

**HOUSE**

**AMENDMENT NO. \_\_\_\_\_**

**Offered by**

of \_\_\_\_\_

1 AMEND House Committee Substitute for Senate Committee Substitute  
2 for Senate Bill Nos. 930 & 947, Page 15, Section 301.130, Line  
3 107, by inserting after all of said line the following:

4 "302.010. Except where otherwise provided, when used in  
5 this chapter, the following words and phrases mean:

6 (1) "Circuit court", each circuit court in the state;

7 (2) "Commercial motor vehicle", a motor vehicle designed or  
8 regularly used for carrying freight and merchandise, or more than  
9 fifteen passengers;

10 (3) "Conviction", any final conviction; also a forfeiture  
11 of bail or collateral deposited to secure a defendant's  
12 appearance in court, which forfeiture has not been vacated, shall  
13 be equivalent to a conviction, except that when any conviction as  
14 a result of which points are assessed pursuant to section 302.302  
15 is appealed, the term "conviction" means the original judgment of  
16 conviction for the purpose of determining the assessment of

Action Taken \_\_\_\_\_

Date \_\_\_\_\_

1 points, and the date of final judgment affirming the conviction  
2 shall be the date determining the beginning of any license  
3 suspension or revocation pursuant to section 302.304;

4 (4) "Director", the director of revenue acting directly or  
5 through the director's authorized officers and agents;

6 (5) "Farm tractor", every motor vehicle designed and used  
7 primarily as a farm implement for drawing plows, mowing machines  
8 and other implements of husbandry;

9 (6) "Highway", any public thoroughfare for vehicles,  
10 including state roads, county roads and public streets, avenues,  
11 boulevards, parkways, or alleys in any municipality;

12 (7) "Incompetent to drive a motor vehicle", a person who  
13 has become physically incapable of meeting the prescribed  
14 requirements of an examination for an operator's license, or who  
15 has been adjudged by a probate division of the circuit court in a  
16 capacity hearing of being incapacitated;

17 (8) "License", a license issued by a state to a person  
18 which authorizes a person to operate a motor vehicle;

19 (9) "Motor vehicle", any self-propelled vehicle not  
20 operated exclusively upon tracks except motorized bicycles, as  
21 defined in section 307.180, RSMo;

22 (10) "Motorcycle", a motor vehicle operated on two wheels;  
23 however, this definition shall not include motorized bicycles as  
24 defined in section 301.010, RSMo;

1           (11) "Motortricycle", a motor vehicle operated on three  
2 wheels, including a motorcycle operated with any conveyance,  
3 temporary or otherwise, requiring the use of a third wheel;

4           (12) "Moving violation", that character of traffic  
5 violation where at the time of violation the motor vehicle  
6 involved is in motion, except that the term does not include the  
7 driving of a motor vehicle without a valid motor vehicle  
8 registration license, or violations of sections 304.170 to  
9 304.240, RSMo, inclusive, relating to sizes and weights of  
10 vehicles;

11           (13) "Municipal court", every division of the circuit court  
12 having original jurisdiction to try persons for violations of  
13 city ordinances;

14           (14) "Nonresident", every person who is not a resident of  
15 this state;

16           (15) "Operator", every person who is in actual physical  
17 control of a motor vehicle upon a highway;

18           (16) "Owner", a person who holds the legal title of a  
19 vehicle or in the event a vehicle is the subject of an agreement  
20 for the conditional sale or lease thereof with the right of  
21 purchase upon performance of the conditions stated in the  
22 agreement and with an immediate right of possession vested in the  
23 conditional vendee or lessee, or in the event a mortgagor of a  
24 vehicle is entitled to possession, then such conditional vendee

1 or lessee or mortgagor shall be deemed the owner for the purpose  
2 of sections 302.010 to 302.540;

3 (17) "Record" includes, but is not limited to, papers,  
4 documents, facsimile information, microphotographic process,  
5 electronically generated or electronically recorded information,  
6 digitized images, deposited or filed with the department of  
7 revenue;

8 (18) "Residence address", "residence", or "resident  
9 address" shall be the location at which a person has been  
10 physically present, and that the person regards as home. A  
11 residence address is a person's true, fixed, principal, and  
12 permanent home, to which a person intends to return and remain,  
13 even though currently residing elsewhere;

14 (19) "Restricted driving privilege", a driving privilege  
15 issued by the director of revenue following a suspension of  
16 driving privileges for the limited purpose of driving in  
17 connection with the driver's business, occupation, employment,  
18 formal program of secondary, postsecondary or higher education,  
19 or for an alcohol education or treatment program or certified  
20 ignition interlock provider;

21 (20) "School bus", when used in sections 302.010 to  
22 302.540, means any motor vehicle, either publicly or privately  
23 owned, used to transport students to and from school, or to  
24 transport pupils properly chaperoned to and from any place within

1 the state for educational purposes. The term "school bus" shall  
2 not include a bus operated by a public utility, municipal  
3 corporation or common carrier authorized to conduct local or  
4 interstate transportation of passengers when such bus is not  
5 traveling a specific school bus route but is:

6 (a) On a regularly scheduled route for the transportation  
7 of fare-paying passengers; or

8 (b) Furnishing charter service for the transportation of  
9 persons enrolled as students on field trips or other special  
10 trips or in connection with other special events;

11 (21) "School bus operator", an operator who operates a  
12 school bus as defined in subdivision (20) of this section in the  
13 transportation of any schoolchildren and who receives  
14 compensation for such service. The term "school bus operator"  
15 shall not include any person who transports schoolchildren as an  
16 incident to employment with a school or school district, such as  
17 a teacher, coach, administrator, secretary, school nurse, or  
18 janitor unless such person is under contract with or employed by  
19 a school or school district as a school bus operator;

20 (22) "Signature", any method determined by the director of  
21 revenue for the signing, subscribing or verifying of a record,  
22 report, application, driver's license, or other related document  
23 that shall have the same validity and consequences as the actual  
24 signing by the person providing the record, report, application,

1 driver's license or related document;

