

House _____ Amendment NO. _____

Offered By

1 AMEND Senate Bill No. 446, Page 1, Section A, Line 2, by inserting immediately after said section
2 and line the following:

3
4 "301.196. 1. Beginning January 1, 2006, except as otherwise provided in this section, the
5 transferor of an interest in a motor vehicle or trailer listed on the face of a Missouri title, excluding
6 salvage titles and junking certificates, shall notify the department of revenue of the transfer within
7 thirty days of the date of transfer. The notice shall be in a form determined by the department by
8 rule and shall contain:

9 (1) The name of the transferor and transferee;

10 (2) A description of the motor vehicle or trailer sufficient to identify it;

11 [(2)] (3) The vehicle identification number of the motor vehicle or trailer;

12 [(3)] (4) The name and address of the transferee;

13 [(4)] (5) The date of birth of the transferee, unless the transferee is not a natural person;

14 [(5)] (6) The date of the transfer or sale;

15 [(6)] (7) The purchase price of the motor vehicle or trailer, if applicable;

16 [(7)] (8) The number of the transferee's drivers license, unless the transferee does not have a
17 drivers license;

18 [(8) The printed name and signature] (9) The transferor's electronic signature if transmitted
19 electronically or the signatures of the transferee and transferor if not submitted electronically. For
20 the purposes of this section, "transmitted electronically" shall have the same meaning as an
21 electronic signature as defined in section 432.205;

22 [(9)] (10) Any other information required by the department by rule.

23 2. A notice of sale substantially complying with the requirements of this section is effective
24 even though it contains minor errors which are not materially misleading.

25 3. For purposes of giving notice under this section, if the transfer occurs by operation of law,
26 the personal representative, receiver, trustee, sheriff, or other representative or successor in interest
27 of the person whose interest is transferred shall be considered the transferor. Repossession by a
28 creditor shall not be considered a transfer of ownership requiring such notice.

29 [3.] 4. The requirements of this section shall not apply to transfers when there is no complete
30 change of ownership interest or upon award of ownership of a motor vehicle or trailer made by court
31 order, or transfers of ownership of a motor vehicle or trailer to or between vehicle dealers, or
32 transfers of ownership of a motor vehicle or trailer to an insurance company due to a theft or casualty
33 loss, or transfers of beneficial ownership of a motor vehicle owned by a trust.

34 [4.] 5. Notification under this section is only required for transfers of ownership that would
35 otherwise require registration and an application for certificate of title in this state under section
36 301.190, and is for informational purposes only and does not constitute an assignment or release of

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1 any interest in the vehicle.

2 [5.] 6. Retail sales made by licensed dealers including sales of new vehicles shall be
3 reported pursuant to the provisions of section 301.280."; and

4
5 Further amend said bill, Page 2, Section 301.451, Line 25, by inserting immediately after said
6 section and line the following:

7
8 "302.010. Except where otherwise provided, when used in this chapter, the following words
9 and phrases mean:

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

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

13 (3) "Conviction", any final conviction; also a forfeiture of bail or collateral deposited to
14 secure a defendant's appearance in court, which forfeiture has not been vacated, shall be equivalent
15 to a conviction, except that when any conviction as a result of which points are assessed pursuant to
16 section 302.302 is appealed, the term "conviction" means the original judgment of conviction for the
17 purpose of determining the assessment of points, and the date of final judgment affirming the
18 conviction shall be the date determining the beginning of any license suspension or revocation
19 pursuant to section 302.304;

20 (4) "Criminal history check", a search of criminal records, including criminal history record
21 information as defined in section 43.500, maintained by the Missouri state highway patrol in the
22 Missouri criminal records repository or by the Federal Bureau of Investigation as part of its criminal
23 history records, including, but not limited to, any record of conviction, plea of guilty or nolo
24 contendere, or finding of guilty in any state for any offense related to alcohol, controlled substances,
25 or drugs;

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

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

30 (7) "Highway", any public thoroughfare for vehicles, including state roads, county roads and
31 public streets, avenues, boulevards, parkways, or alleys in any municipality;

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

35 (9) "License", a license issued by a state to a person which authorizes a person to operate a
36 motor vehicle;

37 (10) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks except
38 motorized bicycles, as defined in section 307.180;

39 (11) "Motorcycle", a motor vehicle operated on two wheels; however, this definition shall
40 not include motorized bicycles as defined in section 301.010;

41 (12) "Motortricycle", a motor vehicle operated on three wheels, including a motorcycle
42 operated with any conveyance, temporary or otherwise, requiring the use of a third wheel;

43 (13) "Moving violation", that character of traffic violation where at the time of violation the
44 motor vehicle involved is in motion, except that the term does not include the driving of a motor
45 vehicle without a valid motor vehicle registration license, or violations of sections 304.170 to
46 304.240, inclusive, relating to sizes and weights of vehicles;

47 (14) "Municipal court", every division of the circuit court having original jurisdiction to try
48 persons for violations of city ordinances;

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

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

4 (17) "Owner", a person who holds the legal title of a vehicle or in the event a vehicle is the
5 subject of an agreement for the conditional sale or lease thereof with the right of purchase upon
6 performance of the conditions stated in the agreement and with an immediate right of possession
7 vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to
8 possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the
9 purpose of sections 302.010 to 302.540;

10 (18) "Record" includes, but is not limited to, papers, documents, facsimile information,
11 microphotographic process, electronically generated or electronically recorded information, digitized
12 images, deposited or filed with the department of revenue;

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

17 (20) "Restricted driving privilege", a sixty-day driving privilege issued by the director of
18 revenue following a suspension of driving privileges for the limited purpose of driving in connection
19 with the driver's business, occupation, employment, formal program of secondary, postsecondary or
20 higher education, or for an alcohol education or treatment program or certified ignition interlock
21 provider, or a ninety-day 'interlock restricted privilege' issued by the director of revenue for the
22 limited purpose of driving in connection with the driver's business, occupation, employment, seeking
23 medical treatment for such driver or a dependent family member, attending school or other
24 institution of higher education, attending alcohol or drug treatment programs, seeking the required
25 services of a certified ignition interlock provider, fulfilling court obligations, including required
26 appearances and probation and parole obligations, religious services, the care of a child or children,
27 including scheduled visitation or custodial obligations pursuant to a court order, fueling requirements
28 for any vehicle utilized, and seeking basic nutritional requirements;

29 (21) "School bus", when used in sections 302.010 to 302.540, means any motor vehicle,
30 either publicly or privately owned, used to transport students to and from school, or to transport
31 pupils properly chaperoned to and from any place within the state for educational purposes. The
32 term "school bus" shall not include a bus operated by a public utility, municipal corporation or
33 common carrier authorized to conduct local or interstate transportation of passengers when such bus
34 is not traveling a specific school bus route but is:

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

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

38 (22) "School bus operator", an operator who operates a school bus as defined in subdivision
39 (21) of this section in the transportation of any schoolchildren and who receives compensation for
40 such service. The term "school bus operator" shall not include any person who transports
41 schoolchildren as an incident to employment with a school or school district, such as a teacher,
42 coach, administrator, secretary, school nurse, or janitor unless such person is under contract with or
43 employed by a school or school district as a school bus operator;

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

48 (24) "Substance abuse traffic offender program", a program certified by the division of

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

8 (25) "Vehicle", any mechanical device on wheels, designed primarily for use, or used on
9 highways, except motorized bicycles, vehicles propelled or drawn by horses or human power, or
10 vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized wheelchairs
11 operated by handicapped persons.

