

SECOND REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NOS. 1695, 1742 & 1674**  
**95TH GENERAL ASSEMBLY**

4453S.14T

2010

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**AN ACT**

To repeal sections 302.309, 302.750, 478.001, 478.003, 478.009, 479.170, 542.276, 577.010, 577.012, 577.023, 577.039, 577.041, and 577.054, RSMo, and to enact in lieu thereof sixteen 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:*

Section A. Sections 302.309, 302.750, 478.001, 478.003, 478.009, 479.170, 542.276, 577.010, 577.012, 577.023, 577.039, 577.041, and 577.054, RSMo, are repealed and sixteen new sections enacted in lieu thereof, to be known as sections 302.309, 302.750, 478.001, 478.003, 478.007, 478.009, 479.170, 542.276, 577.005, 577.006, 577.010, 577.012, 577.023, 577.039, 577.041, and 577.054, to read as follows:

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

2. Any operator whose license is revoked pursuant to these sections, upon the termination of the period of revocation, shall apply for a new license in the manner prescribed by law.

3. (1) All circuit courts [or] , the director of revenue, **or a commissioner operating under section 478.007** shall have jurisdiction to hear applications and make eligibility determinations granting limited driving privileges. Any application may be made in writing to

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.

10 the director of revenue and the person's reasons for requesting the limited driving privilege shall  
11 be made therein.

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

- 14 (a) A business, occupation, or employment;
  - 15 (b) Seeking medical treatment for such operator;
  - 16 (c) Attending school or other institution of higher education;
  - 17 (d) Attending alcohol or drug treatment programs;
  - 18 (e) Seeking the required services of a certified ignition interlock device provider; or
  - 19 (f) Any other circumstance the court or director finds would create an undue hardship
- 20 on the operator; the court or director may grant such limited driving privilege as the  
21 circumstances of the case justify if the court or director finds undue hardship would result to the  
22 individual, and while so operating a motor vehicle within the restrictions and limitations of the  
23 limited driving privilege the driver shall not be guilty of operating a motor vehicle without a  
24 valid license.

25 (3) An operator may make application to the proper court in the county in which such  
26 operator resides or in the county in which is located the operator's principal place of business or  
27 employment. Any application for a limited driving privilege made to a circuit court shall name  
28 the director as a party defendant and shall be served upon the director prior to the grant of any  
29 limited privilege, and shall be accompanied by a copy of the applicant's driving record as  
30 certified by the director. Any applicant for a limited driving privilege shall have on file with the  
31 department of revenue proof of financial responsibility as required by chapter 303, RSMo. Any  
32 application by a person who transports persons or property as classified in section 302.015 may  
33 be accompanied by proof of financial responsibility as required by chapter 303, RSMo, but if  
34 proof of financial responsibility does not accompany the application, or if the applicant does not  
35 have on file with the department of revenue proof of financial responsibility, the court or the  
36 director has discretion to grant the limited driving privilege to the person solely for the purpose  
37 of operating a vehicle whose owner has complied with chapter 303, RSMo, for that vehicle, and  
38 the limited driving privilege must state such restriction. When operating such vehicle under such  
39 restriction the person shall carry proof that the owner has complied with chapter 303, RSMo, for  
40 that vehicle.

41 (4) No limited driving privilege shall be issued to any person otherwise eligible under  
42 the provisions of paragraph (a) of subdivision (6) of this subsection on a license revocation  
43 resulting from a conviction under subdivision (9) of subsection 1 of section 302.302, or a license  
44 denial under paragraph (a) or (b) of subdivision (8) of this subsection, until the applicant has  
45 filed proof with the department of revenue that any motor vehicle operated by the person is

46 equipped with a functioning, certified ignition interlock device as a required condition of limited  
47 driving privilege.