2 (23) "Substance abuse traffic offender program", a program  
3 certified by the division of alcohol and drug abuse of the  
4 department of mental health to provide education or  
5 rehabilitation services pursuant to a professional assessment  
6 screening to identify the individual needs of the person who has  
7 been referred to the program as the result of an alcohol- or  
8 drug-related traffic offense. Successful completion of such a  
9 program includes participation in any education or rehabilitation  
10 program required to meet the needs identified in the assessment  
11 screening. The assignment recommendations based upon such  
12 assessment shall be subject to judicial review as provided in  
13 subsection [13] 14 of section 302.304 and subsections 1 and 5 of  
14 section 302.540;

15 (24) "Vehicle", any mechanical device on wheels, designed  
16 primarily for use, or used on highways, except motorized  
17 bicycles, vehicles propelled or drawn by horses or human power,  
18 or vehicles used exclusively on fixed rails or tracks, or cotton  
19 trailers or motorized wheelchairs operated by handicapped  
20 persons."; and

21 Further amend said bill, Page 15, Section 302.060, Line 1 by  
22 inserting before the word "The", the following: "1."; and

23 Further amend said bill, Page 17, Section 302.060, Line 58,  
24 by inserting after all of said line the following:

1           "2. Any person whose license is reinstated under the  
2 provisions of subdivisions (9) and (10) of subsection 1 of this  
3 section shall be required to file proof with the director of  
4 revenue that any motor vehicle operated by the person is equipped  
5 with a functioning, certified ignition interlock device as a  
6 required condition of reinstatement. The ignition interlock  
7 device shall further be required to be maintained on all motor  
8 vehicles operated by the person for a period of not less than six  
9 months immediately following the date of reinstatement. If the  
10 person fails to maintain such proof with the director, the  
11 license shall be suspended for the remainder of the six-month  
12 period or until proof as required by this section is filed with  
13 the director. Upon the completion of the six-month period, the  
14 license shall be shown as reinstated, if the person is otherwise  
15 eligible."; and

16           Further amend said bill, Page 23, Section 302.177, Line 56,  
17 by inserting after all of said line the following:

18           "302.304. 1. The director shall notify by ordinary mail  
19 any operator of the point value charged against the operator's  
20 record when the record shows four or more points have been  
21 accumulated in a twelve-month period.

22           2. In an action to suspend or revoke a license or driving  
23 privilege under this section points shall be accumulated on the  
24 date of conviction. No case file of any conviction for a driving

1 violation for which points may be assessed pursuant to section  
2 302.302 may be closed until such time as a copy of the record of  
3 such conviction is forwarded to the department of revenue.

4 3. The director shall suspend the license and driving  
5 privileges of any person whose driving record shows the driver  
6 has accumulated eight points in eighteen months.

7 4. The license and driving privilege of any person whose  
8 license and driving privilege have been suspended under the  
9 provisions of sections 302.010 to 302.540 except those persons  
10 whose license and driving privilege have been suspended under the  
11 provisions of subdivision (8) of subsection 1 of section 302.302  
12 or has accumulated sufficient points together with a conviction  
13 under subdivision (10) of subsection 1 of section 302.302 and who  
14 has filed proof of financial responsibility with the department  
15 of revenue, in accordance with chapter 303, RSMo, and is  
16 otherwise eligible, shall be reinstated as follows:

17 (1) In the case of an initial suspension, thirty days after  
18 the effective date of the suspension;

19 (2) In the case of a second suspension, sixty days after  
20 the effective date of the suspension;

21 (3) In the case of the third and subsequent suspensions,  
22 ninety days after the effective date of the suspension.

23  
24 Unless proof of financial responsibility is filed with the

1 department of revenue, a suspension shall continue in effect for  
2 two years from its effective date.

3 5. The period of suspension of the driver's license and  
4 driving privilege of any person under the provisions of  
5 subdivision (8) of subsection 1 of section 302.302 or who has  
6 accumulated sufficient points together with a conviction under  
7 subdivision (10) of subsection 1 of section 302.302 shall be  
8 thirty days, followed by a sixty-day period of restricted driving  
9 privilege as defined in section 302.010. Upon completion of such  
10 period of restricted driving privilege, upon compliance with  
11 other requirements of law and upon filing of proof of financial  
12 responsibility with the department of revenue, in accordance with  
13 chapter 303, RSMo, the license and driving privilege shall be  
14 reinstated.

15 6. If the person fails to maintain proof of financial  
16 responsibility in accordance with chapter 303, RSMo, the person's  
17 driving privilege and license shall be resuspended.

18 7. The director shall revoke the license and driving  
19 privilege of any person when the person's driving record shows  
20 such person has accumulated twelve points in twelve months or  
21 eighteen points in twenty-four months or twenty-four points in  
22 thirty-six months. The revocation period of any person whose  
23 license and driving privilege have been revoked under the  
24 provisions of sections 302.010 to 302.540 and who has filed proof

1 of financial responsibility with the department of revenue in  
2 accordance with chapter 303, RSMo, and is otherwise eligible,  
3 shall be terminated by a notice from the director of revenue  
4 after one year from the effective date of the revocation. Unless  
5 proof of financial responsibility is filed with the department of  
6 revenue, except as provided in subsection 2 of section 302.541,  
7 the revocation shall remain in effect for a period of two years  
8 from its effective date. If the person fails to maintain proof  
9 of financial responsibility in accordance with chapter 303, RSMo,  
10 the person's license and driving privilege shall be rerevoked.  
11 Any person whose license and driving privilege have been revoked  
12 under the provisions of sections 302.010 to 302.540 shall, upon  
13 receipt of the notice of termination of the revocation from the  
14 director, pass the complete driver examination and apply for a  
15 new license before again operating a motor vehicle upon the  
16 highways of this state.

17 8. If, prior to conviction for an offense that would  
18 require suspension or revocation of a person's license under the  
19 provisions of this section, the person's total points accumulated  
20 are reduced, pursuant to the provisions of section 302.306, below  
21 the number of points required for suspension or revocation  
22 pursuant to the provisions of this section, then the person's  
23 license shall not be suspended or revoked until the necessary  
24 points are again obtained and accumulated.

