

SECOND REGULAR SESSION

HOUSE BILL NO. 2330

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PATTERSON.

4771H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 302.130 and 302.178, RSMo, and to enact in lieu thereof two new sections relating to driving offenses committed by minors, with penalty provisions.

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Section A. Sections 302.130 and 302.178, RSMo, are repealed and two new sections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

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

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.

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

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

48 3. The director, upon proper application on a form prescribed by the director, in his or
49 her discretion, may issue a restricted instruction permit effective for a school year or more
50 restricted period to an applicant who is enrolled in a high school driver training program
51 taught by a driver training instructor holding a valid driver education endorsement on a
52 teaching certificate issued by the state department of elementary and secondary education
53 even though the applicant has not reached the age of sixteen years but has passed the age of
54 fifteen years. Such instruction permit shall entitle the applicant, when the applicant has such

55 permit in his or her immediate possession, to operate a motor vehicle on the highways, but
56 only when a driver training instructor holding a valid driver education endorsement on a
57 teaching certificate issued by the state department of elementary and secondary education is
58 occupying a seat beside the driver.

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

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

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

74 7. Beginning January 1, 2003, the director shall issue with every temporary
75 instruction permit issued pursuant to subsection 1 of this section a sticker or sign bearing the
76 words "PERMIT DRIVER". The design and size of such sticker or sign shall be determined
77 by the director by regulation. Every applicant issued a temporary instruction permit and
78 sticker on or after January 1, 2003, may display or affix the sticker or sign on the rear window
79 of the motor vehicle. Such sticker or sign may be displayed on the rear window of the motor
80 vehicle whenever the holder of the instruction permit operates a motor vehicle during his or
81 her temporary permit licensure period.

82 8. Beginning July 1, 2005, the director shall verify that an applicant for an instruction
83 permit issued under this section is lawfully present in the United States before accepting the
84 application. The director shall not issue an instruction permit for a period that exceeds an
85 applicant's lawful presence in the United States. The director may establish procedures to
86 verify the lawful presence of the applicant and establish the duration of any permit issued
87 under this section.

88 9. **Notwithstanding any provision of law to the contrary, for any person holding**
89 **a temporary instruction permit issued under the provisions of this section, no violation**
90 **for which points are assessed under section 302.302 shall be reduced or amended to any**
91 **violation for which fewer or no points are assessed under section 302.302.**

92 **10.** The director may adopt rules and regulations necessary to carry out the provisions
93 of this section.

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

- 8 (1) Successfully complete the examination required by section 302.173;
- 9 (2) Pay the fee required by subsection 4 of this section;
- 10 (3) Have had a temporary instruction permit issued pursuant to subsection 1 of
11 section 302.130 for at least a six-month period or a valid license from another state; and
- 12 (4) Have a parent, grandparent, legal guardian, or, if the applicant is a participant in a
13 federal residential job training program, a driving instructor employed by a federal residential
14 job training program, sign the application stating that the applicant has completed at least
15 forty hours of supervised driving experience under a temporary instruction permit issued
16 pursuant to subsection 1 of section 302.130, or, if the applicant is an emancipated minor, the
17 person over twenty-one years of age who supervised such driving. For purposes of this
18 section, the term "emancipated minor" means a person who is at least sixteen years of age, but
19 less than eighteen years of age, who:
 - 20 (a) Marries with the consent of the legal custodial parent or legal guardian pursuant to
21 section 451.080;
 - 22 (b) Has been declared emancipated by a court of competent jurisdiction;
 - 23 (c) Enters active duty in the Armed Forces;
 - 24 (d) Has written consent to the emancipation from the custodial parent or legal
25 guardian; or
 - 26 (e) Through employment or other means provides for such person's own food, shelter
27 and other cost-of-living expenses;
- 28 (5) Have had no alcohol-related enforcement contacts as defined in section 302.525
29 during the preceding twelve months; and
- 30 (6) Have no nonalcoholic traffic convictions for which points are assessed pursuant to
31 section 302.302, within the preceding six months.

32 2. An intermediate driver's license grants the licensee the same privileges to operate
33 that classification of motor vehicle as a license issued pursuant to section 302.177, except that
34 no person shall operate a motor vehicle on the highways of this state under such an
35 intermediate driver's license between the hours of 1:00 a.m. and 5:00 a.m. unless

36 accompanied by a person described in subsection 1 of section 302.130; except the licensee
37 may operate a motor vehicle without being accompanied if the travel is to or from a school or
38 educational program or activity, a regular place of employment or in emergency situations as
39 defined by the director by regulation.