48 (5) The court order or the director's grant of the limited or restricted driving privilege  
49 shall indicate the termination date of the privilege, which shall be not later than the end of the  
50 period of suspension or revocation. A copy of any court order shall be sent by the clerk of the  
51 court to the director, and a copy shall be given to the driver which shall be carried by the driver  
52 whenever such driver operates a motor vehicle. The director of revenue upon granting a limited  
53 driving privilege shall give a copy of the limited driving privilege to the applicant. The applicant  
54 shall carry a copy of the limited driving privilege while operating a motor vehicle. A conviction  
55 which results in the assessment of points pursuant to section 302.302, other than a violation of  
56 a municipal stop sign ordinance where no accident is involved, against a driver who is operating  
57 a vehicle pursuant to a limited driving privilege terminates the privilege, as of the date the points  
58 are assessed to the person's driving record. If the date of arrest is prior to the issuance of the  
59 limited driving privilege, the privilege shall not be terminated. Failure of the driver to maintain  
60 proof of financial responsibility, as required by chapter 303, or to maintain proof of installation  
61 of a functioning, certified ignition interlock device, as applicable, shall terminate the privilege.  
62 The director shall notify by ordinary mail the driver whose privilege is so terminated.

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

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

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

73 (c) Ineligibility for a license because of the provisions of subdivision (1), (2), (4), (5),  
74 (6), (7), (8), (9), (10) or (11) of section 302.060;

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

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

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

83 (g) Due to a suspension pursuant to subsection 2 of section 302.525 and who has not  
84 completed the first thirty days of such suspension, provided the person is not otherwise ineligible  
85 for a limited driving privilege; or due to a revocation pursuant to subsection 2 of section 302.525  
86 if such person has not completed such revocation.

87 (7) No person who possesses a commercial driver's license shall receive a limited driving  
88 privilege issued for the purpose of operating a commercial motor vehicle if such person's driving  
89 privilege is suspended, revoked, canceled, denied, or disqualified. Nothing in this section shall  
90 prohibit the issuance of a limited driving privilege for the purpose of operating a noncommercial  
91 motor vehicle provided that pursuant to the provisions of this section, the applicant is not  
92 otherwise ineligible for a limited driving privilege.

93 (8) (a) Provided that pursuant to the provisions of this section, the applicant is not  
94 otherwise ineligible for a limited driving privilege, a circuit court or the director may, in the  
95 manner prescribed in this subsection, allow a person who has had such person's license to operate  
96 a motor vehicle revoked where that person cannot obtain a new license for a period of ten years,  
97 as prescribed in subdivision (9) of section 302.060, to apply for a limited driving privilege  
98 pursuant to this subsection if such person has served at least three years of such disqualification  
99 or revocation. Such person shall present evidence satisfactory to the court or the director that  
100 such person has not been convicted of any offense related to alcohol, controlled substances or  
101 drugs during the preceding three years and that the person's habits and conduct show that the  
102 person no longer poses a threat to the public safety of this state.

103 (b) Provided that pursuant to the provisions of this section, the applicant is not otherwise  
104 ineligible for a limited driving privilege or convicted of involuntary manslaughter while  
105 operating a motor vehicle in an intoxicated condition, a circuit court or the director may, in the  
106 manner prescribed in this subsection, allow a person who has had such person's license to operate  
107 a motor vehicle revoked where that person cannot obtain a new license for a period of five years  
108 because of two convictions of driving while intoxicated, as prescribed in subdivision (10) of  
109 section 302.060, to apply for a limited driving privilege pursuant to this subsection if such person  
110 has served at least two years of such disqualification or revocation. Such person shall present  
111 evidence satisfactory to the court or the director that such person has not been convicted of any  
112 offense related to alcohol, controlled substances or drugs during the preceding two years and that  
113 the person's habits and conduct show that the person no longer poses a threat to the public safety  
114 of this state. Any person who is denied a license permanently in this state because of an  
115 alcohol-related conviction subsequent to a restoration of such person's driving privileges  
116 pursuant to subdivision (9) of section 302.060 shall not be eligible for limited driving privilege  
117 pursuant to the provisions of this subdivision.

