

SECOND REGULAR SESSION

SENATE BILL NO. 748

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WHITE.

Pre-filed December 1, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

3487S.011

AN ACT

To repeal section 302.720, RSMo, and to enact in lieu thereof two new sections relating to commercial driver's licenses.

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

Section A. Section 302.720, RSMo, is repealed and two new sections
2 enacted in lieu thereof, to be known as sections 302.720 and 302.723, to read as
3 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 nonrenewable and shall be valid for the vehicle being operated for a period of not
14 more than one year, and shall not be issued until the permit holder has met all
15 other requirements of sections 302.700 to 302.780, except for the driving
16 test. The fee for such permit shall be ten dollars. The fee for a duplicate of such
17 commercial driver's instruction permit shall be five dollars.

18 2. No person may be issued a commercial driver's license until he has

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

19 passed written and driving tests for the operation of a commercial motor vehicle
20 which complies with the minimum federal standards established by the Secretary
21 and has satisfied all other requirements of the Commercial Motor Vehicle Safety
22 Act of 1986 (Title XII of Pub. Law 99-570), as well as any other requirements
23 imposed by state law. Beginning January 1, 2020, all applicants for a commercial
24 driver's license shall complete any entry-level driver training program as
25 established and required under 49 CFR 380.609. All applicants for a commercial
26 driver's license shall have maintained the appropriate class of commercial driver's
27 instruction permit issued by this state or any other state for a minimum of
28 fourteen calendar days prior to the date of taking the skills test. Applicants for
29 a hazardous materials endorsement must also meet the requirements of the U.S.
30 Patriot Act of 2001 (Title X of Public Law 107-56) as specified and required by
31 regulations promulgated by the Secretary. Nothing contained in this subsection
32 shall be construed as prohibiting the director from establishing alternate testing
33 formats for those who are functionally illiterate; provided, however, that any such
34 alternate test must comply with the minimum requirements of the Commercial
35 Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570) as established by
36 the Secretary.

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

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

54 (3) Beginning August 28, 2006, the director shall issue or renew

55 third-party tester certification to community colleges established under chapter
56 178 or to private companies who own, lease, or maintain their own fleet and
57 administer in-house testing to their employees, or to school districts and their
58 agents that administer in-house testing to the school district's or agent's
59 employees. Any third-party tester who violates any of the rules and regulations
60 adopted and promulgated pursuant to this section shall be subject to having his
61 certification revoked by the department. The department shall provide written
62 notice and an opportunity for the third-party tester to be heard in substantially
63 the same manner as provided in chapter 536. If any applicant submits evidence
64 that he has successfully completed a test administered by a third-party tester, the
65 actual driving test for a commercial driver's license may then be waived.

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

73 (5) The director shall have the authority to waive the driving skills and
74 written tests for any qualified current or former military service member
75 applicant for a commercial driver's instruction permit or a commercial driver's
76 license who is currently licensed at the time of application for a commercial
77 driver's instruction permit or commercial driver's license. The director shall
78 impose conditions and limitations and require certification and evidence to
79 restrict the applicants from whom the department may accept the alternative
80 requirements for the skills and written tests described in federal regulations 49
81 CFR 383.71 and 49 CFR 383.77. Applicant's shall meet all federal and state
82 qualifications to operate a commercial vehicle. Applicants shall be required to
83 complete all applicable tests, except when the applicant provides proof of
84 approved military training sufficient for **[wiaver] waiver** of the written
85 knowledge and skills tests as specified in this subdivision and subdivision (5) of
86 subsection 3 of section 302.170.

87 3. A commercial driver's license or commercial driver's instruction permit
88 may not be issued to a person while the person is disqualified from driving a
89 commercial motor vehicle, when a disqualification is pending in any state or while
90 the person's driver's license is suspended, revoked, or cancelled in any state; nor

91 may a commercial driver's license be issued unless the person first surrenders in
92 a manner prescribed by the director any commercial driver's license issued by
93 another state, which license shall be returned to the issuing state for
94 cancellation.

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

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

108 6. Notwithstanding the provisions of this section or any other law to the
109 contrary, beginning December 1, 2019, the director of the department of revenue
110 shall certify as a third-party tester any private education institution or other
111 private entity, provided the institution or entity meets the necessary
112 qualifications required by the state.

113 **7. The director shall adopt and promulgate rules and regulations**
114 **establishing a process for applicants with disabilities to request testing**
115 **accommodations with respect to both the written and driving tests**
116 **required under this section and to establish criteria for awarding such**
117 **accommodations. The rules shall specify that a hearing test shall not**
118 **be a component of the written test or driving test for any applicant who**
119 **is deaf or hard of hearing. Any rule or portion of a rule, as that term**
120 **is defined in section 536.010, that is created under the authority**
121 **delegated in this section shall become effective only if it complies with**
122 **and is subject to all of the provisions of chapter 536 and, if applicable,**
123 **section 536.028. This section and chapter 536 are nonseverable, and if**
124 **any of the powers vested with the general assembly pursuant to chapter**
125 **536, to review, to delay the effective date, or to disapprove and annul**
126 **a rule are subsequently held unconstitutional, then the grant of**

127 rulemaking authority and any rule proposed or adopted after August
128 28, 2020, shall be invalid and void.

129 8. If the United States Secretary of Transportation determines
130 that subsection 7 of this section has the effect of placing the state of
131 Missouri in noncompliance with any federal constitutional, statutory,
132 or regulatory provision that would result in the loss of any federal aid
133 funds to the Missouri highways and transportation commission, then
134 subsection 7 of this section shall be null and void.

302.723. 1. Notwithstanding any other provision of law, any
2 entity providing commercial driver's license training to persons
3 preparing to apply for commercial driver's licenses under the
4 provisions of sections 302.700 to 302.780 shall provide reasonable
5 accommodations for persons who are deaf or hard of hearing.

6 2. If the United States Secretary of Transportation determines
7 that this section or subsection 7 of section 302.720 has the effect of
8 placing the state of Missouri in noncompliance with any federal
9 constitutional, statutory, or regulatory provision that would result in
10 the loss of any federal aid funds to the Missouri highways and
11 transportation commission, then this section shall be null and void.

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