

SECOND REGULAR SESSION

SENATE BILL NO. 1061

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR HOSKINS.

Read 1st time February 28, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

6724S.011

AN ACT

To repeal sections 302.134 and 302.173, RSMo, and to enact in lieu thereof two new sections relating to motorcycle safety education programs.

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

Section A. Sections 302.134 and 302.173, RSMo, are repealed and two new
2 sections enacted in lieu thereof, to be known as sections 302.134 and 302.173, to
3 read as follows:

302.134. 1. The commission shall establish standards for and shall
2 administer the motorcycle safety education program. The program shall include,
3 but is not limited to, motorcycle rider training and instructor training
4 courses. The commission may expand the program to include components relating
5 to the effect of alcohol and drugs on motorcycle operation, public awareness of
6 motorcycles on the highways, driver improvement for motorcyclists, motorcycle
7 operator licensing improvement, program promotion, and other motorcycle safety
8 efforts.

9 2. [Standards adopted by the commission for the motorcycle safety
10 education program, including standards for instructor qualification and standards
11 for the motorcycle rider training and instructor training courses, shall, at a
12 minimum, comply with the applicable standards of the Motorcycle Safety
13 Foundation.

14 3.] The commission shall promulgate rules and regulations necessary to
15 **establish curriculum standards and** administer the provisions of sections
16 302.133 to 302.138.

17 [4.] 3. No rule or portion of a rule promulgated under the authority of
18 this chapter shall become effective until it has been approved by the joint

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

19 committee on administrative rules in accordance with the procedures provided in
20 this section, and the delegation of the legislative authority to enact law by the
21 adoption of such rules is dependent upon the power of the joint committee on
22 administrative rules to review and suspend rules pending ratification by the
23 senate and the house of representatives as provided in this section.

24 [5.] 4. Upon filing any proposed rule with the secretary of state, the
25 commission shall concurrently submit such proposed rule to the committee, which
26 may hold hearings upon any proposed rule or portion thereof at any time.

27 [6.] 5. A final order of rulemaking shall not be filed with the secretary
28 of state until thirty days after such final order of rulemaking has been received
29 by the committee. The committee may hold one or more hearings upon such final
30 order of rulemaking during the thirty-day period. If the committee does not
31 disapprove such order of rulemaking within the thirty-day period, the commission
32 may file such order of rulemaking with the secretary of state and the order of
33 rulemaking shall be deemed approved.

34 [7.] 6. The committee may, by majority vote of the members, suspend the
35 order of rulemaking or portion thereof by action taken prior to the filing of the
36 final order of rulemaking only for one or more of the following grounds:

- 37 (1) An absence of statutory authority for the proposed rule;
38 (2) An emergency relating to public health, safety or welfare;
39 (3) The proposed rule is in conflict with state law;
40 (4) A substantial change in circumstance since enactment of the law upon
41 which the proposed rule is based.

42 [8.] 7. If the committee disapproves any rule or portion thereof, the
43 commission shall not file such disapproved portion of any rule with the secretary
44 of state and the secretary of state shall not publish in the Missouri Register any
45 final order of rulemaking containing the disapproved portion.

46 [9.] 8. If the committee disapproves any rule or portion thereof, the
47 committee shall report its findings to the senate and the house of representatives.
48 No rule or portion thereof disapproved by the committee shall take effect so long
49 as the senate and the house of representatives ratify the act of the joint
50 committee by resolution adopted in each house within thirty legislative days after
51 such rule or portion thereof has been disapproved by the joint committee.

52 [10.] 9. Upon adoption of a rule as provided in this section, any such rule
53 or portion thereof may be suspended or revoked by the general assembly either
54 by bill or, pursuant to Section 8, Article IV of the Constitution of Missouri, by

55 concurrent resolution upon recommendation of the joint committee on
56 administrative rules. The committee shall be authorized to hold hearings and
57 make recommendations pursuant to the provisions of section 536.037. The
58 secretary of state shall publish in the Missouri Register, as soon as practicable,
59 notice of the suspension or revocation.

302.173. 1. Any applicant for a license, who does not possess a valid
2 license issued pursuant to the laws of this state, another state, or a country
3 which has a reciprocal agreement with the state of Missouri regarding the
4 exchange of licenses pursuant to section 302.172 shall be examined as herein
5 provided. Any person who has failed to renew such person's license on or before
6 the date of its expiration or within six months thereafter must take the complete
7 examination. Any active member of the Armed Forces, their adult dependents or
8 any active member of the Peace Corps may apply for a renewal license without
9 examination of any kind, unless otherwise required by sections 302.700 to
10 302.780, provided the renewal application shows that the previous license had not
11 been suspended or revoked. Any person honorably discharged from the Armed
12 Forces of the United States who held a valid license prior to being inducted may
13 apply for a renewal license within sixty days after such person's honorable
14 discharge without submitting to any examination of such person's ability to safely
15 operate a motor vehicle over the highways of this state unless otherwise required
16 by sections 302.700 to 302.780, other than the vision test provided in section
17 302.175, unless the facts set out in the renewal application or record of
18 convictions on the expiring license, or the records of the director show that there
19 is good cause to authorize the director to require the applicant to submit to the
20 complete examination. No applicant for a renewal license shall be required to
21 submit to any examination of his or her ability to safely operate a motor vehicle
22 over the highways of this state unless otherwise required by sections 302.700 to
23 302.780 or regulations promulgated thereunder, other than a test of the
24 applicant's ability to understand highway signs regulating, warning or directing
25 traffic and the vision test provided in section 302.175, unless the facts set out in
26 the renewal application or record of convictions on the expiring license, or the
27 records of the director show that there is good cause to authorize the director to
28 require the applicant to submit to the complete examination. The examination
29 shall be made available in each county. Reasonable notice of the time and place
30 of the examination shall be given the applicant by the person or officer designated
31 to conduct it. The complete examination shall include a test of the applicant's