1           9. If any person shall neglect or refuse to surrender the  
2 person's license, as provided herein, the director shall direct  
3 the state highway patrol or any peace or police officer to secure  
4 possession thereof and return it to the director.

5           10. Upon the issuance of a reinstatement or termination  
6 notice after a suspension or revocation of any person's license  
7 and driving privilege under the provisions of sections 302.010 to  
8 302.540, the accumulated point value shall be reduced to four  
9 points, except that the points of any person serving as a member  
10 of the armed forces of the United States outside the limits of  
11 the United States during a period of suspension or revocation  
12 shall be reduced to zero upon the date of the reinstatement or  
13 termination of notice. It shall be the responsibility of such  
14 member of the armed forces to submit copies of official orders to  
15 the director of revenue to substantiate such overseas service.  
16 Any other provision of sections 302.010 to 302.540 to the  
17 contrary notwithstanding, the effective date of the four points  
18 remaining on the record upon reinstatement or termination shall  
19 be the date of the reinstatement or termination notice.

20           11. No credit toward reduction of points shall be given  
21 during periods of suspension or revocation or any period of  
22 driving under a limited driving privilege granted by a court or  
23 the director of revenue.

24           12. Any person or nonresident whose license or privilege to

1 operate a motor vehicle in this state has been suspended or  
2 revoked under this or any other law shall, before having the  
3 license or privilege to operate a motor vehicle reinstated, pay  
4 to the director a reinstatement fee of twenty dollars which shall  
5 be in addition to all other fees provided by law.

6 13. Notwithstanding any other provision of law to the  
7 contrary, if after two years from the effective date of any  
8 suspension or revocation issued under this chapter, the person or  
9 nonresident has not paid the reinstatement fee of twenty dollars,  
10 the director shall reinstate such license or privilege to operate  
11 a motor vehicle in this state.

12 14. No person who has had a license to operate a motor  
13 vehicle suspended or revoked as a result of an assessment of  
14 points for a violation under subdivision (8), (9) or (10) of  
15 subsection 1 of section 302.302 shall have that license  
16 reinstated until such person has participated in and successfully  
17 completed a substance abuse traffic offender program defined in  
18 section 302.010, or a program determined to be comparable by the  
19 department of mental health. Assignment recommendations, based  
20 upon the needs assessment as described in subdivision (22) of  
21 section 302.010, shall be delivered in writing to the person with  
22 written notice that the person is entitled to have such  
23 assignment recommendations reviewed by the court if the person  
24 objects to the recommendations. The person may file a motion in

1 the associate division of the circuit court of the county in  
2 which such assignment was given, on a printed form provided by  
3 the state courts administrator, to have the court hear and  
4 determine such motion pursuant to the provisions of chapter 517,  
5 RSMo. The motion shall name the person or entity making the  
6 needs assessment as the respondent and a copy of the motion shall  
7 be served upon the respondent in any manner allowed by law. Upon  
8 hearing the motion, the court may modify or waive any assignment  
9 recommendation that the court determines to be unwarranted based  
10 upon a review of the needs assessment, the person's driving  
11 record, the circumstances surrounding the offense, and the  
12 likelihood of the person committing a like offense in the future,  
13 except that the court may modify but may not waive the assignment  
14 to an education or rehabilitation program of a person determined  
15 to be a prior or persistent offender as defined in section  
16 577.023, RSMo, or of a person determined to have operated a motor  
17 vehicle with fifteen-hundredths of one percent or more by weight  
18 in such person's blood. Compliance with the court determination  
19 of the motion shall satisfy the provisions of this section for  
20 the purpose of reinstating such person's license to operate a  
21 motor vehicle. The respondent's personal appearance at any  
22 hearing conducted pursuant to this subsection shall not be  
23 necessary unless directed by the court.

24 15. The fees for the program authorized in subsection 14 of

1 this section, or a portion thereof to be determined by the  
2 department of mental health, shall be paid by the person enrolled  
3 in the program. Any person who is enrolled in the program shall  
4 pay, in addition to any fee charged for the program, a  
5 supplemental fee in an amount to be determined by the department  
6 of mental health for the purposes of funding the substance abuse  
7 traffic offender program defined in section 302.010 and section  
8 577.001, RSMo, or a program determined to be comparable by the  
9 department of mental health. The administrator of the program  
10 shall remit to the division of alcohol and drug abuse of the  
11 department of mental health on or before the fifteenth day of  
12 each month the supplemental fee for all persons enrolled in the  
13 program, less two percent for administrative costs. Interest  
14 shall be charged on any unpaid balance of the supplemental fees  
15 due the division of alcohol and drug abuse pursuant to this  
16 section and shall accrue at a rate not to exceed the annual rate  
17 established pursuant to the provisions of section 32.065, RSMo,  
18 plus three percentage points. The supplemental fees and any  
19 interest received by the department of mental health pursuant to  
20 this section shall be deposited in the mental health earnings  
21 fund which is created in section 630.053, RSMo.

22 16. Any administrator who fails to remit to the division of  
23 alcohol and drug abuse of the department of mental health the  
24 supplemental fees and interest for all persons enrolled in the

1 program pursuant to this section shall be subject to a penalty  
2 equal to the amount of interest accrued on the supplemental fees  
3 due the division pursuant to this section. If the supplemental  
4 fees, interest, and penalties are not remitted to the division of  
5 alcohol and drug abuse of the department of mental health within  
6 six months of the due date, the attorney general of the state of  
7 Missouri shall initiate appropriate action of the collection of  
8 said fees and interest accrued. The court shall assess attorney  
9 fees and court costs against any delinquent program.

10 17. Any person who has had a license to operate a motor  
11 vehicle suspended or revoked as a result of an assessment of  
12 points for a violation under subdivision (9) of subsection 1 of  
13 section 302.302 shall be required to file proof with the director  
14 of revenue that any motor vehicle operated by the person is  
15 equipped with a functioning, certified ignition interlock device  
16 as a required condition of reinstatement of the license. The  
17 ignition interlock device shall further be required to be  
18 maintained on all motor vehicles operated by the person for a  
19 period of not less than six months immediately following the date  
20 of reinstatement. If the person fails to maintain such proof  
21 with the director, the license shall be resuspended or revoked  
22 and the person shall be guilty of a class A misdemeanor.

