

SECOND REGULAR SESSION

HOUSE BILL NO. 2648

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE COOKSON.

6550H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 302.171, 302.735, and 302.740, RSMo, and to enact in lieu thereof three new sections relating to driver's licenses and nondriver's identification.

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

Section A. Sections 302.171, 302.735, and 302.740, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 302.171, 302.735, and 302.740, to read as follows:

302.171. 1. The director shall verify that an applicant for a driver's license is a Missouri resident or national of the United States or a noncitizen with a lawful immigration status, and a Missouri resident before accepting the application. The director shall not issue a driver's license for a period that exceeds the duration of an applicant's lawful immigration status in the United States. The director may establish procedures to verify the Missouri residency or United States naturalization or lawful immigration status and Missouri residency of the applicant and establish the duration of any driver's license issued under this section. An application for a license shall be made upon an approved form furnished by the director. Every application shall state the full name, Social Security number, age, height, ~~weight,~~ color of eyes, sex, residence, mailing address of the applicant, and the classification for which the applicant has been licensed, and, if so, when and by what state, and whether or not such license has ever been suspended, revoked, or disqualified, and, if revoked, suspended or disqualified, the date and reason for such suspension, revocation or disqualification and whether the applicant is making a one dollar donation to promote an organ donation program as prescribed in subsection 2 of this section. A driver's license, nondriver's license, or instruction permit issued under this chapter shall contain the applicant's legal name as it appears on a birth certificate or as legally changed through

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.

17 marriage or court order. No name change by common usage based on common law shall be
18 permitted. The application shall also contain such information as the director may require to
19 enable the director to determine the applicant's qualification for driving a motor vehicle; and
20 shall state whether or not the applicant has been convicted in this or any other state for violating
21 the laws of this or any other state or any ordinance of any municipality, relating to driving
22 without a license, careless driving, or driving while intoxicated, or failing to stop after an
23 accident and disclosing the applicant's identity, or driving a motor vehicle without the owner's
24 consent. The application shall contain a certification by the applicant as to the truth of the facts
25 stated therein. Every person who applies for a license to operate a motor vehicle who is less than
26 twenty-one years of age shall be provided with educational materials relating to the hazards of
27 driving while intoxicated, including information on penalties imposed by law for violation of the
28 intoxication-related offenses of the state. Beginning January 1, 2001, if the applicant is less than
29 eighteen years of age, the applicant must comply with all requirements for the issuance of an
30 intermediate driver's license pursuant to section 302.178. For persons mobilized and deployed
31 with the United States Armed Forces, an application under this subsection shall be considered
32 satisfactory by the department of revenue if it is signed by a person who holds general power of
33 attorney executed by the person deployed, provided the applicant meets all other requirements
34 set by the director.

35 2. An applicant for a license may make a donation of one dollar to promote an organ
36 donor program. The director of revenue shall collect the donations and deposit all such
37 donations in the state treasury to the credit of the organ donor program fund established in
38 sections 194.297 to 194.304. Moneys in the organ donor program fund shall be used solely for
39 the purposes established in sections 194.297 to 194.304 except that the department of revenue
40 shall retain no more than one percent for its administrative costs. The donation prescribed in this
41 subsection is voluntary and may be refused by the applicant for the license at the time of issuance
42 or renewal of the license. The director shall make available an informational booklet or other
43 informational sources on the importance of organ and tissue donations to applicants for licensure
44 as designed by the organ donation advisory committee established in sections 194.297 to
45 194.304. The director shall inquire of each applicant at the time the licensee presents the
46 completed application to the director whether the applicant is interested in making the one dollar
47 donation prescribed in this subsection and whether the applicant is interested in inclusion in the
48 organ donor registry and shall also specifically inform the licensee of the ability to consent to
49 organ donation by completing the form on the reverse of the license that the applicant will
50 receive in the manner prescribed by subdivision (1) of subsection 1 of section 194.225. A
51 symbol shall be placed on the front of the document indicating the applicant's desire to be listed
52 in the registry. The director shall notify the department of health and senior services of

53 information obtained from applicants who indicate to the director that they are interested in
54 registry participation, and the department of health and senior services shall enter the complete
55 name, address, date of birth, race, gender and a unique personal identifier in the registry
56 established in subsection 1 of section 194.304.

