

SB 893 -- REINSTATING DRIVING PRIVILEGES

SPONSOR: Kraus (Richardson)

COMMITTEE ACTION: Voted "do pass" by the Committee on Crime Prevention and Public Safety by a vote of 9 to 0.

This bill changes the laws regarding the reinstatement of a driver's license and the issuance of a limited driving privilege license.

Currently, the Department of Revenue is prohibited from issuing a driver's license to anyone who has more than two driving while intoxicated convictions. However, a person may petition the county circuit court after 10 years from the date of the last conviction to have a new license issued. If, after reviewing the person's habits and conduct since the conviction and he or she has not been convicted of any offense relating to alcohol, controlled substances, or drugs during the preceding 10 years, the court may order the department director to issue the petitioner a driver's license if his or her habits show that he or she no longer poses a threat to the state's public safety. The bill specifies that the court must also review the results of a criminal history check and determine that he or she has also not pled guilty to or been found guilty of and has no pending charges for any offense related to alcohol, controlled substances, or drugs and has no other alcohol-related enforcement contacts before ordering the department director to issue a license.

Currently, the department is prohibited from issuing a driver's license to anyone convicted twice within a five-year period of violating any state law or a county or municipal ordinance of driving while intoxicated, any other intoxication-related traffic offense under Section 577.023.1, RSMo, or who has been convicted of the crime of involuntary manslaughter while operating a motor vehicle in an intoxicated condition. The bill specifies that after five years from the date of the last conviction, a person may petition the county circuit court to review the person's habits and conduct since the conviction, including the results of a criminal background check. If the court finds that the petitioner has not been convicted, pled guilty to, or been found guilty of and has no pending charges for any offense related to alcohol, controlled substances, or drugs and has no other alcohol-related enforcement contacts during the preceding five years and that he or she no longer poses a threat to the public safety, the court may order the department director to issue the petitioner a driver's license.

A person who petitions the court for a reinstatement of his or

her driver's license under these provisions must submit a criminal record review application with the State Highway Patrol and submit two sets of fingerprints. One set must be used by the patrol to search the criminal history repository and the other set must be sent to the Federal Bureau of Investigation for a search of the federal criminal history files. The person seeking a reinstatement of his or her license must pay all fees related to this criminal history check. With a specified exception, all records related to any criminal history check must be accessible and available to the department director and the court.

The bill requires the court or the department director to review the results of a criminal history check prior to granting a person any limited driving privilege, commonly known as a hardship license, to any person denied a license for a period of 10 years or any person who cannot obtain a license for a period of five years. If the court or the department director finds that the person applying for a limited driving privilege has been convicted, pled guilty to, or been found guilty of or has a pending charge for any offense related to alcohol, controlled substances, or drugs or has any other alcohol-related enforcement contact during the preceding three years for a 10-year denial petitioner or the preceding two years for a 5-year denial petitioner, the court or department director cannot grant a limited driving privilege. The person who petitions the court or makes application with the department director for a limited driving privilege must submit a criminal record review application with the patrol and submit two sets of fingerprints. One set must be used by the patrol to search the criminal history repository and the other set must be sent to the Federal Bureau of Investigation for a search of the federal criminal history files.

A person seeking a reinstatement of his or her license or a limited driving privilege must pay all the fees related to the criminal history checks.

**FISCAL NOTE:** No impact on General Revenue Fund in FY 2013, FY 2014, and FY 2015. Estimated Net Income on Other State Funds of \$21,578 in FY 2013, \$25,894 in FY 2014, and \$25,894 in FY 2015.

**PROPOSERS:** Supporters say that the bill allows the Department of Revenue to be able to fully inform the court of all information about a petitioner's convictions following a period of revocation. Currently, there is not a system in place to verify that a petitioner has not been convicted of an intoxication-related offense in another state.

Testifying for the bill were Senator Kraus; and Department of Revenue.

OPPONENTS: There was no opposition voiced to the committee.