

SECOND REGULAR SESSION

HOUSE BILL NO. 1516

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ELLEBRACHT.

3120H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 302.171, RSMo, and to enact in lieu thereof five new sections relating to mandatory driver's education and training, with a contingent effective date.

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

Section A. Section 302.171, RSMo, is repealed and five new sections enacted in lieu thereof, to be known as sections 302.171, 302.212, 302.214, 302.216, and 302.218, to read as follows: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**, to promote a blindness education, screening and treatment program as prescribed in subsection 3 **of this section**, or the Missouri medal of

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 honor recipients fund prescribed in subsection 4 of this section. A driver's license,
18 nondriver's license, or instruction permit issued under this chapter shall contain the applicant's
19 legal name as it appears on a birth certificate or as legally changed through marriage or court
20 order. No name change by common usage based on common law shall be permitted. The
21 application shall also contain such information as the director may require to enable the
22 director to determine the applicant's qualification for driving a motor vehicle; and shall state
23 whether or not the applicant has been convicted in this or any other state for violating the laws
24 of this or any other state or any ordinance of any municipality, relating to driving without a
25 license, careless driving, or driving while intoxicated, or failing to stop after an accident and
26 disclosing the applicant's identity, or driving a motor vehicle without the owner's consent.
27 The application shall contain a certification by the applicant as to the truth of the facts stated
28 therein. Every person who applies for a license to operate a motor vehicle who is less than
29 twenty-one years of age shall be provided with educational materials relating to the hazards of
30 driving while intoxicated, including information on penalties imposed by law for violation of
31 the intoxication-related offenses of the state. Beginning January 1, 2001, if the applicant is
32 less than eighteen years of age, the applicant must comply with all requirements for the
33 issuance of an intermediate driver's license pursuant to section 302.178. For persons
34 mobilized and deployed with the United States Armed Forces, an application under this
35 subsection shall be considered satisfactory by the department of revenue if it is signed by a
36 person who holds general power of attorney executed by the person deployed, provided the
37 applicant meets all other requirements set by the director. **Beginning January 1, 2024, if the**
38 **applicant is eighteen years of age or younger and has never held a driver's license issued**
39 **by the state of Missouri, any other state or territory of the United States, or any foreign**
40 **country, the applicant shall successfully complete a driver's education program**
41 **approved by the Missouri highways and transportation commission.**

42 2. An applicant for a license may make a donation of one dollar to promote an organ
43 donor program. The director of revenue shall collect the donations and deposit all such
44 donations in the state treasury to the credit of the organ donor program fund established in
45 sections 194.297 to 194.304. Moneys in the organ donor program fund shall be used solely
46 for the purposes established in sections 194.297 to 194.304 except that the department of
47 revenue shall retain no more than one percent for its administrative costs. The donation
48 prescribed in this subsection is voluntary and may be refused by the applicant for the license
49 at the time of issuance or renewal of the license. The director shall make available an
50 informational booklet or other informational sources on the importance of organ and tissue
51 donations to applicants for licensure as designed by the organ donation advisory committee
52 established in sections 194.297 to 194.304. The director shall inquire of each applicant at the
53 time the licensee presents the completed application to the director whether the applicant is

54 interested in making the one dollar donation prescribed in this subsection and whether the
55 applicant is interested in inclusion in the organ donor registry and shall also specifically
56 inform the licensee of the ability to consent to organ donation by placing a donor symbol
57 sticker authorized and issued by the department of health and senior services on the back of
58 his or her driver's license or identification card as prescribed by subdivision (1) of subsection
59 1 of section 194.225. A symbol may be placed on the front of the license or identification
60 card indicating the applicant's desire to be listed in the registry at the applicant's request at the
61 time of his or her application for a driver's license or identification card, or the applicant may
62 instead request an organ donor sticker from the department of health and senior services by
63 application on the department of health and senior services' website. Upon receipt of an
64 organ donor sticker sent by the department of health and senior services, the applicant shall
65 place the sticker on the back of his or her driver's license or identification card to indicate that
66 he or she has made an anatomical gift. The director shall notify the department of health and
67 senior services of information obtained from applicants who indicate to the director that they
68 are interested in registry participation, and the department of health and senior services shall
69 enter the complete name, address, date of birth, race, gender and a unique personal identifier
70 in the registry established in subsection 1 of section 194.304.

71 3. An applicant for a license may make a donation of one dollar to promote a
72 blindness education, screening and treatment program. The director of revenue shall collect
73 the donations and deposit all such donations in the state treasury to the credit of the blindness
74 education, screening and treatment program fund established in section 209.015. Moneys in
75 the blindness education, screening and treatment program fund shall be used solely for the
76 purposes established in section 209.015; except that the department of revenue shall retain no
77 more than one percent for its administrative costs. The donation prescribed in this subsection
78 is voluntary and may be refused by the applicant for the license at the time of issuance or
79 renewal of the license. The director shall inquire of each applicant at the time the licensee
80 presents the completed application to the director whether the applicant is interested in
81 making the one dollar donation prescribed in this subsection.

