

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Committee Substitute for Senate Bill No. 640, Section 301.564, Page 9, Line 22,  
2 by inserting after all of said section and line the following:

3  
4 "302.440. In addition to any other provisions of law, a court may require that any person  
5 who is found guilty of a first intoxication-related traffic offense, as defined in section 577.001, and a  
6 court shall require that any person who is found guilty of a second or subsequent intoxication-  
7 related traffic offense, as defined in section 577.001, shall not operate any motor vehicle unless that  
8 vehicle is equipped with a functioning, certified ignition interlock device for a period of not less  
9 than six months from the date of reinstatement of the person's driver's license. In addition, any  
10 court authorized to grant a limited driving privilege under section 302.309 to any person who is  
11 found guilty of a second or subsequent intoxication-related traffic offense shall require the use of an  
12 ignition interlock device on all vehicles operated by the person as a required condition of the limited  
13 driving privilege, except as provided in section 302.441, and the court may order the person to  
14 submit to continuous alcohol monitoring as defined in section 577.023, and beginning January 1,  
15 2017, section 577.001, or random alcohol monitoring. These requirements shall be in addition to  
16 any other provisions of this chapter or chapter 577 requiring installation and maintenance of an  
17 ignition interlock device. Any person required to use an ignition interlock device shall comply with  
18 such requirement subject to the penalties provided by section 577.599.

19 302.441. 1. If a person is required to have an ignition interlock device installed on such  
20 person's vehicle, he or she may apply to the court for an employment exemption variance to allow  
21 him or her to drive an employer-owned vehicle not equipped with an ignition interlock device for  
22 employment purposes only. Such exemption shall not be granted to a person who is self-employed  
23 or who wholly or partially owns an entity that owns an employer-owned vehicle, except as provided  
24 in section 302.441, and the court may order the person to submit to continuous alcohol monitoring  
25 as defined in section 577.023, and beginning January 1, 2017, section 577.001, or random alcohol  
26 monitoring.

27 2. A person who is granted an employment exemption variance under subsection 1 of this  
28 section shall not drive, operate, or be in physical control of an employer-owned vehicle used for  
29 transporting children under eighteen years of age or vulnerable persons, as defined in section  
30 630.005, or an employer-owned vehicle for personal use, except as provided in section 302.441, and  
31 the court may order the person to submit to continuous alcohol monitoring as defined in section  
32 577.023, and beginning January 1, 2017, section 577.001, or random alcohol monitoring."; and

33 302.535. 1. Any person aggrieved by a decision of the department may file a petition for  
34 trial de novo by the circuit court. The burden of proof shall be on the state to adduce the evidence.  
35 Such trial shall be conducted pursuant to the Missouri rules of civil procedure and not as an appeal  
36 of an administrative decision pursuant to chapter 536. The petition shall be filed in the circuit court

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1 of the county where the arrest occurred. The case shall be decided by the judge sitting without a  
2 jury. Until January 1, 2002, the presiding judge of the circuit court may assign a traffic judge,  
3 pursuant to section 479.500, RSMo 1994, a circuit judge or an associate circuit judge to hear such  
4 petition. After January 1, 2002, pursuant to local court rule pursuant to article V, section 15 of the  
5 Missouri Constitution, the case may be assigned to a circuit judge or an associate circuit judge, or to  
6 a traffic judge pursuant to section 479.500.

7 2. The filing of a petition for trial de novo shall [not] result in a stay of the suspension or  
8 revocation order and the department shall issue a temporary driving permit which shall be valid  
9 until a final order is issued following the date of the disposition of the petition for a trial de novo.

10 [A restricted driving privilege as defined in section 302.010 shall be issued in accordance with  
11 subsection 2 of section 302.525, if the person's driving record shows no prior alcohol-related  
12 enforcement contact during the immediately preceding five years. Such restricted driving privilege  
13 shall terminate on the date of the disposition of the petition for trial de novo.

14 3. In addition to the restricted driving privilege as permitted in subsection 2 of this section,  
15 the department may upon the filing of a petition for trial de novo issue a restricted driving privilege  
16 as defined in section 302.010. In determining whether to issue such a restrictive driving privilege,  
17 the department shall consider the number and the seriousness of prior convictions and the entire  
18 driving record of the driver.

19 4. Such time of restricted driving privilege pending disposition of trial de novo shall be  
20 counted toward any time of restricted driving privilege imposed pursuant to section 302.525.  
21 Nothing in this subsection shall be construed to prevent a person from maintaining his restricted  
22 driving privilege for an additional sixty days in order to meet the conditions imposed by section  
23 302.540 for reinstating a person's driver's license.]; and  
24

25 Further amend said bill, Page 15, Section 304.170, Line 114, by inserting after all of said section  
26 and line the following:  
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28 "311.328. 1. A valid and unexpired operator's or chauffeur's license issued under the  
29 provisions of section 302.177, or a valid and unexpired operator's or chauffeur's license issued under  
30 the laws of any state or territory of the United States to residents of those states or territories, or a  
31 valid and unexpired identification card or nondriver's license as provided for under section 302.181,  
32 or a valid and unexpired nondriver's license issued under the laws of any state or territory of the  
33 United States to residents of those states or territories, or a valid and unexpired identification card  
34 issued by any uniformed service of the United States, or a valid and unexpired passport shall be  
35 presented by the holder thereof upon request of any agent of the division of alcohol and tobacco  
36 control or any licensee or the servant, agent or employee thereof for the purpose of aiding the  
37 licensee or the servant, agent or employee to determine whether or not the person is at least twenty-  
38 one years of age when such person desires to purchase or consume alcoholic beverages procured  
39 from a licensee. Upon such presentation the licensee or the servant, agent or employee thereof shall  
40 compare the photograph and physical characteristics noted on the license, identification card or  
41 passport with the physical characteristics of the person presenting the license, identification card or  
42 passport.

43 2. Upon proof by the licensee of full compliance with the provisions of this section, no  
44 penalty shall be imposed if the supervisor of the division of alcohol and tobacco control or the  
45 courts are satisfied that the licensee acted in good faith.

46 3. Any person who shall, without authorization from the department of revenue, reproduce,  
47 alter, modify, or misrepresent any chauffeur's license, motor vehicle operator's license or  
48 identification card shall be deemed guilty of a misdemeanor and upon conviction shall be subject to

1 a fine of not more than one thousand dollars, and confinement for not more than one year, or by  
2 both such fine and imprisonment.

3 Section B. The repeal and reenactment of section 302.535 of this act shall become effective  
4 on March 1, 2017."; and

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6 Further amend said bill by amending the title, enacting clause, and intersectional references  
7 accordingly.