32 natural or corrected vision as prescribed in section 302.175, the applicant's ability
33 to understand highway signs regulating, warning or directing traffic, the
34 applicant's practical knowledge of the traffic laws of this state, and an actual
35 demonstration of ability to exercise due care in the operation of a motor vehicle
36 of the classification for which the license is sought. When an applicant for a
37 license has a license from a state which has requirements for issuance of a license
38 comparable to the Missouri requirements or a license from a country which has
39 a reciprocal agreement with the state of Missouri regarding the exchange of
40 licenses pursuant to section 302.172 and such license has not expired more than
41 six months prior to the date of application for the Missouri license, the director
42 may waive the test of the applicant's practical knowledge of the traffic laws of
43 this state, and the requirement of actual demonstration of ability to exercise due
44 care in the operation of a motor vehicle. If the director has reasonable grounds
45 to believe that an applicant is suffering from some known physical or mental
46 ailment which ordinarily would interfere with the applicant's fitness to operate
47 a motor vehicle safely upon the highways, the director may require that the
48 examination include a physical or mental examination by a licensed physician of
49 the applicant's choice, at the applicant's expense, to determine the fact. The
50 director shall prescribe regulations to ensure uniformity in the examinations and
51 in the grading thereof and shall prescribe and furnish all forms to the members
52 of the highway patrol and to other persons authorized to conduct examinations
53 as may be necessary to enable the officer or person to properly conduct the
54 examination. The records of the examination shall be forwarded to the director
55 who shall not issue any license hereunder if in the director's opinion the
56 applicant is not qualified to operate a motor vehicle safely upon the highways of
57 this state.

58 2. Beginning July 1, 2005, when the examiner has reasonable grounds to
59 believe that an individual has committed fraud or deception during the
60 examination process, the license examiner shall immediately forward to the
61 director all information relevant to any fraud or deception, including, but not
62 limited to, a statement of the examiner's grounds for belief that the person
63 committed or attempted to commit fraud or deception in the written, skills, or
64 vision examination.

65 3. The director of revenue shall delegate the power to conduct the
66 examinations required for a license or permit to any member of the highway
67 patrol or any person employed by the highway patrol. The powers delegated to

68 any examiner may be revoked at any time by the director of revenue upon notice.

69 4. Notwithstanding the requirements of subsections 1 and 3 of this
70 section, the successful completion of a motorcycle rider training course approved
71 pursuant to sections 302.133 to 302.137 shall constitute an actual demonstration
72 of the person's ability to exercise due care in the operation of a motorcycle or
73 motortricycle, and no further driving test shall be required to obtain a motorcycle
74 or motortricycle license or endorsement.

75 5. Notwithstanding the requirements of subsections 1 and 3 of this
76 section, the successful completion of a military motorcycle rider training course
77 that meets or exceeds the [Motorcycle Safety Foundation] curriculum standards
78 **promulgated under section 302.134**, by an applicant who is an active member
79 of the U.S. Armed Forces, shall constitute an actual demonstration of the person's
80 ability to exercise due care in the operation of a motorcycle or motortricycle, and
81 no further driving test shall be required to obtain a motorcycle or motortricycle
82 license or endorsement. The director of revenue is authorized to promulgate rules
83 and regulations for the administration and implementation of this subsection
84 including rules governing the presentment of motorcycle training course
85 completion cards from a military motorcycle rider training course or other
86 documentation showing that the applicant has successfully completed a course in
87 basic motorcycle safety instruction that meets or exceeds curriculum standards
88 [established by the Motorcycle Safety Foundation or other national organization
89 whose purpose is to improve the safety of motorcyclists on the nation's streets and
90 highways] **promulgated under section 302.134**. Any rule or portion of a rule,
91 as that term is defined in section 536.010, that is created under the authority
92 delegated in this section shall become effective only if it complies with and is
93 subject to all of the provisions of chapter 536 and, if applicable, section
94 536.028. This section and chapter 536 are nonseverable and if any of the powers
95 vested with the general assembly pursuant to chapter 536 to review, to delay the
96 effective date, or to disapprove and annul a rule are subsequently held
97 unconstitutional, then the grant of rulemaking authority and any rule proposed
98 or adopted after August 28, 2012, shall be invalid and void.

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