

HOUSE _____ **AMENDMENT NO.** _____

Offered By

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 673,
2 Page 20, Section 302.020, Line 40, by inserting after all of said line the following:

3 "302.060. 1. The director shall not issue any license and shall immediately deny any
4 driving privilege:

5 (1) To any person who is under the age of eighteen years, if such person operates a motor
6 vehicle in the transportation of persons or property as classified in section 302.015;

7 (2) To any person who is under the age of sixteen years, except as hereinafter provided;

8 (3) To any person whose license has been suspended, during such suspension, or to any
9 person whose license has been revoked, until the expiration of one year after such license was
10 revoked;

11 (4) To any person who is an habitual drunkard or is addicted to the use of narcotic drugs;

12 (5) To any person who has previously been adjudged to be incapacitated and who at the
13 time of application has not been restored to partial capacity;

14 (6) To any person who, when required by this law to take an examination, has failed to
15 pass such examination;

16 (7) To any person who has an unsatisfied judgment against such person, as defined in
17 chapter 303, until such judgment has been satisfied or the financial responsibility of such person,
18 as defined in section 303.120, has been established;

19 (8) To any person whose application shows that the person has been convicted within one
20 year prior to such application of violating the laws of this state relating to failure to stop after an
21 accident and to disclose the person's identity or driving a motor vehicle without the owner's

2 consent;

3 (9) To any person who has been convicted more than twice of violating state law, or a
4 county or municipal ordinance where the defendant was represented by or waived the right to an
5 attorney in writing, relating to driving while intoxicated; except that, after the expiration of ten
6 years from the date of conviction of the last offense of violating such law or ordinance relating to
7 driving while intoxicated, a person who was so convicted may petition the circuit court of the
8 county in which such last conviction was rendered and the court shall review the person's habits
9 and conduct since such conviction. If the court finds that the petitioner has not been convicted of
10 any offense related to alcohol, controlled substances or drugs during the preceding ten years and
11 that the petitioner's habits and conduct show such petitioner to no longer pose a threat to the
12 public safety of this state, the court may order the director to issue a license to the petitioner if the
13 petitioner is otherwise qualified pursuant to the provisions of sections 302.010 to 302.540. No
14 person may obtain a license pursuant to the provisions of this subdivision through court action
15 more than one time;

16 (10) To any person who has been convicted twice within a five-year period of violating
17 state law, or a county or municipal ordinance, of driving while intoxicated, or any other
18 intoxication-related traffic offense as defined in subdivision (4) of subsection 1 of section
19 577.023, or who has been convicted of the crime of involuntary manslaughter while operating a
20 motor vehicle in an intoxicated condition. The director shall not issue a license to such person for
21 five years from the date such person was convicted or pled guilty for involuntary manslaughter
22 while operating a motor vehicle in an intoxicated condition or for driving while intoxicated or any
23 other intoxication-related traffic offense as defined in subdivision (4) of subsection 1 of section
24 577.023 for the second time;

25 (11) To any person who is otherwise disqualified pursuant to the provisions of sections
26 302.010 to 302.780, chapter 303, or section 544.046;

27 (12) To any person who is under the age of eighteen years, if such person's parents or

2 legal guardians file a certified document with the department of revenue stating that the director
3 shall not issue such person a driver's license. Each document filed by the person's parents or legal
4 guardians shall be made upon a form furnished by the director and shall include identifying
5 information of the person for whom the parents or legal guardians are denying the driver's license.
6 The document shall also contain identifying information of the person's parents or legal guardians.
7 The document shall be certified by the parents or legal guardians to be true and correct. This
8 provision shall not apply to any person who is legally emancipated. The parents or legal
9 guardians may later file an additional document with the department of revenue which reinstates
10 the person's ability to receive a driver's license.

11 2. Any person whose license is reinstated under the provisions of subdivisions (9) and
12 (10) of subsection 1 of this section shall be required to file proof with the director of revenue that
13 any motor vehicle operated by the person is equipped with a functioning, certified ignition
14 interlock device as a required condition of reinstatement. The ignition interlock device required
15 for reinstatement under this subsection and for obtaining a limited driving privilege under
16 paragraph (a) or (b) of subdivision (8) of subsection 3 of section 302.309 shall have photo
17 identification technology and global positioning system features. The ignition interlock device
18 shall further be required to be maintained on all motor vehicles operated by the person for a period
19 of not less than six months immediately following the date of reinstatement. If the monthly
20 monitoring reports show that the ignition interlock device has registered any confirmed blood
21 alcohol concentration readings above the alcohol setpoint established by the department of
22 transportation or that the person has tampered with or circumvented the ignition interlock device,
23 then the period for which the person must maintain the ignition interlock device following the
24 date of reinstatement shall be extended for an additional six months. If the person fails to
25 maintain such proof with the director, the license shall be suspended for the remainder of the
26 six-month period or until proof as required by this section is filed with the director. Upon the
27 completion of the six-month period, the license shall be shown as reinstated, if the person is

otherwise eligible.”; and

Further amend said bill, Page 25, Section 302.173, Line 66, by inserting after all of said line the following:

