

# SENATE BILL NO. 744

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR CIERPIOT.

3972S.01H

ADRIANE D. CROUSE, Secretary

## 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  
2 repealed and two new sections enacted in lieu thereof, to be  
3 known as sections 302.130 and 302.178, to read as follows:

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

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

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

51 the applicant will receive the behind-the-wheel driving  
52 instruction required by this section.

53 2. In the event the parent, grandparent or guardian of  
54 the person under sixteen years of age has a physical  
55 disability which prohibits or disqualifies said parent,  
56 grandparent or guardian from being a qualified licensed  
57 operator pursuant to this section, said parent, grandparent  
58 or guardian may designate a maximum of two individuals  
59 authorized to accompany the applicant for the purpose of  
60 giving instruction in driving the motor vehicle. An  
61 authorized designee must be a licensed operator for the type  
62 of motor vehicle being operated and have attained twenty-one  
63 years of age. At least one of the designees must occupy the  
64 seat beside the applicant while giving instruction in  
65 driving the motor vehicle. The name of the authorized  
66 designees must be provided to the department of revenue by  
67 the parent, grandparent or guardian at the time of  
68 application for the temporary instruction permit. The name  
69 of each authorized designee shall be printed on the  
70 temporary instruction permit, however, the director may  
71 delay the time at which permits are printed bearing such  
72 names until the inventories of blank permits and related  
73 forms existing on August 28, 1998, are exhausted.

74 3. The director, upon proper application on a form  
75 prescribed by the director, in his or her discretion, may  
76 issue a restricted instruction permit effective for a school  
77 year or more restricted period to an applicant who is  
78 enrolled in a high school driver training program taught by  
79 a driver training instructor holding a valid driver  
80 education endorsement on a teaching certificate issued by  
81 the state department of elementary and secondary education  
82 even though the applicant has not reached the age of sixteen

83 years but has passed the age of fifteen years. Such  
84 instruction permit shall entitle the applicant, when the  
85 applicant has such permit in his or her immediate  
86 possession, to operate a motor vehicle on the highways, but  
87 only when a driver training instructor holding a valid  
88 driver education endorsement on a teaching certificate  
89 issued by the state department of elementary and secondary  
90 education is occupying a seat beside the driver.

91 4. The director, in his or her discretion, may issue a  
92 temporary driver's permit to an applicant who is otherwise  
93 qualified for a license permitting the applicant to operate  
94 a motor vehicle while the director is completing the  
95 director's investigation and determination of all facts  
96 relative to such applicant's rights to receive a license.  
97 Such permit must be in the applicant's immediate possession  
98 while operating a motor vehicle, and it shall be invalid  
99 when the applicant's license has been issued or for good  
100 cause has been refused.

101 5. In the event that the applicant for a temporary  
102 instruction permit described in subsection 1 of this section  
103 is a participant in a federal residential job training  
104 program, the permittee may operate a motor vehicle  
105 accompanied by a driver training instructor who holds a  
106 valid driver education endorsement issued by the department  
107 of elementary and secondary education and a valid driver's  
108 license.

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

115           7. Beginning January 1, 2003, the director shall issue  
116 with every temporary instruction permit issued pursuant to  
117 subsection 1 of this section a sticker or sign bearing the  
118 words "PERMIT DRIVER". The design and size of such sticker  
119 or sign shall be determined by the director by regulation.  
120 Every applicant issued a temporary instruction permit and  
121 sticker on or after January 1, 2003, may display or affix  
122 the sticker or sign on the rear window of the motor  
123 vehicle. Such sticker or sign may be displayed on the rear  
124 window of the motor vehicle whenever the holder of the  
125 instruction permit operates a motor vehicle during his or  
126 her temporary permit licensure period.

127           8. Beginning July 1, 2005, the director shall verify  
128 that an applicant for an instruction permit issued under  
129 this section is lawfully present in the United States before  
130 accepting the application. The director shall not issue an  
131 instruction permit for a period that exceeds an applicant's  
132 lawful presence in the United States. The director may  
133 establish procedures to verify the lawful presence of the  
134 applicant and establish the duration of any permit issued  
135 under this section.