118 (9) **A DWI docket or court established under section 478.007 may grant a limited**  
119 **driving privilege to a participant in or graduate of the program who would otherwise be**

**ineligible for such privilege under another provision of law. The DWI docket or court shall not grant a limited driving privilege to a participant during his or her initial forty-five days of participation.**

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

5. The director of revenue shall promulgate rules and regulations necessary to carry out the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void.

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

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

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

18           4. If a person has been disqualified from operating a commercial motor vehicle because  
19 of his refusal to submit to a chemical test, he may request a hearing before a court of record in  
20 the county in which the request was made. Upon his request, the clerk of the court shall notify  
21 the prosecuting attorney of the county and the prosecutor shall appear at the hearing on behalf  
22 of the officer. At the hearing the judge shall determine only:

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

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

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

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

          478.001. **1.** Drug courts may be established by any circuit court pursuant to sections  
2 478.001 to 478.006 to provide an alternative for the judicial system to dispose of cases which  
3 stem from drug use. A drug court shall combine judicial supervision, drug testing and treatment  
4 of drug court participants. Except for good cause found by the court, a drug court making a  
5 referral for substance abuse treatment, when such program will receive state or federal funds in  
6 connection with such referral, shall refer the person only to a program which is certified by the  
7 department of mental health, unless no appropriate certified treatment program is located within  
8 the same county as the drug court. Upon successful completion of the treatment program, the  
9 charges, petition or penalty against a drug court participant may be dismissed, reduced or  
10 modified. Any fees received by a court from a defendant as payment for substance treatment  
11 programs shall not be considered court costs, charges or fines.

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

          478.003. In any judicial circuit of this state, a majority of the judges of the circuit court  
2 may designate a judge to hear cases arising in the circuit subject to the provisions of sections  
3 478.001 to [478.006] **478.007**. In lieu thereof and subject to appropriations or other funds  
4 available for such purpose, a majority of the judges of the circuit court may appoint a person or  
5 persons to act as drug court commissioners. Each commissioner shall be appointed for a term

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

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

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

9 **(2) The person has previously pleaded guilty to or has been found guilty of one or**  
10 **more intoxication-related traffic offenses as defined by section 577.023; or**

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

13 **2. This docket or court shall combine judicial supervision, drug testing, continuous**  
14 **alcohol monitoring, substance abuse traffic offender program compliance, and treatment**  
15 **of DWI court participants. The court may assess any and all necessary costs for**  
16 **participation in DWI court against the participant. Any money received from such**  
17 **assessed costs by a court from a defendant shall not be considered court costs, charges, or**  
18 **finances. This docket or court may operate in conjunction with a drug court established**  
19 **pursuant to sections 478.001 to 478.006.**

**478.009. 1. In order to coordinate the allocation of resources available to drug courts**  
2 **and the dockets or courts established by section 478.007 throughout the state, there is hereby**  
3 **established a "Drug Courts Coordinating Commission" in the judicial department. The drug**  
4 **courts coordinating commission shall consist of one member selected by the director of the**  
5 **department of corrections; one member selected by the director of the department of social**  
6 **services; one member selected by the director of the department of mental health; one member**  
7 **selected by the director of the department of public safety; one member selected by the state**  
8 **courts administrator; and three members selected by the supreme court. The supreme court shall**

9 designate the chair of the commission. The commission shall periodically meet at the call of the  
10 chair; evaluate resources available for assessment and treatment of persons assigned to drug  
11 courts or for operation of drug courts; secure grants, funds and other property and services  
12 necessary or desirable to facilitate drug court operation; and allocate such resources among the  
13 various drug courts operating within the state.

14 2. There is hereby established in the state treasury a "Drug Court Resources Fund",  
15 which shall be administered by the drug courts coordinating commission. Funds available for  
16 allocation or distribution by the drug courts coordinating commission may be deposited into the  
17 drug court resources fund. Notwithstanding the provisions of section 33.080, RSMo, to the  
18 contrary, moneys in the drug court resources fund shall not be transferred or placed to the credit  
19 of the general revenue fund of the state at the end of each biennium, but shall remain deposited  
20 to the credit of the drug court resources fund.