12 *302.060. 1. The director shall not issue any license and shall immediately deny any driving
13 privilege:

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

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

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

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

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

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

25 (7) To any person who has an unsatisfied judgment against such person, as defined in chapter
26 303, until such judgment has been satisfied or the financial responsibility of such person, as
27 described in section 303.120, has been established;

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

31 (9) To any person who has been convicted more than twice of violating state law, or a county
32 or municipal ordinance where the defendant was represented by or waived the right to an attorney in
33 writing, relating to driving while intoxicated; except that, after the expiration of ten years from the
34 date of conviction of the last offense of violating such law or ordinance relating to driving while
35 intoxicated, a person who was so convicted may petition the circuit court of the county in which such
36 last conviction was rendered and the court shall review the person's habits and conduct since such
37 conviction, including the results of a criminal history check as defined in section 302.010. If the
38 court finds that the petitioner has not been found guilty of, and has no pending charges for any
39 offense related to alcohol, controlled substances or drugs and has no other alcohol-related
40 enforcement contacts as defined in section 302.525 during the preceding ten years and that the
41 petitioner's habits and conduct show such petitioner to no longer pose a threat to the public safety of
42 this state, the court shall order the director to issue a license to the petitioner if the petitioner is
43 otherwise qualified pursuant to the provisions of sections 302.010 to 302.540. No person may obtain
44 a license pursuant to the provisions of this subdivision through court action more than one time;

45 (10) To any person who has been found guilty of acting with criminal negligence while
46 driving while intoxicated to cause the death of another person, or to any person who has been
47 convicted twice within a five-year period of violating state law, county or municipal ordinance of
48 driving while intoxicated, or any other intoxication-related traffic offense as defined in section

1 577.001, except that, after the expiration of five years from the date of conviction of the last offense
2 of violating such law or ordinance, a person who was so convicted may petition the circuit court of
3 the county in which such last conviction was rendered and the court shall review the person's habits
4 and conduct since such conviction, including the results of a criminal history check as defined in
5 section 302.010. If the court finds that the petitioner has not been found guilty of, and has no
6 pending charges for any offense related to alcohol, controlled substances, or drugs and has no other
7 alcohol-related enforcement contacts as defined in section 302.525 during the preceding five years,
8 and that the petitioner's habits and conduct show such petitioner to no longer pose a threat to the
9 public safety of this state, the court shall order the director to issue a license to the petitioner if the
10 petitioner is otherwise qualified pursuant to the provisions of sections 302.010 to 302.540;

11 (11) To any person who is otherwise disqualified pursuant to the provisions of chapter 302,
12 chapter 303, or section 544.046;

13 (12) To any person who is under the age of eighteen years, if such person's parents or legal
14 guardians file a certified document with the department of revenue stating that the director shall not
15 issue such person a driver's license. Each document filed by the person's parents or legal guardians
16 shall be made upon a form furnished by the director and shall include identifying information of the
17 person for whom the parents or legal guardians are denying the driver's license. The document shall
18 also contain identifying information of the person's parents or legal guardians. The document shall
19 be certified by the parents or legal guardians to be true and correct. This provision shall not apply to
20 any person who is legally emancipated. The parents or legal guardians may later file an additional
21 document with the department of revenue which reinstates the person's ability to receive a driver's
22 license.

23 2. Any person whose license is reinstated under the provisions of subdivision (9) or (10) of
24 subsection 1 of this section shall be required to file proof with the director of revenue that any motor
25 vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a
26 required condition of reinstatement. The ignition interlock device required for reinstatement under
27 this subsection and for obtaining a limited driving privilege under paragraph (a) or (b) of subdivision
28 (8) of subsection 3 of section 302.309 shall have a photo identification technology feature, and a
29 court may require a global positioning system feature for such device. The ignition interlock device
30 shall further be required to be maintained on all motor vehicles operated by the person for a period of
31 not less than six months immediately following the date of reinstatement. If the monthly monitoring
32 reports show that the ignition interlock device has registered any confirmed blood alcohol
33 concentration readings above the alcohol setpoint established by the department of transportation or
34 that the person has tampered with or circumvented the ignition interlock device within the last three
35 months of the six-month period of required installation of the ignition interlock device, then the
36 period for which the person must maintain the ignition interlock device following the date of
37 reinstatement shall be extended [for an additional six months] until the person has completed three
38 consecutive months with no violations as described in this section. If the person fails to maintain
39 such proof with the director, the license shall be suspended [for the remainder of the six-month
40 period or] until proof as required by this section is filed with the director. [Upon the completion of
41 the six-month period, the license shall be shown as reinstated, if the person is otherwise eligible.]

42 3. Any person who petitions the court for reinstatement of his or her license pursuant to
43 subdivision (9) or (10) of subsection 1 of this section shall make application with the Missouri state
44 highway patrol as provided in section 43.540, and shall submit two sets of fingerprints collected
45 pursuant to standards as determined by the highway patrol. One set of fingerprints shall be used by
46 the highway patrol to search the criminal history repository and the second set shall be forwarded to
47 the Federal Bureau of Investigation for searching the federal criminal history files. At the time of
48 application, the applicant shall supply to the highway patrol the court name and case number for the

1 court where he or she has filed his or her petition for reinstatement. The applicant shall pay the fee
2 for the state criminal history check pursuant to section 43.530 and pay the appropriate fee
3 determined by the Federal Bureau of Investigation for the federal criminal history record. The
4 Missouri highway patrol, upon receipt of the results of the criminal history check, shall forward a
5 copy of the results to the circuit court designated by the applicant and to the department.
6 Notwithstanding the provisions of section 610.120, all records related to any criminal history check
7 shall be accessible and available to the director and the court.

8 *302.304. 1. The director shall notify by ordinary mail any operator of the point value
9 charged against the operator's record when the record shows four or more points have been
10 accumulated in a twelve-month period.

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

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

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

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

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

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

28
29 Unless proof of financial responsibility is filed with the department of revenue, a suspension shall
30 continue in effect for two years from its effective date.

31 5. The period of suspension of the driver's license and driving privilege of any person under
32 the provisions of subdivision (8) of subsection 1 of section 302.302 or who has accumulated
33 sufficient points together with a conviction under subdivision (10) of subsection 1 of section 302.302
34 shall be thirty days, followed by a sixty-day period of restricted driving privilege as defined in
35 section 302.010. Upon completion of such period of restricted driving privilege, upon compliance
36 with other requirements of law and upon filing of proof of financial responsibility with the
37 department of revenue, in accordance with chapter 303, the license and driving privilege shall be
38 reinstated. If a person, otherwise subject to the provisions of this subsection, files proof of
39 installation with the department of revenue that any vehicle operated by such person is equipped with
40 a functioning, certified ignition interlock device, there shall be no period of suspension. However, in
41 lieu of a suspension the person shall instead complete a ninety-day period of restricted driving
42 privilege. If the person fails to maintain such proof of the device with the director of revenue as
43 required, the restricted driving privilege shall be terminated. Upon completion of such ninety-day
44 period of restricted driving privilege, upon compliance with other requirements of law, and upon
45 filing of proof of financial responsibility with the department of revenue, in accordance with chapter
46 303, the license and driving privilege shall be reinstated. However, if the monthly monitoring
47 reports during such ninety-day period indicate that the ignition interlock device has registered a
48 confirmed blood alcohol concentration level above the alcohol setpoint established by the

1 department of transportation or such reports indicate that the ignition interlock device has been
2 tampered with or circumvented, then the license and driving privilege of such person shall not be
3 reinstated until the person completes an additional thirty-day period of restricted driving privilege.

4 6. If the person fails to maintain proof of financial responsibility in accordance with chapter
5 303, or, if applicable, if the person fails to maintain proof that any vehicle operated is equipped with
6 a functioning, certified ignition interlock device installed pursuant to subsection 5 of this section, the
7 person's driving privilege and license shall be resuspended.

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

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

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

30 10. Upon the issuance of a reinstatement or termination notice after a suspension or
31 revocation of any person's license and driving privilege under the provisions of sections 302.010 to
32 302.540, the accumulated point value shall be reduced to four points, except that the points of any
33 person serving as a member of the Armed Forces of the United States outside the limits of the United
34 States during a period of suspension or revocation shall be reduced to zero upon the date of the
35 reinstatement or termination of notice. It shall be the responsibility of such member of the Armed
36 Forces to submit copies of official orders to the director of revenue to substantiate such overseas
37 service. Any other provision of sections 302.010 to 302.540 to the contrary notwithstanding, the
38 effective date of the four points remaining on the record upon reinstatement or termination shall be
39 the date of the reinstatement or termination notice.

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

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

47 13. Notwithstanding any other provision of law to the contrary, if after two years from the
48 effective date of any suspension or revocation issued under this chapter, except any suspension or

1 revocation issued under section 302.410, 302.462, or 302.574, the person or nonresident has not paid
2 the reinstatement fee of twenty dollars, the director shall reinstate such license or privilege to operate
3 a motor vehicle in this state. Any person who has had his or her license suspended or revoked under
4 section 302.410, 302.462, or 302.574, shall be required to pay the reinstatement fee.

