

SECOND REGULAR SESSION

SENATE BILL NO. 981

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CIERPIOT.

Read 1st time February 10, 2020, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5303S.02I

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Section A. Sections 302.130 and 302.178, RSMo, are repealed and two new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

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

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

39 2. In the event the parent, grandparent or guardian of the person under
40 sixteen years of age has a physical disability which prohibits or disqualifies said
41 parent, grandparent or guardian from being a qualified licensed operator
42 pursuant to this section, said parent, grandparent or guardian may designate a
43 maximum of two individuals authorized to accompany the applicant for the
44 purpose of giving instruction in driving the motor vehicle. An authorized
45 designee must be a licensed operator for the type of motor vehicle being operated
46 and have attained twenty-one years of age. At least one of the designees must
47 occupy the seat beside the applicant while giving instruction in driving the motor
48 vehicle. The name of the authorized designees must be provided to the
49 department of revenue by the parent, grandparent or guardian at the time of
50 application for the temporary instruction permit. The name of each authorized
51 designee shall be printed on the temporary instruction permit, however, the
52 director may delay the time at which permits are printed bearing such names
53 until the inventories of blank permits and related forms existing on August 28,
54 1998, are exhausted.

55 3. The director, upon proper application on a form prescribed by the

56 director, in his or her discretion, may issue a restricted instruction permit
57 effective for a school year or more restricted period to an applicant who is
58 enrolled in a high school driver training program taught by a driver training
59 instructor holding a valid driver education endorsement on a teaching certificate
60 issued by the state department of elementary and secondary education even
61 though the applicant has not reached the age of sixteen years but has passed the
62 age of fifteen years. Such instruction permit shall entitle the applicant, when the
63 applicant has such permit in his or her immediate possession, to operate a motor
64 vehicle on the highways, but only when a driver training instructor holding a
65 valid driver education endorsement on a teaching certificate issued by the state
66 department of elementary and secondary education is occupying a seat beside the
67 driver.

68 4. The director, in his or her discretion, may issue a temporary driver's
69 permit to an applicant who is otherwise qualified for a license permitting the
70 applicant to operate a motor vehicle while the director is completing the director's
71 investigation and determination of all facts relative to such applicant's rights to
72 receive a license. Such permit must be in the applicant's immediate possession
73 while operating a motor vehicle, and it shall be invalid when the applicant's
74 license has been issued or for good cause has been refused.

75 5. In the event that the applicant for a temporary instruction permit
76 described in subsection 1 of this section is a participant in a federal residential
77 job training program, the permittee may operate a motor vehicle accompanied by
78 a driver training instructor who holds a valid driver education endorsement
79 issued by the department of elementary and secondary education and a valid
80 driver's license.

81 6. A person at least fifteen years of age may operate a motor vehicle as
82 part of a driver training program taught by a driver training instructor holding
83 a valid driver education endorsement on a teaching certificate issued by the
84 department of elementary and secondary education or a qualified instructor of a
85 private drivers' education program.

86 7. Beginning January 1, 2003, the director shall issue with every
87 temporary instruction permit issued pursuant to subsection 1 of this section a
88 sticker or sign bearing the words "PERMIT DRIVER". The design and size of
89 such sticker or sign shall be determined by the director by regulation. Every
90 applicant issued a temporary instruction permit and sticker on or after January
91 1, 2003, may display or affix the sticker or sign on the rear window of the motor

92 vehicle. Such sticker or sign may be displayed on the rear window of the motor
93 vehicle whenever the holder of the instruction permit operates a motor vehicle
94 during his or her temporary permit licensure period.

95 8. Beginning July 1, 2005, the director shall verify that an applicant for
96 an instruction permit issued under this section is lawfully present in the United
97 States before accepting the application. The director shall not issue an
98 instruction permit for a period that exceeds an applicant's lawful presence in the
99 United States. The director may establish procedures to verify the lawful
100 presence of the applicant and establish the duration of any permit issued under
101 this section.

102 9. **Notwithstanding any other provision of law to the contrary,**
103 **the following violations shall not be reduced or amended to a**
104 **nonmoving violation for any person holding a temporary instruction**
105 **permit issued under the provisions of this section:**

106 (1) **Exceeding the posted speed limit by twenty miles per hour or**
107 **more in violation of section 304.010 or a comparable ordinance enacted**
108 **by a political subdivision; or**

109 (2) **Operating a vehicle in a careless or imprudent manner in**
110 **violation of section 304.012 or a comparable ordinance enacted by a**
111 **political subdivision.**

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

302.178. 1. Any person between the ages of sixteen and eighteen years
2 who is qualified to obtain a license pursuant to sections 302.010 to 302.340 may
3 apply for, and the director shall issue, an intermediate driver's license entitling
4 the applicant, while having such license in his or her possession, to operate a
5 motor vehicle of the appropriate class upon the highways of this state in
6 conjunction with the requirements of this section. An intermediate driver's
7 license shall be readily distinguishable from a license issued to those over the age
8 of eighteen. All applicants for an intermediate driver's license shall:

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

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

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

14 (4) Have a parent, grandparent, legal guardian, or, if the applicant is a

15 participant in a federal residential job training program, a driving instructor
16 employed by a federal residential job training program, sign the application
17 stating that the applicant has completed at least forty hours of supervised driving
18 experience under a temporary instruction permit issued pursuant to subsection
19 1 of section 302.130, or, if the applicant is an emancipated minor, the person over
20 twenty-one years of age who supervised such driving. For purposes of this
21 section, the term "emancipated minor" means a person who is at least sixteen
22 years of age, but less than eighteen years of age, who:

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

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

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

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

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

31 (5) Have had no alcohol-related enforcement contacts as defined in section
32 302.525 during the preceding twelve months; and

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

35 2. An intermediate driver's license grants the licensee the same privileges
36 to operate that classification of motor vehicle as a license issued pursuant to
37 section 302.177, except that no person shall operate a motor vehicle on the
38 highways of this state under such an intermediate driver's license between the
39 hours of 1:00 a.m. and 5:00 a.m. unless accompanied by a person described in
40 subsection 1 of section 302.130; except the licensee may operate a motor vehicle
41 without being accompanied if the travel is to or from a school or educational
42 program or activity, a regular place of employment or in emergency situations as
43 defined by the director by regulation.

