

FIRST REGULAR SESSION

SENATE BILL NO. 378

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR HOUGH.

Read 1st time February 12, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

1916S.02I

AN ACT

To repeal section 302.720, RSMo, and to enact in lieu thereof one new section relating to commercial driver's license testing.

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

Section A. Section 302.720, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 302.720, to read as follows:

302.720. 1. Except when operating under an instruction permit as
2 described in this section, no person may drive a commercial motor vehicle unless
3 the person has been issued a commercial driver's license with applicable
4 endorsements valid for the type of vehicle being operated as specified in sections
5 302.700 to 302.780. A commercial driver's instruction permit shall allow the
6 holder of a valid license to operate a commercial motor vehicle when accompanied
7 by the holder of a commercial driver's license valid for the vehicle being operated
8 and who occupies a seat beside the individual, or reasonably near the individual
9 in the case of buses, for the purpose of giving instruction in driving the
10 commercial motor vehicle. No person may be issued a commercial driver's
11 instruction permit until he or she has passed written tests which comply with the
12 minimum federal standards. A commercial driver's instruction permit shall be
13 valid for the vehicle being operated for a period of not more than six months, and
14 shall not be issued until the permit holder has met all other requirements of
15 sections 302.700 to 302.780, except for the driving test. A permit holder, unless
16 otherwise disqualified, may be granted one six-month renewal within a one-year
17 period. The fee for such permit or renewal shall be five dollars. In the
18 alternative, a commercial driver's instruction permit shall be issued for a
19 thirty-day period to allow the holder of a valid driver's license to operate a
20 commercial motor vehicle if the applicant has completed all other requirements

21 except the driving test. The permit may be renewed for one additional thirty-day
22 period and the fee for the permit and for renewal shall be five dollars.

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

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

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

57 (3) Beginning August 28, 2006, the director shall only issue or renew
58 third-party tester certification to community colleges established under chapter
59 178 or to private companies who own, lease, or maintain their own fleet and
60 administer in-house testing to their employees, or to school districts and their
61 agents that administer in-house testing to the school district's or agent's
62 employees. Any third-party tester who violates any of the rules and regulations
63 adopted and promulgated pursuant to this section shall be subject to having his
64 certification revoked by the department. The department shall provide written
65 notice and an opportunity for the third-party tester to be heard in substantially
66 the same manner as provided in chapter 536. If any applicant submits evidence
67 that he has successfully completed a test administered by a third-party tester, the
68 actual driving test for a commercial driver's license may then be waived.

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

76 (5) The director shall have the authority to waive the driving skills test
77 for any qualified military applicant for a commercial driver's license who is
78 currently licensed at the time of application for a commercial driver's
79 license. The director shall impose conditions and limitations to restrict the
80 applicants from whom the department may accept alternative requirements for
81 the skills test described in federal regulation 49 CFR 383.77. An applicant must
82 certify that, during the two-year period immediately preceding application for a
83 commercial driver's license, all of the following apply:

84 (a) The applicant has not had more than one license;

85 (b) The applicant has not had any license suspended, revoked, or
86 cancelled;

87 (c) The applicant has not had any convictions for any type of motor vehicle
88 for the disqualifying offenses contained in this chapter or federal rule 49 CFR
89 383.51(b);

90 (d) The applicant has not had more than one conviction for any type of
91 motor vehicle for serious traffic violations;

92 (e) The applicant has not had any conviction for a violation of state or

93 local law relating to motor vehicle traffic control, but not including any parking
94 violation, arising in connection with any traffic accident, and has no record of an
95 accident in which he or she was at fault;

96 (f) The applicant has been regularly employed within the last ninety days
97 in a military position requiring operation of a commercial motor vehicle and has
98 operated the vehicle for at least sixty days during the two years immediately
99 preceding application for a commercial driver's license. The vehicle must be
100 representative of the commercial motor vehicle the driver applicant operates or
101 expects to operate;

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

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

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

109 (j) The applicant will be required to complete all applicable knowledge
110 tests.

111 3. A commercial driver's license or commercial driver's instruction permit
112 may not be issued to a person while the person is disqualified from driving a
113 commercial motor vehicle, when a disqualification is pending in any state or while
114 the person's driver's license is suspended, revoked, or cancelled in any state; nor
115 may a commercial driver's license be issued unless the person first surrenders in
116 a manner prescribed by the director any commercial driver's license issued by
117 another state, which license shall be returned to the issuing state for
118 cancellation.

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

126 5. Notwithstanding the provisions of this section or any other law to the
127 contrary, beginning August 28, 2008, the director of the department of revenue
128 shall certify as a third-party tester any municipality that owns, leases, or

129 maintains its own fleet that requires certain employees as a condition of
130 employment to hold a valid commercial driver's license; and that administered
131 in-house testing to such employees prior to August 28, 2006.

132 **6. Notwithstanding the provisions of this section or any other**
133 **law to the contrary, beginning December 1, 2019, the director of the**
134 **department of revenue shall certify as a third-party tester any private**
135 **education institution or other private entity, provided the institution**
136 **or entity meets the necessary qualifications required by the state.**

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