

FIRST REGULAR SESSION

HOUSE BILL NO. 201

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SALVA.

Read 1st time January 11, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

0920L.011

AN ACT

To repeal section 302.302 as enacted by house substitute for senate substitute for senate committee substitute for senate bill nos. 1233, 840 & 1043, ninety second general assembly, second regular session and section 302.302 as enacted by conference committee substitute no. 2 for senate committee substitute for house committee substitute for house bill nos. 302 & 38, ninety-first general assembly, first regular session, and to enact in lieu thereof one new section relating to driver's licenses, with an effective date.

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

Section A. Section 302.302 as enacted by house substitute for senate substitute for senate committee substitute for senate bill nos. 1233, 840 & 1043, ninety second general assembly, second regular session and section 302.302 as enacted by conference committee substitute no. 2 for senate committee substitute for house committee substitute for house bill nos. 302 & 38, ninety-first general assembly, first regular session, RSMo, are repealed and one new section enacted in lieu thereof, to be known as section 302.302, to read as follows: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

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.

8 (except any violation of municipal stop sign ordinance where no accident
9 is involved 1 point)
10 (2) Speeding
11 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 section
14 577.060, 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
17 of 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 1
20 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 of controlled
31 substances or drugs or driving with a blood alcohol content of eight-hundredths of one percent
32 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
35
36 In violation of state law 8 points
37 In violation of a county or municipal ordinance or federal law or regulation 8 points
38 (11) Any felony involving the use of a motor vehicle 12 points
39 (12) Knowingly permitting unlicensed operator to operate
40 a motor vehicle 4 points
41 (13) For a conviction for failure to maintain financial responsibility pursuant to county
42 or municipal ordinance or pursuant to section 303.025, RSMo 4 points

43 2. The director shall, as provided in subdivision (5) of subsection 1 of this section, assess
44 an operator points for a conviction pursuant to subdivision (1) or (2) of subsection 1 of section
45 302.020, when the director issues such operator a license or permit pursuant to the provisions
46 of sections 302.010 to 302.340.

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

50 4. When any of the acts listed in subdivision (2), (3), (4) or (8) of subsection 1 of this
51 section constitutes both a violation of a state law and a violation of a county or municipal
52 ordinance, points may be assessed for either violation but not for both. Notwithstanding that an
53 offense arising out of the same occurrence could be construed to be a violation of subdivisions
54 (8), (9) and (10) of subsection 1 of this section, no person shall be tried or convicted for more
55 than one offense pursuant to subdivisions (8), (9) and (10) of subsection 1 of this section for
56 offenses arising out of the same occurrence.

57 5. The director of revenue shall put into effect a system for staying the assessment of
58 points against an operator. The system shall provide that the satisfactory completion of a
59 driver-improvement program or, in the case of violations committed while operating a
60 motorcycle, a motorcycle-rider training course approved by the director of the department of
61 public safety, by an operator, when so ordered and verified by any court having jurisdiction over
62 any law of this state or county or municipal ordinance, regulating motor vehicles, other than a
63 violation committed in a commercial motor vehicle as defined in section 302.700 or a violation
64 committed by an individual who has been issued a commercial driver's license or is required to
65 obtain a commercial driver's license in this state or any other state, shall be accepted by the
66 director in lieu of the assessment of points for a violation pursuant to subdivision (1), (2) or (4)
67 of subsection 1 of this section or pursuant to subsection 3 of this section. For the purposes of
68 this subsection, the driver-improvement program shall meet or exceed the standards of the
69 National Safety Council's eight-hour "Defensive Driving Course" or, in the case of a violation
70 which occurred during the operation of a motorcycle, the program shall meet the standards
71 established by the director of the department of public safety pursuant to sections 302.133 to
72 302.138. The completion of a driver-improvement program or a motorcycle-rider training course
73 shall not be accepted in lieu of points more than one time in any thirty-six-month period and
74 shall be completed within sixty days of the date of conviction in order to be accepted in lieu of
75 the assessment of points. Every court having jurisdiction pursuant to the provisions of this
76 subsection shall, within fifteen days after completion of the driver-improvement program or
77 motorcycle-rider training course by an operator, forward a record of the completion to the

78 director, all other provisions of the law to the contrary notwithstanding. The director shall
79 establish procedures for record keeping and the administration of this subsection.

