

FIRST REGULAR SESSION

# SENATE BILL NO. 627

94TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR RIDGEWAY.

Read 1st time February 28, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

2298S.011

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## AN ACT

To repeal section 302.720, RSMo, and to enact in lieu thereof one new section relating to the prohibition of using language interpreters in the commercial driver's license examination process.

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

Section A. Section 302.720, RSMo, is repealed and one new section  
2 enacted in lieu thereof, to be known as section 302.720, to read as follows:

302.720. 1. Except when operating under an instruction permit as  
2 described in this section, no person may drive a commercial motor vehicle unless  
3 the person has been issued a commercial driver's license with applicable  
4 endorsements valid for the type of vehicle being operated as specified in sections  
5 302.700 to 302.780. A commercial driver's instruction permit shall allow the  
6 holder of a valid license to operate a commercial motor vehicle when accompanied  
7 by the holder of a commercial driver's license valid for the vehicle being operated  
8 and who occupies a seat beside the individual, or reasonably near the individual  
9 in the case of buses, for the purpose of giving instruction in driving the  
10 commercial motor vehicle. A commercial driver's instruction permit shall be valid  
11 for the vehicle being operated for a period of not more than six months, and shall  
12 not be issued until the permit holder has met all other requirements of sections  
13 302.700 to 302.780, except for the driving test. A permit holder, unless otherwise  
14 disqualified, may be granted one six-month renewal within a one-year  
15 period. The fee for such permit or renewal shall be five dollars. In the  
16 alternative, a commercial driver's instruction permit shall be issued for a  
17 thirty-day period to allow the holder of a valid driver's license to operate a  
18 commercial motor vehicle if the applicant has completed all other requirements  
19 except the driving test. The permit may be renewed for one additional thirty-day

20 period and the fee for the permit and for renewal shall be five dollars.

21           2. No person may be issued a commercial driver's license until he has  
22 passed written and driving tests for the operation of a commercial motor vehicle  
23 which complies with the minimum federal standards established by the Secretary  
24 and has satisfied all other requirements of the Commercial Motor Vehicle Safety  
25 Act of 1986 (Title XII of Pub. Law 99-570), as well as any other requirements  
26 imposed by state law. Applicants for a hazardous materials endorsement must  
27 also meet the requirements of the U.S. Patriot Act of 2001 (Title X of Public Law  
28 107-56) as specified and required by regulations promulgated by the  
29 Secretary. Nothing contained in this subsection shall be construed as prohibiting  
30 the director from establishing alternate testing formats for those who are  
31 functionally illiterate; provided, however, that any such alternate test must  
32 comply with the minimum requirements of the Commercial Motor Vehicle Safety  
33 Act of 1986 (Title XII of Pub. Law 99-570) as established by the Secretary. **The**  
34 **director shall neither supply nor permit the use of language**  
35 **interpreters in connection with the written and driving test required**  
36 **under this section.**

37           (1) The written and driving tests shall be held at such times and in such  
38 places as the superintendent may designate. A twenty-five dollar examination  
39 fee shall be paid by the applicant upon completion of any written or driving  
40 test. The director shall delegate the power to conduct the examinations required  
41 under sections 302.700 to 302.780 to any member of the highway patrol or any  
42 person employed by the highway patrol qualified to give driving examinations.

43           (2) The director shall adopt and promulgate rules and regulations  
44 governing the certification of third-party testers by the department of  
45 revenue. Such rules and regulations shall substantially comply with the  
46 requirements of 49 CFR Part 383, Section 383.75. A certification to conduct  
47 third-party testing shall be valid for one year, and the department shall charge  
48 a fee of one hundred dollars to issue or renew the certification of any third-party  
49 tester.

50           (3) Beginning August 28, 2006, the director shall only issue or renew  
51 third-party tester certification to junior colleges or community colleges  
52 established under chapter 178, RSMo, or to private companies who own, lease, or  
53 maintain their own fleet and administer in-house testing to their employees, or  
54 to school districts and their agents that administer in-house testing to the school  
55 district's or agent's employees. Any third-party tester who violates any of the

56 rules and regulations adopted and promulgated pursuant to this section shall be  
57 subject to having his certification revoked by the department. The department  
58 shall provide written notice and an opportunity for the third-party tester to be  
59 heard in substantially the same manner as provided in chapter 536, RSMo. If  
60 any applicant submits evidence that he has successfully completed a test  
61 administered by a third-party tester, the actual driving test for a commercial  
62 driver's license may then be waived.

63 (4) Every applicant for renewal of a commercial driver's license shall  
64 provide such certifications and information as required by the secretary and if  
65 such person transports a hazardous material must also meet the requirements of  
66 the U.S. Patriot Act of 2001 (Title X of Public Law 107-56) as specified and  
67 required by regulations promulgated by the secretary. Such person shall be  
68 required to take the written test for such endorsement. A twenty-five dollar  
69 examination fee shall be paid upon completion of such tests.

70 3. A commercial driver's license may not be issued to a person while the  
71 person is disqualified from driving a commercial motor vehicle, when a  
72 disqualification is pending in any state or while the person's driver's license is  
73 suspended, revoked, or canceled in any state; nor may a commercial driver's  
74 license be issued unless the person first surrenders in a manner prescribed by the  
75 director any commercial driver's license issued by another state, which license  
76 shall be returned to the issuing state for cancellation.

77 4. Beginning July 1, 2005, the director shall not issue an instruction  
78 permit under this section unless the director verifies that the applicant is  
79 lawfully present in the United States before accepting the application. The  
80 director may, by rule or regulation, establish procedures to verify the lawful  
81 presence of the applicant under this section. No rule or portion of a rule  
82 promulgated pursuant to the authority of this section shall become effective  
83 unless it has been promulgated pursuant to chapter 536, RSMo.

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