

## SENATE SUBSTITUTE

FOR

## SENATE COMMITTEE SUBSTITUTE

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## HOUSE COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NOS. 1695, 1742 &amp; 1674

## AN ACT

To repeal sections 302.309, 302.750, 478.001, 478.003, 478.009, 479.170, 542.266, 542.276, 577.010, 577.012, 577.023, 577.039, 577.041, and 577.054, RSMo, and to enact in lieu thereof seventeen new sections relating to intoxication-related traffic offenses, with penalty provisions.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,  
AS FOLLOWS:

1           Section A. Sections 302.309, 302.750, 478.001, 478.003,  
2           478.009, 479.170, 542.266, 542.276, 577.010, 577.012, 577.023,  
3           577.039, 577.041, and 577.054, RSMo, are repealed and seventeen  
4           new sections enacted in lieu thereof, to be known as sections  
5           302.309, 302.750, 478.001, 478.003, 478.007, 478.009, 479.170,  
6           542.266, 542.276, 577.005, 577.006, 577.010, 577.012, 577.023,  
7           577.039, 577.041, and 577.054, to read as follows:

8           302.309. 1. Whenever any license is suspended pursuant to  
9           sections 302.302 to 302.309, the director of revenue shall return  
10          the license to the operator immediately upon the termination of  
11          the period of suspension and upon compliance with the  
12          requirements of chapter 303, RSMo.

13          2. Any operator whose license is revoked pursuant to these

1 sections, upon the termination of the period of revocation, shall  
2 apply for a new license in the manner prescribed by law.

3 3. (1) All circuit courts ~~[or]~~, the director of revenue,  
4 or a commissioner operating under section 478.007 shall have  
5 jurisdiction to hear applications and make eligibility  
6 determinations granting limited driving privileges. Any  
7 application may be made in writing to the director of revenue and  
8 the person's reasons for requesting the limited driving privilege  
9 shall be made therein.

10 (2) When any court of record having jurisdiction or the  
11 director of revenue finds that an operator is required to operate  
12 a motor vehicle in connection with any of the following:

- 13 (a) A business, occupation, or employment;
- 14 (b) Seeking medical treatment for such operator;
- 15 (c) Attending school or other institution of higher  
16 education;
- 17 (d) Attending alcohol or drug treatment programs;
- 18 (e) Seeking the required services of a certified ignition  
19 interlock device provider; or

20 (f) Any other circumstance the court or director finds  
21 would create an undue hardship on the operator; the court or  
22 director may grant such limited driving privilege as the  
23 circumstances of the case justify if the court or director finds  
24 undue hardship would result to the individual, and while so  
25 operating a motor vehicle within the restrictions and limitations  
26 of the limited driving privilege the driver shall not be guilty  
27 of operating a motor vehicle without a valid license.

28 (3) An operator may make application to the proper court in

1 the county in which such operator resides or in the county in  
2 which is located the operator's principal place of business or  
3 employment. Any application for a limited driving privilege made  
4 to a circuit court shall name the director as a party defendant  
5 and shall be served upon the director prior to the grant of any  
6 limited privilege, and shall be accompanied by a copy of the  
7 applicant's driving record as certified by the director. Any  
8 applicant for a limited driving privilege shall have on file with  
9 the department of revenue proof of financial responsibility as  
10 required by chapter 303, RSMo. Any application by a person who  
11 transports persons or property as classified in section 302.015  
12 may be accompanied by proof of financial responsibility as  
13 required by chapter 303, RSMo, but if proof of financial  
14 responsibility does not accompany the application, or if the  
15 applicant does not have on file with the department of revenue  
16 proof of financial responsibility, the court or the director has  
17 discretion to grant the limited driving privilege to the person  
18 solely for the purpose of operating a vehicle whose owner has  
19 complied with chapter 303, RSMo, for that vehicle, and the  
20 limited driving privilege must state such restriction. When  
21 operating such vehicle under such restriction the person shall  
22 carry proof that the owner has complied with chapter 303, RSMo,  
23 for that vehicle.

24 (4) No limited driving privilege shall be issued to any  
25 person otherwise eligible under the provisions of paragraph (a)  
26 of subdivision (6) of this subsection on a license revocation  
27 resulting from a conviction under subdivision (9) of subsection 1  
28 of section 302.302, or a license denial under paragraph (a) or

1 (b) of subdivision (8) of this subsection, until the applicant  
2 has filed proof with the department of revenue that any motor  
3 vehicle operated by the person is equipped with a functioning,  
4 certified ignition interlock device as a required condition of  
5 limited driving privilege.

6 (5) The court order or the director's grant of the limited  
7 or restricted driving privilege shall indicate the termination  
8 date of the privilege, which shall be not later than the end of  
9 the period of suspension or revocation. A copy of any court  
10 order shall be sent by the clerk of the court to the director,  
11 and a copy shall be given to the driver which shall be carried by  
12 the driver whenever such driver operates a motor vehicle. The  
13 director of revenue upon granting a limited driving privilege  
14 shall give a copy of the limited driving privilege to the  
15 applicant. The applicant shall carry a copy of the limited  
16 driving privilege while operating a motor vehicle. A conviction  
17 which results in the assessment of points pursuant to section  
18 302.302, other than a violation of a municipal stop sign  
19 ordinance where no accident is involved, against a driver who is  
20 operating a vehicle pursuant to a limited driving privilege  
21 terminates the privilege, as of the date the points are assessed  
22 to the person's driving record. If the date of arrest is prior  
23 to the issuance of the limited driving privilege, the privilege  
24 shall not be terminated. Failure of the driver to maintain proof  
25 of financial responsibility, as required by chapter 303, or to  
26 maintain proof of installation of a functioning, certified  
27 ignition interlock device, as applicable, shall terminate the  
28 privilege. The director shall notify by ordinary mail the driver

1 whose privilege is so terminated.

