

HOUSE _____ **AMENDMENT NO.** _____

Offered By

AMEND House Committee Substitute for House Bill No. 1640, Page 54, Section 302.132, Line 27, by inserting after all of said section and line, the following:

“302.302. 1. The director of revenue shall put into effect a point system for the suspension and revocation of licenses. Points shall be assessed only after a conviction or forfeiture of collateral. The initial point value is as follows:

(1) Any moving violation of a state law or county or municipal or federal traffic ordinance or regulation not listed in this section, other than a violation of vehicle equipment provisions or a court-ordered supervision as provided in section 302.303..... 2 points
(except any violation of municipal stop sign ordinance where no accident is involved..... 1 point)

(2) Speeding
In violation of a state law..... 3 points
In violation of a county or municipal ordinance..... 2 points

(3) Leaving the scene of an accident
in violation of section 577.060..... 12 points
In violation of any county or municipal ordinance..... 6 points

(4) Careless and imprudent driving in
violation of subsection 4 of section 304.016..... 4 points
In violation of a county or municipal ordinance..... 2 points

(5) Operating without a valid license
in violation of subdivision (1) or (2) of subsection 1 of section 302.020:

(a) For the first conviction..... 2 points

- 1 (b) For the second conviction..... 4 points
- 2 (c) For the third conviction..... 6 points
- 3 (6) Operating with a suspended or
- 4 revoked license prior to restoration of
- 5 operating privileges..... 12 points
- 6 (7) Obtaining a license by
- 7 misrepresentation..... 12 points
- 8 (8) For the first conviction of
- 9 driving while in an intoxicated condition
- 10 or under the influence of controlled
- 11 substances or drugs..... 8 points
- 12 (9) For the second or subsequent
- 13 conviction of any of the following offenses
- 14 however combined: driving while in an
- 15 intoxicated condition, driving under the
- 16 influence of controlled substances or drugs
- 17 or driving with a blood alcohol content of
- 18 eight-hundredths of one percent or more by
- 19 weight..... 12 points
- 20 (10) For the first conviction for
- 21 driving with blood alcohol content
- 22 eight-hundredths of one percent or more by
- 23 weight In violation of state law..... 8 points
- 24 In violation of a county or municipal
- 25 ordinance or federal law or regulation..... 8 points
- 26 (11) Any felony involving the use
- 27 of a motor vehicle..... 12 points
- 28 (12) Knowingly permitting unlicensed
- 29 operator to operate a motor vehicle..... 4 points
- 30 (13) For a conviction for failure to
- 31 maintain financial responsibility pursuant to
- 32 county or municipal ordinance or pursuant to
- 33 section 303.025..... 4 points
- 34 (14) Endangerment of a highway worker
- 35 in violation of section 304.585..... 4 points
- 36 (15) Aggravated endangerment of a

highway worker in violation of section 304.585..... 12 points

(16) For a conviction of violating a
municipal ordinance that prohibits tow truck
operators from stopping at or proceeding to
the scene of an accident unless they have
been requested to stop or proceed to such
scene by a party involved in such accident
or by an officer of a public safety agency..... 4 points

(17) Endangerment of an emergency
responder in violation of section 304.894 4 points

(18) Aggravated endangerment of
an emergency responder in violation of
section 304.894..... 12 points

2. The director shall, as provided in subdivision (5) of subsection 1 of this section, assess
an operator points for a conviction pursuant to subdivision (1) or (2) of subsection 1 of section
302.020, when the director issues such operator a license or permit pursuant to the provisions of
sections 302.010 to 302.340.

3. An additional two points shall be assessed when personal injury or property damage
results from any violation listed in subdivisions (1) to (13) of subsection 1 of this section and if
found to be warranted and certified by the reporting court.