82 4. An applicant for registration may make a donation of one dollar to the Missouri
83 medal of honor recipients fund. The director of revenue shall collect the donations and
84 deposit all such donations in the state treasury to the credit of the Missouri medal of honor
85 recipients fund as established in section 226.925. Moneys in the medal of honor recipients
86 fund shall be used solely for the purposes established in section 226.925, except that the
87 department of revenue shall retain no more than one percent for its administrative costs. The
88 donation prescribed in this subsection is voluntary and may be refused by the applicant for
89 registration at the time of issuance or renewal. The director shall inquire of each applicant at

90 the time the applicant presents the completed application to the director whether the applicant
91 is interested in making the one dollar donation prescribed in this subsection.

92 5. Beginning July 1, 2005, the director shall deny the driving privilege of any person
93 who commits fraud or deception during the examination process or who makes application
94 for an instruction permit, driver's license, or nondriver's license which contains or is
95 substantiated with false or fraudulent information or documentation, or who knowingly
96 conceals a material fact or otherwise commits a fraud in any such application. The period of
97 denial shall be one year from the effective date of the denial notice sent by the director. The
98 denial shall become effective ten days after the date the denial notice is mailed to the person.
99 The notice shall be mailed to the person at the last known address shown on the person's
100 driving record. The notice shall be deemed received three days after mailing unless returned
101 by the postal authorities. No such individual shall reapply for a driver's examination,
102 instruction permit, driver's license, or nondriver's license until the period of denial is
103 completed. No individual who is denied the driving privilege under this section shall be
104 eligible for a limited driving privilege issued under section 302.309.

105 6. All appeals of denials under this section shall be made as required by section
106 302.311.

107 7. The period of limitation for criminal prosecution under this section shall be
108 extended under subdivision (1) of subsection 3 of section 556.036.

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

112 9. Notwithstanding any provision of this chapter that requires an applicant to provide
113 proof of Missouri residency for renewal of a noncommercial driver's license, noncommercial
114 instruction permit, or nondriver's license, an applicant who is sixty-five years and older and
115 who was previously issued a Missouri noncommercial driver's license, noncommercial
116 instruction permit, or Missouri nondriver's license is exempt from showing proof of Missouri
117 residency.

118 10. Notwithstanding any provision of this chapter, for the renewal of a
119 noncommercial driver's license, noncommercial instruction permit, or nondriver's license, a
120 photocopy of an applicant's United States birth certificate along with another form of
121 identification approved by the department of revenue, including, but not limited to, United
122 States military identification or United States military discharge papers, shall constitute
123 sufficient proof of Missouri citizenship.

124 11. Notwithstanding any other provision of this chapter, if an applicant does not meet
125 the requirements of subsection 9 of this section and does not have the required documents to
126 prove Missouri residency, United States naturalization, or lawful immigration status, the

127 department may issue a one-year driver's license renewal. This one-time renewal shall only
128 be issued to an applicant who previously has held a Missouri noncommercial driver's license,
129 noncommercial instruction permit, or nondriver's license for a period of fifteen years or more
130 and who does not have the required documents to prove Missouri residency, United States
131 naturalization, or lawful immigration status. After the expiration of the one-year period, no
132 further renewal shall be provided without the applicant producing proof of Missouri
133 residency, United States naturalization, or lawful immigration status.

**302.212. 1. Notwithstanding any other provision of law to the contrary,
2 beginning January 1, 2024, every applicant for a driver's license or an intermediate
3 driver's license who is eighteen years of age or younger and has never held a driver's
4 license issued by the state of Missouri, any other state or territory of the United States,
5 or any foreign country shall successfully complete a driver's education program
6 approved by the Missouri highways and transportation commission.**

**7 2. No application for a license or an intermediate license for the operation of a
8 motor vehicle shall be accepted from any person who has never held a driver's license
9 issued by the state of Missouri, any other state or territory of the United States, or any
10 foreign country unless there is also submitted with the application, on a form approved
11 by the department of revenue, written evidence of successful completion by the
12 applicant of a driver's education program approved by the Missouri highways and
13 transportation commission as provided under section 302.214, which was completed not
14 more than ninety days prior to the date of the application.**

**15 3. The educational requirements of this section shall be in addition to the
16 licensing requirements for an intermediate driver's license under section 302.178.**

**302.214. 1. The department of transportation shall enter into agreements with
2 public or private institutions or organizations to provide driver's education programs
3 free of charge to persons who are eighteen years of age or younger and have never held a
4 driver's license issued by the state of Missouri, any other state or territory of the United
5 States, or any foreign country. Moneys for such contracts shall be allocated from the
6 driver's education and training fund established under section 302.216.**

**7 2. Prior to August 1, 2023, the Missouri highways and transportation
8 commission shall establish a process for certification and approval of public or
9 private institutions or organizations offering private driving instruction, including a
10 process for instructor certification. The commission shall maintain a list of approved
11 entities.**