2 (6) Except as provided in subdivision (8) of this  
3 subsection, no person is eligible to receive a limited driving  
4 privilege who at the time of application for a limited driving  
5 privilege has previously been granted such a privilege within the  
6 immediately preceding five years, or whose license has been  
7 suspended or revoked for the following reasons:

8 (a) A conviction of violating the provisions of section  
9 577.010 or 577.012, RSMo, or any similar provision of any federal  
10 or state law, or a municipal or county law where the judge in  
11 such case was an attorney and the defendant was represented by or  
12 waived the right to an attorney in writing, until the person has  
13 completed the first thirty days of a suspension or revocation  
14 imposed pursuant to this chapter;

15 (b) A conviction of any felony in the commission of which a  
16 motor vehicle was used;

17 (c) Ineligibility for a license because of the provisions  
18 of subdivision (1), (2), (4), (5), (6), (7), (8), (9), (10) or  
19 (11) of section 302.060;

20 (d) Because of operating a motor vehicle under the  
21 influence of narcotic drugs, a controlled substance as defined in  
22 chapter 195, RSMo, or having left the scene of an accident as  
23 provided in section 577.060, RSMo;

24 (e) Due to a revocation for the first time for failure to  
25 submit to a chemical test pursuant to section 577.041, RSMo, or  
26 due to a refusal to submit to a chemical test in any other state,  
27 if such person has not completed the first ninety days of such  
28 revocation;

1 (f) Violation more than once of the provisions of section  
2 577.041, RSMo, or a similar implied consent law of any other  
3 state; or

4 (g) Due to a suspension pursuant to subsection 2 of section  
5 302.525 and who has not completed the first thirty days of such  
6 suspension, provided the person is not otherwise ineligible for a  
7 limited driving privilege; or due to a revocation pursuant to  
8 subsection 2 of section 302.525 if such person has not completed  
9 such revocation.

10 (7) No person who possesses a commercial driver's license  
11 shall receive a limited driving privilege issued for the purpose  
12 of operating a commercial motor vehicle if such person's driving  
13 privilege is suspended, revoked, canceled, denied, or  
14 disqualified. Nothing in this section shall prohibit the  
15 issuance of a limited driving privilege for the purpose of  
16 operating a noncommercial motor vehicle provided that pursuant to  
17 the provisions of this section, the applicant is not otherwise  
18 ineligible for a limited driving privilege.

19 (8) (a) Provided that pursuant to the provisions of this  
20 section, the applicant is not otherwise ineligible for a limited  
21 driving privilege, a circuit court or the director may, in the  
22 manner prescribed in this subsection, allow a person who has had  
23 such person's license to operate a motor vehicle revoked where  
24 that person cannot obtain a new license for a period of ten  
25 years, as prescribed in subdivision (9) of section 302.060, to  
26 apply for a limited driving privilege pursuant to this subsection  
27 if such person has served at least three years of such  
28 disqualification or revocation. Such person shall present

1 evidence satisfactory to the court or the director that such  
2 person has not been convicted of any offense related to alcohol,  
3 controlled substances or drugs during the preceding three years  
4 and that the person's habits and conduct show that the person no  
5 longer poses a threat to the public safety of this state.

6 (b) Provided that pursuant to the provisions of this  
7 section, the applicant is not otherwise ineligible for a limited  
8 driving privilege or convicted of involuntary manslaughter while  
9 operating a motor vehicle in an intoxicated condition, a circuit  
10 court or the director may, in the manner prescribed in this  
11 subsection, allow a person who has had such person's license to  
12 operate a motor vehicle revoked where that person cannot obtain a  
13 new license for a period of five years because of two convictions  
14 of driving while intoxicated, as prescribed in subdivision (10)  
15 of section 302.060, to apply for a limited driving privilege  
16 pursuant to this subsection if such person has served at least  
17 two years of such disqualification or revocation. Such person  
18 shall present evidence satisfactory to the court or the director  
19 that such person has not been convicted of any offense related to  
20 alcohol, controlled substances or drugs during the preceding two  
21 years and that the person's habits and conduct show that the  
22 person no longer poses a threat to the public safety of this  
23 state. Any person who is denied a license permanently in this  
24 state because of an alcohol-related conviction subsequent to a  
25 restoration of such person's driving privileges pursuant to  
26 subdivision (9) of section 302.060 shall not be eligible for  
27 limited driving privilege pursuant to the provisions of this  
28 subdivision.

1       (9) A DWI docket or court established under section 478.007  
2 may grant a limited driving privilege to a participant in or  
3 graduate of the program who would otherwise be ineligible for  
4 such privilege under another provision of law. The DWI docket or  
5 court shall not grant a limited driving privilege to a  
6 participant during his or her initial forty-five days of  
7 participation.

8       4. Any person who has received notice of denial of a  
9 request of limited driving privilege by the director of revenue  
10 may make a request for a review of the director's determination  
11 in the circuit court of the county in which the person resides or  
12 the county in which is located the person's principal place of  
13 business or employment within thirty days of the date of mailing  
14 of the notice of denial. Such review shall be based upon the  
15 records of the department of revenue and other competent evidence  
16 and shall be limited to a review of whether the applicant was  
17 statutorily entitled to the limited driving privilege.

18       5. The director of revenue shall promulgate rules and  
19 regulations necessary to carry out the provisions of this  
20 section. Any rule or portion of a rule, as that term is defined  
21 in section 536.010, RSMo, that is created under the authority  
22 delegated in this section shall become effective only if it  
23 complies with and is subject to all of the provisions of chapter  
24 536, RSMo, and, if applicable, section 536.028, RSMo. This  
25 section and chapter 536, RSMo, are nonseverable and if any of the  
26 powers vested with the general assembly pursuant to chapter 536,  
27 RSMo, to review, to delay the effective date or to disapprove and  
28 annul a rule are subsequently held unconstitutional, then the



1 grant of rulemaking authority and any rule proposed or adopted  
2 after August 28, 2001, shall be invalid and void.

3 302.750. 1. If a person refuses, upon the request of a law  
4 enforcement officer pursuant to section 302.745, to submit to any  
5 test allowed under that section, [then none shall be given and]  
6 evidence of the refusal shall be admissible in any proceeding to  
7 determine whether a person was operating a commercial motor  
8 vehicle while under the influence of alcohol or controlled  
9 substances. In this event, the officer shall make a sworn report  
10 to the director that he requested a test pursuant to section  
11 302.745 and that the person refused to submit to such testing.

12 2. A person requested to submit to a test as provided by  
13 section 302.745 shall be warned by the law enforcement officer  
14 requesting the test that a refusal to submit to the test will  
15 result in that person being immediately placed out of service for  
16 a period of twenty-four hours and being disqualified from  
17 operating a commercial motor vehicle for a period of not less  
18 than one year if for a first refusal to submit to the test and  
19 for life if for a second or subsequent refusal to submit to the  
20 test. The director may issue rules and regulations, in  
21 accordance with guidelines established by the secretary, under  
22 which a disqualification for life under this section may be  
23 reduced to a period of not less than ten years.

24 3. Upon receipt of the sworn report of a law enforcement  
25 officer submitted under subsection 1 of this section, the  
26 director shall disqualify the driver from operating a commercial  
27 motor vehicle.

28 4. If a person has been disqualified from operating a

1 commercial motor vehicle because of his refusal to submit to a  
2 chemical test, he may request a hearing before a court of record  
3 in the county in which the request was made. Upon his request,  
4 the clerk of the court shall notify the prosecuting attorney of  
5 the county and the prosecutor shall appear at the hearing on  
6 behalf of the officer. At the hearing the judge shall determine  
7 only:

8 (1) Whether or not the law enforcement officer had  
9 reasonable grounds to believe that the person was driving a  
10 commercial motor vehicle with any amount of alcohol in his  
11 system;

12 (2) Whether or not the person refused to submit to the  
13 test.