23 302.309. 1. Whenever any license is suspended pursuant to  
24 sections 302.302 to 302.309, the director of revenue shall return

1 the license to the operator immediately upon the termination of  
2 the period of suspension and upon compliance with the  
3 requirements of chapter 303, RSMo.

4 2. Any operator whose license is revoked pursuant to these  
5 sections, upon the termination of the period of revocation, shall  
6 apply for a new license in the manner prescribed by law.

7 3. (1) All circuit courts or the director of revenue shall  
8 have jurisdiction to hear applications and make eligibility  
9 determinations granting limited driving privileges. Any  
10 application may be made in writing to the director of revenue and  
11 the person's reasons for requesting the limited driving privilege  
12 shall be made therein.

13 (2) When any court of record having jurisdiction or the  
14 director of revenue finds that an operator is required to operate  
15 a motor vehicle in connection with any of the following:

16 (a) A business, occupation, or employment;

17 (b) Seeking medical treatment for such operator;

18 (c) Attending school or other institution of higher  
19 education;

20 (d) Attending alcohol or drug treatment programs; [or]

21 (e) Seeking the required services of a certified ignition  
22 interlock device provider; or

23 (f) Any other circumstance the court or director finds  
24 would create an undue hardship on the operator;

1 the court or director may grant such limited driving privilege as  
2 the circumstances of the case justify if the court or director  
3 finds undue hardship would result to the individual, and while so  
4 operating a motor vehicle within the restrictions and limitations  
5 of the limited driving privilege the driver shall not be guilty  
6 of operating a motor vehicle without a valid license.

7 (3) An operator may make application to the proper court in  
8 the county in which such operator resides or in the county in  
9 which is located the operator's principal place of business or  
10 employment. Any application for a limited driving privilege made  
11 to a circuit court shall name the director as a party defendant  
12 and shall be served upon the director prior to the grant of any  
13 limited privilege, and shall be accompanied by a copy of the  
14 applicant's driving record as certified by the director. Any  
15 applicant for a limited driving privilege shall have on file with  
16 the department of revenue proof of financial responsibility as  
17 required by chapter 303, RSMo. Any application by a person who  
18 transports persons or property as classified in section 302.015  
19 may be accompanied by proof of financial responsibility as  
20 required by chapter 303, RSMo, but if proof of financial  
21 responsibility does not accompany the application, or if the  
22 applicant does not have on file with the department of revenue  
23 proof of financial responsibility, the court or the director has  
24 discretion to grant the limited driving privilege to the person

1 solely for the purpose of operating a vehicle whose owner has  
2 complied with chapter 303, RSMo, for that vehicle, and the  
3 limited driving privilege must state such restriction. When  
4 operating such vehicle under such restriction the person shall  
5 carry proof that the owner has complied with chapter 303, RSMo,  
6 for that vehicle.

7 (4) No limited driving privilege shall be issued to any  
8 person otherwise eligible under the provisions of paragraph (a)  
9 of subdivision (6) of subsection 3 of this section on a license  
10 revocation resulting from a conviction under subdivision (9) of  
11 subsection 1 of section 302.302; or a license denial under  
12 paragraph (a) or (b) of subdivision (8) of subsection 3 of this  
13 section; until the applicant has filed proof with the department  
14 of revenue that any motor vehicle operated by the person is  
15 equipped with a functioning, certified ignition interlock device  
16 as a required condition of limited driving privilege.

17 (5) The court order or the director's grant of the limited  
18 or restricted driving privilege shall indicate the termination  
19 date of the privilege, which shall be not later than the end of  
20 the period of suspension or revocation. A copy of any court  
21 order shall be sent by the clerk of the court to the director,  
22 and a copy shall be given to the driver which shall be carried by  
23 the driver whenever such driver operates a motor vehicle. The  
24 director of revenue upon granting a limited driving privilege

1 shall give a copy of the limited driving privilege to the  
2 applicant. The applicant shall carry a copy of the limited  
3 driving privilege while operating a motor vehicle. A conviction  
4 which results in the assessment of points pursuant to section  
5 302.302, other than a violation of a municipal stop sign  
6 ordinance where no accident is involved, against a driver who is  
7 operating a vehicle pursuant to a limited driving privilege  
8 terminates the privilege, as of the date the points are assessed  
9 to the person's driving record. If the date of arrest is prior  
10 to the issuance of the limited driving privilege, the privilege  
11 shall not be terminated. Failure of the driver to maintain proof  
12 of financial responsibility, as required by chapter 303, or to  
13 maintain proof of installation of a functioning, certified  
14 ignition interlock device, as applicable, shall terminate the  
15 privilege. The director shall notify by ordinary mail the driver  
16 whose privilege is so terminated.

17 [(5)] (6) Except as provided in subdivision [(7)] (8) of  
18 this subsection, no person is eligible to receive a limited  
19 driving privilege who at the time of application for a limited  
20 driving privilege has previously been granted such a privilege  
21 within the immediately preceding five years, or whose license has  
22 been suspended or revoked for the following reasons:

23 (a) A conviction of violating the provisions of section  
24 577.010 or 577.012, RSMo, or any similar provision of any federal

1 or state law, or a municipal or county law where the judge in  
2 such case was an attorney and the defendant was represented by or  
3 waived the right to an attorney in writing, until the person has  
4 completed the first thirty days of a suspension or revocation  
5 imposed pursuant to this chapter;

6 (b) A conviction of any felony in the commission of which a  
7 motor vehicle was used;

8 (c) Ineligibility for a license because of the provisions  
9 of subdivision (1), (2), (4), (5), (6), (7), (8), (9), (10) or  
10 (11) of section 302.060;

11 (d) Because of operating a motor vehicle under the  
12 influence of narcotic drugs, a controlled substance as defined in  
13 chapter 195, RSMo, or having left the scene of an accident as  
14 provided in section 577.060, RSMo;

15 (e) Due to a revocation for the first time for failure to  
16 submit to a chemical test pursuant to section 577.041, RSMo, or  
17 due to a refusal to submit to a chemical test in any other state,  
18 if such person has not completed the first ninety days of such  
19 revocation;

20 (f) Violation more than once of the provisions of section  
21 577.041, RSMo, or a similar implied consent law of any other  
22 state; or

23 (g) Due to a suspension pursuant to subsection 2 of section  
24 302.525 and who has not completed the first thirty days of such

1 suspension, provided the person is not otherwise ineligible for a  
2 limited driving privilege; or due to a revocation pursuant to  
3 subsection 2 of section 302.525 if such person has not completed  
4 such revocation.

