

FIRST REGULAR SESSION

# HOUSE BILL NO. 449

## 97TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES ENGLISH (Sponsor), LAFAVER, FRAME, WHITE,  
PACE AND WALTON GRAY (Co-sponsors).

1311L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To amend chapter 302, RSMo, by adding thereto one new section relating to limited driving privileges for child support arrearage license suspensions.

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

Section A. Chapter 302, RSMo, is amended by adding thereto one new section, to be  
2 known as section 302.314, to read as follows:

302.314. 1. **Notwithstanding any provision of this chapter or sections 454.1000 to**  
2 **454.1031, any person whose driver's license is suspended due to child support arrearage**  
3 **may apply to the department of revenue for limited driving privileges. Any application**  
4 **shall be made in writing to the director of revenue and the person's reasons for requesting**  
5 **the limited driving privilege shall be made therein.**

6 2. **When the director of revenue finds that an operator is required to operate a**  
7 **motor vehicle in connection with any of the following:**

8 (1) **A business, occupation, or employment;**

9 (2) **Seeking medical treatment for such operator;**

10 (3) **Attending school or other institution of higher education; or**

11 (4) **Any other circumstance the director finds would create an undue hardship on**  
12 **the operator;**

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14 **the director may grant such limited driving privilege as the circumstances of the case**  
15 **justify if the director finds undue hardship would result to the individual, and while so**  
16 **operating a motor vehicle within the restrictions and limitations of the limited driving**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 **privilege the driver shall not be guilty of operating a motor vehicle without a valid license.**  
18 **Upon the director's determination granting limited driving privileges, the operator shall**  
19 **submit to the director a two thousand dollar fee which shall be applied towards the**  
20 **operator's child support arrearage; failure to pay such fee within ten days of the grant of**  
21 **limited driving privileges shall result in immediate revocation of all driving privileges.**

22 **3. The director's grant of the limited driving privilege shall indicate the termination**  
23 **date of the privilege, which shall be not later than the end of the period of suspension. The**  
24 **director of revenue upon granting a limited driving privilege shall give a copy of the**  
25 **limited driving privilege to the applicant. The applicant shall carry a copy of the limited**  
26 **driving privilege while operating a motor vehicle. A conviction which results in the**  
27 **assessment of points under section 302.302, other than a violation of a municipal stop sign**  
28 **ordinance where no accident is involved, against a driver who is operating a vehicle**  
29 **pursuant to a limited driving privilege terminates the privilege, as of the date the points are**  
30 **assessed to the person's driving record. If the date of arrest is prior to the issuance of the**  
31 **limited driving privilege, the privilege shall not be terminated. Failure of the driver to**  
32 **maintain proof of financial responsibility, as required by chapter 303, shall terminate the**  
33 **privilege. The director shall notify by ordinary mail the driver whose privilege is so**  
34 **terminated.**

35 **4. No person who possesses a commercial driver's license shall receive a limited**  
36 **driving privilege issued for the purpose of operating a commercial motor vehicle if such**  
37 **person's driving privilege is suspended for child support arrearage.**

38 **5. Any person who has received notice of denial of a request of limited driving**  
39 **privilege by the director of revenue may make a request for a review of the director's**  
40 **determination in the circuit court of the county in which the person resides or the county**  
41 **in which is located the person's principal place of business or employment within thirty**  
42 **days of the date of mailing of the notice of denial. Such review shall be based upon the**  
43 **records of the department of revenue and other competent evidence and shall be limited**  
44 **to a review of whether the applicant was statutorily entitled to the limited driving privilege.**

45 **6. Any rule or portion of a rule, as that term is defined in section 536.010, that is**  
46 **created under the authority delegated in this section shall become effective only if it**  
47 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**  
48 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**  
49 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**  
50 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**  
51 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2013,**  
52 **shall be invalid and void.**

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