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

6 2. **For purposes of this section, any offense involving the operation of a motor**  
7 **vehicle in an intoxicated condition as defined in section 577.001 shall not be cognizable in**  
8 **municipal court, if the defendant has been convicted, found guilty, or pled guilty to two or**  
9 **more previous intoxication-related traffic offenses as defined in section 577.023, or has had**  
10 **two or more previous alcohol-related enforcement contacts as defined in section 302.525.**

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

3 2. The application shall:

4 (1) Be in writing;

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

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

9 (4) Identify the person, place, or thing which is to be searched, in sufficient detail and  
10 particularity that the officer executing the warrant can readily ascertain whom or what he or she  
11 is to search;

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

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

14 (7) Be filed in the proper court;



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

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

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

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

30 6. The search warrant shall:

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

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

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

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

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

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

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

45 7. A search warrant issued under this section may be executed only by a peace officer.  
46 The warrant shall be executed by conducting the search and seizure commanded. The search  
47 warrant issued under this section may be issued by facsimile or other electronic means.

48 8. A search warrant shall be executed as soon as practicable and shall expire if it is not  
49 executed and the return made within ten days after the date of the making of the application. A  
50 search and any subsequent searches of the contents of any property, article, material, or substance  
51 seized and removed from the location of the execution of any search warrant during its execution

52 may be conducted at any time during or after the execution of the warrant, subject to the  
53 continued existence of probable cause to search the property, article, material, or substance  
54 seized and removed. A search and any subsequent searches of the property, article, material, or  
55 substance seized and removed may be conducted after the time for delivering the warrant, return,  
56 and receipt to the issuing judge has expired. A supplemental return and receipt shall be delivered  
57 to the issuing judge upon final completion of any search which concludes after the expiration of  
58 time for delivering the original return and receipt.

59 9. After execution of the search warrant, the warrant with a return thereon, signed by the  
60 officer making the search, shall be delivered to the judge who issued the warrant. The return  
61 shall show the date and manner of execution, what was seized, and the name of the possessor and  
62 of the owner, when he or she is not the same person, if known. The return shall be accompanied  
63 by a copy of the itemized receipt required by subsection 6 of section 542.291. The judge or clerk  
64 shall, upon request, deliver a copy of such receipt to the person from whose possession the  
65 property was taken and to the applicant for the warrant.

66 10. A search warrant shall be deemed invalid:

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

75 **11. The application or execution of a search warrant shall not be deemed invalid**  
76 **for the sole reason that the application or execution of the warrant relies upon electronic**  
77 **signatures of the peace officer or prosecutor seeking the warrant or judge issuing the**  
78 **warrant.**

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

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

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

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

8           **2. Each municipal court shall provide a copy of its written policy for reporting**  
9 **dispositions of intoxication-related traffic offenses to the office of state courts**  
10 **administrator and the highway patrol. To assist municipal courts, the office of state courts**  
11 **administrator may create a model policy for the reporting of dispositions of all charges for**  
12 **intoxication-related traffic offenses.**

13           **3. Each municipal division of every circuit court in the state of Missouri shall**  
14 **prepare a report every six months. The report shall include, but shall not be limited to, the**  
15 **total number and disposition of every intoxication-related traffic offense adjudicated,**  
16 **dismissed or pending in its municipal court division. The municipal court division shall**  
17 **submit said report to the circuit court en banc. The report shall include the six month**  
18 **period beginning January first and ending June thirtieth and the six month period**  
19 **beginning July first and ending December thirty-first of each year. The report shall be**  
20 **submitted to the circuit court en banc no later than sixty days following the end of the**  
21 **reporting period. The circuit court en banc shall make recommendations or take any**  
22 **action it deems appropriate based on its review of said reports.**

