

FIRST REGULAR SESSION

HOUSE BILL NO. 817

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DAVIS.

1533H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 302.302, RSMo, and to enact in lieu thereof one new section relating to points assessed against a driving record, with penalty provisions.

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

Section A. Section 302.302, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 302.302, to read as follows:

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

- (1) Any moving violation of a state law or county or municipal or federal traffic ordinance or regulation not listed in this section, other than a violation of vehicle equipment provisions or a court-ordered supervision as provided in section 302.303 2 points
(except any violation of municipal stop sign ordinance where no accident is involved
1 point)
- (2) Speeding
 - In violation of a state law 3 points
 - In violation of a county or municipal ordinance 2 points
- (3) Leaving the scene of an accident in violation of section 577.060 12 points
 - In violation of any county or municipal ordinance 6 points
- (4) Careless and imprudent driving in violation of subsection 4 of section 304.016
 - 4 points
 - In violation of a county or municipal ordinance 2 points

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

- 17 (5) Operating without a valid license in violation of subdivision (1) or (2) of
 18 subsection 1 of section 302.020:
- 19 (a) For the first conviction 2 points
 20 (b) For the second conviction 4 points
 21 (c) For the third conviction 6 points
- 22 (6) Operating with a suspended or revoked license prior to restoration of operating
 23 privileges 12 points
- 24 (7) Obtaining a license by misrepresentation 12 points
- 25 (8) For the first conviction of driving while in an intoxicated condition or under the
 26 influence of controlled substances or drugs 8 points
- 27 (9) For the second or subsequent conviction of any of the following offenses however
 28 combined: driving while in an intoxicated condition, driving under the influence of controlled
 29 substances or drugs or driving with a blood alcohol content of eight-hundredths of one percent
 30 or more by weight 12 points
- 31 (10) For the first conviction for driving with blood alcohol content eight-hundredths
 32 of one percent or more by weight
- 33 In violation of state law 8 points
 34 In violation of a county or municipal ordinance or federal law or regulation 8
 35 points
- 36 (11) Any felony involving the use of a motor vehicle 12 points
- 37 (12) Knowingly permitting unlicensed operator to operate a motor vehicle 4
 38 points
- 39 (13) For a conviction for failure to maintain financial responsibility pursuant to county
 40 or municipal ordinance or pursuant to section 303.025 4 points
- 41 (14) Endangerment of a highway worker in violation of section 304.585 4
 42 points
- 43 (15) Aggravated endangerment of a highway worker in violation of section 304.585
 44 12 points
- 45 (16) For a conviction of violating a municipal ordinance that prohibits tow truck
 46 operators from stopping at or proceeding to the scene of an accident unless they have been
 47 requested to stop or proceed to such scene by a party involved in such accident or by an officer
 48 of a public safety agency 4 points
- 49 (17) Endangerment of an emergency responder in violation of section 304.894 4
 50 points
- 51 (18) Aggravated endangerment of an emergency responder in violation of section
 52 304.894 12 points

53 2. The director shall, as provided in subdivision (5) of subsection 1 of this section, assess
54 an operator points for a conviction pursuant to subdivision (1) or (2) of subsection 1 of section
55 302.020, when the director issues such operator a license or permit pursuant to the provisions
56 of sections 302.010 to 302.340.

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

60 4. When any of the acts listed in subdivision (2), (3), (4) or (8) of subsection 1 of this
61 section constitutes both a violation of a state law and a violation of a county or municipal
62 ordinance, points may be assessed for either violation but not for both. Notwithstanding that an
63 offense arising out of the same occurrence could be construed to be a violation of subdivisions
64 (8), (9) and (10) of subsection 1 of this section, no person shall be tried or convicted for more
65 than one offense pursuant to subdivisions (8), (9) and (10) of subsection 1 of this section for
66 offenses arising out of the same occurrence.

67 5. The director of revenue shall put into effect a system for staying the assessment of
68 points against an operator. The system shall provide that the satisfactory completion of a
69 driver-improvement program or, in the case of violations committed while operating a
70 motorcycle, a motorcycle-rider training course approved by the state highways and transportation
71 commission, by an operator, when so ordered and verified by any court having jurisdiction over
72 any law of this state or county or municipal ordinance, regulating motor vehicles, other than a
73 violation committed in a commercial motor vehicle as defined in section 302.700 or a violation
74 committed by an individual who has been issued a commercial driver's license or is required to
75 obtain a commercial driver's license in this state or any other state, shall be accepted by the
76 director in lieu of the assessment of points for a violation pursuant to subdivision (1), (2) or (4)
77 of subsection 1 of this section or pursuant to subsection 3 of this section. The operator shall be
78 given the option to complete the driver-improvement program through an online or in-person
79 course. A court using a centralized violation bureau established under section 476.385 may elect
80 to have the bureau order and verify completion of a driver-improvement program or
81 motorcycle-rider training course as prescribed by order of the court. For the purposes of this
82 subsection, the driver-improvement program shall meet or exceed the standards of the National
83 Safety Council's eight-hour "Defensive Driving Course" or, in the case of a violation which
84 occurred during the operation of a motorcycle, the program shall meet the standards established
85 by the state highways and transportation commission pursuant to sections 302.133 to 302.137.
86 The completion of a driver-improvement program or a motorcycle-rider training course shall not
87 be accepted in lieu of points more than one time in any thirty-six-month period and shall be
88 completed within sixty days of the date of conviction in order to be accepted in lieu of the

89 assessment of points. Every court having jurisdiction pursuant to the provisions of this
90 subsection shall, within fifteen days after completion of the driver-improvement program or
91 motorcycle-rider training course by an operator, forward a record of the completion to the
92 director, all other provisions of the law to the contrary notwithstanding. The director shall
93 establish procedures for record keeping and the administration of this subsection.

94 **6. Notwithstanding the provisions of this section or any other law to the contrary,**
95 **no points shall be assessed against any person's driving record by the department of**
96 **revenue for a violation under subdivision (1) or (2) of subsection 1 of this section when such**
97 **person elects to pay to the entity imposing the fine an amount one and a half times the**
98 **amount of the initial fine imposed for such traffic offense.**

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