

SECOND REGULAR SESSION

# HOUSE BILL NO. 1764

## 92ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE PAGE.

Read 1<sup>st</sup> time April 29, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

5070L.011

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### AN ACT

To repeal section 302.010, RSMo, and to enact in lieu thereof one new section relating to failure to exhibit proof of insurance card.

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

Section A. Section 302.010, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 302.010, RSMo, to read as follows:

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

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

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

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

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

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

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

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

23 (8) "License", a license issued by a state to a person which authorizes a person to operate  
24 a motor vehicle;

25 (9) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks  
26 except motorized bicycles, as defined in section 307.180, RSMo;

27 (10) "Motorcycle", a motor vehicle operated on two wheels; however, this definition  
28 shall not include motorized bicycles as defined in section 301.010, RSMo;

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

31 (12) "Moving violation", that character of traffic violation where at the time of violation  
32 the motor vehicle involved is in motion, except that the term does not include the driving of a  
33 motor vehicle without a valid motor vehicle registration license, **the failure to exhibit an**  
34 **insurance identification card in violation of section 303.024, RSMo**, or violations of sections  
35 304.170 to 304.240, RSMo, inclusive, relating to sizes and weights of vehicles;

36 (13) "Municipal court", every division of the circuit court having original jurisdiction  
37 to try persons for violations of city ordinances;

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

39 (15) "Operator", every person who is in actual physical control of a motor vehicle upon  
40 a highway;

41 (16) "Owner", a person who holds the legal title of a vehicle or in the event a vehicle is  
42 the subject of an agreement for the conditional sale or lease thereof with the right of purchase  
43 upon performance of the conditions stated in the agreement and with an immediate right of  
44 possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle  
45 is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed  
46 the owner for the purpose of sections 302.010 to 302.540;

47 (17) "Record" includes, but is not limited to, papers, documents, facsimile information,  
48 microphotographic process, electronically generated or electronically recorded information,  
49 digitized images, deposited or filed with the department of revenue;

50 (18) "Restricted driving privilege", a driving privilege issued by the director of revenue  
51 following a suspension of driving privileges for the limited purpose of driving in connection with  
52 the driver's business, occupation, employment, formal program of secondary, postsecondary or  
53 higher education, or for an alcohol education or treatment program;

54 (19) "School bus", when used in sections 302.010 to 302.540, means any motor vehicle,

55 either publicly or privately owned, used to transport students to and from school, or to transport  
56 pupils properly chaperoned to and from any place within the state for educational purposes. The  
57 term "school bus" shall not include a bus operated by a public utility, municipal corporation or  
58 common carrier authorized to conduct local or interstate transportation of passengers when such  
59 bus is not traveling a specific school bus route but is:

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

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

63 (20) "School bus operator", an operator who operates a school bus as defined in  
64 subdivision (19) of this section in the transportation of any schoolchildren and who receives  
65 compensation for such service. The term "school bus operator" shall not include any person who  
66 transports schoolchildren as an incident to employment with a school or school district, such as  
67 a teacher, coach, administrator, secretary, school nurse, or janitor unless such person is under  
68 contract with or employed by a school or school district as a school bus operator;

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

73 (22) "Substance abuse traffic offender program", a program certified by the division of  
74 alcohol and drug abuse of the department of mental health to provide education or rehabilitation  
75 services pursuant to a professional assessment screening to identify the individual needs of the  
76 person who has been referred to the program as the result of an alcohol- or drug-related traffic  
77 offense. Successful completion of such a program includes participation in any education or  
78 rehabilitation program required to meet the needs identified in the assessment screening. The  
79 assignment recommendations based upon such assessment shall be subject to judicial review as  
80 provided in subsection 13 of section 302.304 and subsections 1 and 5 of section 302.540;

81 (23) "Vehicle", any mechanical device on wheels, designed primarily for use, or used  
82 on highways, except motorized bicycles, vehicles propelled or drawn by horses or human power,  
83 or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized wheelchairs  
84 operated by handicapped persons.