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

3           **2. Driving while intoxicated is for the first offense, a class B misdemeanor. No person**  
4 **convicted of or pleading guilty to the offense of driving while intoxicated shall be granted a**  
5 **suspended imposition of sentence for such offense, unless such person shall be placed on**  
6 **probation for a minimum of two years.**

7           **3. Notwithstanding the provisions of subsection 2 of this section, in a circuit where**  
8 **a DWI court or docket created under section 478.007 or other court-ordered treatment**  
9 **program is available, no person who operated a motor vehicle with fifteen-hundredths of**  
10 **one percent or more by weight of alcohol in such person's blood shall be granted a**  
11 **suspended imposition of sentence unless the individual participates and successfully**

12 **completes a program under such DWI court or docket or other court-ordered treatment**  
13 **program.**

14 **4. If a person is not granted a suspended imposition of sentence for the reasons**  
15 **described in subsection 3 of this section, for such first offense:**

16 **(1) If the individual operated the motor vehicle with fifteen-hundredths to twenty-**  
17 **hundredths of one percent by weight of alcohol in such person's blood, the required term**  
18 **of imprisonment shall be not less than forty-eight hours;**

19 **(2) If the individual operated the motor vehicle with greater than twenty-**  
20 **hundredths of one percent by weight of alcohol in such person's blood, the required term**  
21 **of imprisonment shall be not less than five days.**

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

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

9 3. For the first offense, driving with excessive blood alcohol content is a class B  
10 misdemeanor.

11 **4. In a circuit where a DWI court or docket created under section 478.007 or other**  
12 **court-ordered treatment program is available, no person who operated a motor vehicle**  
13 **with fifteen-hundredths of one percent or more by weight of alcohol in such person's blood**  
14 **shall be granted a suspended imposition of sentence unless the individual participates and**  
15 **successfully completes a program under such DWI court or docket or other court-ordered**  
16 **treatment program.**

17 **5. If a person is not granted a suspended imposition of sentence for the reasons**  
18 **described in subsection 4 of this section, for such first offense:**

19 **(1) If the individual operated the motor vehicle with fifteen-hundredths to twenty-**  
20 **hundredths of one percent by weight of alcohol in such person's blood, the required term**  
21 **of imprisonment shall be not less than forty-eight hours;**

22 **(2) If the individual operated the motor vehicle with greater than twenty-**  
23 **hundredths of one percent by weight of alcohol in such person's blood, the required term**  
24 **of imprisonment shall be not less than five days.**

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

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

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

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

12 (2) A "chronic offender" is:

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

15 (b) A person who has pleaded guilty to or has been found guilty of, on two or more  
16 separate occasions, any combination of the following: involuntary manslaughter under  
17 subdivision (2) or (3) of subsection 1 of section 565.024, RSMo; murder in the second degree  
18 under section 565.021, RSMo, where the underlying felony is an intoxication-related traffic  
19 offense; assault in the second degree under subdivision (4) of subsection 1 of section 565.060,  
20 RSMo; or assault of a law enforcement officer in the second degree under subdivision (4) of  
21 subsection 1 of section 565.082, RSMo; or

22 (c) A person who has pleaded guilty to or has been found guilty of two or more  
23 intoxication-related traffic offenses and, in addition, any of the following: involuntary  
24 manslaughter under subdivision (2) or (3) of subsection 1 of section 565.024, RSMo; murder in  
25 the second degree under section 565.021, RSMo, where the underlying felony is an  
26 intoxication-related traffic offense; assault in the second degree under subdivision (4) of  
27 subsection 1 of section 565.060, RSMo; or assault of a law enforcement officer in the second  
28 degree under subdivision (4) of subsection 1 of section 565.082, RSMo;

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

34 (4) An "intoxication-related traffic offense" is driving while intoxicated, driving with  
35 excessive blood alcohol content, involuntary manslaughter pursuant to subdivision (2) or (3) of  
36 subsection 1 of section 565.024, RSMo, murder in the second degree under section 565.021,  
37 RSMo, where the underlying felony is an intoxication-related traffic offense, assault in the  
38 second degree pursuant to subdivision (4) of subsection 1 of section 565.060, RSMo, assault of  
39 a law enforcement officer in the second degree pursuant to subdivision (4) of subsection 1 of