14 5. If the judge determines any issues not to be in the  
15 affirmative, he shall order the director to reinstate the  
16 privilege to operate a commercial motor vehicle.

17 6. Requests for review as herein provided shall go to the  
18 head of the docket of the court wherein filed.

19 478.001. 1. Drug courts may be established by any circuit  
20 court pursuant to sections 478.001 to 478.006 to provide an  
21 alternative for the judicial system to dispose of cases which  
22 stem from drug use. A drug court shall combine judicial  
23 supervision, drug testing and treatment of drug court  
24 participants. Except for good cause found by the court, a drug  
25 court making a referral for substance abuse treatment, when such  
26 program will receive state or federal funds in connection with  
27 such referral, shall refer the person only to a program which is  
28 certified by the department of mental health, unless no

1 appropriate certified treatment program is located within the  
2 same county as the drug court. Upon successful completion of the  
3 treatment program, the charges, petition or penalty against a  
4 drug court participant may be dismissed, reduced or modified.  
5 Any fees received by a court from a defendant as payment for  
6 substance treatment programs shall not be considered court costs,  
7 charges or fines.

8 2. Under sections 478.001 to 478.007, a DWI docket may be  
9 established by a circuit court, or any county with a charter form  
10 of government and with more than six hundred thousand but fewer  
11 than seven hundred thousand inhabitants with a county municipal  
12 court established under section 66.010, to provide an alternative  
13 for the judicial system to dispose of cases which stem from  
14 driving while intoxicated. A drug court commissioner may serve  
15 as a commissioner in a DWI court or any other treatment or  
16 problem-solving court as designated by the drug court  
17 coordinating commission. Drug court commissioners may serve in  
18 counties other than the county they are appointed upon agreement  
19 by the presiding judge of that county and assignment by the  
20 supreme court.

21 478.003. In any judicial circuit of this state, a majority  
22 of the judges of the circuit court may designate a judge to hear  
23 cases arising in the circuit subject to the provisions of  
24 sections 478.001 to [478.006] 478.007. In lieu thereof and  
25 subject to appropriations or other funds available for such  
26 purpose, a majority of the judges of the circuit court may  
27 appoint a person or persons to act as drug court commissioners.  
28 Each commissioner shall be appointed for a term of four years,

1 but may be removed at any time by a majority of the judges of the  
2 circuit court. The qualifications and compensation of the  
3 commissioner shall be the same as that of an associate circuit  
4 judge. If the compensation of a commissioner appointed pursuant  
5 to this section is provided from other than state funds, the  
6 source of such fund shall pay to and reimburse the state for the  
7 actual costs of the salary and benefits of the commissioner. The  
8 commissioner shall have all the powers and duties of a circuit  
9 judge, except that any order, judgment or decree of the  
10 commissioner shall be confirmed or rejected by an associate  
11 circuit or circuit judge by order of record entered within the  
12 time the judge could set aside such order, judgment or decree had  
13 the same been made by the judge. If so confirmed, the order,  
14 judgment or decree shall have the same effect as if made by the  
15 judge on the date of its confirmation.

16 478.007. 1. Any circuit court, or any county with a  
17 charter form of government and with more than six hundred  
18 thousand but fewer than seven hundred thousand inhabitants with a  
19 county municipal court established under section 66.010, may  
20 establish a docket or court to provide an alternative for the  
21 judicial system to dispose of cases in which a person has pleaded  
22 guilty to driving while intoxicated or driving with excessive  
23 blood alcohol content and:

24 (1) The person was operating a motor vehicle with at least  
25 fifteen-hundredths of one percent or more by weight of alcohol in  
26 such person's blood; or

27 (2) The person has previously pleaded guilty to or has been  
28 found guilty of one or more intoxication-related traffic offenses

1 as defined by section 577.023; or

2 (3) The person has two or more previous alcohol-related  
3 enforcement contacts as defined in section 302.525.

4 2. This docket or court shall combine judicial supervision,  
5 drug testing, continuous alcohol monitoring, substance abuse  
6 traffic offender program compliance, and treatment of DWI court  
7 participants. The court may assess any and all necessary costs  
8 for participation in DWI court against the participant. Any  
9 money received from such assessed costs by a court from a  
10 defendant shall not be considered court costs, charges, or fines.  
11 This docket or court may operate in conjunction with a drug court  
12 established pursuant to sections 478.001 to 478.006.

13 478.009. 1. In order to coordinate the allocation of  
14 resources available to drug courts and the dockets or courts  
15 established by section 478.007 throughout the state, there is  
16 hereby established a "Drug Courts Coordinating Commission" in the  
17 judicial department. The drug courts coordinating commission  
18 shall consist of one member selected by the director of the  
19 department of corrections; one member selected by the director of  
20 the department of social services; one member selected by the  
21 director of the department of mental health; one member selected  
22 by the director of the department of public safety; one member  
23 selected by the state courts administrator; and three members  
24 selected by the supreme court. The supreme court shall designate  
25 the chair of the commission. The commission shall periodically  
26 meet at the call of the chair; evaluate resources available for  
27 assessment and treatment of persons assigned to drug courts or  
28 for operation of drug courts; secure grants, funds and other

1 property and services necessary or desirable to facilitate drug  
2 court operation; and allocate such resources among the various  
3 drug courts operating within the state.

4 2. There is hereby established in the state treasury a  
5 "Drug Court Resources Fund", which shall be administered by the  
6 drug courts coordinating commission. Funds available for  
7 allocation or distribution by the drug courts coordinating  
8 commission may be deposited into the drug court resources fund.  
9 Notwithstanding the provisions of section 33.080, RSMo, to the  
10 contrary, moneys in the drug court resources fund shall not be  
11 transferred or placed to the credit of the general revenue fund  
12 of the state at the end of each biennium, but shall remain  
13 deposited to the credit of the drug court resources fund.

14 479.170. 1. If, in the progress of any trial before a  
15 municipal judge, it shall appear to the judge that the accused  
16 ought to be put upon trial for an offense against the criminal  
17 laws of the state and not cognizable before him as municipal  
18 judge, he shall immediately stop all further proceedings before  
19 him as municipal judge and cause the complaint to be made before  
20 some associate circuit judge within the county.

21 2. For purposes of this section, any offense involving the  
22 operation of a motor vehicle in an intoxicated condition as  
23 defined in section 577.001 shall not be cognizable in municipal  
24 court, if the defendant has been convicted, found guilty, or pled  
25 guilty to two or more previous intoxication-related traffic  
26 offenses as defined in section 577.023, or has had two or more  
27 previous alcohol-related enforcement contacts as defined in  
28 section 302.525.

