that the examination include a physical or mental examination by a  
41 licensed physician of the applicant's choice, at the applicant's expense, to determine the fact. The  
42 director shall prescribe regulations to ensure uniformity in the examinations and in the grading  
43 thereof and shall prescribe and furnish all forms to the members of the highway patrol and to  
44 other persons authorized to conduct examinations as may be necessary to enable the officer or  
45 person to properly conduct the examination. The records of the examination shall be forwarded  
46 to the director who shall not issue any license hereunder if in the director's opinion the applicant  
47 is not qualified to operate a motor vehicle safely upon the highways of this state.

48         2. Beginning July 1, 2005, when the examiner has reasonable grounds to believe that an  
49 individual has committed fraud or deception during the examination process, the license  
50 examiner shall immediately forward to the director all information relevant to any fraud or  
51 deception, including, but not limited to, a statement of the examiner's grounds for belief that the  
52 person committed or attempted to commit fraud or deception in the written, skills, or vision  
53 examination.

54         3. The director of revenue shall delegate the power to conduct the examinations required  
55 for a license or permit to any member of the highway patrol or any person employed by the  
56 highway patrol. The powers delegated to any examiner may be revoked at any time by the  
57 director of revenue upon notice.

58         4. Notwithstanding the requirements of subsections 1 and 3 of this section, the successful  
59 completion of a motorcycle rider training course approved pursuant to sections 302.133 to  
60 302.137 shall constitute an actual demonstration of the person's ability to exercise due care in  
61 the operation of a motorcycle or motortricycle, and no further **practical knowledge or** driving

62 test shall be required to obtain a motorcycle or motortricycle license or endorsement. **The**  
63 **motorcycle rider training course completion shall be accepted for purposes of motorcycle**  
64 **license or endorsement issuance for one year from the date of course completion.**

65 5. Notwithstanding the requirements of subsections 1 and 3 of this section, the successful  
66 completion of a military motorcycle rider training course that meets or exceeds the Motorcycle  
67 Safety Foundation curriculum standards by an applicant who is an active member of the [U.S.]  
68 **United States** Armed Forces, shall constitute an actual demonstration of the person's ability to  
69 exercise due care in the operation of a motorcycle or motortricycle, and no further **practical**  
70 **knowledge or** driving test shall be required to obtain a motorcycle or motortricycle license or  
71 endorsement. **The military motorcycle rider training course completion shall be accepted**  
72 **for purposes of motorcycle license or endorsement issuance for one year from the date of**  
73 **course completion.** The director of revenue is authorized to promulgate rules and regulations  
74 for the administration and implementation of this subsection including rules governing the  
75 presentment of motorcycle training course completion cards from a military motorcycle rider  
76 training course or other documentation showing that the applicant has successfully completed  
77 a course in basic motorcycle safety instruction that meets or exceeds curriculum standards  
78 established by the Motorcycle Safety Foundation or other national organization whose purpose  
79 is to improve the safety of motorcyclists on the nation's streets and highways. Any rule or  
80 portion of a rule, as that term is defined in section 536.010, that is created under the authority  
81 delegated in this section shall become effective only if it complies with and is subject to all of  
82 the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536  
83 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter  
84 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held  
85 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after  
86 August 28, 2012, shall be invalid and void.

302.720. 1. Except when operating under an instruction permit as described in this  
2 section, no person may drive a commercial motor vehicle unless the person has been issued a  
3 commercial driver's license with applicable endorsements valid for the type of vehicle being  
4 operated as specified in sections 302.700 to 302.780. A commercial driver's instruction permit  
5 shall allow the holder of a valid license to operate a commercial motor vehicle when  
6 accompanied by the holder of a commercial driver's license valid for the vehicle being operated  
7 and who occupies a seat beside the individual, or reasonably near the individual in the case of  
8 buses, for the purpose of giving instruction in driving the commercial motor vehicle. No person  
9 may be issued a commercial driver's instruction permit until he or she has passed written tests  
10 which comply with the minimum federal standards. A commercial driver's instruction permit  
11 shall be valid for the vehicle being operated for a period of not more than six months, and shall



12 not be issued until the permit holder has met all other requirements of sections 302.700 to  
13 302.780, except for the driving test. A permit holder, unless otherwise disqualified, may be  
14 granted one six-month renewal within a one-year period. The fee for such permit or renewal  
15 shall be five dollars. In the alternative, a commercial driver's instruction permit shall be issued  
16 for a thirty-day period to allow the holder of a valid driver's license to operate a commercial  
17 motor vehicle if the applicant has completed all other requirements except the driving test. The  
18 permit may be renewed for one additional thirty-day period and the fee for the permit and for  
19 renewal shall be five dollars.

20         2. No person may be issued a commercial driver's license until he has passed written and  
21 driving tests for the operation of a commercial motor vehicle which complies with the minimum  
22 federal standards established by the Secretary and has satisfied all other requirements of the  
23 Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570), as well as any  
24 other requirements imposed by state law. All applicants for a commercial driver's license shall  
25 have maintained the appropriate class of commercial driver's instruction permit issued by this  
26 state or any other state for a minimum of fourteen calendar days prior to the date of taking the  
27 skills test. Applicants for a hazardous materials endorsement must also meet the requirements  
28 of the U.S. Patriot Act of 2001 (Title X of Public Law 107-56) as specified and required by  
29 regulations promulgated by the Secretary. Nothing contained in this subsection shall be  
30 construed as prohibiting the director from establishing alternate testing formats for those who  
31 are functionally illiterate; provided, however, that any such alternate test must comply with the  
32 minimum requirements of the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub.  
33 Law 99-570) as established by the Secretary.

