

HOUSE AMENDMENT NO. ____

TO

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Offered By

1 AMEND House Amendment No. ____ to House Committee Substitute for Senate Substitute for
2 Senate Committee Substitute for Senate Bill No. 0470 Page 3, Line 30, by inserting immediately
3 after said Line the following:
4

5 “AND further amend said Substitute, Page 8, Section 302.341, Line 46 by inserting
6 immediately after said Line the following:
7

8 “302.535. 1. Any person aggrieved by a decision of the department may file a petition for
9 trial de novo by the circuit court. The burden of proof shall be on the state to adduce the
10 evidence. Such trial shall be conducted pursuant to the Missouri rules of civil procedure and not
11 as an appeal of an administrative decision pursuant to chapter 536. The petition shall be filed in
12 the circuit court of the county where the arrest occurred. The case shall be decided by the judge
13 sitting without a jury. Until January 1, 2002, the presiding judge of the circuit court may assign a
14 traffic judge, pursuant to section 479.500, RSMo 1994, a circuit judge or an associate circuit
15 judge to hear such petition. After January 1, 2002, pursuant to local court rule pursuant to article
16 V, section 15 of the Missouri Constitution, the case may be assigned to a circuit judge or an
17 associate circuit judge, or to a traffic judge pursuant to section 479.500.

18 2. The filing of a petition for trial de novo shall [not] result in a stay of the suspension or
19 revocation order and the department shall issue a temporary driving permit which shall be valid
20 until a final order is issued following the date of the disposition of the petition for a trial de novo.

21 [A restricted driving privilege as defined in section 302.010 shall be issued in accordance with
22 subsection 2 of section 302.525, if the person's driving record shows no prior alcohol-related
23 enforcement contact during the immediately preceding five years. Such restricted driving
24 privilege shall terminate on the date of the disposition of the petition for trial de novo.

1 3. In addition to the restricted driving privilege as permitted in subsection 2 of this
2 section, the department may upon the filing of a petition for trial de novo issue a restricted driving
3 privilege as defined in section 302.010. In determining whether to issue such a restrictive driving
4 privilege, the department shall consider the number and the seriousness of prior convictions and
5 the entire driving record of the driver.

6 4. Such time of restricted driving privilege pending disposition of trial de novo shall be
7 counted toward any time of restricted driving privilege imposed pursuant to section 302.525.
8 Nothing in this subsection shall be construed to prevent a person from maintaining his restricted
9 driving privilege for an additional sixty days in order to meet the conditions imposed by section
10 302.540 for reinstating a person's driver's license.]; and”

11
12 Further amend said bill by amending the title, enacting clause, and intersectional references
13 accordingly.