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

2. In an action to suspend or revoke a license or driving privilege under this section points shall be accumulated on the date of conviction. No case file of any conviction for a driving violation for which points may be assessed pursuant to section 302.302 may be closed until such time as a copy of the record of such conviction is forwarded to the department of revenue.

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

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

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

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

(3) In the case of the third and subsequent suspensions, ninety days after the effective date of the suspension. Unless proof of financial responsibility is filed with the department of revenue,

2 a suspension shall continue in effect for two years from its effective date.

3 5. The period of suspension of the driver's license and driving privilege of any person
4 under the provisions of subdivision (8) of subsection 1 of section 302.302 or who has
5 accumulated sufficient points together with a conviction under subdivision (10) of subsection 1 of
6 section 302.302 shall be thirty days, followed by a sixty-day period of restricted driving privilege
7 as defined in section 302.010. Upon completion of such period of restricted driving privilege,
8 upon compliance with other requirements of law and upon filing of proof of financial
9 responsibility with the department of revenue, in accordance with chapter 303, the license and
10 driving privilege shall be reinstated. If a person, otherwise subject to the provisions of this
11 subsection, files proof of installation with the department of revenue that any vehicle operated by
12 such person is equipped with a functioning, certified ignition interlock device, then there shall be
13 no period of suspension and the person shall instead be subject to a ninety-day period of restricted
14 driving privilege. If the person fails to maintain such proof of the device with the director of
15 revenue as required, the restricted driving privilege shall be terminated. Upon completion of such
16 ninety-day period of restricted driving privilege, upon compliance with other requirements of law,
17 and upon filing of proof of financial responsibility with the department of revenue, in accordance
18 with chapter 303, the license and driving privilege shall be reinstated. However, if the monthly
19 monitoring reports during such ninety-day period indicate that the ignition interlock device has
20 registered a blood alcohol concentration level above the alcohol setpoint established by the
21 department of transportation or such reports indicate that the ignition interlock device has been
22 tampered with or circumvented, then the license and driving privilege of such person shall not be
23 reinstated until the person completes an additional ninety-day period of restricted driving privilege
24 without any such violations.

25 6. If the person fails to maintain proof of financial responsibility in accordance with
26 chapter 303, or, if applicable, if the person fails to maintain proof that any vehicle operated is
27 equipped with a functioning, certified ignition interlock device installed pursuant to subsection 5

2 of this section, the person's driving privilege and license shall be resuspended.

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

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

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

26 10. Upon the issuance of a reinstatement or termination notice after a suspension or
27 revocation of any person's license and driving privilege under the provisions of sections 302.010

2 to 302.540, the accumulated point value shall be reduced to four points, except that the points of
3 any person serving as a member of the armed forces of the United States outside the limits of the
4 United States during a period of suspension or revocation shall be reduced to zero upon the date
5 of the reinstatement or termination of notice. It shall be the responsibility of such member of the
6 armed forces to submit copies of official orders to the director of revenue to substantiate such
7 overseas service. Any other provision of sections 302.010 to 302.540 to the contrary
8 notwithstanding, the effective date of the four points remaining on the record upon reinstatement
9 or termination shall be the date of the reinstatement or termination notice.

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

13 12. Any person or nonresident whose license or privilege to operate a motor vehicle in
14 this state has been suspended or revoked under this or any other law shall, before having the
15 license or privilege to operate a motor vehicle reinstated, pay to the director a reinstatement fee of
16 twenty dollars which shall be in addition to all other fees provided by law.