5        [(6)] (7) No person who possesses a commercial driver's  
6 license shall receive a limited driving privilege issued for the  
7 purpose of operating a commercial motor vehicle if such person's  
8 driving privilege is suspended, revoked, canceled, denied, or  
9 disqualified. Nothing in this section shall prohibit the  
10 issuance of a limited driving privilege for the purpose of  
11 operating a noncommercial motor vehicle provided that pursuant to  
12 the provisions of this section, the applicant is not otherwise  
13 ineligible for a limited driving privilege.

14        [(7)] (8) (a) Provided that pursuant to the provisions of  
15 this section, the applicant is not otherwise ineligible for a  
16 limited driving privilege, a circuit court or the director may,  
17 in the manner prescribed in this subsection, allow a person who  
18 has had such person's license to operate a motor vehicle revoked  
19 where that person cannot obtain a new license for a period of ten  
20 years, as prescribed in subdivision (9) of section 302.060, to  
21 apply for a limited driving privilege pursuant to this subsection  
22 if such person has served at least three years of such  
23 disqualification or revocation. Such person shall present  
24 evidence satisfactory to the court or the director that such

1 person has not been convicted of any offense related to alcohol,  
2 controlled substances or drugs during the preceding three years  
3 and that the person's habits and conduct show that the person no  
4 longer poses a threat to the public safety of this state.

5 (b) Provided that pursuant to the provisions of this  
6 section, the applicant is not otherwise ineligible for a limited  
7 driving privilege or convicted of involuntary manslaughter while  
8 operating a motor vehicle in an intoxicated condition, a circuit  
9 court or the director may, in the manner prescribed in this  
10 subsection, allow a person who has had such person's license to  
11 operate a motor vehicle revoked where that person cannot obtain a  
12 new license for a period of five years because of two convictions  
13 of driving while intoxicated, as prescribed in subdivision (10)  
14 of section 302.060, to apply for a limited driving privilege  
15 pursuant to this subsection if such person has served at least  
16 two years of such disqualification or revocation. Such person  
17 shall present evidence satisfactory to the court or the director  
18 that such person has not been convicted of any offense related to  
19 alcohol, controlled substances or drugs during the preceding two  
20 years and that the person's habits and conduct show that the  
21 person no longer poses a threat to the public safety of this  
22 state. Any person who is denied a license permanently in this  
23 state because of an alcohol-related conviction subsequent to a  
24 restoration of such person's driving privileges pursuant to

1 subdivision (9) of section 302.060 shall not be eligible for  
2 limited driving privilege pursuant to the provisions of this  
3 subdivision.

4 4. Any person who has received notice of denial of a  
5 request of limited driving privilege by the director of revenue  
6 may make a request for a review of the director's determination  
7 in the circuit court of the county in which the person resides or  
8 the county in which is located the person's principal place of  
9 business or employment within thirty days of the date of mailing  
10 of the notice of denial. Such review shall be based upon the  
11 records of the department of revenue and other competent evidence  
12 and shall be limited to a review of whether the applicant was  
13 statutorily entitled to the limited driving privilege.

14 5. The director of revenue shall promulgate rules and  
15 regulations necessary to carry out the provisions of this  
16 section. Any rule or portion of a rule, as that term is defined  
17 in section 536.010, RSMo, that is created under the authority  
18 delegated in this section shall become effective only if it  
19 complies with and is subject to all of the provisions of chapter  
20 536, RSMo, and, if applicable, section 536.028, RSMo. This  
21 section and chapter 536, RSMo, are nonseverable and if any of the  
22 powers vested with the general assembly pursuant to chapter 536,  
23 RSMo, to review, to delay the effective date or to disapprove and  
24 annul a rule are subsequently held unconstitutional, then the

1 grant of rulemaking authority and any rule proposed or adopted  
2 after August 28, 2001, shall be invalid and void.

3 302.525. 1. The license suspension or revocation shall  
4 become effective fifteen days after the subject person has  
5 received the notice of suspension or revocation as provided in  
6 section 302.520, or is deemed to have received the notice of  
7 suspension or revocation by mail as provided in section 302.515.  
8 If a request for a hearing is received by or postmarked to the  
9 department within that fifteen-day period, the effective date of  
10 the suspension or revocation shall be stayed until a final order  
11 is issued following the hearing; provided, that any delay in the  
12 hearing which is caused or requested by the subject person or  
13 counsel representing that person without good cause shown shall  
14 not result in a stay of the suspension or revocation during the  
15 period of delay.

16 2. The period of license suspension or revocation under  
17 this section shall be as follows:

18 (1) If the person's driving record shows no prior  
19 alcohol-related enforcement contacts during the immediately  
20 preceding five years, the period of suspension shall be thirty  
21 days after the effective date of suspension, followed by a  
22 sixty-day period of restricted driving privilege as defined in  
23 section 302.010 and issued by the director of revenue. The  
24 restricted driving privilege shall not be issued until he or she

1 has filed proof of financial responsibility with the department  
2 of revenue, in accordance with chapter 303, RSMo, and is  
3 otherwise eligible. In no case shall restricted driving  
4 privileges be issued pursuant to this section or section 302.535  
5 until the person has completed the first thirty days of a  
6 suspension under this section;

7 (2) The period of revocation shall be one year if the  
8 person's driving record shows one or more prior alcohol-related  
9 enforcement contacts during the immediately preceding five years;

10 (3) In no case shall restricted driving privileges be  
11 issued under this section to any person whose driving record  
12 shows one or more prior alcohol-related enforcement contacts  
13 until the person has completed the first thirty days of a  
14 suspension under this section and has filed proof with the  
15 department of revenue that any motor vehicle operated by the  
16 person is equipped with a functioning, certified ignition  
17 interlock device as a required condition of the restricted  
18 driving privilege. If the person fails to maintain such proof  
19 the restricted driving privilege shall be terminated.