57 3. An applicant for a license may make a donation of one dollar to promote a blindness
58 education, screening and treatment program. The director of revenue shall collect the donations
59 and deposit all such donations in the state treasury to the credit of the blindness education,
60 screening and treatment program fund established in section 209.015. Moneys in the blindness
61 education, screening and treatment program fund shall be used solely for the purposes
62 established in section 209.015; except that the department of revenue shall retain no more than
63 one percent for its administrative costs. The donation prescribed in this subsection is voluntary
64 and may be refused by the applicant for the license at the time of issuance or renewal of the
65 license. The director shall inquire of each applicant at the time the licensee presents the
66 completed application to the director whether the applicant is interested in making the one dollar
67 donation prescribed in this subsection.

68 4. Beginning July 1, 2005, the director shall deny the driving privilege of any person who
69 commits fraud or deception during the examination process or who makes application for an
70 instruction permit, driver's license, or nondriver's license which contains or is substantiated with
71 false or fraudulent information or documentation, or who knowingly conceals a material fact or
72 otherwise commits a fraud in any such application. The period of denial shall be one year from
73 the effective date of the denial notice sent by the director. The denial shall become effective ten
74 days after the date the denial notice is mailed to the person. The notice shall be mailed to the
75 person at the last known address shown on the person's driving record. The notice shall be
76 deemed received three days after mailing unless returned by the postal authorities. No such
77 individual shall reapply for a driver's examination, instruction permit, driver's license, or
78 nondriver's license until the period of denial is completed. No individual who is denied the
79 driving privilege under this section shall be eligible for a limited driving privilege issued under
80 section 302.309.

81 5. All appeals of denials under this section shall be made as required by section 302.311.

82 6. The period of limitation for criminal prosecution under this section shall be extended
83 under subdivision (1) of subsection 3 of section 556.036.

84 7. The director may promulgate rules and regulations necessary to administer and enforce
85 this section. No rule or portion of a rule promulgated pursuant to the authority of this section
86 shall become effective unless it has been promulgated pursuant to chapter 536.

87 8. Notwithstanding any provision of this chapter that requires an applicant to provide
88 proof of Missouri residency for renewal of a noncommercial driver's license, noncommercial

89 instruction permit, or nondriver's license, an applicant who is sixty-five years and older and who
90 was previously issued a Missouri noncommercial driver's license, noncommercial instruction
91 permit, or Missouri nondriver's license is exempt from showing proof of Missouri residency.

92 9. Notwithstanding any provision of this chapter, for the renewal of a noncommercial
93 driver's license, noncommercial instruction permit, or nondriver's license, a photocopy of an
94 applicant's United States birth certificate along with another form of identification approved by
95 the department of revenue, including, but not limited to, United States military identification or
96 United States military discharge papers, shall constitute sufficient proof of Missouri citizenship.

97 10. Notwithstanding any other provision of this chapter, if an applicant does not meet
98 the requirements of subsection 8 of this section and does not have the required documents to
99 prove Missouri residency, United States naturalization, or lawful immigration status, the
100 department may issue a one-year driver's license renewal. This one-time renewal shall only be
101 issued to an applicant who previously has held a Missouri noncommercial driver's license,
102 noncommercial instruction permit, or nondriver's license for a period of fifteen years or more and
103 who does not have the required documents to prove Missouri residency, United States
104 naturalization, or lawful immigration status. After the expiration of the one-year period, no
105 further renewal shall be provided without the applicant producing proof of Missouri residency,
106 United States naturalization, or lawful immigration status.

