

FIRST REGULAR SESSION

HOUSE BILL NO. 711

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES DAVIS (19) (Sponsor), AVERY, CRAWFORD, SCHNEIDER,
SMITH (14) AND HOLAND.

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STEPHEN S. DAVIS, Chief Clerk

1814L.011

AN ACT

To repeal sections 300.330, 300.410, and 302.302, RSMo, and to enact in lieu thereof six new sections relating to the operation of motor vehicles.

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

Section A. Sections 300.330, 300.410, and 302.302 RSMo, are repealed and six new
2 sections enacted in lieu thereof, to be known as sections 300.330, 300.410, 302.302, 304.675,
3 304.677, and 537.038 to read as follows:

300.330. The driver of a **motor** vehicle shall not drive within any sidewalk area except
2 as a permanent or temporary driveway. **A bicycle lane shall not be obstructed by a parked**
3 **or standing motor vehicle or other stationary object. A motor vehicle may be driven in a**
4 **bicycle lane only for the purpose of a lawful maneuver to cross the lane or provide for safe**
5 **travel. Where a bicycle lane is present, a driver making a lawful maneuver shall first**
6 **merge into the bicycle lane after yielding to any traffic that may be present.**

300.410. Notwithstanding the foregoing provisions of sections 300.155 to 300.410, every
2 driver of a vehicle shall exercise the highest degree of care to avoid colliding with any pedestrian
3 [upon any roadway and shall give warning by sounding the horn when necessary], **any person**
4 **propelling a human powered vehicle, or any person operating a motorcycle**, and shall
5 exercise proper precaution upon observing any child or any **obviously** confused [or],
6 incapacitated, **or intoxicated** person [upon a roadway].

302.302. 1. The director of revenue shall put into effect a point system for the
2 suspension and revocation of licenses. **Except as set forth in subdivision (14) of this**

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

3 **subsection**, points shall be assessed only after a conviction or forfeiture of collateral. The initial
4 point value is as follows:

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

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

13 (3) Leaving the scene of an accident in violation of
14 section 577.060, RSMo 12 points
15 In violation of any county or municipal ordinance 6 points

16 (4) Careless and imprudent driving in violation of subsection 4 of
17 section 304.016, RSMo 4 points
18 In violation of a county or municipal ordinance 2 points

19 (5) Operating without a valid license in violation of subdivision (1) or (2) of subsection
20 1 of section 302.020:

21 (a) For the first conviction 2 points

22 (b) For the second conviction 4 points

23 (c) For the third conviction 6 points

24 (6) Operating with a suspended or revoked license prior to restoration of operating
25 privileges 12 points

26 (7) Obtaining a license by misrepresentation 12 points

27 (8) For the first conviction of driving while in an intoxicated condition or under the
28 influence of controlled substances or drugs 8 points

29 (9) For the second or subsequent conviction of any of the following offenses however
30 combined: driving while in an intoxicated condition, driving under the influence
31 of controlled substances or drugs or driving with a blood alcohol content of
32 eight-hundredths of one percent or more by weight 12 points

33 (10) For the first conviction for driving with blood alcohol content eight-hundredths of
34 one percent or more by weight In violation of state law 8 points
35 In violation of a county or municipal ordinance or federal law or regulation 8 points

36 (11) Any felony involving the use of a motor vehicle 12 points

37 (12) Knowingly permitting unlicensed operator to operate a
38 motor vehicle 4 points

39 (13) For a conviction for failure to maintain financial responsibility pursuant
40 to county or municipal ordinance or pursuant to section 303.025, RSMo 4 points

41 **(14) Determination by a court in a civil proceeding to which the operator is a party**
42 **that he or she has intentionally, recklessly, or negligently collided with a pedestrian,**
43 **bicyclist, or motorcyclist thereby causing personal injury to the pedestrian, bicyclist, or**
44 **motorcyclist if one of the following is also true:**

45 (a) **The operator has six or more points on his or her driver's license;**

46 (b) **The operator has a prior conviction for an intoxication-related offense, as**
47 **defined in section 577.023, RSMo; or**

48 (c) **The operator has previously caused an injury to a bicyclist, pedestrian, or**
49 **motorcyclist requiring hospitalization 12 points**

50 2. The director shall, as provided in subdivision (5) of subsection 1 of this section, assess
51 an operator points for a conviction pursuant to subdivision (1) or (2) of subsection 1 of section
52 302.020, when the director issues such operator a license or permit pursuant to the provisions
53 of sections 302.010 to 302.340.