5 14. No person who has had a license to operate a motor vehicle suspended or revoked as a
6 result of an assessment of points for a violation under subdivision (8), (9) or (10) of subsection 1 of
7 section 302.302 shall have that license reinstated until such person has participated in and
8 successfully completed a substance abuse traffic offender program defined in section 302.010, or a
9 program determined to be comparable by the department of mental health. Assignment
10 recommendations, based upon the needs assessment as described in subdivision (24) of section
11 302.010, shall be delivered in writing to the person with written notice that the person is entitled to
12 have such assignment recommendations reviewed by the court if the person objects to the
13 recommendations. The person may file a motion in the associate division of the circuit court of the
14 county in which such assignment was given, on a printed form provided by the state courts
15 administrator, to have the court hear and determine such motion pursuant to the provisions of chapter
16 517. The motion shall name the person or entity making the needs assessment as the respondent and
17 a copy of the motion shall be served upon the respondent in any manner allowed by law. Upon
18 hearing the motion, the court may modify or waive any assignment recommendation that the court
19 determines to be unwarranted based upon a review of the needs assessment, the person's driving
20 record, the circumstances surrounding the offense, and the likelihood of the person committing a like
21 offense in the future, except that the court may modify but may not waive the assignment to an
22 education or rehabilitation program of a person determined to be a prior or persistent offender as
23 defined in section 577.001 or of a person determined to have operated a motor vehicle with
24 fifteen-hundredths of one percent or more by weight in such person's blood. Compliance with the
25 court determination of the motion shall satisfy the provisions of this section for the purpose of
26 reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at
27 any hearing conducted pursuant to this subsection shall not be necessary unless directed by the court.

28 15. The fees for the program authorized in subsection 14 of this section, or a portion thereof
29 to be determined by the department of mental health, shall be paid by the person enrolled in the
30 program. Any person who is enrolled in the program shall pay, in addition to any fee charged for the
31 program, a supplemental fee in an amount to be determined by the department of mental health for
32 the purposes of funding the substance abuse traffic offender program defined in section 302.010 or a
33 program determined to be comparable by the department of mental health. The administrator of the
34 program shall remit to the division of alcohol and drug abuse of the department of mental health on
35 or before the fifteenth day of each month the supplemental fee for all persons enrolled in the
36 program, less two percent for administrative costs. Interest shall be charged on any unpaid balance
37 of the supplemental fees due the division of alcohol and drug abuse pursuant to this section and shall
38 accrue at a rate not to exceed the annual rate established pursuant to the provisions of section 32.065,
39 plus three percentage points. The supplemental fees and any interest received by the department of
40 mental health pursuant to this section shall be deposited in the mental health earnings fund which is
41 created in section 630.053.

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

1 fees and court costs against any delinquent program.

2 17. Any person who has had a license to operate a motor vehicle suspended or revoked as a
 3 result of an assessment of points for a conviction for an intoxication-related traffic offense as defined
 4 under section 577.001, and who has a prior alcohol-related enforcement contact as defined under
 5 section 302.525, shall be required to file proof with the director of revenue that any motor vehicle
 6 operated by the person is equipped with a functioning, certified ignition interlock device as a
 7 required condition of reinstatement of the license. The ignition interlock device shall further be
 8 required to be maintained on all motor vehicles operated by the person for a period of not less than
 9 six months immediately following the date of reinstatement. If the monthly monitoring reports show
 10 that the ignition interlock device has registered any confirmed blood alcohol concentration readings
 11 above the alcohol setpoint established by the department of transportation or that the person has
 12 tampered with or circumvented the ignition interlock device within the last three months of the
 13 six-month period of required installation of the ignition interlock device, then the period for which
 14 the person must maintain the ignition interlock device following the date of reinstatement shall be
 15 extended [for an additional six months] until the person has completed three consecutive months
 16 with no violations as described in this section. If the person fails to maintain such proof with the
 17 director, the license shall be resuspended or revoked and the person shall be guilty of a class A
 18 misdemeanor.

19 *302.309. 1. Whenever any license is suspended pursuant to sections 302.302 to 302.309,
 20 the director of revenue shall return the license to the operator immediately upon the termination of
 21 the period of suspension and upon compliance with the requirements of chapter 303.

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

24 3. (1) All circuit courts, the director of revenue, or a commissioner operating under section
 25 478.007 shall have jurisdiction to hear applications and make eligibility determinations granting
 26 limited driving privileges, except as provided under subdivision (8) of this subsection. Any
 27 application may be made in writing to the director of revenue and the person's reasons for requesting
 28 the limited driving privilege shall be made therein.

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

- 31 (a) A business, occupation, or employment;
- 32 (b) Seeking medical treatment for such operator;
- 33 (c) Attending school or other institution of higher education;
- 34 (d) Attending alcohol or drug treatment programs;
- 35 (e) Seeking the required services of a certified ignition interlock device provider; or
- 36 (f) Any other circumstance the court or director finds would create an undue hardship on the

37 operator,

38
 39 the court or director may grant such limited driving privilege as the circumstances of the case justify
 40 if the court or director finds undue hardship would result to the individual, and while so operating a
 41 motor vehicle within the restrictions and limitations of the limited driving privilege the driver shall
 42 not be guilty of operating a motor vehicle without a valid license.

43 (3) An operator may make application to the proper court in the county in which such
 44 operator resides or in the county in which is located the operator's principal place of business or
 45 employment. Any application for a limited driving privilege made to a circuit court shall name the
 46 director as a party defendant and shall be served upon the director prior to the grant of any limited
 47 privilege, and shall be accompanied by a copy of the applicant's driving record as certified by the
 48 director. Any applicant for a limited driving privilege shall have on file with the department of

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

10 (4) No limited driving privilege shall be issued to any person otherwise eligible under the
11 provisions of [paragraph (a) of] subdivision (6) of this subsection [on a license revocation resulting
12 from a conviction under subdivision (9) of subsection 1 of section 302.302, or] if such person has a
13 license denial under paragraph (a) or (b) of subdivision (8) of this subsection[, or a license
14 revocation under paragraph (g) of subdivision (6) of this subsection,] or on a license revocation
15 resulting from a conviction under subdivision (9) of subsection 1 of section 302.302, or a license
16 revocation under subdivision (2) of subsection 2 of section 302.525, or sections 302.574 or 577.041,
17 until the applicant has filed proof with the department of revenue that any motor vehicle operated by
18 the person is equipped with a functioning, certified ignition interlock device as a required condition
19 of limited driving privilege. The ignition interlock device required for obtaining a limited driving
20 privilege under paragraph (a) or (b) of subdivision (8) of this subsection shall have a photo
21 identification technology feature, and a court may require a global positioning system feature for
22 such device.

23 (5) The court order or the director's grant of the limited or restricted driving privilege shall
24 indicate the termination date of the privilege, which shall be not later than the end of the period of
25 suspension or revocation. The court order or the director's grant of the limited or restricted driving
26 privilege shall also indicate whether a functioning, certified ignition interlock device is required as a
27 condition of operating a motor vehicle with the limited driving privilege. A copy of any court order
28 shall be sent by the clerk of the court to the director, and a copy shall be given to the driver which
29 shall be carried by the driver whenever such driver operates a motor vehicle. The director of revenue
30 upon granting a limited driving privilege shall give a copy of the limited driving privilege to the
31 applicant. The applicant shall carry a copy of the limited driving privilege while operating a motor
32 vehicle. A conviction which results in the assessment of points pursuant to section 302.302, other
33 than a violation of a municipal stop sign ordinance where no accident is involved, against a driver
34 who is operating a vehicle pursuant to a limited driving privilege terminates the privilege, as of the
35 date the points are assessed to the person's driving record. If the date of arrest is prior to the issuance
36 of the limited driving privilege, the privilege shall not be terminated. Failure of the driver to
37 maintain proof of financial responsibility, as required by chapter 303, or to maintain proof of
38 installation of a functioning, certified ignition interlock device, as applicable, shall terminate the
39 privilege. The director shall notify by ordinary mail the driver whose privilege is so terminated.