40 section 565.082, RSMo, or driving under the influence of alcohol or drugs in violation of state  
41 law or a county or municipal ordinance;

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

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

45 (b) A person who has pleaded guilty to or has been found guilty of involuntary  
46 manslaughter pursuant to subdivision (2) or (3) of subsection 1 of section 565.024, RSMo,  
47 assault in the second degree pursuant to subdivision (4) of subsection 1 of section 565.060,  
48 RSMo, assault of a law enforcement officer in the second degree pursuant to subdivision (4) of  
49 subsection 1 of section 565.082, RSMo; and

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

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

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

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

62 5. Any person who pleads guilty to or is found guilty of a violation of section 577.010  
63 or section 577.012 who is alleged and proved to be a chronic offender shall be guilty of a class  
64 B felony.

65 6. No state, county, or municipal court shall suspend the imposition of sentence as to a  
66 prior offender, persistent offender, aggravated offender, or chronic offender under this section  
67 nor sentence such person to pay a fine in lieu of a term of imprisonment, section 557.011, RSMo,  
68 to the contrary notwithstanding.

69 (1) No prior offender shall be eligible for parole or probation until he or she has served  
70 a minimum of [five] **ten** days imprisonment[.] :

71 (a) Unless as a condition of such parole or probation such person performs at least thirty  
72 days of community service under the supervision of the court in those jurisdictions which have  
73 a recognized program for community service; **or**

74 (b) **The offender participates in and successfully completes a program established**  
75 **pursuant to section 478.007 or other court-ordered treatment program, if available.**

76           (2) No persistent offender shall be eligible for parole or probation until he or she has  
77 served a minimum of [ten] **thirty** days imprisonment[.] :

78           (a) Unless as a condition of such parole or probation such person performs at least sixty  
79 days of community service under the supervision of the court; **or**

80           (b) **The offender participates in and successfully completes a program established**  
81 **pursuant to section 478.007 or other court-ordered treatment program, if available.**

82           (3) No aggravated offender shall be eligible for parole or probation until he or she has  
83 served a minimum of sixty days imprisonment.

84           (4) No chronic offender shall be eligible for parole or probation until he or she has  
85 served a minimum of two years imprisonment.

86

87 In addition to any other terms or conditions of probation, the court shall consider, as a condition  
88 of probation for any person who pleads guilty to or is found guilty of an intoxication-related  
89 traffic offense, requiring the offender to abstain from consuming or using alcohol or any products  
90 containing alcohol as demonstrated by continuous alcohol monitoring or by verifiable breath  
91 alcohol testing performed a minimum of four times per day as scheduled by the court for such  
92 duration as determined by the court, but not less than ninety days. The court may, in addition  
93 to imposing any other fine, costs, or assessments provided by law, require the offender to bear  
94 any costs associated with continuous alcohol monitoring or verifiable breath alcohol testing.

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

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

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

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

106           8. In a jury trial, the facts shall be pleaded, established and found prior to submission to  
107 the jury outside of its hearing.

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

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

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

113           12. Nothing in this section shall prevent the use of presentence investigations or  
114 commitments.

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

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

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

122           16. Evidence of a prior conviction, plea of guilty, or finding of guilt in an  
123 intoxication-related traffic offense shall be heard and determined by the trial court out of the  
124 hearing of the jury prior to the submission of the case to the jury, and shall include but not be  
125 limited to evidence [of convictions] received by a search of the records of the Missouri uniform  
126 law enforcement system, **including criminal history records from the central repository or**  
127 **records from the driving while intoxicated tracking system (DWITS)** maintained by the  
128 Missouri state highway patrol, **or the certified driving record maintained by the Missouri**  
129 **department of revenue.** After hearing the evidence, the court shall enter its findings thereon.  
130 A plea of guilty or a finding of guilt followed by incarceration, a fine, a suspended imposition  
131 of sentence, suspended execution of sentence, probation or parole or any combination thereof  
132 in any intoxication-related traffic offense in a state, county or municipal court or any  
133 combination thereof, shall be treated as a prior plea of guilty or finding of guilt for purposes of  
134 this section.