136           9. **Notwithstanding any provision of law to the**  
137 **contrary, for any person holding a temporary instruction**  
138 **permit issued under the provisions of this section, no**  
139 **violation for which points are assessed under section**  
140 **302.302 shall be reduced or amended to any violation for**  
141 **which fewer or no points are assessed under section 302.302.**

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

302.178. 1. Any person between the ages of sixteen  
2 and eighteen years who is qualified to obtain a license  
3 pursuant to sections 302.010 to 302.340 may apply for, and

4 the director shall issue, an intermediate driver's license  
5 entitling the applicant, while having such license in his or  
6 her possession, to operate a motor vehicle of the  
7 appropriate class upon the highways of this state in  
8 conjunction with the requirements of this section. An  
9 intermediate driver's license shall be readily  
10 distinguishable from a license issued to those over the age  
11 of eighteen. All applicants for an intermediate driver's  
12 license shall:

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

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

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

20 (4) Have a parent, grandparent, legal guardian, or, if  
21 the applicant is a participant in a federal residential job  
22 training program, a driving instructor employed by a federal  
23 residential job training program, sign the application  
24 stating that the applicant has completed at least forty  
25 hours of supervised driving experience under a temporary  
26 instruction permit issued pursuant to subsection 1 of  
27 section 302.130, or, if the applicant is an emancipated  
28 minor, the person over twenty-one years of age who  
29 supervised such driving. For purposes of this section, the  
30 term "emancipated minor" means a person who is at least  
31 sixteen years of age, but less than eighteen years of age,  
32 who:

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

- 35           (b) Has been declared emancipated by a court of  
36 competent jurisdiction;
- 37           (c) Enters active duty in the Armed Forces;
- 38           (d) Has written consent to the emancipation from the  
39 custodial parent or legal guardian; or
- 40           (e) Through employment or other means provides for  
41 such person's own food, shelter and other cost-of-living  
42 expenses;
- 43           (5) Have had no alcohol-related enforcement contacts  
44 as defined in section 302.525 during the preceding twelve  
45 months; and
- 46           (6) Have no nonalcoholic traffic convictions for which  
47 points are assessed pursuant to section 302.302, within the  
48 preceding six months.
- 49           2. An intermediate driver's license grants the  
50 licensee the same privileges to operate that classification  
51 of motor vehicle as a license issued pursuant to section  
52 302.177, except that no person shall operate a motor vehicle  
53 on the highways of this state under such an intermediate  
54 driver's license between the hours of 1:00 a.m. and 5:00  
55 a.m. unless accompanied by a person described in subsection  
56 1 of section 302.130; except the licensee may operate a  
57 motor vehicle without being accompanied if the travel is to  
58 or from a school or educational program or activity, a  
59 regular place of employment or in emergency situations as  
60 defined by the director by regulation.
- 61           3. Each intermediate driver's license shall be  
62 restricted by requiring that the driver and all passengers  
63 in the licensee's vehicle wear safety belts at all times.  
64 This safety belt restriction shall not apply to a person  
65 operating a motorcycle. For the first six months after  
66 issuance of the intermediate driver's license, the holder of

67 the license shall not operate a motor vehicle with more than  
68 one passenger who is under the age of nineteen who is not a  
69 member of the holder's immediate family. As used in this  
70 subsection, an intermediate driver's license holder's  
71 immediate family shall include brothers, sisters,  
72 stepbrothers or stepsisters of the driver, including adopted  
73 or foster children residing in the same household of the  
74 intermediate driver's license holder. After the expiration  
75 of the first six months, the holder of an intermediate  
76 driver's license shall not operate a motor vehicle with more  
77 than three passengers who are under nineteen years of age  
78 and who are not members of the holder's immediate family.  
79 The passenger restrictions of this subsection shall not be  
80 applicable to any intermediate driver's license holder who  
81 is operating a motor vehicle being used in agricultural work-  
82 related activities.