1           542.266. 1. A search warrant is a written order of a court  
2 commanding the search of a person, place, or thing and the  
3 seizure, or photographing or copying, of property found thereon  
4 or therein.

5           2. A search warrant may be issued by an appellate judge or  
6 by any judge of a court having original jurisdiction of criminal  
7 offenses within the territorial jurisdiction where the person,  
8 place, or movable or immovable thing to be searched is located at  
9 the time of the making of the application.

10          3. A search warrant to further investigate an alleged  
11 intoxication-related traffic offense as defined in section  
12 577.023 may be issued by a judge who does not have original  
13 jurisdiction of criminal offenses within the territorial  
14 jurisdiction where the person, place, or movable or immovable  
15 thing to be searched is located at the time of making the  
16 application.

17           542.276. 1. Any peace officer or prosecuting attorney may  
18 make application under section 542.271 for the issuance of a  
19 search warrant.

20           2. The application shall:

21           (1) Be in writing;

22           (2) State the time and date of the making of the  
23 application;

24           (3) Identify the property, article, material, substance or  
25 person which is to be searched for and seized, in sufficient  
26 detail and particularity that the officer executing the warrant  
27 can readily ascertain it;

28           (4) Identify the person, place, or thing which is to be

1 searched, in sufficient detail and particularity that the officer  
2 executing the warrant can readily ascertain whom or what he or  
3 she is to search;

4 (5) State facts sufficient to show probable cause for the  
5 issuance of a search warrant;

6 (6) Be verified by the oath or affirmation of the  
7 applicant;

8 (7) Be filed in the proper court;

9 (8) Be signed by the prosecuting attorney of the county  
10 where the search is to take place, or his or her designated  
11 assistant.

12 3. The application may be supplemented by a written  
13 affidavit verified by oath or affirmation. Such affidavit shall  
14 be considered in determining whether there is probable cause for  
15 the issuance of a search warrant and in filling out any  
16 deficiencies in the description of the person, place, or thing to  
17 be searched or of the property, article, material, substance, or  
18 person to be seized. Oral testimony shall not be considered.  
19 The application may be submitted by facsimile or other electronic  
20 means.

21 4. The judge shall determine whether sufficient facts have  
22 been stated to justify the issuance of a search warrant. If it  
23 appears from the application and any supporting affidavit that  
24 there is probable cause to believe that property, article,  
25 material, substance, or person subject to seizure is on the  
26 person or at the place or in the thing described, a search  
27 warrant shall immediately be issued. The warrant shall be issued  
28 in the form of an original and two copies.



1           5. The application and any supporting affidavit and a copy  
2 of the warrant shall be retained in the records of the court from  
3 which the warrant was issued.

4           6. The search warrant shall:

5           (1) Be in writing and in the name of the state of Missouri;

6           (2) Be directed to any peace officer in the state;

7           (3) State the time and date the warrant is issued;

8           (4) Identify the property, article, material, substance or  
9 person which is to be searched for and seized, in sufficient  
10 detail and particularity that the officer executing the warrant  
11 can readily ascertain it;

12          (5) Identify the person, place, or thing which is to be  
13 searched, in sufficient detail and particularity that the officer  
14 executing the warrant can readily ascertain whom or what he or  
15 she is to search;

16          (6) Command that the described person, place, or thing be  
17 searched and that any of the described property, article,  
18 material, substance, or person found thereon or therein be seized  
19 or photographed or copied and within ten days after filing of the  
20 application, any photographs or copies of the items may be filed  
21 with the issuing court;

22          (7) Be signed by the judge, with his or her title of office  
23 indicated.

24           7. A search warrant issued under this section may be  
25 executed only by a peace officer. The warrant shall be executed  
26 by conducting the search and seizure commanded. The search  
27 warrant issued under this section may be issued by facsimile or  
28 other electronic means.

1           8. A search warrant shall be executed as soon as  
2 practicable and shall expire if it is not executed and the return  
3 made within ten days after the date of the making of the  
4 application. A search and any subsequent searches of the  
5 contents of any property, article, material, or substance seized  
6 and removed from the location of the execution of any search  
7 warrant during its execution may be conducted at any time during  
8 or after the execution of the warrant, subject to the continued  
9 existence of probable cause to search the property, article,  
10 material, or substance seized and removed. A search and any  
11 subsequent searches of the property, article, material, or  
12 substance seized and removed may be conducted after the time for  
13 delivering the warrant, return, and receipt to the issuing judge  
14 has expired. A supplemental return and receipt shall be  
15 delivered to the issuing judge upon final completion of any  
16 search which concludes after the expiration of time for  
17 delivering the original return and receipt.

18           9. After execution of the search warrant, the warrant with  
19 a return thereon, signed by the officer making the search, shall  
20 be delivered to the judge who issued the warrant. The return  
21 shall show the date and manner of execution, what was seized, and  
22 the name of the possessor and of the owner, when he or she is not  
23 the same person, if known. The return shall be accompanied by a  
24 copy of the itemized receipt required by subsection 6 of section  
25 542.291. The judge or clerk shall, upon request, deliver a copy  
26 of such receipt to the person from whose possession the property  
27 was taken and to the applicant for the warrant.

28           10. A search warrant shall be deemed invalid:

- 1           (1) If it was not issued by a judge; or  
2           (2) If it was issued without a written application having  
3 been filed and verified; or  
4           (3) If it was issued without probable cause; or  
5           (4) If it was not issued in the proper county; or  
6           (5) If it does not describe the person, place, or thing to  
7 be searched or the property, article, material, substance, or  
8 person to be seized with sufficient certainty; or  
9           (6) If it is not signed by the judge who issued it; or  
10          (7) If it was not executed within the time prescribed by  
11 subsection 8 of this section.

12          11. The application or execution of a search warrant shall  
13 not be deemed invalid for the sole reason that the application or  
14 execution of the warrant relies upon electronic signatures of the  
15 peace officer or prosecutor seeking the warrant or judge issuing  
16 the warrant.

17          577.005. 1. Each law enforcement agency shall adopt a  
18 policy requiring arrest information for all intoxication-related  
19 traffic offenses be forwarded to the central repository as  
20 required by section 43.503 and shall certify adoption of such  
21 policy when applying for any grants administered by the  
22 department of public safety.

23          2. Each county prosecuting attorney and municipal  
24 prosecutor shall adopt a policy requiring charge information for  
25 all intoxication-related traffic offenses be forwarded to the  
26 central repository as required by section 43.503 and shall  
27 certify adoption of such policy when applying for any grants  
28 administered by the department of public safety.

