

# HOUSE BILL NO. 874

## 92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SALVA.

Pre-filed December 16, 2003, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3189L.011

### AN ACT

To repeal section 302.302, RSMo, and to enact in lieu thereof one new section relating to driver's licenses.

*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Section A. Section 302.302, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 302.302, to read as follows: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. **Except as provided in subsection 6 of this section** 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, RSMo . . . 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, RSMo . . . . . 4 points  
In violation of a county or municipal ordinance . . . . . 2 points

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

(a) For the first conviction . . . . . 2 points

- 19 (b) For the second conviction ..... 4 points
- 20 (c) For the third conviction ..... 6 points
- 21 (6) Operating with a suspended or revoked license prior to restoration of operating
- 22 privileges ..... 12 points
- 23 (7) Obtaining a license by misrepresentation ..... 12 points
- 24 (8) For the first conviction of driving while in an intoxicated condition or under the
- 25 influence of controlled substances or drugs ..... 8 points
- 26 (9) For the second or subsequent conviction of any of the following offenses however
- 27 combined: driving while in an intoxicated condition, driving under the influence of controlled
- 28 substances or drugs or driving with a blood alcohol content of eight-hundredths of one percent
- 29 or more by weight ..... 12 points
- 30 (10) For the first conviction for driving with blood alcohol content eight-hundredths of
- 31 one percent or more by weight In violation of state law ..... 8 points
- 32 In violation of a county or municipal ordinance or federal law or regulation ..... 8 points
- 33 (11) Any felony involving the use of a motor vehicle ..... 12 points
- 34 (12) Knowingly permitting unlicensed operator to operate a motor vehicle . 4 points
- 35 (13) For a conviction for failure to maintain financial responsibility pursuant to county
- 36 or municipal ordinance or pursuant to section 303.025, RSMo ..... 4 points
- 37 2. The director shall, as provided in subdivision (5) of subsection 1 of this section, assess
- 38 an operator points for a conviction pursuant to subdivision (1) or (2) of subsection 1 of section
- 39 302.020, when the director issues such operator a license or permit pursuant to the provisions
- 40 of sections 302.010 to 302.340.
- 41 3. An additional two points shall be assessed when personal injury or property damage
- 42 results from any violation listed in subsection 1 of this section and if found to be warranted and
- 43 certified by the reporting court.
- 44 4. When any of the acts listed in subdivision (2), (3), (4) or (8) of subsection 1 of this
- 45 section constitutes both a violation of a state law and a violation of a county or municipal
- 46 ordinance, points may be assessed for either violation but not for both. Notwithstanding that an
- 47 offense arising out of the same occurrence could be construed to be a violation of subdivisions
- 48 (8), (9) and (10) of subsection 1 of this section, no person shall be tried or convicted for more
- 49 than one offense pursuant to subdivisions (8), (9) and (10) of subsection 1 of this section for
- 50 offenses arising out of the same occurrence.
- 51 5. The director of revenue shall put into effect a system for staying the assessment of
- 52 points against an operator. The system shall provide that the satisfactory completion of a
- 53 driver-improvement program or, in the case of violations committed while operating a
- 54 motorcycle, a motorcycle-rider training course approved by the director of the department of

55 public safety, by an operator, when so ordered and verified by any court having jurisdiction over  
56 any law of this state or county or municipal ordinance, regulating motor vehicles, other than a  
57 violation committed in a commercial motor vehicle as defined in section 302.700, shall be  
58 accepted by the director in lieu of the assessment of points for a violation pursuant to subdivision  
59 (1), (2) or (4) of subsection 1 of this section or pursuant to subsection 3 of this section. For the  
60 purposes of this subsection, the driver-improvement program shall meet or exceed the standards  
61 of the National Safety Council's eight-hour "Defensive Driving Course" or, in the case of a  
62 violation which occurred during the operation of a motorcycle, the program shall meet the  
63 standards established by the director of the department of public safety pursuant to sections  
64 302.133 to 302.138. The completion of a driver-improvement program or a motorcycle-rider  
65 training course shall not be accepted in lieu of points more than one time in any thirty-six-month  
66 period and shall be completed within sixty days of the date of conviction in order to be accepted  
67 in lieu of the assessment of points. Every court having jurisdiction pursuant to the provisions  
68 of this subsection shall, within fifteen days after completion of the driver-improvement program  
69 or motorcycle-rider training course by an operator, forward a record of the completion to the  
70 director, all other provisions of the law to the contrary notwithstanding. The director shall  
71 establish procedures for record keeping and the administration of this subsection.

72 **6. Notwithstanding any other provision of law, the director of revenue shall not**  
73 **suspend or revoke the license of any driver or assess any points against the license of a**  
74 **driver for any offense which is committed by a driver who is operating any type of vehicle**  
75 **other than a motor vehicle as defined in section 302.010, including but not limited to**  
76 **nonmotorized vehicles, farm equipment, or watercraft.**