40 3. Each intermediate driver's license shall be restricted by requiring that the driver
41 and all passengers in the licensee's vehicle wear safety belts at all times. This safety belt
42 restriction shall not apply to a person operating a motorcycle. For the first six months after
43 issuance of the intermediate driver's license, the holder of the license shall not operate a motor
44 vehicle with more than one passenger who is under the age of nineteen who is not a member
45 of the holder's immediate family. As used in this subsection, an intermediate driver's license
46 holder's immediate family shall include brothers, sisters, stepbrothers or stepsisters of the
47 driver, including adopted or foster children residing in the same household of the intermediate
48 driver's license holder. After the expiration of the first six months, the holder of an
49 intermediate driver's license shall not operate a motor vehicle with more than three passengers
50 who are under nineteen years of age and who are not members of the holder's immediate
51 family. The passenger restrictions of this subsection shall not be applicable to any
52 intermediate driver's license holder who is operating a motor vehicle being used in
53 agricultural work-related activities.

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

57 **5. Notwithstanding any provision of law to the contrary, for any person holding**
58 **an intermediate driver's license issued under the provisions of this section, no violation**
59 **for which points are assessed under section 302.302 shall be reduced or amended to any**
60 **violation for which fewer or no points are assessed under section 302.302.**

61 **6. Notwithstanding any provision of law to the contrary, the license of any**
62 **intermediate driver's licensee accumulating four or more points in a twelve-month**
63 **period shall be converted to a temporary learner's permit, subject to the restrictions of**
64 **section 302.130. Such person's intermediate driver's license may be reinstated upon**
65 **demonstration that the person has completed a driver's education program approved by**
66 **the state highways and transportation commission that includes at least forty hours of**
67 **supervised driving experience.**

68 7. Any intermediate driver's licensee accumulating six or more points in a twelve-
69 month period may be required to participate in and successfully complete a driver-
70 improvement program approved by the state highways and transportation commission. The
71 driver-improvement program ordered by the director of revenue shall not be used in lieu of
72 point assessment.

73 ~~[6-]~~ **8.** (1) An intermediate driver's licensee who has, for the preceding twelve-month
74 period, had no alcohol-related enforcement contacts, as defined in section 302.525 and no
75 traffic convictions for which points are assessed, upon reaching the age of eighteen years or
76 within the thirty days immediately preceding their eighteenth birthday may apply for and
77 receive without further examination, other than a vision test as prescribed by section 302.173,
78 a license issued pursuant to this chapter granting full driving privileges. Such person shall
79 pay the required fee for such license as prescribed in section 302.177.

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

86 (3) The director of revenue shall deny an application for a full driver's license until
87 the person has had no traffic convictions for which points are assessed for a period of twelve
88 months prior to the date of application for license or until the person is eligible to apply for a
89 six-year driver's license as provided for in section 302.177, provided the applicant is
90 otherwise eligible for full driving privileges. An intermediate driver's license shall expire
91 when the licensee is eligible and receives a full driver's license as prescribed in subdivision
92 (1) of this section.

93 ~~[7-]~~ **9.** No person upon reaching the age of eighteen years whose intermediate driver's
94 license and driving privilege is denied, suspended, cancelled or revoked in this state or any
95 other state for any reason may apply for a full driver's license until such license or driving
96 privilege is fully reinstated. Any such person whose intermediate driver's license has been
97 revoked pursuant to the provisions of sections 302.010 to 302.540 shall, upon receipt of
98 reinstatement of the revocation from the director, pass the complete driver examination, apply
99 for a new license, and pay the proper fee before again operating a motor vehicle upon the
100 highways of this state.

101 ~~[8-]~~ **10.** A person shall be exempt from the intermediate licensing requirements if the
102 person has reached the age of eighteen years and meets all other licensing requirements.

103 ~~[9-]~~ **11.** Any person who violates any of the provisions of this section relating to
104 intermediate drivers' licenses or the provisions of section 302.130 relating to temporary
105 instruction permits is guilty of an infraction, and no points shall be assessed to his or her
106 driving record for any such violation.

107 ~~[10-]~~ **12.** Any rule or portion of a rule, as that term is defined in section 536.010, that
108 is created under the authority delegated in this section shall become effective only if it
109 complies with and is subject to all of the provisions of chapter 536 and, if applicable, section

110 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with
111 the general assembly pursuant to chapter 536 to review, to delay the effective date or to
112 disapprove and annul a rule are subsequently held unconstitutional, then the grant of
113 rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid
114 and void.

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