

FIRST REGULAR SESSION

SENATE BILL NO. 203

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR CIERPIOT.

0159S.02I

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal sections 302.130 and 302.178, RSMo, and to enact in lieu thereof two new sections relating to the operation of motor vehicles.

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

Section A. Sections 302.130 and 302.178, RSMo, are
2 repealed and two new sections enacted in lieu thereof, to be
3 known as sections 302.130 and 302.178, to read as follows:

302.130. 1. Any person at least fifteen years of age
2 who, except for age or lack of instruction in operating a
3 motor vehicle, would otherwise be qualified to obtain a
4 license pursuant to sections 302.010 to 302.340 may apply
5 for and the director shall issue a temporary instruction
6 permit entitling the applicant, while having such permit in
7 the applicant's immediate possession, to drive a motor
8 vehicle of the appropriate class upon the highways for a
9 period of twelve months, but any such person, except when
10 operating a motorcycle or motortricycle, must be accompanied
11 by a licensed operator for the type of motor vehicle being
12 operated who is actually occupying a seat beside the driver
13 for the purpose of giving instruction in driving the motor
14 vehicle, who is at least twenty-one years of age, and in the
15 case of any driver under sixteen years of age, the licensed
16 operator occupying the seat beside the driver shall be a
17 grandparent, parent, guardian, a person who is at least
18 twenty-five years of age who has been licensed for a minimum

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

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

51 the applicant will receive the behind-the-wheel driving
52 instruction required by this section.

53 2. In the event the parent, grandparent or guardian of
54 the person under sixteen years of age has a physical
55 disability which prohibits or disqualifies said parent,
56 grandparent or guardian from being a qualified licensed
57 operator pursuant to this section, said parent, grandparent
58 or guardian may designate a maximum of two individuals
59 authorized to accompany the applicant for the purpose of
60 giving instruction in driving the motor vehicle. An
61 authorized designee must be a licensed operator for the type
62 of motor vehicle being operated and have attained twenty-one
63 years of age. At least one of the designees must occupy the
64 seat beside the applicant while giving instruction in
65 driving the motor vehicle. The name of the authorized
66 designees must be provided to the department of revenue by
67 the parent, grandparent or guardian at the time of
68 application for the temporary instruction permit. The name
69 of each authorized designee shall be printed on the
70 temporary instruction permit, however, the director may
71 delay the time at which permits are printed bearing such
72 names until the inventories of blank permits and related
73 forms existing on August 28, 1998, are exhausted.

74 3. The director, upon proper application on a form
75 prescribed by the director, in his or her discretion, may
76 issue a restricted instruction permit effective for a school
77 year or more restricted period to an applicant who is
78 enrolled in a high school driver training program taught by
79 a driver training instructor holding a valid driver
80 education endorsement on a teaching certificate issued by
81 the state department of elementary and secondary education
82 even though the applicant has not reached the age of sixteen

83 years but has passed the age of fifteen years. Such
84 instruction permit shall entitle the applicant, when the
85 applicant has such permit in his or her immediate
86 possession, to operate a motor vehicle on the highways, but
87 only when a driver training instructor holding a valid
88 driver education endorsement on a teaching certificate
89 issued by the state department of elementary and secondary
90 education is occupying a seat beside the driver.

91 4. The director, in his or her discretion, may issue a
92 temporary driver's permit to an applicant who is otherwise
93 qualified for a license permitting the applicant to operate
94 a motor vehicle while the director is completing the
95 director's investigation and determination of all facts
96 relative to such applicant's rights to receive a license.
97 Such permit must be in the applicant's immediate possession
98 while operating a motor vehicle, and it shall be invalid
99 when the applicant's license has been issued or for good
100 cause has been refused.

101 5. In the event that the applicant for a temporary
102 instruction permit described in subsection 1 of this section
103 is a participant in a federal residential job training
104 program, the permittee may operate a motor vehicle
105 accompanied by a driver training instructor who holds a
106 valid driver education endorsement issued by the department
107 of elementary and secondary education and a valid driver's
108 license.

