

SECOND REGULAR SESSION

SENATE BILL NO. 1078

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR PARSON.

Read 1st time February 22, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

6571S.011

AN ACT

To repeal section 302.768, RSMo, and to enact in lieu thereof one new section relating to commercial driver's licenses.

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

Section A. Section 302.768, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 302.768, to read as follows:

302.768. 1. Any applicant for a commercial driver's license or commercial
2 driver's instruction permit shall comply with the Federal Motor Carrier Safety
3 Administration application requirements of 49 CFR Part 383.71 by certifying to
4 one of the following applicable statements relating to federal and state driver
5 qualification rules:

6 (1) Nonexcepted interstate: certifies the applicant is a driver operating
7 or expecting to operate in interstate or foreign commerce, or is otherwise subject
8 to and meets requirements of 49 CFR Part 391 and is required to obtain a
9 medical examiner's certificate as defined in 49 CFR Part 391.45;

10 (2) Excepted interstate: certifies the applicant is a driver operating or
11 expecting to operate entirely in interstate commerce that is not subject to Part
12 391 and is subject to Missouri driver qualifications and not required to obtain a
13 medical examiner's certificate;

14 (3) Nonexcepted intrastate: certifies the applicant is a driver operating
15 only in intrastate commerce and is subject to Missouri driver qualifications;

16 (4) Excepted intrastate: certifies the applicant operates or expects to
17 operate only in intrastate commerce, and engaging only in operations excepted
18 from all parts of the Missouri driver qualification requirements.

19 2. Any applicant who cannot meet certification requirements under one
20 of the categories defined in subsection 1 of this section shall be denied issuance

21 of a commercial driver's license or commercial driver's instruction permit.

22 3. An applicant certifying to operation in nonexcepted interstate or
23 nonexcepted intrastate commerce shall provide the state with an original or copy
24 of a current medical examiner's certificate or a medical examiner's certificate
25 accompanied by a medical variance or waiver. The state shall retain the original
26 or copy of the documentation of physical qualification for a minimum of three
27 years beyond the date the certificate was issued.

28 4. Applicants certifying to operation in nonexcepted interstate commerce
29 or nonexcepted intrastate commerce shall provide an updated medical certificate
30 or variance documents to maintain a certified status during the term of the
31 commercial driver's license or commercial driver's instruction permit in order to
32 retain commercial privileges.

33 5. The director shall post the medical examiner's certificate of
34 information, medical variance if applicable, the applicant's self-certification and
35 certification status to the Missouri driver record within ten calendar days and
36 such information will become part of the CDLIS driver record.

37 6. Applicants certifying to operation in nonexcepted interstate commerce
38 or nonexcepted intrastate commerce who fail to provide or maintain a current
39 medical examiner's certificate, or if the state has received notice of a medical
40 variance or waiver expiring or being rescinded, the state shall, within ten
41 calendar days, update the driver's medical certification status to "not
42 certified". The state shall notify the driver of the change in certification status
43 and require the driver to annually comply with requirements for a commercial
44 driver's license downgrade within sixty days of the expiration of the applicant
45 certification.

46 7. The department of revenue may, by rule, establish the cost and criteria
47 for submission of updated medical certification status information as required
48 under this section.

49 8. Any person who falsifies any information in an application for or
50 update of medical certification status information for a commercial driver's
51 license shall not be licensed to operate a commercial motor vehicle, or the
52 person's commercial driver's license shall be cancelled for a period of one year
53 after the director discovers such falsification.

54 9. The director **of the department of revenue** may promulgate rules
55 and regulations necessary to administer and enforce this section. Any rule or
56 portion of a rule, as that term is defined in section 536.010, that is created under

57 the authority delegated in this section shall become effective only if it complies
58 with and is subject to all of the provisions of chapter 536 and, if applicable,
59 section 536.028. This section and chapter 536 are nonseverable and if any of the
60 powers vested with the general assembly pursuant to chapter 536 to review, to
61 delay the effective date, or to disapprove and annul a rule are subsequently held
62 unconstitutional, then the grant of rulemaking authority and any rule proposed
63 or adopted after August 28, 2012, shall be invalid and void.

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Unofficial

Bill

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