

FIRST REGULAR SESSION

SENATE BILL NO. 547

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR GRIESHEIMER.

Read 1st time February 21, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

2362S.011

AN ACT

To repeal section 302.178, RSMo, and to enact in lieu thereof one new section relating to intermediate driver license passenger restrictions.

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

Section A. Section 302.178, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 302.178, to read as follows:

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

- 9 (1) Successfully complete the examination required by section 302.173;
- 10 (2) Pay the fee required by subsection 4 of this section;
- 11 (3) Have had a temporary instruction permit issued pursuant to
12 subsection 1 of section 302.130 for at least a six-month period or a valid license
13 from another state; and
- 14 (4) Have a parent, grandparent, legal guardian, or, if the applicant is a
15 participant in a federal residential job training program, a driving instructor
16 employed by a federal residential job training program, sign the application
17 stating that the applicant has completed at least forty hours of supervised driving
18 experience under a temporary instruction permit issued pursuant to subsection
19 1 of section 302.130, or, if the applicant is an emancipated minor, the person over
20 twenty-one years of age who supervised such driving. For purposes of this

21 section, the term "emancipated minor" means a person who is at least sixteen
22 years of age, but less than eighteen years of age, who:

23 (a) Marries with the consent of the legal custodial parent or legal
24 guardian pursuant to section 451.080, RSMo;

25 (b) Has been declared emancipated by a court of competent jurisdiction;

26 (c) Enters active duty in the armed forces;

27 (d) Has written consent to the emancipation from the custodial parent or
28 legal guardian; or

29 (e) Through employment or other means provides for such person's own
30 food, shelter and other cost-of-living expenses;

31 (5) Have had no alcohol-related enforcement contacts as defined in section
32 302.525 during the preceding twelve months; and

33 (6) Have no nonalcoholic traffic convictions for which points are assessed
34 pursuant to section 302.302, within the preceding six months.

35 2. An intermediate driver's license grants the licensee the same privileges
36 to operate that classification of motor vehicle as a license issued pursuant to
37 section 302.177, except that no person shall operate a motor vehicle on the
38 highways of this state under such an intermediate driver's license between the
39 hours of 1:00 a.m. and 5:00 a.m. unless accompanied by a person described in
40 subsection 1 of section 302.130; except the licensee may operate a motor vehicle
41 without being accompanied if the travel is to or from a school or educational
42 program or activity, a regular place of employment or in emergency situations as
43 defined by the director by regulation.

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

57 restrictions of this subsection shall not be applicable to any intermediate driver's
58 license holder who is operating a motor vehicle being used in agricultural
59 work-related activities. **Any student enrolled in an educational institution**
60 **without access to publicly funded bussing may operate a motor vehicle**
61 **with nonfamily member passengers who are younger than nineteen**
62 **years of age for the purposes of driving to and from regularly**
63 **scheduled school activities so long as the number of passengers do not**
64 **exceed the number of working seatbelts in the vehicle.**

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

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

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

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

88 (3) The director of revenue shall deny an application for a full driver's
89 license until the person has had no traffic convictions for which points are
90 assessed for a period of twelve months prior to the date of application for license
91 or until the person is eligible to apply for a six-year driver's license as provided
92 for in section 302.177, provided the applicant is otherwise eligible for full driving

93 privileges. An intermediate driver's license shall expire when the licensee is
94 eligible and receives a full driver's license as prescribed in subdivision (1) of this
95 section.

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

105 8. A person shall be exempt from the intermediate licensing requirements
106 if the person has reached the age of eighteen years and meets all other licensing
107 requirements.

108 9. Any person who violates any of the provisions of this section relating
109 to intermediate drivers' licenses or the provisions of section 302.130 relating to
110 temporary instruction permits is guilty of an infraction, and no points shall be
111 assessed to his or her driving record for any such violation.

112 10. Any rule or portion of a rule, as that term is defined in section
113 536.010, RSMo, that is created under the authority delegated in this section shall
114 become effective only if it complies with and is subject to all of the provisions of
115 chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and
116 chapter 536, RSMo, are nonseverable and if any of the powers vested with the
117 general assembly pursuant to chapter 536, RSMo, to review, to delay the effective
118 date or to disapprove and annul a rule are subsequently held unconstitutional,
119 then the grant of rulemaking authority and any rule proposed or adopted after
120 August 28, 2000, shall be invalid and void.

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