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**Title 7—MISSOURI DEPARTMENT OF TRANSPORTATION**  
**Division 10—Missouri Highways and Transportation Commission**  
**Chapter 25—Motor Carrier Operations**

SECRETARY OF STATE  
ADMINISTRATIVE RULES

**PROPOSED AMENDMENT**

**7 CSR 10-25.010 Skill Performance Evaluation Certificates For Commercial Drivers.** The Missouri Highways and Transportation Commission is amending sections (3) and (6), subsection (4)(C), and paragraphs (3)(C)2. and (3)(C)3.

*PURPOSE: This amendment updates the publication date of the Application for Skill Performance Evaluation Certificate form which is incorporated by reference; removes text references to visual exemptions, visual examinations and the medical professionals who perform visual examinations; and updates the publication dates of Title 49 of the Code of Federal Regulations, §381.315, §391.41 and §391.49 which are incorporated by reference.*

*PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.*

(3) Filing and Determination of Applications; Demonstration and Verification of Ability to Operate Commercial Motor Vehicles. Applications for an intrastate SPE certificate, and related documents, and information reasonably required by the director, shall be filed at PO Box 270, Jefferson City, MO 65102. Every application shall include all information and supporting documents required by section 622.555, RSMo, this rule, and the "Application for Skill Performance Evaluation Certificate." The application and accompanying instructions are incorporated herein by reference and made a part of this rule as published on [November]April 1[9]5, 20[18]22 by the Missouri Department of Transportation Motor Carrier Services Division, PO Box 270, Jefferson City, MO 65102. This rule does not incorporate any subsequent amendments or additions of the application and instructions.

(C) At any time while an application is pending, or after the person is issued a SPE certificate, the director may require the person to demonstrate or verify the person's present ability to operate a commercial motor vehicle safely with his/her physical deficiency or impairment. These requirements may include:

1. Successfully completing a road test, using a commercial motor vehicle and associated equipment of the type which the applicant drives or seeks to drive pursuant to the SPE certificate;
2. Obtaining additional or periodic physical examinations by a physiatrist; orthopedic surgeon; audiologist[.]; or otolaryngologist[; ophthalmologist; or optometrist]; and
3. Filing additional or periodic reports with the director concerning the person's medical, or hearing [or vision] examinations, treatment, prognosis, employment, driving record, accidents, traffic violations, and other pertinent information.

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By JCAR at 1:34 pm, Jun 03, 2022

(4) Physical Deficiencies. Persons who are physically unqualified to drive commercial motor vehicles pursuant to any provision of Title 49, *Code of Federal Regulations* (CFR), section 391.41(b) may apply for intrastate SPE certificates, and the director may issue intrastate SPE certificates to those applicants, only if—

(C) With the exception of Subpart C, section 381.315, the commission incorporates by reference, and makes a part of this rule, the provisions of Title 49, CFR Part 381 as published by the United States Government Printing Office, 732 North Capitol Street NW, Washington DC 20401, on ~~[October 1]~~**February 22, 2018/22**. The commission also incorporates by reference, and makes a part of this rule, the provisions of Title 49 CFR Subpart 391.41 as published by the United States Government Printing Office, 732 North Capitol Street NW, Washington, DC 20401, on ~~[October 1]~~**March 22, 2018/22**. The commission also incorporates by reference, and makes a part of this rule, the provisions of Title 49 CFR Subpart 391.49 as published by the United States Government Printing Office, 732 North Capitol Street NW, Washington, DC 20401, on ~~[October 1]~~**February 22, 2018/22**. This rule does not incorporate any subsequent amendments or additions to 49 CFR Part 381 Subpart 391.41, and Subpart 391.49.

(6) Federal Exemption or SPE Certification. Upon the filing of an application containing such information as the director may require, the director may waive any procedural requirements pursuant to this rule and shall issue an intrastate SPE certificate to any driver who is authorized to operate commercial motor vehicles in interstate commerce by a currently valid SPE certificate, or hearing[, or vision] exemption issued by the FMCSA. Each SPE certificate issued pursuant to this section shall be conditioned upon the driver's continued possession of the federal SPE certificate in good standing, and the driver's compliance with all applicable requirements, including all conditions specified in the driver's federal SPE certificate, and any other conditions imposed by the director.

*AUTHORITY: sections 226.008 and 622.555, RSMo 2016.\* Emergency rule filed June 6, 2003, effective June 16, 2003, expired Feb. 26, 2004. Original rule filed June 6, 2003, effective Dec. 30, 2003. Amended: Filed Oct. 14, 2016, effective July 30, 2017. Amended: Filed March 6, 2020, effective Oct. 30, 2020. Amended: Filed June 3, 2022.*

*\*Original authority: 226.008, RSMo 2002, amended 2014 and 622.555, RSMo 2002.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Highways and Transportation Commission, Pamela J. Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102 or [Pamela.Harlan@modot.mo.gov](mailto:Pamela.Harlan@modot.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*