44 3. Each intermediate driver's license shall be restricted by requiring that
45 the driver and all passengers in the licensee's vehicle wear safety belts at all
46 times. This safety belt restriction shall not apply to a person operating a
47 motorcycle. For the first six months after issuance of the intermediate driver's
48 license, the holder of the license shall not operate a motor vehicle with more than
49 one passenger who is under the age of nineteen who is not a member of the
50 holder's immediate family. As used in this subsection, an intermediate driver's

51 license holder's immediate family shall include brothers, sisters, stepbrothers or
52 stepsisters of the driver, including adopted or foster children residing in the same
53 household of the intermediate driver's license holder. After the expiration of the
54 first six months, the holder of an intermediate driver's license shall not operate
55 a motor vehicle with more than three passengers who are under nineteen years
56 of age and who are not members of the holder's immediate family. The passenger
57 restrictions of this subsection shall not be applicable to any intermediate driver's
58 license holder who is operating a motor vehicle being used in agricultural
59 work-related activities.

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

63 5. Any intermediate driver's licensee accumulating six or more points in
64 a twelve-month period may be required to participate in and successfully
65 complete a driver-improvement program approved by the state highways and
66 transportation commission. The driver-improvement program ordered by the
67 director of revenue shall not be used in lieu of point assessment.

68 6. (1) An intermediate driver's licensee who has, for the preceding
69 twelve-month period, had no alcohol-related enforcement contacts, as defined in
70 section 302.525 and no traffic convictions for which points are assessed, upon
71 reaching the age of eighteen years or within the thirty days immediately
72 preceding their eighteenth birthday may apply for and receive without further
73 examination, other than a vision test as prescribed by section 302.173, a license
74 issued pursuant to this chapter granting full driving privileges. Such person
75 shall pay the required fee for such license as prescribed in section 302.177.

76 (2) If an intermediate driver's license expires on a Saturday, Sunday, or
77 legal holiday, such license shall remain valid for the five business days
78 immediately following the expiration date. In no case shall a licensee whose
79 intermediate driver's license expires on a Saturday, Sunday, or legal holiday be
80 guilty of an offense of driving with an expired or invalid driver's license if such
81 offense occurred within five business days immediately following an expiration
82 date that occurs on a Saturday, Sunday, or legal holiday.

83 (3) The director of revenue shall deny an application for a full driver's
84 license until the person has had no traffic convictions for which points are
85 assessed for a period of twelve months prior to the date of application for license
86 or until the person is eligible to apply for a six-year driver's license as provided

87 for in section 302.177, provided the applicant is otherwise eligible for full driving
88 privileges. An intermediate driver's license shall expire when the licensee is
89 eligible and receives a full driver's license as prescribed in subdivision (1) of this
90 section.

91 7. No person upon reaching the age of eighteen years whose intermediate
92 driver's license and driving privilege is denied, suspended, cancelled or revoked
93 in this state or any other state for any reason may apply for a full driver's license
94 until such license or driving privilege is fully reinstated. Any such person whose
95 intermediate driver's license has been revoked pursuant to the provisions of
96 sections 302.010 to 302.540 shall, upon receipt of reinstatement of the revocation
97 from the director, pass the complete driver examination, apply for a new license,
98 and pay the proper fee before again operating a motor vehicle upon the highways
99 of this state.

100 8. A person shall be exempt from the intermediate licensing requirements
101 if the person has reached the age of eighteen years and meets all other licensing
102 requirements.

103 9. Any person who violates any of the provisions of this section relating
104 to intermediate drivers' licenses or the provisions of section 302.130 relating to
105 temporary instruction permits is guilty of an infraction, and no points shall be
106 assessed to his or her driving record for any such violation.

107 10. **Notwithstanding any other provision of law to the contrary,**
108 **the following violations shall not be reduced or amended to a**
109 **nonmoving violation for any person holding a temporary instruction**
110 **permit issued under the provisions of this section:**

111 (1) **Exceeding the posted speed limit by twenty miles per hour or**
112 **more in violation of section 304.010 or a comparable ordinance enacted**
113 **by a political subdivision; or**

114 (2) **Operating a vehicle in a careless or imprudent manner in**
115 **violation of section 304.012 or a comparable ordinance enacted by a**
116 **political subdivision.**

117 11. Any rule or portion of a rule, as that term is defined in section
118 536.010, that is created under the authority delegated in this section shall
119 become effective only if it complies with and is subject to all of the provisions of
120 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
121 nonseverable and if any of the powers vested with the general assembly pursuant
122 to chapter 536 to review, to delay the effective date or to disapprove and annul

123 a rule are subsequently held unconstitutional, then the grant of rulemaking
124 authority and any rule proposed or adopted after August 28, 2000, shall be
125 invalid and void.

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Bill

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