          577.039. An arrest without a warrant by a law enforcement officer, including a  
2 uniformed member of the state highway patrol, for a violation of section 577.010 or 577.012 is  
3 lawful whenever the arresting officer has reasonable grounds to believe that the person to be  
4 arrested has violated the section, whether or not the violation occurred in the presence of the  
5 arresting officer [and when such arrest without warrant is made within one and one-half hours  
6 after such claimed violation occurred, unless the person to be arrested has left the scene of an  
7 accident or has been removed from the scene to receive medical treatment, in which case such  
8 arrest without warrant may be made more than one and one-half hours after such violation  
9 occurred].

          577.041. 1. If a person under arrest, or who has been stopped pursuant to subdivision  
2 (2) or (3) of subsection 1 of section 577.020, refuses upon the request of the officer to submit to  
3 any test allowed pursuant to section 577.020, then [none shall be given and] evidence of the  
4 refusal shall be admissible in a proceeding pursuant to section 565.024, 565.060, or 565.082,  
5 RSMo, or section 577.010 or 577.012. The request of the officer shall include the reasons of the  
6 officer for requesting the person to submit to a test and also shall inform the person that evidence



7 of refusal to take the test may be used against such person and that the person's license shall be  
8 immediately revoked upon refusal to take the test. If a person when requested to submit to any  
9 test allowed pursuant to section 577.020 requests to speak to an attorney, the person shall be  
10 granted twenty minutes in which to attempt to contact an attorney. If upon the completion of the  
11 twenty-minute period the person continues to refuse to submit to any test, it shall be deemed a  
12 refusal. In this event, the officer shall, on behalf of the director of revenue, serve the notice of  
13 license revocation personally upon the person and shall take possession of any license to operate  
14 a motor vehicle issued by this state which is held by that person. The officer shall issue a  
15 temporary permit, on behalf of the director of revenue, which is valid for fifteen days and shall  
16 also give the person a notice of such person's right to file a petition for review to contest the  
17 license revocation.

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

21 (1) That the officer has:

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

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

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

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

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

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

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

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

38 3. Upon receipt of the officer's report, the director shall revoke the license of the person  
39 refusing to take the test for a period of one year; or if the person is a nonresident, such person's  
40 operating permit or privilege shall be revoked for one year; or if the person is a resident without  
41 a license or permit to operate a motor vehicle in this state, an order shall be issued denying the  
42 person the issuance of a license or permit for a period of one year.

43           4. If a person's license has been revoked because of the person's refusal to submit to a  
44 chemical test, such person may petition for a hearing before a circuit **division** or associate  
45 [circuit] **division of the** court in the county in which the arrest or stop occurred. The person may  
46 request such court to issue an order staying the revocation until such time as the petition for  
47 review can be heard. If the court, in its discretion, grants such stay, it shall enter the order upon  
48 a form prescribed by the director of revenue and shall send a copy of such order to the director.  
49 Such order shall serve as proof of the privilege to operate a motor vehicle in this state and the  
50 director shall maintain possession of the person's license to operate a motor vehicle until  
51 termination of any revocation pursuant to this section. Upon the person's request the clerk of the  
52 court shall notify the prosecuting attorney of the county and the prosecutor shall appear at the  
53 hearing on behalf of the director of revenue. At the hearing the court shall determine only:

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

55           (2) Whether or not the officer had:

