

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 114
95TH GENERAL ASSEMBLY

0582L.03C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 302.302 and 476.385, RSMo, and to enact in lieu thereof two new sections relating to the administration of driver improvement programs by the centralized violation bureau.

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

Section A. Sections 302.302 and 476.385, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 302.302 and 476.385, to read as follows:

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

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

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

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

18	(4) Careless and imprudent driving in	
19	violation of subsection 4 of section 304.016, RSMo	4 points
20	In violation of a county or municipal ordinance	2 points
21	(5) Operating without a valid license in	
22	violation of subdivision (1) or (2) of subsection 1	
23	of section 302.020:	
24	(a) For the first conviction	2 points
25	(b) For the second conviction	4 points
26	(c) For the third conviction	6 points
27	(6) Operating with a suspended or revoked	
28	license prior to restoration of operating	
29	privileges	12 points
30	(7) Obtaining a license by misrepresentation	12 points
31	(8) For the first conviction of driving while	
32	in an intoxicated condition or under the influence	
33	of controlled substances or drugs	8 points
34	(9) For the second or subsequent conviction	
35	of any of the following offenses however	
36	combined: driving while in an intoxicated condition,	
37	driving under the influence of controlled substances	
38	or drugs or driving with a blood alcohol content of	
39	eight-hundredths of one percent or more by weight	12 points
40	(10) For the first conviction for driving	
41	with blood alcohol content eight-hundredths of	
42	one percent or more by weight	
43	In violation of state law	8 points
44	In violation of a county or municipal ordinance	
45	or federal law or regulation	8 points
46	(11) Any felony involving the use of a	
47	motor vehicle	12 points
48	(12) Knowingly permitting unlicensed	
49	operator to operate a motor vehicle	4 points
50	(13) For a conviction for failure to maintain	
51	financial responsibility pursuant to county or	
52	municipal ordinance or pursuant to section 303.025,	
53	RSMo	4 points

54 (14) Endangerment of a highway worker
55 in violation of section 304.585, RSMo 4 points
56 (15) Aggravated endangerment of a highway
57 worker in violation of section 304.585, RSMo 12 points
58 (16) For a conviction of violating a municipal
59 ordinance that prohibits tow truck operators from
60 stopping at or proceeding to the scene of an accident
61 unless they have been requested to stop or proceed
62 to such scene by a party involved in such accident
63 or by an officer of a public safety agency 4 points
64 2. The director shall, as provided in subdivision (5) of subsection 1 of this section, assess
65 an operator points for a conviction pursuant to subdivision (1) or (2) of subsection 1 of section
66 302.020, when the director issues such operator a license or permit pursuant to the provisions
67 of sections 302.010 to 302.340.
68 3. An additional two points shall be assessed when personal injury or property damage
69 results from any violation listed in subdivisions (1) to (13) of subsection 1 of this section and if
70 found to be warranted and certified by the reporting court.
71 4. When any of the acts listed in subdivision (2), (3), (4) or (8) of subsection 1 of this
72 section constitutes both a violation of a state law and a violation of a county or municipal
73 ordinance, points may be assessed for either violation but not for both. Notwithstanding that an
74 offense arising out of the same occurrence could be construed to be a violation of subdivisions
75 (8), (9) and (10) of subsection 1 of this section, no person shall be tried or convicted for more
76 than one offense pursuant to subdivisions (8), (9) and (10) of subsection 1 of this section for
77 offenses arising out of the same occurrence.
78 5. The director of revenue shall put into effect a system for staying the assessment of
79 points against an operator. The system shall provide that the satisfactory completion of a
80 driver-improvement program or, in the case of violations committed while operating a
81 motorcycle, a motorcycle-rider training course approved by the state highways and transportation
82 commission, by an operator, when so ordered and verified by any court having jurisdiction over
83 any law of this state or county or municipal ordinance, regulating motor vehicles, other than a
84 violation committed in a commercial motor vehicle as defined in section 302.700 or a violation
85 committed by an individual who has been issued a commercial driver's license or is required to
86 obtain a commercial driver's license in this state or any other state, shall be accepted by the
87 director in lieu of the assessment of points for a violation pursuant to subdivision (1), (2) or (4)
88 of subsection 1 of this section or pursuant to subsection 3 of this section. **A court using a**
89 **centralized violation bureau established under section 476.385, RSMo, may provide as an**