40 (6) Except as provided in subdivision (8) of this subsection, no person is eligible to receive a
41 limited driving privilege whose license at the time of application has been suspended or revoked for
42 the following reasons:

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

48 (b)] A conviction of any felony in the commission of which a motor vehicle was used and

1 such conviction occurred within the five year period prior to the date of application. However, any
2 felony conviction for leaving the scene of an accident under section 577.060 shall not render the
3 applicant ineligible for a limited driving privilege under this section;

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

6 [(d) Because of operating a motor vehicle under the influence of narcotic drugs, a controlled
7 substance as defined in chapter 195, or having left the scene of an accident as provided in section
8 577.060;

9 (e) Due to a revocation for failure to submit to a chemical test pursuant to section 302.574 or
10 due to a refusal to submit to a chemical test in any other state, unless such person has completed the
11 first ninety days of such revocation and files proof of installation with the department of revenue that
12 any vehicle operated by such person is equipped with a functioning, certified ignition interlock
13 device, provided the person is not otherwise ineligible for a limited driving privilege;

14 (f) [(c) Due to a suspension pursuant to subdivision (8) or (10) of subsection 1 of section
15 302.302 or subsection 2 of section 302.525 [and who has not completed the first thirty days of such
16 suspension, provided the person is not otherwise ineligible for a limited driving privilege; or

17 (g) Due to a revocation pursuant to subsection 2 of section 302.525 if such person has not
18 completed the first forty-five days of such revocation, provided the person is not otherwise ineligible
19 for a limited driving privilege].

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

26 (8) (a) Provided that pursuant to the provisions of this section, the applicant is not otherwise
27 ineligible for a limited driving privilege, a circuit court or the director may, in the manner prescribed
28 in this subsection, allow a person who has had such person's license to operate a motor vehicle
29 revoked where that person cannot obtain a new license for a period of ten years, as prescribed in
30 subdivision (9) of subsection 1 of section 302.060, to apply for a limited driving privilege pursuant
31 to this subsection. Such person shall present evidence satisfactory to the court or the director that
32 such person's habits and conduct show that the person no longer poses a threat to the public safety of
33 this state. A circuit court shall grant a limited driving privilege to any individual who otherwise is
34 eligible to receive a limited driving privilege, has filed proof of installation of a certified ignition
35 interlock device, and has had no alcohol-related enforcement contacts since the alcohol-related
36 enforcement contact that resulted in the person's license denial.

37 (b) Provided that pursuant to the provisions of this section, the applicant is not otherwise
38 ineligible for a limited driving privilege or convicted of acting with criminal negligence while
39 driving while intoxicated to cause the death of another person, a circuit court or the director may, in
40 the manner prescribed in this subsection, allow a person who has had such person's license to operate
41 a motor vehicle revoked where that person cannot obtain a new license for a period of five years
42 because of two convictions of driving while intoxicated, as prescribed in subdivision (10) of
43 subsection 1 of section 302.060, to apply for a limited driving privilege pursuant to this subsection.
44 Such person shall present evidence satisfactory to the court or the director that such person's habits
45 and conduct show that the person no longer poses a threat to the public safety of this state. Any
46 person who is denied a license permanently in this state because of an alcohol-related conviction
47 subsequent to a restoration of such person's driving privileges pursuant to subdivision (9) of section
48 302.060 shall not be eligible for limited driving privilege pursuant to the provisions of this

1 subdivision. A circuit court shall grant a limited driving privilege to any individual who otherwise is
2 eligible to receive a limited driving privilege, has filed proof of installation of a certified ignition
3 interlock device, and has had no alcohol-related enforcement contacts since the alcohol-related
4 enforcement contact that resulted in the person's license denial.

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

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

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

24 302.525. 1. The license suspension or revocation shall become effective fifteen days after
25 the subject person has received the notice of suspension or revocation as provided in section
26 302.520, or is deemed to have received the notice of suspension or revocation by mail as provided in
27 section 302.515. If a request for a hearing is received by or postmarked to the department within that
28 fifteen-day period, the effective date of the suspension or revocation shall be stayed until a final
29 order is issued following the hearing; provided, that any delay in the hearing which is caused or
30 requested by the subject person or counsel representing that person without good cause shown shall
31 not result in a stay of the suspension or revocation during the period of delay.

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

33 (1) If the person's driving record shows no prior alcohol-related enforcement contacts during
34 the immediately preceding five years, the period of suspension shall be thirty days after the effective
35 date of suspension, followed by a sixty-day period of restricted driving privilege as defined in
36 section 302.010 and issued by the director of revenue. The restricted driving privilege shall not be
37 issued until he or she has filed proof of financial responsibility with the department of revenue, in
38 accordance with chapter 303, and is otherwise eligible. The restricted driving privilege shall indicate
39 whether a functioning, certified ignition interlock device is required as a condition of operating a
40 motor vehicle. A copy of the restricted driving privilege shall be given to the person and such person
41 shall carry a copy of the restricted driving privilege while operating a motor vehicle. In no case shall
42 restricted driving privileges be issued pursuant to this section or section 302.535 until the person has
43 completed the first thirty days of a suspension under this section. If a person otherwise subject to the
44 provisions of this subdivision files proof of installation with the department of revenue that any
45 vehicle that he or she operates is equipped with a functioning, certified ignition interlock device,
46 there shall be no period of suspension. However, in lieu of a suspension the person shall instead
47 complete a ninety-day period of restricted driving privilege. Upon completion of such ninety-day
48 period of restricted driving privilege, compliance with other requirements of law, and filing of proof

1 of financial responsibility with the department of revenue, in accordance with chapter 303, the
2 license and driving privilege shall be reinstated. However, if the monthly monitoring reports during
3 such ninety-day period indicate that the ignition interlock device has registered a confirmed blood
4 alcohol concentration level above the alcohol setpoint established by the department of
5 transportation or such reports indicate that the ignition interlock device has been tampered with or
6 circumvented, then the license and driving privilege of such person shall not be reinstated until the
7 person completes an additional thirty-day period of restricted driving privilege. If the person fails to
8 maintain such proof of the device with the director of revenue as required, the restricted driving
9 privilege shall be terminated;

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

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

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

24 4. Where a license is suspended or revoked under this section and the person is also
25 convicted on charges arising out of the same occurrence for a violation of section 577.010 or
26 577.012 or for a violation of any county or municipal ordinance prohibiting driving while
27 intoxicated or alcohol-related traffic offense, both the suspension or revocation under this section
28 and any other suspension or revocation arising from such convictions shall be imposed, but the
29 period of suspension or revocation under sections 302.500 to 302.540 shall be credited against any
30 other suspension or revocation arising from such convictions, and the total period of suspension or
31 revocation shall not exceed the longer of the two suspension or revocation periods.

32 5. Any person who has had a license to operate a motor vehicle revoked under this section or
33 suspended under this section with one or more prior alcohol-related enforcement contacts showing
34 on their driver record shall be required to file proof with the director of revenue that any motor
35 vehicle operated by that person is equipped with a functioning, certified ignition interlock device as a
36 required condition of reinstatement. The ignition interlock device shall further be required to be
37 maintained on all motor vehicles operated by the person for a period of not less than six months
38 immediately following the date of reinstatement. If the monthly monitoring reports show that the
39 ignition interlock device has registered any confirmed blood alcohol concentration readings above
40 the alcohol setpoint established by the department of transportation or that the person has tampered
41 with or circumvented the ignition interlock device within the last three months of the six-month
42 period of required installation of the ignition interlock device, then the period for which the person
43 must maintain the ignition interlock device following the date of reinstatement shall be extended [for
44 an additional six months] until the person has completed three consecutive months with no violations
45 as described in this section. If the person fails to maintain such proof with the director, the license
46 shall be suspended or revoked, [as applicable] until proof as required by this section is filed with the
47 director, and the person shall be guilty of a class A misdemeanor.

48 302.574. 1. If a person who was operating a vehicle refuses upon the request of the officer to

1 submit to any chemical test under section 577.041, the officer shall, on behalf of the director of
2 revenue, serve the notice of license revocation personally upon the person and shall take possession
3 of any license to operate a vehicle issued by this state which is held by that person. The officer shall
4 issue a temporary permit, on behalf of the director of revenue, which is valid for fifteen days and
5 shall also give the person notice of his or her right to file a petition for review to contest the license
6 revocation.