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

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

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

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

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

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

70           7. No person who has had a license to operate a motor vehicle suspended or revoked  
71 pursuant to the provisions of this section shall have that license reinstated until such person has  
72 participated in and successfully completed a substance abuse traffic offender program defined  
73 in section 577.001, or a program determined to be comparable by the department of mental  
74 health or the court. Assignment recommendations, based upon the needs assessment as  
75 described in subdivision [(22)] **(23)** of section 302.010, RSMo, shall be delivered in writing to  
76 the person with written notice that the person is entitled to have such assignment  
77 recommendations reviewed by the court if the person objects to the recommendations. The  
78 person may file a motion in the associate division of the circuit court of the county in which such  
79 assignment was given, on a printed form provided by the state courts administrator, to have the

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

94       8. The fees for the substance abuse traffic offender program, or a portion thereof to be  
95 determined by the division of alcohol and drug abuse of the department of mental health, shall  
96 be paid by the person enrolled in the program. Any person who is enrolled in the program shall  
97 pay, in addition to any fee charged for the program, a supplemental fee to be determined by the  
98 department of mental health for the purposes of funding the substance abuse traffic offender  
99 program defined in section 302.010, RSMo, and section 577.001. The administrator of the  
100 program shall remit to the division of alcohol and drug abuse of the department of mental health  
101 on or before the fifteenth day of each month the supplemental fee for all persons enrolled in the  
102 program, less two percent for administrative costs. Interest shall be charged on any unpaid  
103 balance of the supplemental fees due the division of alcohol and drug abuse pursuant to this  
104 section and shall accrue at a rate not to exceed the annual rates established pursuant to the  
105 provisions of section 32.065, RSMo, plus three percentage points. The supplemental fees and  
106 any interest received by the department of mental health pursuant to this section shall be  
107 deposited in the mental health earnings fund which is created in section 630.053, RSMo.

108       9. Any administrator who fails to remit to the division of alcohol and drug abuse of the  
109 department of mental health the supplemental fees and interest for all persons enrolled in the  
110 program pursuant to this section shall be subject to a penalty equal to the amount of interest  
111 accrued on the supplemental fees due the division pursuant to this section. If the supplemental  
112 fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the  
113 department of mental health within six months of the due date, the attorney general of the state  
114 of Missouri shall initiate appropriate action of the collection of said fees and interest accrued.  
115 The court shall assess attorney fees and court costs against any delinquent program.

116           10. Any person who has had a license to operate a motor vehicle revoked more than once  
117 for violation of the provisions of this section shall be required to file proof with the director of  
118 revenue that any motor vehicle operated by the person is equipped with a functioning, certified  
119 ignition interlock device as a required condition of license reinstatement. Such ignition interlock  
120 device shall further be required to be maintained on all motor vehicles operated by the person  
121 for a period of not less than six months immediately following the date of reinstatement. If the  
122 person fails to maintain such proof with the director as required by this section, the license shall  
123 be rerevoked and the person shall be guilty of a class A misdemeanor.

124           11. The revocation period of any person whose license and driving privilege has been  
125 revoked under this section and who has filed proof of financial responsibility with the  
126 department of revenue in accordance with chapter 303, RSMo, and is otherwise eligible, shall  
127 be terminated by a notice from the director of revenue after one year from the effective date of  
128 the revocation. Unless proof of financial responsibility is filed with the department of revenue,  
129 the revocation shall remain in effect for a period of two years from its effective date. If the  
130 person fails to maintain proof of financial responsibility in accordance with chapter 303, RSMo,  
131 the person's license and driving privilege shall be rerevoked and the person shall be guilty of a  
132 class A misdemeanor.

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

21 response to any inquiry made of him or her for any purpose whatsoever and no such inquiry shall  
22 be made for information relating to an expungement under this section. A person shall only be  
23 entitled to one expungement pursuant to this section. Nothing contained in this section shall  
24 prevent the director from maintaining such records as to ensure that an individual receives only  
25 one expungement pursuant to this section for the purpose of informing the proper authorities of  
26 the contents of any record maintained pursuant to this section.

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

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Speaker of the House

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President Pro Tem of the Senate

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Governor