

FIRST REGULAR SESSION

# HOUSE BILL NO. 850

## 93RD GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVE YATES.

Read 1<sup>st</sup> time March 29, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

2129L.011

---

### AN ACT

To repeal section 302.304, RSMo, and to enact in lieu thereof one new section relating to driver's license reinstatement fees.

---

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

Section A. Section 302.304, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 302.304, to read as follows:

302.304. 1. The director shall notify by ordinary mail any operator of the point value charged against the operator's record when the record shows four or more points have been accumulated in a twelve-month period.

2. In an action to suspend or revoke a license or driving privilege under this section points shall be accumulated on the date of conviction. No case file of any conviction for a driving violation for which points may be assessed pursuant to section 302.302 may be closed until such time as a copy of the record of such conviction is forwarded to the department of revenue.

3. The director shall suspend the license and driving privileges of any person whose driving record shows the driver has accumulated eight points in eighteen months.

4. The license and driving privilege of any person whose license and driving privilege have been suspended under the provisions of sections 302.010 to 302.540 except those persons whose license and driving privilege have been suspended under the provisions of subdivision (8) of subsection 1 of section 302.302 or has accumulated sufficient points together with a conviction under subdivision (10) of subsection 1 of section 302.302 and who has filed proof of financial responsibility with the department of revenue, in accordance with chapter 303, RSMo,

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 and is otherwise eligible, shall be reinstated as follows:

18 (1) In the case of an initial suspension, thirty days after the effective date of the  
19 suspension;

20 (2) In the case of a second suspension, sixty days after the effective date of the  
21 suspension;

22 (3) In the case of the third and subsequent suspensions, ninety days after the effective  
23 date of the suspension.

24

25 Unless proof of financial responsibility is filed with the department of revenue, a suspension  
26 shall continue in effect for two years from its effective date.

27 5. The period of suspension of the driver's license and driving privilege of any person  
28 under the provisions of subdivision (8) of subsection 1 of section 302.302 or who has  
29 accumulated sufficient points together with a conviction under subdivision (10) of subsection  
30 1 of section 302.302 shall be thirty days, followed by a sixty-day period of restricted driving  
31 privilege as defined in section 302.010. Upon completion of such period of restricted driving  
32 privilege, upon compliance with other requirements of law and upon filing of proof of financial  
33 responsibility with the department of revenue, in accordance with chapter 303, RSMo, the license  
34 and driving privilege shall be reinstated.

35 6. If the person fails to maintain proof of financial responsibility in accordance with  
36 chapter 303, RSMo, the person's driving privilege and license shall be resuspended.

37 7. The director shall revoke the license and driving privilege of any person when the  
38 person's driving record shows such person has accumulated twelve points in twelve months or  
39 eighteen points in twenty-four months or twenty-four points in thirty-six months. The revocation  
40 period of any person whose license and driving privilege have been revoked under the provisions  
41 of sections 302.010 to 302.540 and who has filed proof of financial responsibility with the  
42 department of revenue in accordance with chapter 303, RSMo, and is otherwise eligible, shall  
43 be terminated by a notice from the director of revenue after one year from the effective date of  
44 the revocation. Unless proof of financial responsibility is filed with the department of revenue,  
45 except as provided in subsection 2 of section 302.541, the revocation shall remain in effect for  
46 a period of two years from its effective date. If the person fails to maintain proof of financial  
47 responsibility in accordance with chapter 303, RSMo, the person's license and driving privilege  
48 shall be rerevoked. Any person whose license and driving privilege have been revoked under  
49 the provisions of sections 302.010 to 302.540 shall, upon receipt of the notice of termination of  
50 the revocation from the director, pass the complete driver examination and apply for a new  
51 license before again operating a motor vehicle upon the highways of this state.

52 8. If, prior to conviction for an offense that would require suspension or revocation of

53 a person's license under the provisions of this section, the person's total points accumulated are  
54 reduced, pursuant to the provisions of section 302.306, below the number of points required for  
55 suspension or revocation pursuant to the provisions of this section, then the person's license shall  
56 not be suspended or revoked until the necessary points are again obtained and accumulated.

57 9. If any person shall neglect or refuse to surrender the person's license, as provided  
58 herein, the director shall direct the state highway patrol or any peace or police officer to secure  
59 possession thereof and return it to the director.

60 10. Upon the issuance of a reinstatement or termination notice after a suspension or  
61 revocation of any person's license and driving privilege under the provisions of sections 302.010  
62 to 302.540, the accumulated point value shall be reduced to four points, except that the points  
63 of any person serving as a member of the armed forces of the United States outside the limits of  
64 the United States during a period of suspension or revocation shall be reduced to zero upon the  
65 date of the reinstatement or termination of notice. It shall be the responsibility of such member  
66 of the armed forces to submit copies of official orders to the director of revenue to substantiate  
67 such overseas service. Any other provision of sections 302.010 to 302.540 to the contrary  
68 notwithstanding, the effective date of the four points remaining on the record upon reinstatement  
69 or termination shall be the date of the reinstatement or termination notice.

