

# SENATE BILL NO. 167

## 102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR BROWN (26).

0851S.01I

KRISTINA MARTIN, Secretary

### AN ACT

To repeal section 302.768, RSMo, and to enact in lieu thereof one new section relating to medical requirements for commercial vehicle operators.

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Section A. Section 302.768, RSMo, is repealed and one new  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

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

7 (1) Nonexcepted interstate: certifies the applicant  
8 is a driver operating or expecting to operate in interstate  
9 or foreign commerce, or is otherwise subject to and meets  
10 requirements of 49 CFR Part 391 and is required to obtain a  
11 medical examiner's certificate as defined in 49 CFR Part  
12 391.45;

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

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

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

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

25           2. Any applicant who cannot meet certification  
26 requirements under one of the categories described in  
27 subsection 1 of this section shall be denied issuance of a  
28 commercial driver's license or commercial driver's  
29 instruction permit.

30           3. An applicant certifying to operation in nonexcepted  
31 interstate or nonexcepted intrastate commerce shall provide  
32 the state with an original or copy of a current medical  
33 examiner's certificate or a medical examiner's certificate  
34 accompanied by a medical variance or waiver[, until such  
35 time as the medical examiner's certificate information is  
36 received electronically]. **Documentation required under this**  
37 **subsection may be provided in person or by mail, facsimile,**  
38 **or electronic mail, or** through a verification system  
39 approved by the Federal Motor Carrier Safety  
40 Administration. The state shall retain the documentation of  
41 physical qualification for a minimum of three years beyond  
42 the date the certificate was issued.

43           4. Applicants certifying to operation in nonexcepted  
44 interstate commerce or nonexcepted intrastate commerce shall  
45 provide updated medical certificate or variance information  
46 to maintain a certified status during the term of the  
47 commercial driver's license or commercial driver's  
48 instruction permit in order to retain commercial privileges.

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

54           6. Applicants certifying to operation in nonexcepted  
55 interstate commerce or nonexcepted intrastate commerce who  
56 fail to provide or maintain a current medical examiner's  
57 certificate, or if the state has received notice of a  
58 medical variance or waiver expiring or being rescinded, the  
59 state shall, within ten calendar days, update the driver's  
60 medical certification status to "not certified". The state  
61 shall notify the driver of the change in certification  
62 status and require the driver to annually comply with  
63 requirements for a commercial driver's license downgrade  
64 within sixty days of the expiration of the applicant  
65 certification.

66           7. The department of revenue may, by rule, establish  
67 the cost and criteria for submission of updated medical  
68 certification status information as required under this  
69 section.

70           8. Any person who falsifies any information in an  
71 application for or update of medical certification status  
72 information for a commercial driver's license shall not be  
73 licensed to operate a commercial motor vehicle, or the  
74 person's commercial driver's license shall be cancelled for  
75 a period of one year after the director discovers such  
76 falsification.

77           9. The director may promulgate rules and regulations  
78 necessary to administer and enforce this section. Any rule  
79 or portion of a rule, as that term is defined in section  
80 536.010, that is created under the authority delegated in

81 this section shall become effective only if it complies with  
82 and is subject to all of the provisions of chapter 536 and,  
83 if applicable, section 536.028. This section and chapter  
84 536 are nonseverable and if any of the powers vested with  
85 the general assembly pursuant to chapter 536 to review, to  
86 delay the effective date, or to disapprove and annul a rule  
87 are subsequently held unconstitutional, then the grant of  
88 rulemaking authority and any rule proposed or adopted after  
89 August 28, 2012, shall be invalid and void.

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