1       3. Effective January 1, 2011, the highway patrol shall,  
2 based on the data submitted, maintain regular accountability  
3 reports of intoxication-related traffic offense arrests, charges,  
4 and dispositions.

5       577.006. 1. Each municipal judge shall receive adequate  
6 instruction on the laws related to intoxication-related traffic  
7 offenses as defined in section 577.023 including jurisdictional  
8 issues related to such offenses, reporting requirements to the  
9 highway patrol central repository as set out in section 43.503  
10 and required assessment for offenders under the substance abuse  
11 traffic offender program (SATOP). Each municipal judge shall  
12 adopt a written policy requiring that municipal court personnel  
13 timely report all dispositions of all charges for intoxication-  
14 related traffic offenses to the central repository.

15       2. Each municipal court shall provide a copy of its written  
16 policy for reporting dispositions of intoxication-related traffic  
17 offenses to the office of state courts administrator and the  
18 highway patrol. To assist municipal courts, the office of state  
19 courts administrator may create a model policy for the reporting  
20 of dispositions of all charges for intoxication-related traffic  
21 offenses.

22       3. Each municipal division of every circuit court in the  
23 state of Missouri shall prepare a report every six months. The  
24 report shall include, but shall not be limited to, the total  
25 number and disposition of every intoxication-related traffic  
26 offense adjudicated, dismissed or pending in its municipal court  
27 division. The municipal court division shall submit said report  
28 to the circuit court en banc. The report shall include the six

1 month period beginning January first and ending June thirtieth  
2 and the six month period beginning July first and ending December  
3 thirty-first of each year. The report shall be submitted to the  
4 circuit court en banc no later than sixty days following the end  
5 of the reporting period. The circuit court en banc shall make  
6 recommendations or take any action it deems appropriate based on  
7 its review of said reports.

8 577.010. 1. A person commits the crime of "driving while  
9 intoxicated" if he operates a motor vehicle while in an  
10 intoxicated or drugged condition.

11 2. Driving while intoxicated is for the first offense, a  
12 class B misdemeanor. No person convicted of or pleading guilty  
13 to the offense of driving while intoxicated shall be granted a  
14 suspended imposition of sentence for such offense, unless such  
15 person shall be placed on probation for a minimum of two years.  
16 However, no person who operated a motor vehicle with fifteen-  
17 hundredths of one percent or more by weight of alcohol in such  
18 person's blood shall be granted such suspended imposition of  
19 sentence. For such first offense, if the individual operated the  
20 motor vehicle with fifteen-hundredths to twenty-hundredths of one  
21 percent by weight of alcohol in such person's blood, the required  
22 term of imprisonment shall be not less than forty-eight hours  
23 unless the individual participates and successfully completes a  
24 program under a DWI court or docket created under section  
25 478.007. For such first offense, if the individual operated the  
26 motor vehicle with greater than twenty-hundredths of one percent  
27 by weight of alcohol in such person's blood, the required term of  
28 imprisonment shall be not less than five days unless the

1 individual participates and successfully completes a program  
2 under a DWI court or docket created under section 478.007.

3 577.012. 1. A person commits the crime of "driving with  
4 excessive blood alcohol content" if such person operates a motor  
5 vehicle in this state with eight-hundredths of one percent or  
6 more by weight of alcohol in such person's blood.

7 2. As used in this section, percent by weight of alcohol in  
8 the blood shall be based upon grams of alcohol per one hundred  
9 milliliters of blood or two hundred ten liters of breath and may  
10 be shown by chemical analysis of the person's blood, breath,  
11 saliva or urine. For the purposes of determining the alcoholic  
12 content of a person's blood under this section, the test shall be  
13 conducted in accordance with the provisions of sections 577.020  
14 to 577.041.

15 3. For the first offense, driving with excessive blood  
16 alcohol content is a class B misdemeanor. No person who operated  
17 a motor vehicle with fifteen-hundredths of one percent or more by  
18 weight of alcohol in such person's blood shall be granted  
19 suspended imposition of sentence. For such first offense, if the  
20 individual operated the motor vehicle with fifteen-hundredths to  
21 twenty-hundredths of one percent by weight of alcohol in such  
22 person's blood, the required term of imprisonment shall be not  
23 less than forty-eight hours unless the individual participates  
24 and successfully completes a program under a DWI court or docket  
25 created under section 478.007. For such first offense, if the  
26 individual operated the motor vehicle with greater than twenty-  
27 hundredths of one percent by weight of alcohol in such person's  
28 blood, the required term of imprisonment shall be not less than

1 five days unless the individual participates and successfully  
2 completes a program under a DWI court or docket created under  
3 section 478.007.

4 577.023. 1. For purposes of this section, unless the  
5 context clearly indicates otherwise:

6 (1) An "aggravated offender" is a person who:

7 (a) Has pleaded guilty to or has been found guilty of three  
8 or more intoxication-related traffic offenses; or

9 (b) Has pleaded guilty to or has been found guilty of one  
10 or more intoxication-related traffic offense and, in addition,  
11 any of the following: involuntary manslaughter under subdivision  
12 (2) or (3) of subsection 1 of section 565.024, RSMo; murder in  
13 the second degree under section 565.021, RSMo, where the  
14 underlying felony is an intoxication-related traffic offense; or  
15 assault in the second degree under subdivision (4) of subsection  
16 1 of section 565.060, RSMo; or assault of a law enforcement  
17 officer in the second degree under subdivision (4) of subsection  
18 1 of section 565.082, RSMo;

19 (2) A "chronic offender" is:

20 (a) A person who has pleaded guilty to or has been found  
21 guilty of four or more intoxication-related traffic offenses; or

22 (b) A person who has pleaded guilty to or has been found  
23 guilty of, on two or more separate occasions, any combination of  
24 the following: involuntary manslaughter under subdivision (2) or  
25 (3) of subsection 1 of section 565.024, RSMo; murder in the  
26 second degree under section 565.021, RSMo, where the underlying  
27 felony is an intoxication-related traffic offense; assault in the  
28 second degree under subdivision (4) of subsection 1 of section

1 565.060, RSMo; or assault of a law enforcement officer in the  
2 second degree under subdivision (4) of subsection 1 of section  
3 565.082, RSMo; or

4 (c) A person who has pleaded guilty to or has been found  
5 guilty of two or more intoxication-related traffic offenses and,  
6 in addition, any of the following: involuntary manslaughter  
7 under subdivision (2) or (3) of subsection 1 of section 565.024,  
8 RSMo; murder in the second degree under section 565.021, RSMo,  
9 where the underlying felony is an intoxication-related traffic  
10 offense; assault in the second degree under subdivision (4) of  
11 subsection 1 of section 565.060, RSMo; or assault of a law  
12 enforcement officer in the second degree under subdivision (4) of  
13 subsection 1 of section 565.082, RSMo;