20 3. For purposes of this section, "alcohol-related  
21 enforcement contacts" shall include any suspension or revocation  
22 under sections 302.500 to 302.540, any suspension or revocation  
23 entered in this or any other state for a refusal to submit to  
24 chemical testing under an implied consent law, and any conviction

1 in this or any other state for a violation which involves driving  
2 while intoxicated, driving while under the influence of drugs or  
3 alcohol, or driving a vehicle while having an unlawful alcohol  
4 concentration.

5 4. Where a license is suspended or revoked under this  
6 section and the person is also convicted on charges arising out  
7 of the same occurrence for a violation of section 577.010 or  
8 577.012, RSMo, or for a violation of any county or municipal  
9 ordinance prohibiting driving while intoxicated or  
10 alcohol-related traffic offense, both the suspension or  
11 revocation under this section and any other suspension or  
12 revocation arising from such convictions shall be imposed, but  
13 the period of suspension or revocation under sections 302.500 to  
14 302.540 shall be credited against any other suspension or  
15 revocation arising from such convictions, and the total period of  
16 suspension or revocation shall not exceed the longer of the two  
17 suspension or revocation periods.

18 5. Any person who has had a license to operate a motor  
19 vehicle revoked under this section or suspended under this  
20 section with one or more prior alcohol-related enforcement  
21 contacts showing on their driver record shall be required to file  
22 proof with the director of revenue that any motor vehicle  
23 operated by that person is equipped with a functioning, certified  
24 ignition interlock device as a required condition of

1 reinstatement. The ignition interlock device shall further be  
2 required to be maintained on all motor vehicles operated by the  
3 person for a period of not less than six months immediately  
4 following the date of reinstatement. If the person fails to  
5 maintain such proof with the director, the license shall be  
6 resuspended or revoked, as applicable."; and

7 Further amend said bill, Page 48, Section 577.023, Line 112,  
8 by inserting after all of said line the following:

9 "577.041. 1. If a person under arrest, or who has been  
10 stopped pursuant to subdivision (2) or (3) of subsection 1 of  
11 section 577.020, refuses upon the request of the officer to  
12 submit to any test allowed pursuant to section 577.020, then none  
13 shall be given and evidence of the refusal shall be admissible in  
14 a proceeding pursuant to section 565.024, 565.060, or 565.082,  
15 RSMo, or section 577.010 or 577.012. The request of the officer  
16 shall include the reasons of the officer for requesting the  
17 person to submit to a test and also shall inform the person that  
18 evidence of refusal to take the test may be used against such  
19 person and that the person's license shall be immediately revoked  
20 upon refusal to take the test. If a person when requested to  
21 submit to any test allowed pursuant to section 577.020 requests  
22 to speak to an attorney, the person shall be granted twenty  
23 minutes in which to attempt to contact an attorney. If upon the  
24 completion of the twenty-minute period the person continues to

1 refuse to submit to any test, it shall be deemed a refusal. In  
2 this event, the officer shall, on behalf of the director of  
3 revenue, serve the notice of license revocation personally upon  
4 the person and shall take possession of any license to operate a  
5 motor vehicle issued by this state which is held by that person.  
6 The officer shall issue a temporary permit, on behalf of the  
7 director of revenue, which is valid for fifteen days and shall  
8 also give the person a notice of such person's right to file a  
9 petition for review to contest the license revocation.

10 2. The officer shall make a certified report under  
11 penalties of perjury for making a false statement to a public  
12 official. The report shall be forwarded to the director of  
13 revenue and shall include the following:

14 (1) That the officer has:

15 (a) Reasonable grounds to believe that the arrested person  
16 was driving a motor vehicle while in an intoxicated or drugged  
17 condition; or

18 (b) Reasonable grounds to believe that the person stopped,  
19 being under the age of twenty-one years, was driving a motor  
20 vehicle with a blood alcohol content of two-hundredths of one  
21 percent or more by weight; or

22 (c) Reasonable grounds to believe that the person stopped,  
23 being under the age of twenty-one years, was committing a  
24 violation of the traffic laws of the state, or political

1 subdivision of the state, and such officer has reasonable grounds  
2 to believe, after making such stop, that the person had a blood  
3 alcohol content of two-hundredths of one percent or greater;

4 (2) That the person refused to submit to a chemical test;

5 (3) Whether the officer secured the license to operate a  
6 motor vehicle of the person;

7 (4) Whether the officer issued a fifteen-day temporary  
8 permit;

9 (5) Copies of the notice of revocation, the fifteen-day  
10 temporary permit and the notice of the right to file a petition  
11 for review, which notices and permit may be combined in one  
12 document; and

13 (6) Any license to operate a motor vehicle which the  
14 officer has taken into possession.

15 3. Upon receipt of the officer's report, the director shall  
16 revoke the license of the person refusing to take the test for a  
17 period of one year; or if the person is a nonresident, such  
18 person's operating permit or privilege shall be revoked for one  
19 year; or if the person is a resident without a license or permit  
20 to operate a motor vehicle in this state, an order shall be  
21 issued denying the person the issuance of a license or permit for  
22 a period of one year.

