

FIRST REGULAR SESSION

[PERFECTED]

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 167 & 171

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR BROWN (26).

0851S.03P

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Section A. Section 302.768, RSMo, is repealed and one new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

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

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;

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 may be provided by**
38 **mail, facsimile, or electronic mail, or** through a
39 verification system approved by the Federal Motor Carrier
40 Safety Administration. The state shall retain the
41 documentation of physical qualification for a minimum of
42 three years beyond 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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