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

115 7. Beginning January 1, 2003, the director shall issue
116 with every temporary instruction permit issued pursuant to
117 subsection 1 of this section a sticker or sign bearing the
118 words "PERMIT DRIVER". The design and size of such sticker
119 or sign shall be determined by the director by regulation.
120 Every applicant issued a temporary instruction permit and
121 sticker on or after January 1, 2003, may display or affix
122 the sticker or sign on the rear window of the motor
123 vehicle. Such sticker or sign may be displayed on the rear
124 window of the motor vehicle whenever the holder of the
125 instruction permit operates a motor vehicle during his or
126 her temporary permit licensure period.

127 8. Beginning July 1, 2005, the director shall verify
128 that an applicant for an instruction permit issued under
129 this section is lawfully present in the United States before
130 accepting the application. The director shall not issue an
131 instruction permit for a period that exceeds an applicant's
132 lawful presence in the United States. The director may
133 establish procedures to verify the lawful presence of the
134 applicant and establish the duration of any permit issued
135 under this section.

136 9. **Notwithstanding any provision of law to the**
137 **contrary, no moving violation shall be reduced or amended to**
138 **a nonmoving violation for any person holding a temporary**
139 **instruction permit issued under the provisions of this**
140 **section.**

141 10. The director may adopt rules and regulations
142 necessary to carry out the provisions of this section.

302.178. 1. Any person between the ages of sixteen
2 and eighteen years who is qualified to obtain a license
3 pursuant to sections 302.010 to 302.340 may apply for, and
4 the director shall issue, an intermediate driver's license

5 entitling the applicant, while having such license in his or
6 her possession, to operate a motor vehicle of the
7 appropriate class upon the highways of this state in
8 conjunction with the requirements of this section. An
9 intermediate driver's license shall be readily
10 distinguishable from a license issued to those over the age
11 of eighteen. All applicants for an intermediate driver's
12 license shall:

13 (1) Successfully complete the examination required by
14 section 302.173;

15 (2) Pay the fee required by subsection 4 of this
16 section;

17 (3) Have had a temporary instruction permit issued
18 pursuant to subsection 1 of section 302.130 for at least a
19 six-month period or a valid license from another state; and

20 (4) Have a parent, grandparent, legal guardian, or, if
21 the applicant is a participant in a federal residential job
22 training program, a driving instructor employed by a federal
23 residential job training program, sign the application
24 stating that the applicant has completed at least forty
25 hours of supervised driving experience under a temporary
26 instruction permit issued pursuant to subsection 1 of
27 section 302.130, or, if the applicant is an emancipated
28 minor, the person over twenty-one years of age who
29 supervised such driving. For purposes of this section, the
30 term "emancipated minor" means a person who is at least
31 sixteen years of age, but less than eighteen years of age,
32 who:

33 (a) Marries with the consent of the legal custodial
34 parent or legal guardian pursuant to section 451.080;

35 (b) Has been declared emancipated by a court of
36 competent jurisdiction;

37 (c) Enters active duty in the Armed Forces;

38 (d) Has written consent to the emancipation from the
39 custodial parent or legal guardian; or

40 (e) Through employment or other means provides for
41 such person's own food, shelter and other cost-of-living
42 expenses;

43 (5) Have had no alcohol-related enforcement contacts
44 as defined in section 302.525 during the preceding twelve
45 months; and

46 (6) Have no nonalcoholic traffic convictions for which
47 points are assessed pursuant to section 302.302, within the
48 preceding six months.

49 2. An intermediate driver's license grants the
50 licensee the same privileges to operate that classification
51 of motor vehicle as a license issued pursuant to section
52 302.177, except that no person shall operate a motor vehicle
53 on the highways of this state under such an intermediate
54 driver's license between the hours of 1:00 a.m. and 5:00
55 a.m. unless accompanied by a person described in subsection
56 1 of section 302.130; except the licensee may operate a
57 motor vehicle without being accompanied if the travel is to
58 or from a school or educational program or activity, a
59 regular place of employment or in emergency situations as
60 defined by the director by regulation.