4. When any of the acts listed in subdivision (2), (3), (4) or (8) of subsection 1 of this
section constitutes both a violation of a state law and a violation of a county or municipal
ordinance, points may be assessed for either violation but not for both. Notwithstanding that an
offense arising out of the same occurrence could be construed to be a violation of subdivisions
(8), (9) and (10) of subsection 1 of this section, no person shall be tried or convicted for more than
one offense pursuant to subdivisions (8), (9) and (10) of subsection 1 of this section for offenses
arising out of the same occurrence.

5. The director of revenue shall put into effect a system for staying the assessment of
points against an operator. The system shall provide that the satisfactory completion of a
driver-improvement program or, in the case of violations committed while operating a
motorcycle, a motorcycle-rider training course approved by the state highways and transportation
commission, by an operator, when so ordered and verified by any court having jurisdiction over
any law of this state or county or municipal ordinance, regulating motor vehicles, other than a
violation committed in a commercial motor vehicle as defined in section 302.700 or a violation
committed by an individual who has been issued a commercial driver's license or is required to
obtain a commercial driver's license in this state or any other state, shall be accepted by the

1 director in lieu of the assessment of points for a violation pursuant to subdivision (1), (2) or (4) of
2 subsection 1 of this section or pursuant to subsection 3 of this section. A court using a centralized
3 violation bureau established under section 476.385 may elect to have the bureau order and verify
4 completion of a driver-improvement program or motorcycle-rider training course as prescribed by
5 order of the court. For the purposes of this subsection, the driver-improvement program shall
6 meet or exceed the standards of the National Safety Council's eight-hour "Defensive Driving
7 Course" or, in the case of a violation which occurred during the operation of a motorcycle, the
8 program shall meet the standards established by the state highways and transportation commission
9 pursuant to sections 302.133 to 302.137. The completion of a driver-improvement program or a
10 motorcycle-rider training course shall not be accepted in lieu of points more than one time in any
11 thirty-six-month period and shall be completed within sixty days of the date of conviction in order
12 to be accepted in lieu of the assessment of points. Every court having jurisdiction pursuant to the
13 provisions of this subsection shall, within fifteen days after completion of the driver-improvement
14 program or motorcycle-rider training course by an operator, forward a record of the completion to
15 the director, all other provisions of the law to the contrary notwithstanding. The director shall
16 establish procedures for record keeping and the administration of this subsection.

17 304.890. As used in sections 304.890 to 304.894, the following terms shall mean:

18 (1) "Active emergency", any incident occurring on a highway, as the term "highway" is
19 defined in section 302.010, that requires emergency services from any emergency responder;

20 (2) "Active emergency zone", any area upon or around any highway, which is visibly
21 marked by emergency responders performing work for the purpose of emergency response, and
22 where an active emergency, or incident removal, is temporarily occurring. This area includes the
23 lanes of highway leading up to an active emergency or incident removal, beginning within three
24 hundred feet of visual sighting of:

25 (a) Appropriate signs or traffic control devices posted or placed by emergency responders;
26 or

27 (b) An emergency vehicle displaying active emergency lights or signals;

28 (3) "Emergency responder", any law enforcement officer, paid or volunteer firefighter,
29 first responder, emergency medical worker, tow truck operator, or other emergency personnel
30 responding to an emergency on a highway.

31 304.892. 1. Upon the first conviction, finding of guilt, or plea of guilty by any person for
32 a moving violation, as the term "moving violation" is defined in section 302.010, or any offense
33 listed in section 302.302, other than a violation described in subsection 2 of this section, when the
34 violation or offense occurs within an active emergency zone, the court shall assess a fine of thirty-
35 five dollars in addition to any other fine authorized by law. Upon a second or subsequent
36 conviction, finding of guilt, or plea of guilty, the court shall assess a fine of seventy-five dollars in

1 addition to any other fine authorized by law.