14 (3) "Continuous alcohol monitoring", automatically testing  
15 breath, blood, or transdermal alcohol concentration levels and  
16 tampering attempts at least once every hour, regardless of the  
17 location of the person who is being monitored, and regularly  
18 transmitting the data. Continuous alcohol monitoring shall be  
19 considered an electronic monitoring service under subsection 3 of  
20 section 217.690, RSMo;

21 (4) An "intoxication-related traffic offense" is driving  
22 while intoxicated, driving with excessive blood alcohol content,  
23 involuntary manslaughter pursuant to subdivision (2) or (3) of  
24 subsection 1 of section 565.024, RSMo, murder in the second  
25 degree under section 565.021, RSMo, where the underlying felony  
26 is an intoxication-related traffic offense, assault in the second  
27 degree pursuant to subdivision (4) of subsection 1 of section  
28 565.060, RSMo, assault of a law enforcement officer in the second



1 degree pursuant to subdivision (4) of subsection 1 of section  
2 565.082, RSMo, or driving under the influence of alcohol or drugs  
3 in violation of state law or a county or municipal ordinance;

4 (5) A "persistent offender" is one of the following:

5 (a) A person who has pleaded guilty to or has been found  
6 guilty of two or more intoxication-related traffic offenses;

7 (b) A person who has pleaded guilty to or has been found  
8 guilty of involuntary manslaughter pursuant to subdivision (2) or  
9 (3) of subsection 1 of section 565.024, RSMo, assault in the  
10 second degree pursuant to subdivision (4) of subsection 1 of  
11 section 565.060, RSMo, assault of a law enforcement officer in  
12 the second degree pursuant to subdivision (4) of subsection 1 of  
13 section 565.082, RSMo; and

14 (6) A "prior offender" is a person who has pleaded guilty  
15 to or has been found guilty of one intoxication-related traffic  
16 offense, where such prior offense occurred within five years of  
17 the occurrence of the intoxication-related traffic offense for  
18 which the person is charged.

19 2. Any person who pleads guilty to or is found guilty of a  
20 violation of section 577.010 or 577.012 who is alleged and proved  
21 to be a prior offender shall be guilty of a class A misdemeanor.

22 3. Any person who pleads guilty to or is found guilty of a  
23 violation of section 577.010 or 577.012 who is alleged and proved  
24 to be a persistent offender shall be guilty of a class D felony.

25 4. Any person who pleads guilty to or is found guilty of a  
26 violation of section 577.010 or section 577.012 who is alleged  
27 and proved to be an aggravated offender shall be guilty of a  
28 class C felony.

1           5. Any person who pleads guilty to or is found guilty of a  
2 violation of section 577.010 or section 577.012 who is alleged  
3 and proved to be a chronic offender shall be guilty of a class B  
4 felony.

5           6. No state, county, or municipal court shall suspend the  
6 imposition of sentence as to a prior offender, persistent  
7 offender, aggravated offender, or chronic offender under this  
8 section nor sentence such person to pay a fine in lieu of a term  
9 of imprisonment, section 557.011, RSMo, to the contrary  
10 notwithstanding. No prior offender shall be eligible for parole  
11 or probation until he or she has served a minimum of ~~[five]~~ ten  
12 days imprisonment, unless as a condition of such parole or  
13 probation such person performs at least thirty days of community  
14 service under the supervision of the court in those jurisdictions  
15 which have a recognized program for community service or the  
16 offender participates in and successfully completes a program  
17 established pursuant to section 478.007. No persistent offender  
18 shall be eligible for parole or probation until he or she has  
19 served a minimum of ~~[ten]~~ thirty days imprisonment, unless as a  
20 condition of such parole or probation such person performs at  
21 least sixty days of community service under the supervision of  
22 the court or the offender participates in and successfully  
23 completes a program established pursuant to section 478.007. No  
24 aggravated offender shall be eligible for parole or probation  
25 until he or she has served a minimum of sixty days imprisonment.  
26 No chronic offender shall be eligible for parole or probation  
27 until he or she has served a minimum of two years imprisonment.  
28 In addition to any other terms or conditions of probation, the

1 court shall consider, as a condition of probation for any person  
2 who pleads guilty to or is found guilty of an  
3 intoxication-related traffic offense, requiring the offender to  
4 abstain from consuming or using alcohol or any products  
5 containing alcohol as demonstrated by continuous alcohol  
6 monitoring or by verifiable breath alcohol testing performed a  
7 minimum of four times per day as scheduled by the court for such  
8 duration as determined by the court, but not less than ninety  
9 days. The court may, in addition to imposing any other fine,  
10 costs, or assessments provided by law, require the offender to  
11 bear any costs associated with continuous alcohol monitoring or  
12 verifiable breath alcohol testing.

13 7. The state, county, or municipal court shall find the  
14 defendant to be a prior offender, persistent offender, aggravated  
15 offender, or chronic offender if:

16 (1) The indictment or information, original or amended, or  
17 the information in lieu of an indictment pleads all essential  
18 facts warranting a finding that the defendant is a prior offender  
19 or persistent offender; and

20 (2) Evidence is introduced that establishes sufficient  
21 facts pleaded to warrant a finding beyond a reasonable doubt the  
22 defendant is a prior offender, persistent offender, aggravated  
23 offender, or chronic offender; and

24 (3) The court makes findings of fact that warrant a finding  
25 beyond a reasonable doubt by the court that the defendant is a  
26 prior offender, persistent offender, aggravated offender, or  
27 chronic offender.

28 8. In a jury trial, the facts shall be pleaded, established

1 and found prior to submission to the jury outside of its hearing.

2 9. In a trial without a jury or upon a plea of guilty, the  
3 court may defer the proof in findings of such facts to a later  
4 time, but prior to sentencing.

5 10. The defendant shall be accorded full rights of  
6 confrontation and cross-examination, with the opportunity to  
7 present evidence, at such hearings.

8 11. The defendant may waive proof of the facts alleged.

9 12. Nothing in this section shall prevent the use of  
10 presentence investigations or commitments.

11 13. At the sentencing hearing both the state, county, or  
12 municipality and the defendant shall be permitted to present  
13 additional information bearing on the issue of sentence.

14 14. The pleas or findings of guilt shall be prior to the  
15 date of commission of the present offense.

16 15. The court shall not instruct the jury as to the range  
17 of punishment or allow the jury, upon a finding of guilt, to  
18 assess and declare the punishment as part of its verdict in cases  
19 of prior offenders, persistent offenders, aggravated offenders,  
20 or chronic offenders.