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

87 **5. Notwithstanding any provision of law to the**  
88 **contrary, for any person holding an intermediate driver's**  
89 **license issued under the provisions of this section, no**  
90 **violation for which points are assessed under section**  
91 **302.302 shall be reduced or amended to any violation for**  
92 **which fewer or no points are assessed under section 302.302.**

93 6. Any intermediate driver's licensee accumulating six  
94 or more points in a twelve-month period may be required to  
95 participate in and successfully complete a driver-  
96 improvement program approved by the state highways and  
97 transportation commission. The driver-improvement program



98 ordered by the director of revenue shall not be used in lieu  
99 of point assessment.

100 [6.] 7. (1) An intermediate driver's licensee who  
101 has, for the preceding twelve-month period, had no alcohol-  
102 related enforcement contacts, as defined in section 302.525  
103 and no traffic convictions for which points are assessed,  
104 upon reaching the age of eighteen years or within the thirty  
105 days immediately preceding their eighteenth birthday may  
106 apply for and receive without further examination, other  
107 than a vision test as prescribed by section 302.173, a  
108 license issued pursuant to this chapter granting full  
109 driving privileges. Such person shall pay the required fee  
110 for such license as prescribed in section 302.177.

111 (2) If an intermediate driver's license expires on a  
112 Saturday, Sunday, or legal holiday, such license shall  
113 remain valid for the five business days immediately  
114 following the expiration date. In no case shall a licensee  
115 whose intermediate driver's license expires on a Saturday,  
116 Sunday, or legal holiday be guilty of an offense of driving  
117 with an expired or invalid driver's license if such offense  
118 occurred within five business days immediately following an  
119 expiration date that occurs on a Saturday, Sunday, or legal  
120 holiday.

121 (3) The director of revenue shall deny an application  
122 for a full driver's license until the person has had no  
123 traffic convictions for which points are assessed for a  
124 period of twelve months prior to the date of application for  
125 license or until the person is eligible to apply for a six-  
126 year driver's license as provided for in section 302.177,  
127 provided the applicant is otherwise eligible for full  
128 driving privileges. An intermediate driver's license shall  
129 expire when the licensee is eligible and receives a full

130 driver's license as prescribed in subdivision (1) of this  
131 section.

132 [7.] 8. No person upon reaching the age of eighteen  
133 years whose intermediate driver's license and driving  
134 privilege is denied, suspended, cancelled or revoked in this  
135 state or any other state for any reason may apply for a full  
136 driver's license until such license or driving privilege is  
137 fully reinstated. Any such person whose intermediate  
138 driver's license has been revoked pursuant to the provisions  
139 of sections 302.010 to 302.540 shall, upon receipt of  
140 reinstatement of the revocation from the director, pass the  
141 complete driver examination, apply for a new license, and  
142 pay the proper fee before again operating a motor vehicle  
143 upon the highways of this state.

144 [8.] 9. A person shall be exempt from the intermediate  
145 licensing requirements if the person has reached the age of  
146 eighteen years and meets all other licensing requirements.

147 [9.] 10. Any person who violates any of the provisions  
148 of this section relating to intermediate drivers' licenses  
149 or the provisions of section 302.130 relating to temporary  
150 instruction permits is guilty of an infraction, and no  
151 points shall be assessed to his or her driving record for  
152 any such violation.

153 [10.] 11. Any rule or portion of a rule, as that term  
154 is defined in section 536.010, that is created under the  
155 authority delegated in this section shall become effective  
156 only if it complies with and is subject to all of the  
157 provisions of chapter 536 and, if applicable, section  
158 536.028. This section and chapter 536 are nonseverable and  
159 if any of the powers vested with the general assembly  
160 pursuant to chapter 536 to review, to delay the effective  
161 date or to disapprove and annul a rule are subsequently held

162 unconstitutional, then the grant of rulemaking authority and  
163 any rule proposed or adopted after August 28, 2000, shall be  
164 invalid and void.

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