2 2. Upon the first conviction, finding of guilt, or plea of guilty by any person for a speeding
3 violation under either section 304.009 or 304.010, or a passing violation under subsection 3 of this
4 section, when the violation or offense occurs within an active emergency zone and emergency
5 responders were present in such zone at the time of the offense or violation, the court shall assess
6 a fine of two hundred fifty dollars in addition to any other fine authorized by law. Upon a second
7 or subsequent conviction, finding of guilt, or plea of guilty, the court shall assess a fine of three
8 hundred dollars in addition to any other fine authorized by law. However, no person assessed an
9 additional fine under this subsection shall also be assessed an additional fine under subsection 1 of
10 this section.

11 3. The driver of a motor vehicle may not overtake or pass another motor vehicle within an
12 active emergency zone. Violation of this subsection is a class C misdemeanor.

13 4. The additional fines imposed by this section shall not be construed to enhance the
14 assessment of court costs or the assessment of points under section 302.302.

15 304.894. 1. A person commits the offense of endangerment of an emergency responder
16 for any of the following offenses when the offense occurs within an active emergency zone:

17 (1) Exceeding the posted speed limit by fifteen miles per hour or more;

18 (2) Passing in violation of subsection 3 of section 304.892;

19 (3) Failure to stop for an active emergency zone flagman or emergency responder, or
20 failure to obey traffic control devices erected, or personnel posted, in the active emergency zone
21 for purposes of controlling the flow of motor vehicles through the zone;

22 (4) Driving through or around an active emergency zone via any lane not clearly
23 designated for motorists to control the flow of traffic through or around the active emergency
24 zone;

25 (5) Physically assaulting, attempting to assault, or threatening to assault an emergency
26 responder with a motor vehicle or other instrument;

27 (6) Intentionally striking, moving, or altering barrels, barriers, signs, or other devices
28 erected to control the flow of traffic to protect emergency responders and motorists unless the
29 action was necessary to avoid an obstacle, an emergency, or to protect the health and safety of an
30 occupant of the motor vehicle or of another person; or

31 (7) Committing any of the following offenses for which points may be assessed under
32 section 302.302:

33 (a) Leaving the scene of an accident in violation of section 577.060;

34 (b) Careless and imprudent driving in violation of subsection 4 of section 304.016;

35 (c) Operating without a valid license in violation of subdivision (1) or (2) of subsection 1
36 of section 302.020;

- 1 (d) Operating with a suspended or revoked license;
2 (e) Driving while in an intoxicated condition or under the influence of controlled
3 substances or drugs or driving with an excessive blood alcohol content;
4 (f) Any felony involving the use of a motor vehicle.

5 2. Upon a finding of guilt or a plea of guilty for committing the offense of endangerment
6 of an emergency responder under subsection 1 of this section, if no injury or death to an
7 emergency responder resulted from the offense, the court shall assess a fine of not more than one
8 thousand dollars, and four points shall be assessed to the operator's license pursuant to section
9 302.302.

10 3. A person commits the offense of aggravated endangerment of an emergency responder
11 upon a finding of guilt or a plea of guilty for any offense under subsection 1 of this section when
12 such offense results in the injury or death of an emergency responder. Upon a finding of guilt or a
13 plea of guilty for committing the offense of aggravated endangerment of an emergency responder,
14 in addition to any other penalty authorized by law, the court shall assess a fine of not more than
15 five thousand dollars if the offense resulted in injury to an emergency responder, and ten thousand
16 dollars if the offense resulted in the death of an emergency responder. In addition, twelve points
17 shall be assessed to the operator's license pursuant to section 302.302.

18 4. Except for the offense established under subdivision (6) of subsection 1 of this section,
19 no person shall be deemed to have committed the offense of endangerment of an emergency
20 responder except when the act or omission constituting the offense occurred when one or more
21 emergency responders were responding to an active emergency.

22 5. No person shall be cited for, or found guilty of, endangerment of an emergency
23 responder or aggravated endangerment of an emergency responder, for any act or omission
24 otherwise constituting an offense under subsection 1 of this section, if such act or omission
25 resulted in whole or in part from mechanical failure of the person's vehicle, or from the negligence
26 of another person or emergency responder.”; and

27
28 Further amend said bill by amending the title, enacting clause, and intersectional references
29 accordingly.