**12 3. In order to qualify for certification by the Missouri highways and
13 transportation commission, an entity's program of instruction shall meet or exceed
14 the most current American Driver and Traffic Safety Education Association's Novice**

15 **Driver Education Curriculum Standards for classroom and behind-the-wheel**
16 **instruction.**

17 **4. Upon certification by the commission, a driver's education program shall be**
18 **placed on the approved driver's education list compiled by the Missouri highways and**
19 **transportation commission and submitted to the department of revenue. A student's**
20 **successful completion of an approved driver's education course shall satisfy the driver's**
21 **education licensing requirement established under section 302.212.**

22 **5. The department of transportation may promulgate rules to implement the**
23 **provisions of this section. Any rule or portion of a rule, as that term is defined in section**
24 **536.010, that is created under the authority delegated in this section shall become**
25 **effective only if it complies with and is subject to all of the provisions of chapter 536 and,**
26 **if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any**
27 **of the powers vested with the general assembly pursuant to chapter 536 to review, to**
28 **delay the effective date, or to disapprove and annul a rule are subsequently held**
29 **unconstitutional, then the grant of rulemaking authority and any rule proposed or**
30 **adopted after August 28, 2022, shall be invalid and void.**

302.216. 1. There is hereby created in the state treasury, for use by the Missouri
2 **highways and transportation commission, the "Driver's Education Training Fund". All**
3 **moneys collected pursuant to this section, appropriations of the general assembly,**
4 **federal grants, private donations, and any other moneys designated for the driver's**
5 **education training program established under section 302.214 shall be deposited in the**
6 **fund. Moneys deposited in the fund shall, upon appropriation by the general assembly**
7 **to the department of transportation, be received and expended by the Missouri**
8 **highways and transportation commission for the purpose of funding driver's education**
9 **programs under section 302.214. Notwithstanding the provisions of section 33.080 to the**
10 **contrary, any unexpended balance in the driver's education training fund at the end of**
11 **any biennium shall not be transferred to the general revenue fund.**

12 **2. In addition to the fees prescribed under chapter 301, an additional one-dollar**
13 **fee shall be collected by the department of revenue for any motor vehicle or trailer**
14 **registration issued under this chapter and deposited in the state treasury to the credit of**
15 **the driver's education training fund created under this section.**

16 **3. In addition to the license fee prescribed under section 302.177, an additional**
17 **one-dollar fee shall be collected by the department of revenue and deposited in the state**
18 **treasury to the credit of the driver's education training fund created under this section.**

19 **4. In addition to the license fee prescribed under section 302.178, an additional**
20 **one-dollar fee shall be collected by the department of revenue and deposited in the state**
21 **treasury to the credit of the driver's education training fund created under this section.**

22 **5. In addition to the fees prescribed under chapter 306, an additional one-dollar**
23 **fee shall be collected by the department of revenue for any watercraft or outboard**
24 **motor registration issued under this chapter and deposited in the state treasury to the**
25 **credit of the driver's education training fund created under this section.**

26 **6. The department of transportation shall promulgate all necessary rules and**
27 **regulations to establish a procedure for allocation of funds under this section. Any rule**
28 **or portion of a rule, as that term is defined in section 536.010, that is created under the**
29 **authority delegated in this section shall become effective only if it complies with and is**
30 **subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This**
31 **section and chapter 536 are nonseverable, and if any of the powers vested with the**
32 **general assembly pursuant to chapter 536 to review, to delay the effective date, or to**
33 **disapprove and annul a rule are subsequently held unconstitutional, then the grant of**
34 **rulemaking authority and any rule proposed or adopted after August 28, 2022, shall be**
35 **invalid and void.**

302.218. Under section 23.253 of the Missouri sunset act:

2 **(1) The provisions of the new program authorized under sections 302.212 to**
3 **302.216 shall automatically sunset six years after the effective date of sections 302.212 to**
4 **302.216 unless reauthorized by an act of the general assembly;**

5 **(2) If such program is reauthorized, the program authorized under sections**
6 **302.212 to 302.216 shall automatically sunset twelve years after the effective date of the**
7 **reauthorization of sections 302.212 to 302.216; and**

8 **(3) Sections 302.212 to 302.216 shall terminate on September first of the**
9 **calendar year immediately following the calendar year in which the program authorized**
10 **under sections 302.212 to 302.216 is sunset.**

 Section B. Section A of this act shall become effective only upon the passage and
2 approval by the voters of a constitutional amendment submitted to them by the general
3 assembly allowing the imposition of an additional one-dollar licensing and registration fee for
4 motor vehicles and trailers, an additional one-dollar licensing fee for the issuance and renewal
5 of drivers' licenses, and an additional one-dollar registration fee for all watercraft and
6 outboard motors, with such revenue to be used for driver's education. If such constitutional
7 amendment is approved by the voters, this act shall become effective January 1, 2023.

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