7 2. Such officer shall make a certified report under penalties of perjury for making a false
8 statement to a public official. The report shall be forwarded to the director of revenue and shall
9 include the following:

10 (1) That the officer has:

11 (a) Reasonable grounds to believe that the arrested person was driving a motor vehicle while
12 in an intoxicated condition; or

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

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

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

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

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

23 (5) Copies of the notice of revocation, the fifteen-day temporary permit, and the notice of the
24 right to file a petition for review. The notices and permit may be combined in one document; and

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

26 3. Upon receipt of the officer's report, the director shall revoke the license of the person
27 refusing to take the test for a period of one year; or if the person is a nonresident, such person's
28 operating permit or privilege shall be revoked for one year; or if the person is a resident without a
29 license or permit to operate a motor vehicle in this state, an order shall be issued denying the person
30 the issuance of a license or permit for a period of one year.

31 4. If a person's license has been revoked because of the person's refusal to submit to a
32 chemical test, such person may petition for a hearing before a circuit division or associate division of
33 the court in the county in which the arrest or stop occurred. The person may request such court to
34 issue an order staying the revocation until such time as the petition for review can be heard. If the
35 court, in its discretion, grants such stay, it shall enter the order upon a form prescribed by the director
36 of revenue and shall send a copy of such order to the director. Such order shall serve as proof of the
37 privilege to operate a motor vehicle in this state and the director shall maintain possession of the
38 person's license to operate a motor vehicle until termination of any revocation under this section.
39 Upon the person's request, the clerk of the court shall notify the prosecuting attorney of the county
40 and the prosecutor shall appear at the hearing on behalf of the director of revenue. At the hearing, the
41 court shall determine only:

42 (1) Whether the person was arrested or stopped;

43 (2) Whether the officer had:

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

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

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

5 (3) Whether the person refused to submit to the test.

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

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

10 7. No person who has had a license to operate a motor vehicle suspended or revoked under
11 the provisions of this section shall have that license reinstated until such person has participated in
12 and successfully completed a substance abuse traffic offender program defined in section 302.010, or
13 a program determined to be comparable by the department of mental health. Assignment
14 recommendations, based upon the needs assessment as described in subdivision (24) of section
15 302.010, shall be delivered in writing to the person with written notice that the person is entitled to
16 have such assignment recommendations reviewed by the court if the person objects to the
17 recommendations. The person may file a motion in the associate division of the circuit court of the
18 county in which such assignment was given, on a printed form provided by the state courts
19 administrator, to have the court hear and determine such motion under the provisions of chapter 517.
20 The motion shall name the person or entity making the needs assessment as the respondent and a
21 copy of the motion shall be served upon the respondent in any manner allowed by law. Upon hearing
22 the motion, the court may modify or waive any assignment recommendation that the court
23 determines to be unwarranted based upon a review of the needs assessment, the person's driving
24 record, the circumstances surrounding the offense, and the likelihood of the person committing a
25 similar offense in the future, except that the court may modify but may not waive the assignment to
26 an education or rehabilitation program of a person determined to be a prior or persistent offender as
27 defined in section 577.001, or of a person determined to have operated a motor vehicle with a blood
28 alcohol content of fifteen-hundredths of one percent or more by weight. Compliance with the court
29 determination of the motion shall satisfy the provisions of this section for the purpose of reinstating
30 such person's license to operate a motor vehicle. The respondent's personal appearance at any hearing
31 conducted under this subsection shall not be necessary unless directed by the court.

32 8. The fees for the substance abuse traffic offender program, or a portion thereof, to be
33 determined by the division of alcohol and drug abuse of the department of mental health, shall be
34 paid by the person enrolled in the program. Any person who is enrolled in the program shall pay, in
35 addition to any fee charged for the program, a supplemental fee to be determined by the department
36 of mental health for the purposes of funding the substance abuse traffic offender program defined in
37 section 302.010. The administrator of the program shall remit to the division of alcohol and drug
38 abuse of the department of mental health on or before the fifteenth day of each month the
39 supplemental fee for all persons enrolled in the program, less two percent for administrative costs.
40 Interest shall be charged on any unpaid balance of the supplemental fees due to the division of
41 alcohol and drug abuse under this section, and shall accrue at a rate not to exceed the annual rates
42 established under the provisions of section 32.065, plus three percentage points. The supplemental
43 fees and any interest received by the department of mental health under this section shall be
44 deposited in the mental health earnings fund, which is created in section 630.053.

45 9. Any administrator who fails to remit to the division of alcohol and drug abuse of the
46 department of mental health the supplemental fees and interest for all persons enrolled in the
47 program under this section shall be subject to a penalty equal to the amount of interest accrued on the
48 supplemental fees due to the division under this section. If the supplemental fees, interest, and

1 penalties are not remitted to the division of alcohol and drug abuse of the department of mental
2 health within six months of the due date, the attorney general of the state of Missouri shall initiate
3 appropriate action for the collection of said fees and accrued interest. The court shall assess
4 attorneys' fees and court costs against any delinquent program.

5 10. Any person who has had a license to operate a motor vehicle revoked under this section
6 and who has a prior alcohol-related enforcement contact, as defined in section 302.525, shall be
7 required to file proof with the director of revenue that any motor vehicle operated by the person is
8 equipped with a functioning, certified ignition interlock device as a required condition of license
9 reinstatement. Such ignition interlock device shall further be required to be maintained on all motor
10 vehicles operated by the person for a period of not less than six months immediately following the
11 date of reinstatement. If the monthly monitoring reports show that the ignition interlock device has
12 registered any confirmed blood alcohol concentration readings above the alcohol setpoint established
13 by the department of transportation or that the person has tampered with or circumvented the ignition
14 interlock device within the last three months of the six-month period of required installation of the
15 ignition interlock device, then the period for which the person must maintain the ignition interlock
16 device following the date of reinstatement shall be extended [for an additional six months] until the
17 person has completed three consecutive months with no violations as described in this section. If the
18 person fails to maintain such proof with the director as required by this section, the license shall be
19 rerevoked until proof as required by this section is filed with the director, and the person shall be
20 guilty of a class A misdemeanor.

21 11. The revocation period of any person whose license and driving privilege has been
22 revoked under this section and who has filed proof of financial responsibility with the department of
23 revenue in accordance with chapter 303 and is otherwise eligible shall be terminated by a notice
24 from the director of revenue after one year from the effective date of the revocation. Unless proof of
25 financial responsibility is filed with the department of revenue, the revocation shall remain in effect
26 for a period of two years from its effective date. If the person fails to maintain proof of financial
27 responsibility in accordance with chapter 303, the person's license and driving privilege shall be
28 rerevoked.

29 12. A person commits the offense of failure to maintain proof with the Missouri department
30 of revenue if, when required to do so, he or she fails to file proof with the director of revenue that
31 any vehicle operated by the person is equipped with a functioning, certified ignition interlock device
32 or fails to file proof of financial responsibility with the department of revenue in accordance with
33 chapter 303. The offense of failure to maintain proof with the Missouri department of revenue is a
34 class A misdemeanor.

35 478.007. 1. Any circuit court, or any county with a charter form of government and with
36 more than six hundred thousand but fewer than seven hundred thousand inhabitants with a county
37 municipal court established under section 66.010, may establish a docket or court to provide an
38 alternative for the judicial system to dispose of cases in which a person has pleaded guilty to driving
39 while intoxicated or driving with excessive blood alcohol content and:

40 (1) The person was operating a motor vehicle with at least fifteen-hundredths of one percent
41 or more by weight of alcohol in such person's blood; or

42 (2) The person has previously pleaded guilty to or has been found guilty of one or more
43 intoxication-related traffic offenses as defined by section 577.023; or

44 (3) The person has two or more previous alcohol-related enforcement contacts as defined in
45 section 302.525.

46 2. This docket or court shall combine judicial supervision, drug testing, continuous alcohol
47 monitoring, as defined in section 577.001, substance abuse traffic offender program compliance, and
48 treatment of DWI court participants. The court may assess any and all necessary costs for

1 participation in DWI court against the participant. Any money received from such assessed costs by
2 a court from a defendant shall not be considered court costs, charges, or fines. This docket or court
3 may operate in conjunction with a drug court established pursuant to sections 478.001 to 478.006.