107 **11. Notwithstanding any law to the contrary, no driver's license, nondriver's**
108 **license, or instruction permit issued under this chapter shall contain the applicant's weight.**

302.735. 1. An application shall not be taken from a nonresident after September 30,
2 2005. The application for a commercial driver's license shall include, but not be limited to, the
3 applicant's legal name, mailing and residence address, if different, a physical description of the
4 person, including sex, height, ~~weight~~ and eye color, the person's Social Security number, date
5 of birth and any other information deemed appropriate by the director. The application shall also
6 require, beginning September 30, 2005, the applicant to provide the names of all states where
7 the applicant has been previously licensed to drive any type of motor vehicle during the
8 preceding ten years.

9 2. A commercial driver's license shall expire on the applicant's birthday in the sixth year
10 after issuance, unless the license must be issued for a shorter period due to other requirements
11 of law or for transition or staggering of work as determined by the director, and must be renewed
12 on or before the date of expiration. When a person changes such person's name an application
13 for a duplicate license shall be made to the director of revenue. When a person changes such
14 person's mailing address or residence the applicant shall notify the director of revenue of said
15 change, however, no application for a duplicate license is required. A commercial license issued
16 pursuant to this section to an applicant less than twenty-one years of age and seventy years of age

17 and older shall expire on the applicant's birthday in the third year after issuance, unless the
18 license must be issued for a shorter period as determined by the director.

19 3. A commercial driver's license containing a hazardous materials endorsement issued
20 to an applicant who is between the age of twenty-one and sixty-nine shall not be issued for a
21 period exceeding five years from the approval date of the security threat assessment as
22 determined by the Transportation Security Administration.

23 4. The director shall issue an annual commercial driver's license containing a school bus
24 endorsement to an applicant who is seventy years of age or older. The fee for such license shall
25 be seven dollars and fifty cents.

26 5. A commercial driver's license containing a hazardous materials endorsement issued
27 to an applicant who is seventy years of age or older shall not be issued for a period exceeding
28 three years. The director shall not require such drivers to obtain a security threat assessment
29 more frequently than such assessment is required by the Transportation Security Administration
30 under the Uniting and Strengthening America by Providing Appropriate Tools Required to
31 Intercept and Obstruct Terrorism Act (USA PATRIOT ACT) of 2001.

32 (1) The state shall immediately revoke a hazardous materials endorsement upon receipt
33 of an initial determination of threat assessment and immediate revocation from the
34 Transportation Security Administration as defined by 49 CFR 1572.13(a).

35 (2) The state shall revoke or deny a hazardous materials endorsement within fifteen days
36 of receipt of a final determination of threat assessment from the Transportation Security
37 Administration as required by CFR 1572.13(a).

38 6. The fee for a commercial driver's license or renewal commercial driver's license issued
39 for a period greater than three years shall be forty dollars.

40 7. The fee for a commercial driver's license or renewal commercial driver's license issued
41 for a period of three years or less shall be twenty dollars.

42 8. The fee for a duplicate commercial driver's license shall be twenty dollars.

43 9. In order for the director to properly transition driver's license requirements under the
44 Motor Carrier Safety Improvement Act of 1999 and the Uniting and Strengthening America by
45 Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT
46 ACT) of 2001, the director is authorized to stagger expiration dates and make adjustments for
47 any fees, including driver examination fees that are incurred by the driver as a result of the initial
48 issuance of a transitional license required to comply with such acts.

49 10. Within thirty days after moving to this state, the holder of a commercial driver's
50 license shall apply for a commercial driver's license in this state. The applicant shall meet all
51 other requirements of sections 302.700 to 302.780, except that the director may waive the driving
52 test for a commercial driver's license as required in section 302.720 if the applicant for a

53 commercial driver's license has a valid commercial driver's license from a state which has
54 requirements for issuance of such license comparable to those in this state.

55 11. Any person who falsifies any information in an application or test for a commercial
56 driver's license shall not be licensed to operate a commercial motor vehicle, or the person's
57 commercial driver's license shall be cancelled, for a period of one year after the director
58 discovers such falsification.

