

HB 1743 -- Driving While Intoxicated

Sponsor: Stevenson

This bill changes the laws regarding driving while intoxicated. In its main provisions, the bill:

(1) Adds to the list of moving violations in which points are assessed against a person's driver's license the refusal to submit to a chemical blood alcohol content (BAC) test for which two points will be assessed. Refusal to submit to a test will also be a class A misdemeanor;

(2) Prohibits any person whose driving record has a prior alcohol-related enforcement contact or a driver's license denial from receiving a limited driving privilege license;

(3) Prohibits any person who has had his or her driver's license suspended in the preceding five years for a driving while intoxicated offense and had a BAC of .15 or more from receiving a limited driving privilege license until the person's license has been suspended or revoked for 90 days followed by 275 days of restricted driving privilege;

(4) Prohibits any person who has been convicted of, found guilty of, or pled guilty to refusal to submit to a chemical BAC test from receiving a limited driving privilege license;

(5) Specifies that a person who operates a motor vehicle with a BAC of .15 or more who has no prior alcohol-related enforcement contacts during the preceding five years will have his or her driver's license revoked for 90 days followed by 275 days of restricted driving privilege;

(6) Specifies that "alcohol-related enforcement contacts" will include the refusal to submit to a chemical test;

(7) Requires the course of instruction that all municipal judges must complete to include a review of state laws regarding intoxication-related offenses, jurisdictional issues related to those offenses, reporting requirements for courts, and required assessment for offenders under the Substance Abuse Traffic Offender Program (SATOP);

(8) Specifies that offenses involving operating a motor vehicle while intoxicated where the defendant has had a previous intoxication-related traffic offense, had any alcohol-related contacts, had a BAC of .15 or more, or any offense involving the refusal to submit to a chemical test will not be cognizable in a municipal court;

(9) Requires law enforcement agencies, prosecutors, circuit courts, and municipal courts to enter all information for intoxication-related offenses into the State Highway Patrol's DWI Tracking System (DWITS). The patrol must report to the Department of Public Safety and the Governor any agency that fails to submit the required information. The Governor may withhold state funds to an agency that fails to comply with this provision;

(10) Increases the penalty for a person guilty of a driving while intoxicated offense from a class B misdemeanor to a class A misdemeanor if the person had a BAC of .15 or more;

(11) Specifies that any person who pleads guilty to driving while intoxicated, an excessive BAC offense, or refusal to submit to a chemical test and is granted a suspended imposition of sentence cannot later withdraw that plea;

(12) Specifies that a person will be guilty of a class A misdemeanor for refusing to submit to a chemical test if the law enforcement officer has probable cause to believe that the driver is intoxicated and informs the driver of the penalty for refusing. Any subsequent violation will be a class D felony;

(13) Allows courts to search the DWITS or the certified driving record maintained by the Department of Revenue for prior alcohol-related driving offenses and requires any person who has been convicted of, pled guilty to, or has been found guilty of an intoxication-related traffic offense to have the record of the offense assessed against the person's driving record by the department director;

(14) Changes the legal standard for a warrantless arrest as a result of a driving while intoxicated or an excessive BAC offense from reasonable grounds to probable cause and removes the requirement that the arrest be made within one and one-half hours after the violation;

(15) Requires any person who has had a driver's license suspended or revoked in violation of Section 577.041, RSMo, and whose driving record shows a prior alcohol-related enforcement contact or who has had a license to operate a motor vehicle suspended or revoked for driving while intoxicated when classified as a class A misdemeanor or for refusing to submit to a chemical test to have any motor vehicle operated by the person equipped with an ignition interlock device; and

(16) Removes the provisions which allow for the expungement of a person's first alcohol-related driving offense after 10 years without another alcohol-related traffic offense.