4 3. If the division of probation and parole is otherwise unavailable to assist in the judicial
5 supervision of any person who wishes to enter a DWI court, a court-approved private probation
6 service may be utilized by the DWI court to fill the division's role. In such case, any and all
7 necessary additional costs may be assessed against the participant. No person shall be rejected from
8 participating in DWI court solely for the reason that the person does not reside in the city or county
9 where the applicable DWI court is located but the DWI court can base acceptance into a treatment
10 court program on its ability to adequately provide services for the person or handle the additional
11 caseload.

12 *577.001. As used in this chapter, the following terms mean:

13 (1) "Aggravated offender", a person who has been found guilty of:

14 (a) Three or more intoxication-related traffic offenses committed on separate occasions; or

15 (b) Two or more intoxication-related traffic offenses committed on separate occasions where
16 at least one of the intoxication-related traffic offenses is an offense committed in violation of any
17 state law, county or municipal ordinance, any federal offense, or any military offense in which the
18 defendant was operating a vehicle while intoxicated and another person was injured or killed;

19 (2) "Aggravated boating offender", a person who has been found guilty of:

20 (a) Three or more intoxication-related boating offenses; or

21 (b) Has been found guilty of one or more intoxication-related boating offenses committed on
22 separate occasions where at least one of the intoxication-related traffic offenses is an offense
23 committed in violation of any state law, county or municipal ordinance, any federal offense, or any
24 military offense in which the defendant was operating a vessel while intoxicated and another person
25 was injured or killed;

26 (3) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for
27 off-highway use which is fifty inches or less in width, with an unladen dry weight of one thousand
28 pounds or less, traveling on three, four or more low pressure tires, with a seat designed to be
29 straddled by the operator, or with a seat designed to carry more than one person, and handlebars for
30 steering control;

31 (4) "Court", any circuit, associate circuit, or municipal court, including traffic court, but not
32 any juvenile court or drug court;

33 (5) "Chronic offender", a person who has been found guilty of:

34 (a) Four or more intoxication-related traffic offenses committed on separate occasions; or

35 (b) Three or more intoxication-related traffic offenses committed on separate occasions
36 where at least one of the intoxication-related traffic offenses is an offense committed in violation of
37 any state law, county or municipal ordinance, any federal offense, or any military offense in which
38 the defendant was operating a vehicle while intoxicated and another person was injured or killed; or

39 (c) Two or more intoxication-related traffic offenses committed on separate occasions where
40 both intoxication-related traffic offenses were offenses committed in violation of any state law,
41 county or municipal ordinance, any federal offense, or any military offense in which the defendant
42 was operating a vehicle while intoxicated and another person was injured or killed;

43 (6) "Chronic boating offender", a person who has been found guilty of:

44 (a) Four or more intoxication-related boating offenses; or

45 (b) Three or more intoxication-related boating offenses committed on separate occasions
46 where at least one of the intoxication-related boating offenses is an offense committed in violation of
47 any state law, county or municipal ordinance, any federal offense, or any military offense in which
48 the defendant was operating a vessel while intoxicated and another person was injured or killed; or

1 (c) Two or more intoxication-related boating offenses committed on separate occasions
 2 where both intoxication-related boating offenses were offenses committed in violation of any state
 3 law, county or municipal ordinance, any federal offense, or any military offense in which the
 4 defendant was operating a vessel while intoxicated and another person was injured or killed;

5 (7) "Continuous alcohol monitoring", automatically testing breath, blood, or transdermal
 6 alcohol concentration levels and tampering attempts at least once every hour, regardless of the
 7 location of the person who is being monitored, and regularly transmitting the data. Continuous
 8 alcohol monitoring shall be considered an electronic monitoring service under subsection 3 of
 9 section 217.690;

10 (8) "Controlled substance", a drug, substance, or immediate precursor in schedules I to V
 11 listed in section 195.017;

12 [(8)] (9) "Drive", "driving", "operates" or "operating", means physically driving or operating
 13 a vehicle or vessel;

14 [(9)] (10) "Flight crew member", the pilot in command, copilots, flight engineers, and flight
 15 navigators;

16 [(10)] (11) "Habitual offender", a person who has been found guilty of:

17 (a) Five or more intoxication-related traffic offenses committed on separate occasions; or

18 (b) Four or more intoxication-related traffic offenses committed on separate occasions where
 19 at least one of the intoxication-related traffic offenses is an offense committed in violation of any
 20 state law, county or municipal ordinance, any federal offense, or any military offense in which the
 21 defendant was operating a vehicle while intoxicated and another person was injured or killed; or

22 (c) Three or more intoxication-related traffic offenses committed on separate occasions
 23 where at least two of the intoxication-related traffic offenses were offenses committed in violation of
 24 any state law, county or municipal ordinance, any federal offense, or any military offense in which
 25 the defendant was operating a vehicle while intoxicated and another person was injured or killed; or

26 (d) While driving while intoxicated, the defendant acted with criminal negligence to:

27 a. Cause the death of any person not a passenger in the vehicle operated by the defendant,
 28 including the death of an individual that results from the defendant's vehicle leaving a highway, as
 29 defined by section 301.010, or the highway's right-of-way; or

30 b. Cause the death of two or more persons; or

31 c. Cause the death of any person while he or she has a blood alcohol content of at least
 32 eighteen-hundredths of one percent by weight of alcohol in such person's blood;

33 [(11)] (12) "Habitual boating offender", a person who has been found guilty of:

34 (a) Five or more intoxication-related boating offenses; or

35 (b) Four or more intoxication-related boating offenses committed on separate occasions
 36 where at least one of the intoxication-related boating offenses is an offense committed in violation of
 37 any state law, county or municipal ordinance, any federal offense, or any military offense in which
 38 the defendant was operating a vessel while intoxicated and another person was injured or killed; or

39 (c) Three or more intoxication-related boating offenses committed on separate occasions
 40 where at least two of the intoxication-related boating offenses were offenses committed in violation
 41 of any state law, county or municipal ordinance, any federal offense, or any military offense in which
 42 the defendant was operating a vessel while intoxicated and another person was injured or killed; or

43 (d) While boating while intoxicated, the defendant acted with criminal negligence to:

44 a. Cause the death of any person not a passenger in the vessel operated by the defendant,
 45 including the death of an individual that results from the defendant's vessel leaving the water; or

46 b. Cause the death of two or more persons; or

47 c. Cause the death of any person while he or she has a blood alcohol content of at least
 48 eighteen-hundredths of one percent by weight of alcohol in such person's blood;

1 [(12)] (13) "Intoxicated" or "intoxicated condition", when a person is under the influence of
2 alcohol, a controlled substance, or drug, or any combination thereof;

3 [(13)] (14) "Intoxication-related boating offense", operating a vessel while intoxicated;
4 boating while intoxicated; operating a vessel with excessive blood alcohol content or an offense in
5 which the defendant was operating a vessel while intoxicated and another person was injured or
6 killed in violation of any state law, county or municipal ordinance, any federal offense, or any
7 military offense;

8 [(14)] (15) "Intoxication-related traffic offense", driving while intoxicated, driving with
9 excessive blood alcohol content or an offense in which the defendant was operating a vehicle while
10 intoxicated and another person was injured or killed in violation of any state law, county or
11 municipal ordinance, any federal offense, or any military offense;

12 [(15)] (16) "Law enforcement officer" or "arresting officer", includes the definition of law
13 enforcement officer in section 556.061 and military policemen conducting traffic enforcement
14 operations on a federal military installation under military jurisdiction in the state of Missouri;

15 [(16)] (17) "Operate a vessel", to physically control the movement of a vessel in motion
16 under mechanical or sail power in water;

17 [(17)] (18) "Persistent offender", a person who has been found guilty of two or more
18 intoxication-related traffic offenses committed on separate occasions;

19 [(18)] (19) "Persistent boating offender", a person who has been found guilty of two or more
20 intoxication-related boating offenses committed on separate occasions;

21 [(19)] (20) "Prior offender", a person who has been found guilty of one intoxication-related
22 traffic offense, where such prior offense occurred within five years of the occurrence of the
23 intoxication-related traffic offense for which the person is charged;

24 [(20)] (21) "Prior boating offender", a person who has been found guilty of one
25 intoxication-related boating offense, where such prior offense occurred within five years of the
26 occurrence of the intoxication-related boating offense for which the person is charged.

27 *577.010. 1. A person commits the offense of driving while intoxicated if he or she operates
28 a vehicle while in an intoxicated condition.