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

21 14. No person who has had a license to operate a motor vehicle suspended or revoked as a
22 result of an assessment of points for a violation under subdivision (8), (9) or (10) of subsection 1
23 of section 302.302 shall have that license reinstated until such person has participated in and
24 successfully completed a substance abuse traffic offender program defined in section 302.010, or
25 a program determined to be comparable by the department of mental health. Assignment
26 recommendations, based upon the needs assessment as described in subdivision (22) of section
27 302.010, shall be delivered in writing to the person with written notice that the person is entitled

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

19 15. The fees for the program authorized in subsection 14 of this section, or a portion
20 thereof to be determined by the department of mental health, shall be paid by the person enrolled
21 in the program. Any person who is enrolled in the program shall pay, in addition to any fee
22 charged for the program, a supplemental fee in an amount to be determined by the department of
23 mental health for the purposes of funding the substance abuse traffic offender program defined in
24 section 302.010 and section 577.001 or a program determined to be comparable by the department
25 of mental health. The administrator of the program shall remit to the division of alcohol and drug
26 abuse of the department of mental health on or before the fifteenth day of each month the
27 supplemental fee for all persons enrolled in the program, less two percent for administrative costs.

Interest shall be charged on any unpaid balance of the supplemental fees due the division of alcohol and drug abuse pursuant to this section and shall accrue at a rate not to exceed the annual rate established pursuant to the provisions of section 32.065, plus three percentage points. The supplemental fees and any interest received by the department of mental health pursuant to this section shall be deposited in the mental health earnings fund which is created in section 630.053.

16. Any administrator who fails to remit to the division of alcohol and drug abuse of the department of mental health the supplemental fees and interest for all persons enrolled in the program pursuant to this section shall be subject to a penalty equal to the amount of interest accrued on the supplemental fees due the division pursuant to this section. If the supplemental fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the department of mental health within six months of the due date, the attorney general of the state of Missouri shall initiate appropriate action of the collection of said fees and interest accrued. The court shall assess attorney fees and court costs against any delinquent program.

17. Any person who has had a license to operate a motor vehicle suspended or revoked as a result of an assessment of points for a violation under subdivision (9) of subsection 1 of section 302.302 shall be required to file proof with the director of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of reinstatement of the license. The ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. If the monthly monitoring reports show that the ignition interlock device has registered any confirmed blood alcohol concentration readings above the alcohol setpoint established by the department of transportation or that the person has tampered with or circumvented the ignition interlock device, then the period for which the person must maintain the ignition interlock device following the date of reinstatement shall be extended for an additional six months. If the person fails to maintain such proof with the director, the license shall be resuspended or revoked and the person shall be guilty of a class A

2 misdemeanor.

3 302.309. 1. Whenever any license is suspended pursuant to sections 302.302 to 302.309,
4 the director of revenue shall return the license to the operator immediately upon the termination of
5 the period of suspension and upon compliance with the requirements of chapter 303.

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

8 3. (1) All circuit courts, the director of revenue, or a commissioner operating under
9 section 478.007 shall have jurisdiction to hear applications and make eligibility determinations
10 granting limited driving privileges. Any application may be made in writing to the director of
11 revenue and the person's reasons for requesting the limited driving privilege shall be made therein.

12
13 (2) When any court of record having jurisdiction or the director of revenue finds that an
14 operator is required to operate a motor vehicle in connection with any of the following:

- 15 (a) A business, occupation, or employment;
16 (b) Seeking medical treatment for such operator;
17 (c) Attending school or other institution of higher education;
18 (d) Attending alcohol or drug treatment programs;
19 (e) Seeking the required services of a certified ignition interlock device provider; or
20 (f) Any other circumstance the court or director finds would create an undue hardship on
21 the operator; the court or director may grant such limited driving privilege as the circumstances of
22 the case justify if the court or director finds undue hardship would result to the individual, and
23 while so operating a motor vehicle within the restrictions and limitations of the limited driving
24 privilege the driver shall not be guilty of operating a motor vehicle without a valid license.

25 (3) An operator may make application to the proper court in the county in which such
26 operator resides or in the county in which is located the operator's principal place of business or
27 employment. Any application for a limited driving privilege made to a circuit court shall name

2 the director as a party defendant and shall be served upon the director prior to the grant of any
3 limited privilege, and shall be accompanied by a copy of the applicant's driving record as certified
4 by the director. Any applicant for a limited driving privilege shall have on file with the
5 department of revenue proof of financial responsibility as required by chapter 303. Any
6 application by a person who transports persons or property as classified in section 302.015 may be
7 accompanied by proof of financial responsibility as required by chapter 303, but if proof of
8 financial responsibility does not accompany the application, or if the applicant does not have on
9 file with the department of revenue proof of financial responsibility, the court or the director has
10 discretion to grant the limited driving privilege to the person solely for the purpose of operating a
11 vehicle whose owner has complied with chapter 303 for that vehicle, and the limited driving
12 privilege must state such restriction. When operating such vehicle under such restriction the
13 person shall carry proof that the owner has complied with chapter 303 for that vehicle.