59 12. Beginning July 1, 2005, the director shall not issue a commercial driver's license
60 under this section unless the director verifies that the applicant is lawfully present in the United
61 States before accepting the application. If lawful presence is granted for a temporary period, no
62 commercial driver's license shall be issued. The director may, by rule or regulation, establish
63 procedures to verify the lawful presence of the applicant and establish the duration of any
64 commercial driver's license issued under this section. No rule or portion of a rule promulgated
65 pursuant to the authority of this section shall become effective unless it has been promulgated
66 pursuant to chapter 536.

67 13. (1) Effective December 19, 2005, notwithstanding any provisions of subsections 1
68 and 5 of this section to the contrary, the director may issue a nondomiciled commercial driver's
69 license or commercial driver's instruction permit to a resident of a foreign jurisdiction if the
70 United States Secretary of Transportation has determined that the commercial motor vehicle
71 testing and licensing standards in the foreign jurisdiction do not meet the testing standards
72 established in 49 CFR 383.

73 (2) Any applicant for a nondomiciled commercial driver's license or commercial driver's
74 instruction permit must present evidence satisfactory to the director that the applicant currently
75 has employment with an employer in this state. The nondomiciled applicant must meet the same
76 testing, driver record requirements, conditions, and is subject to the same disqualification and
77 conviction reporting requirements applicable to resident commercial drivers.

78 (3) The nondomiciled commercial driver's license will expire on the same date that the
79 documents establishing lawful presence for employment expire. The word "nondomiciled" shall
80 appear on the face of the nondomiciled commercial driver's license. Any applicant for a
81 Missouri nondomiciled commercial driver's license or commercial driver's instruction permit
82 must first surrender any nondomiciled commercial driver's license issued by another state.

83 (4) The nondomiciled commercial driver's license applicant must pay the same fees as
84 required for the issuance of a resident commercial driver's license or commercial driver's
85 instruction permit.

86 14. Foreign jurisdiction for purposes of issuing a nondomiciled commercial driver's
87 license or commercial driver's instruction permit under this section shall not include any of the
88 fifty states of the United States or Canada or Mexico.

302.740. 1. The commercial driver's license shall be manufactured of materials and processes that will prohibit as nearly as possible the ability to reproduce, alter, counterfeit, forge, or duplicate any license without ready detection. Such license shall include, but not be limited to, the following information: a colored photograph of the person, the legal name and address of the person, a physical description of the person, including sex, height, ~~weight~~ and eye color, the person's driver's license number or such other number or identifier deemed appropriate by the director or the Secretary, the date of birth, class or type of commercial motor vehicle or vehicles which the person is authorized to drive, the name of this state, and the words "COMMERCIAL DRIVER'S LICENSE" or "CDL", the dates of issuance and expiration, the person's signature and such other information as the director prescribes.

2. Before issuing a commercial driver's license, the director shall obtain driving record information from sources including, but not limited to, the national driver's register, the commercial driver's license information system, and any state driver's licensing system in which the person has been licensed; except that the director shall only be required to obtain the complete driving record from each state the person has ever been licensed in when such person is issued an initial commercial driver's license or renews his or her commercial driver's license for the first time. The director shall maintain a notation in the driving record system of the date when he or she has obtained the driving records from all other states which the person has been licensed.

3. Within ten days after issuing a commercial driver's license, the director shall notify the commercial driver's license information system of such fact, providing all information required to ensure identification of the person. For the purpose of this subsection, the date of issuance shall be the date the commercial driver's license is mailed to the applicant.

4. The commercial driver's license shall indicate the class of vehicle the person may drive and any applicable endorsements or restrictions. Commercial driver's license classifications, endorsements and restrictions shall be in compliance with the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570) and those prescribed by the director. The commercial driver's license driving record shall contain a complete history of the driver, including information and convictions from previous states of licensure.

5. The commercial driver's instruction permit shall include but not be limited to the same data elements as a commercial driver's license and the words "CDL PERMIT" or "COMMERCIAL LEARNER PERMIT" and such other information as the director or Secretary prescribes.

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