29 2. The offense of driving while intoxicated is:

30 (1) A class B misdemeanor;

31 (2) A class A misdemeanor if:

32 (a) The defendant is a prior offender; or

33 (b) A person less than seventeen years of age is present in the vehicle;

34 (3) A class E felony if:

35 (a) The defendant is a persistent offender; or

36 (b) While driving while intoxicated, the defendant acts with criminal negligence to cause
37 physical injury to another person;

38 (4) A class D felony if:

39 (a) The defendant is an aggravated offender;

40 (b) While driving while intoxicated, the defendant acts with criminal negligence to cause
41 physical injury to a law enforcement officer or emergency personnel; or

42 (c) While driving while intoxicated, the defendant acts with criminal negligence to cause
43 serious physical injury to another person;

44 (5) A class C felony if:

45 (a) The defendant is a chronic offender;

46 (b) While driving while intoxicated, the defendant acts with criminal negligence to cause
47 serious physical injury to a law enforcement officer or emergency personnel; or

48 (c) While driving while intoxicated, the defendant acts with criminal negligence to cause the

1 death of another person;

2 (6) A class B felony if:

3 (a) The defendant is a habitual offender; or

4 (b) While driving while intoxicated, the defendant acts with criminal negligence to cause the
5 death of a law enforcement officer or emergency personnel;

6 (7) A class A felony if the defendant is a habitual offender as a result of being found guilty of
7 an act described under paragraph (d) of subdivision [(10)] (11) of section 577.001 and is found guilty
8 of a subsequent violation of such paragraph.

9 3. Notwithstanding the provisions of subsection 2 of this section, a person found guilty of the
10 offense of driving while intoxicated as a first offense shall not be granted a suspended imposition of
11 sentence:

12 (1) Unless such person shall be placed on probation for a minimum of two years; or

13 (2) In a circuit where a DWI court or docket created under section 478.007 or other
14 court-ordered treatment program is available, and where the offense was committed with
15 fifteen-hundredths of one percent or more by weight of alcohol in such person's blood, unless the
16 individual participates and successfully completes a program under such DWI court or docket or
17 other court-ordered treatment program.

18 4. If a person is found guilty of a second or subsequent offense of driving while intoxicated,
19 the court may order the person to submit to a period of continuous alcohol monitoring as a condition
20 of probation.

21 5. If a person is not granted a suspended imposition of sentence for the reasons described in
22 subsection 3 of this section:

23 (1) If the individual operated the vehicle with fifteen-hundredths to twenty-hundredths of one
24 percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not
25 less than forty-eight hours;

26 (2) If the individual operated the vehicle with greater than twenty-hundredths of one percent
27 by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than
28 five days.

29 [5.] 6. A person found guilty of the offense of driving while intoxicated:

30 (1) As a prior offender, persistent offender, aggravated offender, chronic offender, or habitual
31 offender shall not be granted a suspended imposition of sentence or be sentenced to pay a fine in lieu
32 of a term of imprisonment, section 557.011 to the contrary notwithstanding;

33 (2) As a prior offender shall not be granted parole or probation until he or she has served a
34 minimum of ten days imprisonment:

35 (a) Unless as a condition of such parole or probation such person performs at least thirty days
36 of community service under the supervision of the court in those jurisdictions which have a
37 recognized program for community service; or

38 (b) The offender participates in and successfully completes a program established under
39 section 478.007 or other court-ordered treatment program, if available, and as part of either program,
40 the offender performs at least thirty days of community service under the supervision of the court;

41 (3) As a persistent offender shall not be eligible for parole or probation until he or she has
42 served a minimum of thirty days imprisonment:

43 (a) Unless as a condition of such parole or probation such person performs at least sixty days
44 of community service under the supervision of the court in those jurisdictions which have a
45 recognized program for community service; or

46 (b) The offender participates in and successfully completes a program established under
47 section 478.007 or other court-ordered treatment program, if available, and as part of either program,
48 the offender performs at least sixty days of community service under the supervision of the court;

1 (4) As an aggravated offender shall not be eligible for parole or probation until he or she has
2 served a minimum of sixty days imprisonment;

3 (5) As a chronic offender shall not be eligible for parole or probation until he or she has
4 served a minimum of two years imprisonment; and

5 (6) Any probation or parole granted under this subsection may include a period of continuous
6 alcohol monitoring.

7 *577.012. 1. A person commits the offense of driving with excessive blood alcohol content if
8 such person operates:

9 (1) A vehicle while having eight-hundredths of one percent or more by weight of alcohol in
10 his or her blood; or

11 (2) A commercial motor vehicle while having four one-hundredths of one percent or more by
12 weight of alcohol in his or her blood.

13 2. As used in this section, percent by weight of alcohol in the blood shall be based upon
14 grams of alcohol per one hundred milliliters of blood or two hundred ten liters of breath and may be
15 shown by chemical analysis of the person's blood, breath, saliva or urine. For the purposes of
16 determining the alcoholic content of a person's blood under this section, the test shall be conducted in
17 accordance with the provisions of sections 577.020 to 577.041.

18 3. The offense of driving with excessive blood alcohol content is:

19 (1) A class B misdemeanor;

20 (2) A class A misdemeanor if the defendant is alleged and proved to be a prior offender;

21 (3) A class E felony if the defendant is alleged and proved to be a persistent offender;

22 (4) A class D felony if the defendant is alleged and proved to be an aggravated offender;

23 (5) A class C felony if the defendant is alleged and proved to be a chronic offender;

24 (6) A class B felony if the defendant is alleged and proved to be a habitual offender.

25 4. A person found guilty of the offense of driving with an excessive blood alcohol content as
26 a first offense shall not be granted a suspended imposition of sentence:

27 (1) Unless such person shall be placed on probation for a minimum of two years; or

28 (2) In a circuit where a DWI court or docket created under section 478.007 or other
29 court-ordered treatment program is available, and where the offense was committed with
30 fifteen-hundredths of one percent or more by weight of alcohol in such person's blood, unless the
31 individual participates in and successfully completes a program under such DWI court or docket or
32 other court-ordered treatment program.

33 5. If a person is not granted a suspended imposition of sentence for the reasons described in
34 subsection 4 of this section:

35 (1) If the individual operated the vehicle with fifteen-hundredths to twenty-hundredths of one
36 percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not
37 less than forty-eight hours;

38 (2) If the individual operated the vehicle with greater than twenty-hundredths of one percent
39 by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than
40 five days.

41 6. If a person is found guilty of a second or subsequent offense of driving with an excessive
42 blood alcohol content, the court may order the person to submit to a period of continuous alcohol
43 monitoring as a condition of probation.

44 7. A person found guilty of driving with excessive blood alcohol content:

45 (1) As a prior offender, persistent offender, aggravated offender, chronic offender or habitual
46 offender shall not be granted a suspended imposition of sentence or be sentenced to pay a fine in lieu
47 of a term of imprisonment, section 557.011 to the contrary notwithstanding;

48 (2) As a prior offender shall not be granted parole or probation until he or she has served a

1 minimum of ten days imprisonment:

2 (a) Unless as a condition of such parole or probation such person performs at least thirty days
3 of community service under the supervision of the court in those jurisdictions which have a
4 recognized program for community service; or

5 (b) The offender participates in and successfully completes a program established under
6 section 478.007 or other court-ordered treatment program, if available, and as part of either program,
7 the offender performs at least thirty days of community service under the supervision of the court;

8 (3) As a persistent offender shall not be granted parole or probation until he or she has served
9 a minimum of thirty days imprisonment:

10 (a) Unless as a condition of such parole or probation such person performs at least sixty days
11 of community service under the supervision of the court in those jurisdictions which have a
12 recognized program for community service; or

13 (b) The offender participates in and successfully completes a program established under
14 section 478.007 or other court-ordered treatment program, if available, and as part of either program,
15 the offender performs at least sixty days of community service under the supervision of the court;

16 (4) As an aggravated offender shall not be eligible for parole or probation until he or she has
17 served a minimum of sixty days imprisonment;

18 (5) As a chronic offender shall not be eligible for parole or probation until he or she has
19 served a minimum of two years imprisonment; and

20 (6) Any probation or parole granted under this subsection may include a period of continuous
21 alcohol monitoring.

22 577.013. 1. A person commits the offense of boating while intoxicated if he or she operates a
23 vessel while in an intoxicated condition.