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

2 [302.302. 1. The director of revenue shall put into effect a point system
3 for the suspension and revocation of licenses. Points shall be assessed only after
4 a conviction or forfeiture of collateral. The initial point value is as follows:

5 (1) Any moving violation of a state law or county or municipal or federal
6 traffic ordinance or regulation not listed in this section, other than a violation of
7 vehicle equipment 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 accident
10 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 section 577.060,
14 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 section
17 304.016, 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)
20 of subsection 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
25 operating 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
28 or under the influence of controlled substances or drugs 8 points

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

33 (10) For the first conviction for driving with blood alcohol content
34 eight-hundredths of one percent or more by weight

35 In violation of state law 8 points

In violation of a county or municipal ordinance or federal

36 law or regulation 8 points
37 (11) Any felony involving the use of a motor vehicle 12 points
38 (12) Knowingly permitting unlicensed operator to operate a motor
39 vehicle 4 points
40 (13) For a conviction for failure to maintain financial responsibility
41 pursuant to county or municipal ordinance or pursuant to section 303.025, RSMo
42 4 points
43 2. The director shall, as provided in subdivision (5) of subsection 1 of
44 this section, assess an operator points for a conviction pursuant to subdivision (1)
45 or (2) of subsection 1 of section 302.020, when the director issues such operator
46 a license or permit pursuant to the provisions of sections 302.010 to 302.340.
47 3. An additional two points shall be assessed when personal injury or
48 property damage results from any violation listed in subsection 1 of this section
49 and if found to be warranted and certified by the reporting court.
50 4. When any of the acts listed in subdivision (2), (3), (4) or (8) of
51 subsection 1 of this section constitutes both a violation of a state law and a
52 violation of a county or municipal ordinance, points may be assessed for either
53 violation but not for both. Notwithstanding that an offense arising out of the
54 same occurrence could be construed to be a violation of subdivisions (8), (9) and
55 (10) of subsection 1 of this section, no person shall be tried or convicted for more
56 than one offense pursuant to subdivisions (8), (9) and (10) of subsection 1 of this
57 section for offenses arising out of the same occurrence.
58 5. The director of revenue shall put into effect a system for staying the
59 assessment of points against an operator. The system shall provide that the
60 satisfactory completion of a driver-improvement program or, in the case of
61 violations committed while operating a motorcycle, a motorcycle-rider training
62 course approved by the director of the department of public safety, by an
63 operator, when so ordered and verified by any court having jurisdiction over any
64 law of this state or county or municipal ordinance, regulating motor vehicles,
65 other than a violation committed in a commercial motor vehicle as defined in
66 section 302.700, shall be accepted by the director in lieu of the assessment of
67 points for a violation pursuant to subdivision (1), (2) or (4) of subsection 1 of this
68 section or pursuant to subsection 3 of this section. For the purposes of this
69 subsection, the driver-improvement program shall meet or exceed the standards
70 of the National Safety Council's eight-hour "Defensive Driving Course" or, in the
71 case of a violation which occurred during the operation of a motorcycle, the
72 program shall meet the standards established by the director of the department of
73 public safety pursuant to sections 302.133 to 302.138. The completion of a
74 driver-improvement program or a motorcycle-rider training course shall not be
75 accepted in lieu of points more than one time in any thirty-six-month period and
76 shall be completed within sixty days of the date of conviction in order to be
77 accepted in lieu of the assessment of points. Every court having jurisdiction
78 pursuant to the provisions of this subsection shall, within fifteen days after
79 completion of the driver-improvement program or motorcycle-rider training

80 course by an operator, forward a record of the completion to the director, all other
81 provisions of the law to the contrary notwithstanding. The director shall establish
82 procedures for record keeping and the administration of this subsection.]

Section B. The repeal and reenactment of section 302.302 and the repeal of section
2 302.302 of Section A of this act shall be effective September 30, 2005