70 11. No credit toward reduction of points shall be given during periods of suspension or  
71 revocation or any period of driving under a limited driving privilege granted by a court or the  
72 director of revenue.

73 12. Any person or nonresident whose license or privilege to operate a motor vehicle in  
74 this state has been suspended or revoked under this or any other law shall, before having the  
75 license or privilege to operate a motor vehicle reinstated, pay to the director a reinstatement fee  
76 of twenty dollars which shall be in addition to all other fees provided by law.

77 **Notwithstanding any other law, any person whose license has been suspended for failing**  
78 **to maintain financial responsibility under chapter 303, RSMo, shall pay to the director a**  
79 **reinstatement fee of forty dollars which shall be in addition to all other fees provided by**  
80 **law.**

81 13. Notwithstanding any other provision of law to the contrary, if after two years from  
82 the effective date of any suspension or revocation issued under this chapter, the person or  
83 nonresident has not paid the reinstatement fee [of twenty dollars] **required under subsection**  
84 **12 of this section**, the director shall reinstate such license or privilege to operate a motor vehicle  
85 in this state.

86 14. No person who has had a license to operate a motor vehicle suspended or revoked  
87 as a result of an assessment of points for a violation under subdivision (8), (9) or (10) of  
88 subsection 1 of section 302.302 shall have that license reinstated until such person has

89 participated in and successfully completed a substance abuse traffic offender program defined  
90 in section 302.010, or a program determined to be comparable by the department of mental  
91 health. Assignment recommendations, based upon the needs assessment as described in  
92 subdivision (22) of section 302.010, shall be delivered in writing to the person with written  
93 notice that the person is entitled to have such assignment recommendations reviewed by the court  
94 if the person objects to the recommendations. The person may file a motion in the associate  
95 division of the circuit court of the county in which such assignment was given, on a printed form  
96 provided by the state courts administrator, to have the court hear and determine such motion  
97 pursuant to the provisions of chapter 517, RSMo. The motion shall name the person or entity  
98 making the needs assessment as the respondent and a copy of the motion shall be served upon  
99 the respondent in any manner allowed by law. Upon hearing the motion, the court may modify  
100 or waive any assignment recommendation that the court determines to be unwarranted based  
101 upon a review of the needs assessment, the person's driving record, the circumstances  
102 surrounding the offense, and the likelihood of the person committing a like offense in the future,  
103 except that the court may modify but may not waive the assignment to an education or  
104 rehabilitation program of a person determined to be a prior or persistent offender as defined in  
105 section 577.023, RSMo, or of a person determined to have operated a motor vehicle with  
106 fifteen-hundredths of one percent or more by weight in such person's blood. Compliance with  
107 the court determination of the motion shall satisfy the provisions of this section for the purpose  
108 of reinstating such person's license to operate a motor vehicle. The respondent's personal  
109 appearance at any hearing conducted pursuant to this subsection shall not be necessary unless  
110 directed by the court.

111         15. The fees for the program authorized in subsection 14 of this section, or a portion  
112 thereof to be determined by the department of mental health, shall be paid by the person enrolled  
113 in the program. Any person who is enrolled in the program shall pay, in addition to any fee  
114 charged for the program, a supplemental fee in an amount to be determined by the department  
115 of mental health for the purposes of funding the substance abuse traffic offender program defined  
116 in section 302.010 and section 577.001, RSMo, or a program determined to be comparable by  
117 the department of mental health. The administrator of the program shall remit to the division of  
118 alcohol and drug abuse of the department of mental health on or before the fifteenth day of each  
119 month the supplemental fee for all persons enrolled in the program, less two percent for  
120 administrative costs. Interest shall be charged on any unpaid balance of the supplemental fees  
121 due the division of alcohol and drug abuse pursuant to this section and shall accrue at a rate not  
122 to exceed the annual rate established pursuant to the provisions of section 32.065, RSMo, plus  
123 three percentage points. The supplemental fees and any interest received by the department of  
124 mental health pursuant to this section shall be deposited in the mental health earnings fund which

125 is created in section 630.053, RSMo.

126           16. Any administrator who fails to remit to the division of alcohol and drug abuse of the  
127 department of mental health the supplemental fees and interest for all persons enrolled in the  
128 program pursuant to this section shall be subject to a penalty equal to the amount of interest  
129 accrued on the supplemental fees due the division pursuant to this section. If the supplemental  
130 fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the  
131 department of mental health within six months of the due date, the attorney general of the state  
132 of Missouri shall initiate appropriate action of the collection of said fees and interest accrued.  
133 The court shall assess attorney fees and court costs against any delinquent program.