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

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

64 5. The director of revenue shall put into effect a system for staying the assessment of
65 points against an operator. The system shall provide that the satisfactory completion of a
66 driver-improvement program or, in the case of violations committed while operating a
67 motorcycle, a motorcycle-rider training course approved by the director of the department of
68 public safety, by an operator, when so ordered and verified by any court having jurisdiction over
69 any law of this state or county or municipal ordinance, regulating motor vehicles, other than a
70 violation committed in a commercial motor vehicle as defined in section 302.700, shall be
71 accepted by the director in lieu of the assessment of points for a violation pursuant to subdivision
72 (1), (2) or (4) of subsection 1 of this section or pursuant to subsection 3 of this section. For the
73 purposes of this subsection, the driver-improvement program shall meet or exceed the standards
74 of the National Safety Council's eight-hour "Defensive Driving Course" or, in the case of a

75 violation which occurred during the operation of a motorcycle, the program shall meet the
76 standards established by the director of the department of public safety pursuant to sections
77 302.133 to 302.138. The completion of a driver-improvement program or a motorcycle-rider
78 training course shall not be accepted in lieu of points more than one time in any thirty-six-month
79 period and shall be completed within sixty days of the date of conviction in order to be accepted
80 in lieu of the assessment of points. Every court having jurisdiction pursuant to the provisions
81 of this subsection shall, within fifteen days after completion of the driver-improvement program
82 or motorcycle-rider training course by an operator, forward a record of the completion to the
83 director, all other provisions of the law to the contrary notwithstanding. The director shall
84 establish procedures for record keeping and the administration of this subsection.

**304.675. Notwithstanding the provisions of sections 304.010, 304.120, and 304.130,
2 and any other provision of law to the contrary, the governing body of a county or
3 municipality may establish a speed limit within a school zone lower than twenty miles per
4 hour if it finds, in conjunction with the school board, that a lower limit is needed to
5 promote public safety, and the governing body of a county or municipality may extend the
6 hours which the school zone speed limit is in force, if it finds, in conjunction with the school
7 board, that extended hours for the school zone speed limit are needed to promote public
8 safety.**

**304.677. Notwithstanding any other provisions of the law to the contrary, every
2 driver of a motor vehicle shall exercise the highest degree of care to avoid colliding with
3 any pedestrian, any person propelling a human powered vehicle, or any person operating
4 a motorcycle, and shall give an audible signal when necessary, and shall exercise proper
5 precaution upon observing any child or any obviously confused, incapacitated, or
6 intoxicated person.**

**537.038. Any person operating a motor vehicle who intentionally, recklessly, or
2 negligently collides with a pedestrian, cyclist, or motorcyclist and thereby causes personal
3 injury to the pedestrian, cyclist, or motorcyclist shall be liable for liquidated compensatory
4 damages of five hundred dollars or actual damages, whichever is greater, plus reasonable
5 attorney's fees and court costs, unless the court determines that the motorist was not at
6 fault. In cases where a motorist has been shown to intentionally, recklessly, or negligently
7 collide with a bicyclist, pedestrian, or motorcyclist causing injury, and the motorist is
8 shown to have six or more points on his or her driver's license, or have a prior conviction
9 for an intoxication-related offense, as defined in section 577.023, RSMo, or have caused a
10 prior injury to a bicyclist, pedestrian, or motorcyclist requiring hospitalization, that
11 motorist shall be liable for liquidated compensatory damages of one thousand dollars or
12 actual damages, whichever is greater, plus reasonable attorney's fees and court costs.**