24 2. The offense of boating while intoxicated is:

25 (1) A class B misdemeanor;

26 (2) A class A misdemeanor if:

27 (a) The defendant is a prior boating offender; or

28 (b) A person less than seventeen years of age is present in the vessel;

29 (3) A class E felony if:

30 (a) The defendant is a persistent boating offender; or

31 (b) While boating while intoxicated, the defendant acts with criminal negligence to cause
32 physical injury to another person;

33 (4) A class D felony if:

34 (a) The defendant is an aggravated boating offender;

35 (b) While boating while intoxicated, the defendant acts with criminal negligence to cause
36 physical injury to a law enforcement officer or emergency personnel; or

37 (c) While boating while intoxicated, the defendant acts with criminal negligence to cause
38 serious physical injury to another person;

39 (5) A class C felony if:

40 (a) The defendant is a chronic boating offender;

41 (b) While boating while intoxicated, the defendant acts with criminal negligence to cause
42 serious physical injury to a law enforcement officer or emergency personnel; or

43 (c) While boating while intoxicated, the defendant acts with criminal negligence to cause the
44 death of another person;

45 (6) A class B felony if:

46 (a) The defendant is a habitual boating offender; or

47 (b) While boating while intoxicated, the defendant acts with criminal negligence to cause the
48 death of a law enforcement officer or emergency personnel;

1 (7) A class A felony if the defendant is a habitual offender as a result of being found guilty of
2 an act described under paragraph (d) of subdivision [(11)] (12) of section 577.001 and is found guilty
3 of a subsequent violation of such paragraph.

4 3. Notwithstanding the provisions of subsection 2 of this section, a person found guilty of the
5 offense of boating while intoxicated as a first offense shall not be granted a suspended imposition of
6 sentence:

7 (1) Unless such person shall be placed on probation for a minimum of two years; or

8 (2) In a circuit where a DWI court or docket created under section 478.007 or other
9 court-ordered treatment program is available, and where the offense was committed with
10 fifteen-hundredths of one percent or more by weight of alcohol in such person's blood, unless the
11 individual participates in and successfully completes a program under such DWI court or docket or
12 other court-ordered treatment program.

13 4. If a person is found guilty of a second or subsequent offense of boating while intoxicated,
14 the court may order the person to submit to a period of continuous alcohol monitoring as a condition
15 of probation.

16 5. If a person is not granted a suspended imposition of sentence for the reasons described in
17 subsection 3 of this section:

18 (1) If the individual operated the vessel with fifteen-hundredths to twenty-hundredths of one
19 percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not
20 less than forty-eight hours;

21 (2) If the individual operated the vessel with greater than twenty-hundredths of one percent
22 by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than
23 five days.

24 [5.] 6. A person found guilty of the offense of boating while intoxicated:

25 (1) As a prior boating offender, persistent boating offender, aggravated boating offender,
26 chronic boating offender or habitual boating offender shall not be granted a suspended imposition of
27 sentence or be sentenced to pay a fine in lieu of a term of imprisonment, section 557.011 to the
28 contrary notwithstanding;

29 (2) As a prior boating offender shall not be granted parole or probation until he or she has
30 served a minimum of ten days imprisonment:

31 (a) Unless as a condition of such parole or probation such person performs at least two
32 hundred forty hours of community service under the supervision of the court in those jurisdictions
33 which have a recognized program for community service; or

34 (b) The offender participates in and successfully completes a program established under
35 section 478.007 or other court-ordered treatment program, if available;

36 (3) As a persistent offender shall not be eligible for parole or probation until he or she has
37 served a minimum of thirty days imprisonment:

38 (a) Unless as a condition of such parole or probation such person performs at least four
39 hundred eighty hours of community service under the supervision of the court in those jurisdictions
40 which have a recognized program for community service; or

41 (b) The offender participates in and successfully completes a program established under
42 section 478.007 or other court-ordered treatment program, if available;

43 (4) As an aggravated boating offender shall not be eligible for parole or probation until he or
44 she has served a minimum of sixty days imprisonment;

45 (5) As a chronic boating offender shall not be eligible for parole or probation until he or she
46 has served a minimum of two years imprisonment; and

47 (6) Any probation or parole granted under this subsection may include a period of continuous
48 alcohol monitoring.

1 577.014. 1. A person commits the offense of boating with excessive blood alcohol content if
2 he or she operates a vessel while having eight-hundredths of one percent or more by weight of
3 alcohol in his or her blood.

4 2. As used in this section, percent by weight of alcohol in the blood shall be based upon
5 grams of alcohol per one hundred milliliters of blood or two hundred ten liters of breath and may be
6 shown by chemical analysis of the person's blood, breath, saliva or urine. For the purposes of
7 determining the alcoholic content of a person's blood under this section, the test shall be conducted in
8 accordance with the provisions of sections 577.020 to 577.041.

9 3. The offense of boating with excessive blood alcohol content is:

10 (1) A class B misdemeanor;

11 (2) A class A misdemeanor if the defendant is alleged and proved to be a prior boating
12 offender;

13 (3) A class E felony if the defendant is alleged and proved to be a persistent boating offender;

14 (4) A class D felony if the defendant is alleged and proved to be an aggravated boating
15 offender;

16 (5) A class C felony if the defendant is alleged and proved to be a chronic boating offender;

17 (6) A class B felony if the defendant is alleged and proved to be a habitual boating offender.

18 4. A person found guilty of the offense of boating with excessive blood alcohol content as a
19 first offense shall not be granted a suspended imposition of sentence:

20 (1) Unless such person shall be placed on probation for a minimum of two years; or

21 (2) In a circuit where a DWI court or docket created under section 478.007 or other
22 court-ordered treatment program is available, and where the offense was committed with
23 fifteen-hundredths of one percent or more by weight of alcohol in such person's blood unless the
24 individual participates in and successfully completes a program under such DWI court or docket or
25 other court-ordered treatment program.

26 5. When a person is not granted a suspended imposition of sentence for the reasons described
27 in subsection 4 of this section:

28 (1) If the individual operated the vessel with fifteen-hundredths to twenty-hundredths of one
29 percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not
30 less than forty-eight hours;

31 (2) If the individual operated the vessel with greater than twenty-hundredths of one percent
32 by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than
33 five days.

34 6. If a person is found guilty of a second or subsequent offense of boating with an excessive
35 blood alcohol content, the court may order the person to submit to a period of continuous alcohol
36 monitoring as a condition of probation.

37 7. A person found guilty of the offense of boating with excessive blood alcohol content:

38 (1) As a prior boating offender, persistent boating offender, aggravated boating offender,
39 chronic boating offender or habitual boating offender shall not be granted a suspended imposition of
40 sentence or be sentenced to pay a fine in lieu of a term of imprisonment, section 557.011 to the
41 contrary notwithstanding;

42 (2) As a prior boating offender, shall not be granted parole or probation until he or she has
43 served a minimum of ten days imprisonment:

44 (a) Unless as a condition of such parole or probation such person performs at least two
45 hundred forty hours of community service under the supervision of the court in those jurisdictions
46 which have a recognized program for community service; or

47 (b) The offender participates in and successfully completes a program established under
48 section 478.007 or other court-ordered treatment program, if available;

1 (3) As a persistent boating offender, shall not be granted parole or probation until he or she
2 has served a minimum of thirty days imprisonment:

3 (a) Unless as a condition of such parole or probation such person performs at least four
4 hundred eighty hours of community service under the supervision of the court in those jurisdictions
5 which have a recognized program for community service; or

6 (b) The offender participates in and successfully completes a program established under
7 section 478.007 or other court-ordered treatment program, if available;

8 (4) As an aggravated boating offender, shall not be eligible for parole or probation until he or
9 she has served a minimum of sixty days imprisonment;

10 (5) As a chronic boating offender, shall not be eligible for parole or probation until he or she
11 has served a minimum of two years imprisonment; and

12 (6) Any probation or parole granted under this subsection may include a period of continuous
13 alcohol monitoring.

14
15 Section B. Sections 302.010, 302.060, 302.302, 302.304, 302.309, 302.525, 302.574,
16 478.007, 577.001, 577.010, 577.012, 577.013, and 577.014 of Section A of this act shall become
17 effective on January 1, 2017."; and

18
19 Further amend said bill by amending the title, enacting clause, and intersectional references
20 accordingly.

21
22