90 **option to the individual the ability to attend a driver-improvement program or motorcycle-**
91 **rider training course as prescribed by order of the court.** For the purposes of this subsection,
92 the driver-improvement program shall meet or exceed the standards of the National Safety
93 Council's eight-hour "Defensive Driving Course" or, in the case of a violation which occurred
94 during the operation of a motorcycle, the program shall meet the standards established by the
95 state highways and transportation commission pursuant to sections 302.133 to 302.137. The
96 completion of a driver-improvement program or a motorcycle-rider training course shall not be
97 accepted in lieu of points more than one time in any thirty-six-month period and shall be
98 completed within sixty days of the date of conviction in order to be accepted in lieu of the
99 assessment of points. Every court having jurisdiction pursuant to the provisions of this
100 subsection shall, within fifteen days after completion of the driver-improvement program or
101 motorcycle-rider training course by an operator, forward a record of the completion to the
102 director, all other provisions of the law to the contrary notwithstanding. The director shall
103 establish procedures for record keeping and the administration of this subsection.

476.385. 1. The judges of the supreme court may appoint a committee consisting of at
2 least seven associate circuit judges, who shall meet en banc and establish and maintain a
3 schedule of fines to be paid for violations of sections 210.104, 577.070, and 577.073, RSMo, and
4 chapters 252, 301, 302, 304, 306, 307 and 390, RSMo, with such fines increasing in proportion
5 to the severity of the violation. The associate circuit judges of each county may meet en banc
6 and adopt the schedule of fines and participation in the centralized bureau pursuant to this
7 section. Notice of such adoption and participation shall be given in the manner provided by
8 supreme court rule. Upon order of the supreme court, the associate circuit judges of each county
9 may meet en banc and establish and maintain a schedule of fines to be paid for violations of
10 municipal ordinances for cities, towns and villages electing to have violations of its municipal
11 ordinances heard by associate circuit judges, pursuant to section 479.040, RSMo; and for traffic
12 court divisions established pursuant to section 479.500, RSMo. The schedule of fines adopted
13 for violations of municipal ordinances may be modified from time to time as the associate circuit
14 judges of each county en banc deem advisable. No fine established pursuant to this subsection
15 may exceed the maximum amount specified by statute or ordinance for such violation.

16 2. In no event shall any schedule of fines adopted pursuant to this section include
17 offenses involving the following:

- 18 (1) Any violation resulting in personal injury or property damage to another person;
- 19 (2) Operating a motor vehicle while intoxicated or under the influence of intoxicants or
20 drugs;
- 21 (3) Operating a vehicle with a counterfeited, altered, suspended or revoked license;
- 22 (4) Fleeing or attempting to elude an officer.

23 3. There shall be a centralized bureau to be established by supreme court rule in order
24 to accept pleas of not guilty or guilty and payments of fines and court costs for violations of the
25 laws and ordinances described in subsection 1 of this section, made pursuant to a schedule of
26 fines established pursuant to this section. The centralized bureau shall collect, with any plea of
27 guilty and payment of a fine, all court costs which would have been collected by the court of the
28 jurisdiction from which the violation originated.