23 4. If a person's license has been revoked because of the  
24 person's refusal to submit to a chemical test, such person may

1 petition for a hearing before a circuit or associate circuit  
2 court in the county in which the arrest or stop occurred. The  
3 person may request such court to issue an order staying the  
4 revocation until such time as the petition for review can be  
5 heard. If the court, in its discretion, grants such stay, it  
6 shall enter the order upon a form prescribed by the director of  
7 revenue and shall send a copy of such order to the director.  
8 Such order shall serve as proof of the privilege to operate a  
9 motor vehicle in this state and the director shall maintain  
10 possession of the person's license to operate a motor vehicle  
11 until termination of any revocation pursuant to this section.  
12 Upon the person's request the clerk of the court shall notify the  
13 prosecuting attorney of the county and the prosecutor shall  
14 appear at the hearing on behalf of the director of revenue. At  
15 the hearing the court shall determine only:

16 (1) Whether or not the person was arrested or stopped;

17 (2) Whether or not the officer had:

18 (a) Reasonable grounds to believe that the person was  
19 driving a motor vehicle while in an intoxicated or drugged  
20 condition; or

21 (b) Reasonable grounds to believe that the person stopped,  
22 being under the age of twenty-one years, was driving a motor  
23 vehicle with a blood alcohol content of two-hundredths of one  
24 percent or more by weight; or

1           (c) Reasonable grounds to believe that the person stopped,  
2 being under the age of twenty-one years, was committing a  
3 violation of the traffic laws of the state, or political  
4 subdivision of the state, and such officer had reasonable grounds  
5 to believe, after making such stop, that the person had a blood  
6 alcohol content of two-hundredths of one percent or greater; and

7           (3) Whether or not the person refused to submit to the  
8 test.

9           5. If the court determines any issue not to be in the  
10 affirmative, the court shall order the director to reinstate the  
11 license or permit to drive.

12           6. Requests for review as provided in this section shall go  
13 to the head of the docket of the court wherein filed.

14           7. No person who has had a license to operate a motor  
15 vehicle suspended or revoked pursuant to the provisions of this  
16 section shall have that license reinstated until such person has  
17 participated in and successfully completed a substance abuse  
18 traffic offender program defined in section 577.001, or a program  
19 determined to be comparable by the department of mental health or  
20 the court. Assignment recommendations, based upon the needs  
21 assessment as described in subdivision (22) of section 302.010,  
22 RSMo, shall be delivered in writing to the person with written  
23 notice that the person is entitled to have such assignment  
24 recommendations reviewed by the court if the person objects to

1 the recommendations. The person may file a motion in the  
2 associate division of the circuit court of the county in which  
3 such assignment was given, on a printed form provided by the  
4 state courts administrator, to have the court hear and determine  
5 such motion pursuant to the provisions of chapter 517, RSMo. The  
6 motion shall name the person or entity making the needs  
7 assessment as the respondent and a copy of the motion shall be  
8 served upon the respondent in any manner allowed by law. Upon  
9 hearing the motion, the court may modify or waive any assignment  
10 recommendation that the court determines to be unwarranted based  
11 upon a review of the needs assessment, the person's driving  
12 record, the circumstances surrounding the offense, and the  
13 likelihood of the person committing a like offense in the future,  
14 except that the court may modify but may not waive the assignment  
15 to an education or rehabilitation program of a person determined  
16 to be a prior or persistent offender as defined in section  
17 577.023, or of a person determined to have operated a motor  
18 vehicle with fifteen-hundredths of one percent or more by weight  
19 in such person's blood. Compliance with the court determination  
20 of the motion shall satisfy the provisions of this section for  
21 the purpose of reinstating such person's license to operate a  
22 motor vehicle. The respondent's personal appearance at any  
23 hearing conducted pursuant to this subsection shall not be  
24 necessary unless directed by the court.

1           8. The fees for the substance abuse traffic offender  
2 program, or a portion thereof to be determined by the division of  
3 alcohol and drug abuse of the department of mental health, shall  
4 be paid by the person enrolled in the program. Any person who is  
5 enrolled in the program shall pay, in addition to any fee charged  
6 for the program, a supplemental fee to be determined by the  
7 department of mental health for the purposes of funding the  
8 substance abuse traffic offender program defined in section  
9 302.010, RSMo, and section 577.001. The administrator of the  
10 program shall remit to the division of alcohol and drug abuse of  
11 the department of mental health on or before the fifteenth day of  
12 each month the supplemental fee for all persons enrolled in the  
13 program, less two percent for administrative costs. Interest  
14 shall be charged on any unpaid balance of the supplemental fees  
15 due the division of alcohol and drug abuse pursuant to this  
16 section and shall accrue at a rate not to exceed the annual rates  
17 established pursuant to the provisions of section 32.065, RSMo,  
18 plus three percentage points. The supplemental fees and any  
19 interest received by the department of mental health pursuant to  
20 this section shall be deposited in the mental health earnings  
21 fund which is created in section 630.053, RSMo.

22           9. Any administrator who fails to remit to the division of  
23 alcohol and drug abuse of the department of mental health the  
24 supplemental fees and interest for all persons enrolled in the

1 program pursuant to this section shall be subject to a penalty  
2 equal to the amount of interest accrued on the supplemental fees  
3 due the division pursuant to this section. If the supplemental  
4 fees, interest, and penalties are not remitted to the division of  
5 alcohol and drug abuse of the department of mental health within  
6 six months of the due date, the attorney general of the state of  
7 Missouri shall initiate appropriate action of the collection of  
8 said fees and interest accrued. The court shall assess attorney  
9 fees and court costs against any delinquent program.

10 10. Any person who has had a license to operate a motor  
11 vehicle revoked more than once for violation of the provisions of  
12 this section shall be required to file proof with the director of  
13 revenue that any motor vehicle operated by the person is equipped  
14 with a functioning, certified ignition interlock device as a  
15 required condition of license reinstatement. Such ignition  
16 interlock device shall further be required to be maintained on  
17 all motor vehicles operated by the person for a period of not  
18 less than six months immediately following the date of  
19 reinstatement. If the person fails to maintain such proof with  
20 the director as required by this section, the license shall be  
21 rerevoked and the person shall be guilty of a class A  
22 misdemeanor.