14 (4) No limited driving privilege shall be issued to any person otherwise eligible under the
15 provisions of paragraph (a) of subdivision (6) of this subsection on a license revocation resulting
16 from a conviction under subdivision (9) of subsection 1 of section 302.302, or a license denial
17 under paragraph (a) or (b) of subdivision (8) of this subsection, or a license revocation under
18 paragraph (h) of subdivision (6) of this subsection, until the applicant has filed proof with the
19 department of revenue that any motor vehicle operated by the person is equipped with a
20 functioning, certified ignition interlock device as a required condition of limited driving privilege.
21 The ignition interlock device required for obtaining a limited driving privilege under paragraph (a)
22 or (b) of subdivision (8) of this subsection shall have photo identification technology and global
23 positioning system features.

24 (5) The court order or the director's grant of the limited or restricted driving privilege shall
25 indicate the termination date of the privilege, which shall be not later than the end of the period of
26 suspension or revocation. The court order or the director's grant of the limited or restricted
27 driving privilege shall also indicate whether a functioning, certified ignition interlock device is

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

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

20 (a) A conviction of violating the provisions of section 577.010 or 577.012, or any similar
21 provision of any federal or state law, or a municipal or county law where the judge in such case
22 was an attorney and the defendant was represented by or waived the right to an attorney in writing,
23 until the person has completed the first thirty days of a suspension or revocation imposed pursuant
24 to this chapter;

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

26 (c) Ineligibility for a license because of the provisions of subdivision (1), (2), (4), (5), (6),
27 (7), (8), (9), (10) or (11) of section 302.060;

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

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

8 (f) Violation more than once of the provisions of section 577.041 or a similar implied
9 consent law of any other state; [or]

10 (g) Due to a suspension pursuant to subsection 2 of section 302.525 and who has not
11 completed the first thirty days of such suspension, provided the person is not otherwise ineligible
12 for a limited driving privilege; or

13 (h) Due to a revocation pursuant to subsection 2 of section 302.525 if such person has not
14 completed the first forty-five days of such revocation, provided the person is not otherwise
15 ineligible for a limited driving privilege.

16 (7) No person who possesses a commercial driver's license shall receive a limited driving
17 privilege issued for the purpose of operating a commercial motor vehicle if such person's driving
18 privilege is suspended, revoked, canceled, denied, or disqualified. Nothing in this section shall
19 prohibit the issuance of a limited driving privilege for the purpose of operating a noncommercial
20 motor vehicle provided that pursuant to the provisions of this section, the applicant is not
21 otherwise ineligible for a limited driving privilege.

22 (8) (a) Provided that pursuant to the provisions of this section, the applicant is not
23 otherwise ineligible for a limited driving privilege, a circuit court or the director may, in the
24 manner prescribed in this subsection, allow a person who has had such person's license to operate
25 a motor vehicle revoked where that person cannot obtain a new license for a period of ten years,
26 as prescribed in subdivision (9) of section 302.060, to apply for a limited driving privilege
27 pursuant to this subsection if such person has served at least [three years] forty-five days of such

2 disqualification or revocation. Such person shall present evidence satisfactory to the court or the
3 director that such person has not been convicted of any offense related to alcohol, controlled
4 substances or drugs during the preceding [three years] forty-five days and that the person's habits
5 and conduct show that the person no longer poses a threat to the public safety of this state.

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

21 (9) A DWI docket or court established under section 478.007 may grant a limited driving
22 privilege to a participant in or graduate of the program who would otherwise be ineligible for such
23 privilege under another provision of law. The DWI docket or court shall not grant a limited
24 driving privilege to a participant during his or her initial forty-five days of participation.

25 4. Any person who has received notice of denial of a request of limited driving privilege
26 by the director of revenue may make a request for a review of the director's determination in the
27 circuit court of the county in which the person resides or the county in which is located the

2 person's principal place of business or employment within thirty days of the date of mailing of the
3 notice of denial. Such review shall be based upon the records of the department of revenue and
4 other competent evidence and shall be limited to a review of whether the applicant was statutorily
5 entitled to the limited driving privilege.

6 5. The director of revenue shall promulgate rules and regulations necessary to carry out
7 the provisions of this section. Any rule or portion of a rule, as that term is defined in section
8 536.010, that is created under the authority delegated in this section shall become effective only if
9 it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
10 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the
11 general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove
12 and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and
13 any rule proposed or adopted after August 28, 2001, shall be invalid and void.