29 4. If a person elects not to contest the alleged violation, the person shall send payment
30 in the amount of the fine and any court costs established for the violation to the centralized
31 bureau. Such payment shall be payable to the "central violations bureau", shall be made by mail
32 or in any other manner established by the centralized bureau, and shall constitute a plea of guilty,
33 waiver of trial and a conviction for purposes of section 302.302, RSMo, and for purposes of
34 imposing any collateral consequence of a criminal conviction provided by law. **If a person has**
35 **been ordered by the court to attend a driver-improvement program or a motorcycle-rider**
36 **training course, the person also consents to attendance at any such program, and to**
37 **verification of such attendance as directed by the bureau, when he or she pays the fines and**
38 **court costs.** Notwithstanding any provision of law to the contrary, the prosecutor shall not be
39 required to sign any information, ticket or indictment if disposition is made pursuant to this
40 subsection. In the event that any payment is made pursuant to this section by credit card or
41 similar method, the centralized bureau may charge an additional fee in order to reflect any
42 transaction cost, surcharge or fee imposed on the recipient of the credit card payment by the
43 credit card company.

44 5. If a person elects to plead not guilty, such person shall send the plea of not guilty to
45 the centralized bureau. The bureau shall send such plea and request for trial to the prosecutor
46 having original jurisdiction over the offense. Any trial shall be conducted at the location
47 designated by the court. The clerk of the court in which the case is to be heard shall notify in
48 writing such person of the date certain for the disposition of such charges. The prosecutor shall
49 not be required to sign any information, ticket or indictment until the commencement of any
50 proceeding by the prosecutor with respect to the notice of violation.

51 6. In courts adopting a schedule of fines pursuant to this section, any person receiving
52 a notice of violation pursuant to this section shall also receive written notification of the
53 following:

54 (1) The fine and court costs established pursuant to this section for the violation or
55 information regarding how the person may obtain the amount of the fine and court costs for the
56 violation;

57 (2) That the person must respond to the notice of violation by paying the prescribed fine
58 and court costs, or pleading not guilty and appearing at trial, and that other legal penalties

59 prescribed by law may attach for failure to appear and dispose of the violation. The supreme
60 court may modify the suggested forms for uniform complaint and summons for use in courts
61 adopting the procedures provided by this section, in order to accommodate such required written
62 notifications.

63 7. Any moneys received in payment of fines and court costs pursuant to this section shall
64 not be considered to be state funds, but shall be held in trust by the centralized bureau for benefit
65 of those persons or entities entitled to receive such funds pursuant to this subsection. All
66 amounts paid to the centralized bureau shall be maintained by the centralized bureau, invested
67 in the manner required of the state treasurer for state funds by sections 30.240, 30.250, 30.260
68 and 30.270, RSMo, and disbursed as provided by the constitution and laws of this state. Any
69 interest earned on such fund shall be payable to the director of the department of revenue for
70 deposit into a revolving fund to be established pursuant to this subsection. The state treasurer
71 shall be the custodian of the revolving fund, and shall make disbursements, as allowed by lawful
72 appropriations, only to the judicial branch of state government for goods and services related to
73 the administration of the judicial system.

74 8. Any person who receives a notice of violation subject to this section who fails to
75 dispose of such violation as provided by this section shall be guilty of failure to appear provided
76 by section 544.665, RSMo; and may be subject to suspension of driving privileges in the manner
77 provided by section 302.341, RSMo. The centralized bureau shall notify the appropriate
78 prosecutor of any person who fails to either pay the prescribed fine and court costs, or plead not
79 guilty and request a trial within the time allotted by this section, for purposes of application of
80 section 544.665, RSMo. The centralized bureau shall also notify the department of revenue of
81 any failure to appear subject to section 302.341, RSMo, and the department shall thereupon
82 suspend the license of the driver in the manner provided by section 302.341, RSMo, as if notified
83 by the court.

84 9. In addition to the remedies provided by subsection 8 of this section, the centralized
85 bureau and the courts may use the remedies provided by sections 488.010 to 488.020, RSMo,
86 for the collection of court costs payable to courts, in order to collect fines and court costs for
87 violations subject to this section.

✓