23 11. The revocation period of any person whose license and  
24 driving privilege has been revoked under this section and who has

1 filed proof of financial responsibility with the department of  
2 revenue in accordance with chapter 303, RSMo, and is otherwise  
3 eligible, shall be terminated by a notice from the director of  
4 revenue after one year from the effective date of the revocation.  
5 Unless proof of financial responsibility is filed with the  
6 department of revenue, the revocation shall remain in effect for  
7 a period of two years from its effective date. If the person  
8 fails to maintain proof of financial responsibility in accordance  
9 with chapter 303, RSMo, the person's license and driving  
10 privilege shall be rerevoked and the person shall be guilty of a  
11 class A misdemeanor.

12 577.600. 1. In addition to any other provisions of law, a  
13 court may require that any person who is found guilty of or  
14 pleads guilty to a first intoxication-related traffic offense, as  
15 defined in section 577.023, and a court shall require that any  
16 person who is found guilty of or pleads guilty to a second or  
17 subsequent intoxication-related traffic offense, as defined in  
18 section 577.023, shall not operate any motor vehicle unless that  
19 vehicle is equipped with a functioning, certified ignition  
20 interlock device for a period of not less than [one month] six  
21 months from the date of reinstatement of the person's driver's  
22 license. In addition, any court authorized to grant a limited  
23 driving privilege under section 302.309, RSMo, to any person who  
24 is found guilty of or pleads guilty to a second or subsequent

1 intoxication-related traffic offense shall require the use of an  
2 ignition interlock device on all vehicles operated by the person  
3 as a required condition of the limited driving privilege. These  
4 requirements shall be in addition to any other provisions of this  
5 chapter or chapter 302, RSMo, requiring installation and  
6 maintenance of an ignition interlock device. Any person required  
7 to use an ignition interlock device, either under the provisions  
8 of this chapter or chapter 302, RSMo, shall comply with [the  
9 court order,] such requirement subject to the penalties provided  
10 by this section.

11 2. No person shall knowingly rent, lease or lend a motor  
12 vehicle to a person known to have had that person's driving  
13 privilege restricted as provided in subsection 1 of this section,  
14 unless the vehicle is equipped with a functioning, certified  
15 ignition interlock device. Any person whose driving privilege is  
16 restricted as provided in subsection 1 of this section shall  
17 notify any other person who rents, leases or loans a motor  
18 vehicle to that person of the driving restriction imposed  
19 pursuant to this section.

20 3. Any person convicted of a violation of this section  
21 shall be guilty of a class A misdemeanor.

22 577.602. 1. If a court imposes a fine and requires the use  
23 of an ignition interlock device for the same offense, the amount  
24 of the fine may be reduced by the cost of the ignition interlock

1 device.

2 2. If the court requires the use of an ignition interlock  
3 device, it shall order the installation of the device on any  
4 vehicle which the offender operates during the period of  
5 probation or limited driving privilege.

6 3. If the court imposes the use of an ignition interlock  
7 device on a person having full or limited driving privileges, the  
8 court shall require the person to provide proof of compliance  
9 with the order to the court or the probation officer within  
10 thirty days of this court's order or sooner, as required by the  
11 court, in addition to any proof required to be filed with the  
12 director of revenue under the provisions of this chapter or  
13 chapter 302, RSMo. If the person fails to provide proof of  
14 installation within that period, absent a finding by the court of  
15 good cause for that failure which is entered in the court record,  
16 the court shall revoke or terminate the person's probation or  
17 limited driving privilege.

18 4. Nothing in sections 577.600 to 577.614 shall be  
19 construed to authorize a person to operate a motor vehicle whose  
20 driving privileges have been suspended or revoked, unless the  
21 person has obtained a limited driving privilege or restricted  
22 driving privilege under other provisions of law.

23 5. The person whose driving privilege is restricted  
24 pursuant to section 577.600 shall report to the court or the

1 probation officer at least once annually, or more frequently as  
2 the court may order, on the operation of each ignition interlock  
3 device in the person's vehicle or vehicles. Such person shall be  
4 responsible for the cost and maintenance of the ignition  
5 interlock device. If such device is broken, destroyed or stolen,  
6 such person shall also be liable for the cost of replacement of  
7 the device.

8 6. The court may require a person whose driving privilege  
9 is restricted under section 577.600 to report to any officer  
10 appointed by the court in lieu of a probation officer.

11 7. The court shall require periodic calibration checks that  
12 are needed for the proper operation of the ignition interlock  
13 device.

14 577.612. 1. It is unlawful for any person whose driving  
15 privilege is restricted pursuant to [section 577.600] the  
16 provisions of this chapter or chapter 302, RSMo, to request or  
17 solicit any other person to blow into an ignition interlock  
18 device or to start a motor vehicle equipped with the device for  
19 the purpose of providing the person so restricted with an  
20 operable motor vehicle.

21 2. It is unlawful to blow into an ignition interlock device  
22 or to start a motor vehicle equipped with the device for the  
23 purpose of providing an operable motor vehicle to a person whose  
24 driving privilege is restricted pursuant to [section 577.600] the

1 provisions of this chapter or chapter 302, RSMo.

2 3. It is unlawful to tamper with, or circumvent the  
3 operation of, an ignition interlock device.

4 4. Any person who violates any provision of this section is  
5 guilty of a class A misdemeanor.

6 Section B. The repeal and reenactment of sections 302.010,  
7 302.060, 302.304, 302.309, 302.525, 577.023, 577.041, 577.600,  
8 577.602, and 577.612 of section A of this act shall become  
9 effective on July 1, 2009.

10 Section C. Because immediate action is necessary to rectify  
11 a recent Supreme Court ruling which held that a defendant's prior  
12 guilty plea and suspended imposition of sentence in municipal  
13 court could not be used to enhance the punishment for the  
14 defendant's new intoxication-related traffic offense, section  
15 577.023 of this act is deemed necessary for the immediate  
16 preservation of the public health, welfare, peace, and safety,  
17 and is hereby declared to be an emergency act within the meaning  
18 of the constitution, and section 577.023 of this act shall be in  
19 full force and effect upon its passage and approval."; and

20 Further amend said title, enacting clause and intersectional  
21 references accordingly.