61 3. Each intermediate driver's license shall be
62 restricted by requiring that the driver and all passengers
63 in the licensee's vehicle wear safety belts at all times.
64 This safety belt restriction shall not apply to a person
65 operating a motorcycle. For the first six months after
66 issuance of the intermediate driver's license, the holder of
67 the license shall not operate a motor vehicle with more than
68 one passenger who is under the age of nineteen who is not a

69 member of the holder's immediate family. As used in this
70 subsection, an intermediate driver's license holder's
71 immediate family shall include brothers, sisters,
72 stepbrothers or stepsisters of the driver, including adopted
73 or foster children residing in the same household of the
74 intermediate driver's license holder. After the expiration
75 of the first six months, the holder of an intermediate
76 driver's license shall not operate a motor vehicle with more
77 than three passengers who are under nineteen years of age
78 and who are not members of the holder's immediate family.
79 The passenger restrictions of this subsection shall not be
80 applicable to any intermediate driver's license holder who
81 is operating a motor vehicle being used in agricultural work-
82 related activities.

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

87 5. **Notwithstanding any provision of law to the**
88 **contrary, no moving violation shall be reduced or amended to**
89 **a nonmoving violation for any person holding an intermediate**
90 **driver's license issued under the provisions of this**
91 **section.**

92 6. Any intermediate driver's licensee accumulating six
93 or more points in a twelve-month period may be required to
94 participate in and successfully complete a driver-
95 improvement program approved by the state highways and
96 transportation commission. The driver-improvement program
97 ordered by the director of revenue shall not be used in lieu
98 of point assessment.

99 [6.] 7. (1) An intermediate driver's licensee who
100 has, for the preceding twelve-month period, had no alcohol-

101 related enforcement contacts, as defined in section 302.525
102 and no traffic convictions for which points are assessed,
103 upon reaching the age of eighteen years or within the thirty
104 days immediately preceding their eighteenth birthday may
105 apply for and receive without further examination, other
106 than a vision test as prescribed by section 302.173, a
107 license issued pursuant to this chapter granting full
108 driving privileges. Such person shall pay the required fee
109 for such license as prescribed in section 302.177.

110 (2) If an intermediate driver's license expires on a
111 Saturday, Sunday, or legal holiday, such license shall
112 remain valid for the five business days immediately
113 following the expiration date. In no case shall a licensee
114 whose intermediate driver's license expires on a Saturday,
115 Sunday, or legal holiday be guilty of an offense of driving
116 with an expired or invalid driver's license if such offense
117 occurred within five business days immediately following an
118 expiration date that occurs on a Saturday, Sunday, or legal
119 holiday.

120 (3) The director of revenue shall deny an application
121 for a full driver's license until the person has had no
122 traffic convictions for which points are assessed for a
123 period of twelve months prior to the date of application for
124 license or until the person is eligible to apply for a six-
125 year driver's license as provided for in section 302.177,
126 provided the applicant is otherwise eligible for full
127 driving privileges. An intermediate driver's license shall
128 expire when the licensee is eligible and receives a full
129 driver's license as prescribed in subdivision (1) of this
130 section.

131 [7.] 8. No person upon reaching the age of eighteen
132 years whose intermediate driver's license and driving

133 privilege is denied, suspended, cancelled or revoked in this
134 state or any other state for any reason may apply for a full
135 driver's license until such license or driving privilege is
136 fully reinstated. Any such person whose intermediate
137 driver's license has been revoked pursuant to the provisions
138 of sections 302.010 to 302.540 shall, upon receipt of
139 reinstatement of the revocation from the director, pass the
140 complete driver examination, apply for a new license, and
141 pay the proper fee before again operating a motor vehicle
142 upon the highways of this state.

143 [8.] 9. A person shall be exempt from the intermediate
144 licensing requirements if the person has reached the age of
145 eighteen years and meets all other licensing requirements.

146 [9.] 10. Any person who violates any of the provisions
147 of this section relating to intermediate drivers' licenses
148 or the provisions of section 302.130 relating to temporary
149 instruction permits is guilty of an infraction, and no
150 points shall be assessed to his or her driving record for
151 any such violation.

152 [10.] 11. Any rule or portion of a rule, as that term
153 is defined in section 536.010, that is created under the
154 authority delegated in this section shall become effective
155 only if it complies with and is subject to all of the
156 provisions of chapter 536 and, if applicable, section
157 536.028. This section and chapter 536 are nonseverable and
158 if any of the powers vested with the general assembly
159 pursuant to chapter 536 to review, to delay the effective
160 date or to disapprove and annul a rule are subsequently held
161 unconstitutional, then the grant of rulemaking authority and
162 any rule proposed or adopted after August 28, 2000, shall be
163 invalid and void.

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