14 302.525. 1. The license suspension or revocation shall become effective fifteen days after
15 the subject person has received the notice of suspension or revocation as provided in section
16 302.520, or is deemed to have received the notice of suspension or revocation by mail as provided
17 in section 302.515.

18 If a request for a hearing is received by or postmarked to the department within that fifteen-day
19 period, the effective date of the suspension or revocation shall be stayed until a final order is
20 issued following the hearing; provided, that any delay in the hearing which is caused or requested
21 by the subject person or counsel representing that person without good cause shown shall not
22 result in a stay of the suspension or revocation during the period of delay.

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

24 (1) If the person's driving record shows no prior alcohol-related enforcement contacts
25 during the immediately preceding five years, the period of suspension shall be thirty days after the
26 effective date of suspension, followed by a sixty-day period of restricted driving privilege as
27 defined in section 302.010 and issued by the director of revenue. The restricted driving privilege

2 shall not be issued until he or she has filed proof of financial responsibility with the department of
3 revenue, in accordance with chapter 303, and is otherwise eligible. The restricted driving
4 privilege shall indicate whether a functioning, certified ignition interlock device is required as a
5 condition of operating a motor vehicle. A copy of the restricted driving privilege shall be given to
6 the person and such person shall carry a copy of the restricted driving privilege while operating a
7 motor vehicle. In no case shall restricted driving privileges be issued pursuant to this section or
8 section 302.535 until the person has completed the first thirty days of a suspension under this
9 section. If a person, otherwise subject to the provisions of this subdivision files proof of
10 installation with the department of revenue that any vehicle operated is equipped with a
11 functioning, certified ignition interlock device, then there shall be no period of suspension and the
12 person shall instead be subject to a ninety-day period of restricted driving privilege. Upon
13 completion of such ninety-day period of restricted driving privilege, upon compliance with other
14 requirements of law, and upon filing of proof of financial responsibility with the department of
15 revenue, in accordance with chapter 303, the license and driving privilege shall be reinstated.
16 However, if the monthly monitoring reports during such ninety-day period indicate that the
17 ignition interlock device has registered a blood alcohol concentration level above the alcohol
18 setpoint established by the department of transportation or such reports indicate that the ignition
19 interlock device has been tampered with or circumvented, then the license and driving privilege of
20 such person shall not be reinstated until the person completes an additional ninety-day period of
21 restricted driving privilege without any such violations. If the person fails to maintain such proof
22 of the device with the director of revenue as required, the restricted driving privilege shall be
23 terminated;

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

26 (3) In no case shall restricted driving privileges be issued under this section to any person
27 whose driving record shows one or more prior alcohol-related enforcement contacts until the

2 person has completed the first thirty days of a suspension under this section and has filed proof
3 with the department of revenue that any motor vehicle operated by the person is equipped with a
4 functioning, certified ignition interlock device as a required condition of the restricted driving
5 privilege. If the person fails to maintain such proof the restricted driving privilege shall be
6 terminated.

7 3. For purposes of this section, "alcohol-related enforcement contacts" shall include any
8 suspension or revocation under sections 302.500 to 302.540, any suspension or revocation entered
9 in this or any other state for a refusal to submit to chemical testing under an implied consent law,
10 and any conviction in this or any other state for a violation which involves driving while
11 intoxicated, driving while under the influence of drugs or alcohol, or driving a vehicle while
12 having an unlawful alcohol concentration.

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

21 5. Any person who has had a license to operate a motor vehicle revoked under this section
22 or suspended under this section with one or more prior alcohol-related enforcement contacts
23 showing on their driver record shall be required to file proof with the director of revenue that any
24 motor vehicle operated by that person is equipped with a functioning, certified ignition interlock
25 device as a required condition of reinstatement. The ignition interlock device shall further be
26 required to be maintained on all motor vehicles operated by the person for a period of not less
27 than six months immediately following the date of reinstatement. If the monthly monitoring

2 reports show that the ignition interlock device has registered any confirmed blood alcohol
3 concentration readings above the alcohol setpoint established by the department of transportation
4 or that the person has tampered with or circumvented the ignition interlock device, then the period
5 for which the person must maintain the ignition interlock device following the date of
6 reinstatement shall be extended for an additional six months. If the person fails to maintain such
7 proof with the director, the license shall be resuspended or revoked, as applicable."; and

8 Further amend said bill, Page 25, Section C, Line 2, by inserting after all of said line the
9 following:

10 "Section D. The repeal and reenactment of sections 302.304, 302.309, and 302.525 of this
11 act shall become effective July 1, 2013."; and

12
13 Further amend said bill by amending the title, enacting clause, and intersectional references
14 accordingly.