

SECOND REGULAR SESSION

HOUSE BILL NO. 2059

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HOSMER.

Read 1st time February 26, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

4922L.011

AN ACT

To repeal section 302.530, RSMo, and to enact in lieu thereof one new section relating to regional administrative hearings.

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

Section A. Section 302.530, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 302.530, to read as follows:

302.530. 1. Any person who has received a notice of suspension or revocation may make a request within fifteen days of receipt of the notice for a review of the department's determination at a hearing. If the person's driver's license has not been previously surrendered, it shall be surrendered at the time the request for a hearing is made.

2. At the time the request for a hearing is made, if it appears from the record that the person is the holder of a valid driver's license issued by this state, and that the driver's license has been surrendered as required, the department shall issue a temporary permit which shall be valid until the scheduled date for the hearing. The department may later issue an additional temporary permit or permits in order to stay the effective date of the suspension or revocation until the final order is issued following the hearing, as required by section 302.520.

3. The hearing may be held by telephone, or if requested by the person, such person's attorney or representative, in a **regional location designated by the director of revenue which includes** the county where the arrest was made. The hearing shall be conducted by examiners who are licensed to practice law in the state of Missouri and who are employed by the department on a part-time or full-time basis as the department may determine.

4. The sole issue at the hearing shall be whether by a preponderance of the evidence the person was driving a vehicle pursuant to the circumstances set out in section 302.505. The burden of proof shall be on the state to adduce such evidence. If the department finds the

19 affirmative of this issue, the suspension or revocation order shall be sustained. If the department
20 finds the negative of the issue, the suspension or revocation order shall be rescinded.

21 5. The procedure at such hearing shall be conducted in accordance with chapter 536,
22 RSMo, not otherwise in conflict with sections 302.500 to 302.540.

23 6. The department shall promptly notify, by certified letter, the person of its decision
24 including the reasons for that decision. Such notification shall include a notice advising the
25 person that the department's decision shall be final within fifteen days from the date of
26 certification of the letter unless the person challenges the department's decision within that time
27 period by filing an appeal in the circuit court in the county where the arrest occurred.

28 7. Unless the person, within fifteen days after being notified by certified letter of the
29 department's decision, files an appeal for judicial review pursuant to section 302.535, the
30 decision of the department shall be final.

31 8. The director may adopt any rules and regulations necessary to carry out the provisions
32 of this section.