34         (1) The written and driving tests shall be held at such times and in such places as the  
35 superintendent may designate. A twenty-five dollar examination fee shall be paid by the  
36 applicant upon completion of any written or driving test, except the examination fee shall be  
37 waived for applicants seventy years of age or older renewing a license with a school bus  
38 endorsement. The director shall delegate the power to conduct the examinations required under  
39 sections 302.700 to 302.780 to any member of the highway patrol or any person employed by  
40 the highway patrol qualified to give driving examinations. The written test shall only be  
41 administered in the English language. No translators shall be allowed for applicants taking the  
42 test.

43         (2) The director shall adopt and promulgate rules and regulations governing the  
44 certification of third-party testers by the department of revenue. Such rules and regulations shall  
45 substantially comply with the requirements of 49 CFR 383, Section 383.75. A certification to  
46 conduct third-party testing shall be valid for one year, and the department shall charge a fee of  
47 one hundred dollars to issue or renew the certification of any third-party tester.

48 (3) Beginning August 28, 2006, the director shall only issue or renew third-party tester  
49 certification to community colleges established under chapter 178 or to private companies who  
50 own, lease, or maintain their own fleet and administer in-house testing to their employees, or to  
51 school districts and their agents that administer in-house testing to the school district's or agent's  
52 employees. Any third-party tester who violates any of the rules and regulations adopted and  
53 promulgated pursuant to this section shall be subject to having his certification revoked by the  
54 department. The department shall provide written notice and an opportunity for the third-party  
55 tester to be heard in substantially the same manner as provided in chapter 536. If any applicant  
56 submits evidence that he has successfully completed a test administered by a third-party tester,  
57 the actual driving test for a commercial driver's license may then be waived.

58 (4) Every applicant for renewal of a commercial driver's license shall provide such  
59 certifications and information as required by the Secretary and if such person transports a  
60 hazardous material must also meet the requirements of the U.S. Patriot Act of 2001 (Title X of  
61 Public Law 107-56) as specified and required by regulations promulgated by the Secretary. Such  
62 person shall be required to take the written test for such endorsement. A twenty-five dollar  
63 examination fee shall be paid upon completion of such tests.

64 (5) The director shall have the authority to waive the **knowledge and** driving skills ~~[test]~~  
65 **tests** for any qualified military applicant for a commercial driver's license who is currently  
66 licensed at the time of application for a commercial driver's license. The director shall impose  
67 conditions and limitations to restrict the applicants from whom the department may accept  
68 alternative requirements for the **knowledge and skills** ~~[test]~~ **tests** described in federal regulation  
69 **49 CFR 383.71 and** 49 CFR 383.77. An applicant must certify that, during the two-year period  
70 immediately preceding application for a commercial driver's license, all of the following apply:

- 71 (a) The applicant has not had more than one license;
- 72 (b) The applicant has not had any license suspended, revoked, or cancelled;
- 73 (c) The applicant has not had any convictions for any type of motor vehicle for the  
74 disqualifying offenses contained in this chapter or federal rule 49 CFR 383.51(b);
- 75 (d) The applicant has not had more than one conviction for any type of motor vehicle for  
76 serious traffic violations;
- 77 (e) The applicant has not had any conviction for a violation of state or local law relating  
78 to motor vehicle traffic control, but not including any parking violation, arising in connection  
79 with any traffic accident, and has no record of an accident in which he or she was at fault;
- 80 (f) The applicant has been regularly employed within the last ~~[ninety days]~~ **year** in a  
81 military position requiring operation of a commercial motor vehicle and has operated the vehicle  
82 for at least sixty days during the two years immediately preceding application for a commercial

83 driver's license. The vehicle must be representative of the commercial motor vehicle the driver  
84 applicant operates or expects to operate;

85 (g) The applicant, if on active duty, must provide a notarized affidavit signed by a  
86 commanding officer as proof of driving experience as indicated in paragraph (f) of this  
87 subdivision;

88 (h) The applicant, if honorably discharged from military service, must provide a  
89 form-DD214 or other proof of military occupational specialty;

90 (i) The applicant must meet all federal and state qualifications to operate a commercial  
91 vehicle; and

92 (j) The applicant will be required to complete all applicable knowledge tests, **except**  
93 **when the applicant provides proof of approved military training sufficient for waiver of**  
94 **the knowledge and skills tests as specified in subdivision (5) of subsection 3 of section**  
95 **302.170.**

96 3. A commercial driver's license or commercial driver's instruction permit may not be  
97 issued to a person while the person is disqualified from driving a commercial motor vehicle,  
98 when a disqualification is pending in any state or while the person's driver's license is suspended,  
99 revoked, or cancelled in any state; nor may a commercial driver's license be issued unless the  
100 person first surrenders in a manner prescribed by the director any commercial driver's license  
101 issued by another state, which license shall be returned to the issuing state for cancellation.

102 4. Beginning July 1, 2005, the director shall not issue an instruction permit under this  
103 section unless the director verifies that the applicant is lawfully present in the United States  
104 before accepting the application. The director may, by rule or regulation, establish procedures  
105 to verify the lawful presence of the applicant under this section. No rule or portion of a rule  
106 promulgated pursuant to the authority of this section shall become effective unless it has been  
107 promulgated pursuant to chapter 536.

108 5. Notwithstanding the provisions of this section or any other law to the contrary,  
109 beginning August 28, 2008, the director of the department of revenue shall certify as a third-party  
110 tester any municipality that owns, leases, or maintains its own fleet that requires certain  
111 employees as a condition of employment to hold a valid commercial driver's license; and that  
112 administered in-house testing to such employees prior to August 28, 2006.

✓