21 16. Evidence of a prior conviction, plea of guilty, or  
22 finding of guilt in an intoxication-related traffic offense shall  
23 be heard and determined by the trial court out of the hearing of  
24 the jury prior to the submission of the case to the jury, and  
25 shall include but not be limited to evidence [of convictions]  
26 received by a search of the records of the Missouri uniform law  
27 enforcement system, including criminal history records from the  
28 central repository or records from the driving while intoxicated

1 tracking system (DWITS) maintained by the Missouri state highway  
2 patrol, or the certified driving record maintained by the  
3 Missouri department of revenue. After hearing the evidence, the  
4 court shall enter its findings thereon. A plea of guilty or a  
5 finding of guilt followed by incarceration, a fine, a suspended  
6 imposition of sentence, suspended execution of sentence,  
7 probation or parole or any combination thereof in any  
8 intoxication-related traffic offense in a state, county or  
9 municipal court or any combination thereof, shall be treated as a  
10 prior plea of guilty or finding of guilt for purposes of this  
11 section.

12 577.039. An arrest without a warrant by a law enforcement  
13 officer, including a uniformed member of the state highway  
14 patrol, for a violation of section 577.010 or 577.012 is lawful  
15 whenever the arresting officer has reasonable grounds to believe  
16 that the person to be arrested has violated the section, whether  
17 or not the violation occurred in the presence of the arresting  
18 officer [and when such arrest without warrant is made within one  
19 and one-half hours after such claimed violation occurred, unless  
20 the person to be arrested has left the scene of an accident or  
21 has been removed from the scene to receive medical treatment, in  
22 which case such arrest without warrant may be made more than one  
23 and one-half hours after such violation occurred].

24 577.041. 1. If a person under arrest, or who has been  
25 stopped pursuant to subdivision (2) or (3) of subsection 1 of  
26 section 577.020, refuses upon the request of the officer to  
27 submit to any test allowed pursuant to section 577.020, then  
28 [none shall be given and] evidence of the refusal shall be

1     admissible in a proceeding pursuant to section 565.024, 565.060,  
2     or 565.082, RSMo, or section 577.010 or 577.012. The request of  
3     the officer shall include the reasons of the officer for  
4     requesting the person to submit to a test and also shall inform  
5     the person that evidence of refusal to take the test may be used  
6     against such person and that the person's license shall be  
7     immediately revoked upon refusal to take the test. If a person  
8     when requested to submit to any test allowed pursuant to section  
9     577.020 requests to speak to an attorney, the person shall be  
10    granted twenty minutes in which to attempt to contact an  
11    attorney. If upon the completion of the twenty-minute period the  
12    person continues to refuse to submit to any test, it shall be  
13    deemed a refusal. In this event, the officer shall, on behalf of  
14    the director of revenue, serve the notice of license revocation  
15    personally upon the person and shall take possession of any  
16    license to operate a motor vehicle issued by this state which is  
17    held by that person. The officer shall issue a temporary permit,  
18    on behalf of the director of revenue, which is valid for fifteen  
19    days and shall also give the person a notice of such person's  
20    right to file a petition for review to contest the license  
21    revocation.

22         2. The officer shall make a certified report under  
23    penalties of perjury for making a false statement to a public  
24    official. The report shall be forwarded to the director of  
25    revenue and shall include the following:

26         (1) That the officer has:

27         (a) Reasonable grounds to believe that the arrested person  
28    was driving a motor vehicle while in an intoxicated or drugged

1 condition; or

2 (b) Reasonable grounds to believe that the person stopped,  
3 being under the age of twenty-one years, was driving a motor  
4 vehicle with a blood alcohol content of two-hundredths of one  
5 percent or more by weight; or

6 (c) Reasonable grounds to believe that the person stopped,  
7 being under the age of twenty-one years, was committing a  
8 violation of the traffic laws of the state, or political  
9 subdivision of the state, and such officer has reasonable grounds  
10 to believe, after making such stop, that the person had a blood  
11 alcohol content of two-hundredths of one percent or greater;

12 (2) That the person refused to submit to a chemical test;

13 (3) Whether the officer secured the license to operate a  
14 motor vehicle of the person;

15 (4) Whether the officer issued a fifteen-day temporary  
16 permit;

17 (5) Copies of the notice of revocation, the fifteen-day  
18 temporary permit and the notice of the right to file a petition  
19 for review, which notices and permit may be combined in one  
20 document; and

21 (6) Any license to operate a motor vehicle which the  
22 officer has taken into possession.

23 3. Upon receipt of the officer's report, the director shall  
24 revoke the license of the person refusing to take the test for a  
25 period of one year; or if the person is a nonresident, such  
26 person's operating permit or privilege shall be revoked for one  
27 year; or if the person is a resident without a license or permit  
28 to operate a motor vehicle in this state, an order shall be

1 issued denying the person the issuance of a license or permit for  
2 a period of one year.

3 4. If a person's license has been revoked because of the  
4 person's refusal to submit to a chemical test, such person may  
5 petition for a hearing before a circuit division or associate  
6 **[circuit]** division of the court in the county in which the arrest  
7 or stop occurred. The person may request such court to issue an  
8 order staying the revocation until such time as the petition for  
9 review can be heard. If the court, in its discretion, grants  
10 such stay, it shall enter the order upon a form prescribed by the  
11 director of revenue and shall send a copy of such order to the  
12 director. Such order shall serve as proof of the privilege to  
13 operate a motor vehicle in this state and the director shall  
14 maintain possession of the person's license to operate a motor  
15 vehicle until termination of any revocation pursuant to this  
16 section. Upon the person's request the clerk of the court shall  
17 notify the prosecuting attorney of the county and the prosecutor  
18 shall appear at the hearing on behalf of the director of revenue.  
19 At the hearing the court shall determine only:

20 (1) Whether or not the person was arrested or stopped;

21 (2) Whether or not the officer had:

22 (a) Reasonable grounds to believe that the person was  
23 driving a motor vehicle while in an intoxicated or drugged  
24 condition; or

25 (b) Reasonable grounds to believe that the person stopped,  
26 being under the age of twenty-one years, was driving a motor  
27 vehicle with a blood alcohol content of two-hundredths of one  
28 percent or more by weight; or



1           (c) Reasonable grounds to believe that the person stopped,  
2 being under the age of twenty-one years, was committing a  
3 violation of the traffic laws of the state, or political  
4 subdivision of the state, and such officer had reasonable grounds  
5 to believe, after making such stop, that the person had a blood  
6 alcohol content of two-hundredths of one percent or greater; and

7           (3) Whether or not the person refused to submit to the  
8 test.

9           5. If the court determines any issue not to be in the  
10 affirmative, the court shall order the director to reinstate the  
11 license or permit to drive.

12           6. Requests for review as provided in this section shall go  
13 to the head of the docket of the court wherein filed.

14           7. No person who has had a license to operate a motor  
15 vehicle suspended or revoked pursuant to the provisions of this  
16 section shall have that license reinstated until such person has  
17 participated in and successfully completed a substance abuse  
18 traffic offender program defined in section 577.001, or a program  
19 determined to be comparable by the department of mental health or  
20 the court. Assignment recommendations, based upon the needs  
21 assessment as described in subdivision [(22)] (23) of section  
22 302.010, RSMo, shall be delivered in writing to the person with  
23 written notice that the person is entitled to have such  
24 assignment recommendations reviewed by the court if the person  
25 objects to the recommendations. The person may file a motion in  
26 the associate division of the circuit court of the county in  
27 which such assignment was given, on a printed form provided by  
28 the state courts administrator, to have the court hear and

determine such motion pursuant to the provisions of chapter 517, RSMo. The motion shall name the person or entity making the needs assessment as the respondent and a copy of the motion shall be served upon the respondent in any manner allowed by law. Upon hearing the motion, the court may modify or waive any assignment recommendation that the court determines to be unwarranted based upon a review of the needs assessment, the person's driving record, the circumstances surrounding the offense, and the likelihood of the person committing a like offense in the future, except that the court may modify but may not waive the assignment to an education or rehabilitation program of a person determined to be a prior or persistent offender as defined in section 577.023, or of a person determined to have operated a motor vehicle with fifteen-hundredths of one percent or more by weight in such person's blood. Compliance with the court determination of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at any hearing conducted pursuant to this subsection shall not be necessary unless directed by the court.

8. The fees for the substance abuse traffic offender program, or a portion thereof to be determined by the division of alcohol and drug abuse of the department of mental health, shall be paid by the person enrolled in the program. Any person who is enrolled in the program shall pay, in addition to any fee charged for the program, a supplemental fee to be determined by the department of mental health for the purposes of funding the substance abuse traffic offender program defined in section

1 302.010, RSMo, and section 577.001. The administrator of the  
2 program shall remit to the division of alcohol and drug abuse of  
3 the department of mental health on or before the fifteenth day of  
4 each month the supplemental fee for all persons enrolled in the  
5 program, less two percent for administrative costs. Interest  
6 shall be charged on any unpaid balance of the supplemental fees  
7 due the division of alcohol and drug abuse pursuant to this  
8 section and shall accrue at a rate not to exceed the annual rates  
9 established pursuant to the provisions of section 32.065, RSMo,  
10 plus three percentage points. The supplemental fees and any  
11 interest received by the department of mental health pursuant to  
12 this section shall be deposited in the mental health earnings  
13 fund which is created in section 630.053, RSMo.

14 9. Any administrator who fails to remit to the division of  
15 alcohol and drug abuse of the department of mental health the  
16 supplemental fees and interest for all persons enrolled in the  
17 program pursuant to this section shall be subject to a penalty  
18 equal to the amount of interest accrued on the supplemental fees  
19 due the division pursuant to this section. If the supplemental  
20 fees, interest, and penalties are not remitted to the division of  
21 alcohol and drug abuse of the department of mental health within  
22 six months of the due date, the attorney general of the state of  
23 Missouri shall initiate appropriate action of the collection of  
24 said fees and interest accrued. The court shall assess attorney  
25 fees and court costs against any delinquent program.

26 10. Any person who has had a license to operate a motor  
27 vehicle revoked more than once for violation of the provisions of  
28 this section shall be required to file proof with the director of

1 revenue that any motor vehicle operated by the person is equipped  
2 with a functioning, certified ignition interlock device as a  
3 required condition of license reinstatement. Such ignition  
4 interlock device shall further be required to be maintained on  
5 all motor vehicles operated by the person for a period of not  
6 less than six months immediately following the date of  
7 reinstatement. If the person fails to maintain such proof with  
8 the director as required by this section, the license shall be  
9 rerevoked and the person shall be guilty of a class A  
10 misdemeanor.

11 11. The revocation period of any person whose license and  
12 driving privilege has been revoked under this section and who has  
13 filed proof of financial responsibility with the department of  
14 revenue in accordance with chapter 303, RSMo, and is otherwise  
15 eligible, shall be terminated by a notice from the director of  
16 revenue after one year from the effective date of the revocation.  
17 Unless proof of financial responsibility is filed with the  
18 department of revenue, the revocation shall remain in effect for  
19 a period of two years from its effective date. If the person  
20 fails to maintain proof of financial responsibility in accordance  
21 with chapter 303, RSMo, the person's license and driving  
22 privilege shall be rerevoked and the person shall be guilty of a  
23 class A misdemeanor.

24 577.054. 1. After a period of not less than ten years, an  
25 individual who has pleaded guilty or has been convicted for a  
26 first alcohol-related driving offense which is a misdemeanor or a  
27 county or city ordinance violation and which is not a conviction  
28 for driving a commercial motor vehicle while under the influence

1 of alcohol and who since such date has not been convicted of any  
2 other alcohol-related driving offense may apply to the court in  
3 which he or she pled guilty or was sentenced for an order to  
4 expunge from all official records all recordations of his or her  
5 arrest, plea, trial or conviction. If the court determines,  
6 after hearing, that such person has not been convicted of any  
7 subsequent alcohol-related driving offense [in the ten years  
8 prior to the date of the application for expungement, and], has  
9 no other subsequent alcohol-related enforcement contacts as  
10 defined in section 302.525, RSMo, [during that ten-year period,]  
11 and has no other alcohol-related driving charges or alcohol-  
12 related enforcement actions pending at the time of the hearing on  
13 the application, the court shall enter an order of expungement.  
14 Upon granting of the order of expungement, the records and files  
15 maintained in any administrative or court proceeding in an  
16 associate or circuit division of the circuit court under this  
17 section shall be confidential and only available to the parties  
18 or by order of the court for good cause shown. The effect of  
19 such order shall be to restore such person to the status he or  
20 she occupied prior to such arrest, plea or conviction and as if  
21 such event had never taken place. No person as to whom such  
22 order has been entered shall be held thereafter under any  
23 provision of any law to be guilty of perjury or otherwise giving  
24 a false statement by reason of his or her failure to recite or  
25 acknowledge such arrest, plea, trial, conviction or expungement  
26 in response to any inquiry made of him or her for any purpose  
27 whatsoever and no such inquiry shall be made for information  
28 relating to an expungement under this section. A person shall

1     only be entitled to one expungement pursuant to this section.

2     Nothing contained in this section shall prevent the director from  
3     maintaining such records as to ensure that an individual receives  
4     only one expungement pursuant to this section for the purpose of  
5     informing the proper authorities of the contents of any record  
6     maintained pursuant to this section.

7             2.   The provisions of this section shall not apply to any  
8     individual who has been issued a commercial driver's license or  
9     is required to possess a commercial driver's license issued by  
10    this state or any other state.