

HOUSE _____ **AMENDMENT NO.** _____

Offered By

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 0648,
2 Page 1, Section A, Line 3, by inserting after all of said line the following:

3 "302.060. 1. The director shall not issue any license and shall immediately deny any
4 driving privilege:

5 (1) To any person who is under the age of eighteen years, if such person operates a motor
6 vehicle in the transportation of persons or property as classified in section 302.015;

7 (2) To any person who is under the age of sixteen years, except as hereinafter provided;

8 (3) To any person whose license has been suspended, during such suspension, or to any
9 person whose license has been revoked, until the expiration of one year after such license was
10 revoked;

11 (4) To any person who is an habitual drunkard or is addicted to the use of narcotic drugs;

12 (5) To any person who has previously been adjudged to be incapacitated and who at the
13 time of application has not been restored to partial capacity;

14 (6) To any person who, when required by this law to take an examination, has failed to
15 pass such examination;

16 (7) To any person who has an unsatisfied judgment against such person, as defined in
17 chapter 303, until such judgment has been satisfied or the financial responsibility of such person,
18 as defined in section 303.120, has been established;

19 (8) To any person whose application shows that the person has been convicted within one
20 year prior to such application of violating the laws of this state relating to failure to stop after an

2 accident and to disclose the person's identity or driving a motor vehicle without the owner's
3 consent;

4 (9) To any person who has been convicted more than twice of violating state law, or a
5 county or municipal ordinance where the defendant was represented by or waived the right to an
6 attorney in writing, relating to driving while intoxicated; except that, after the expiration of ten
7 years from the date of conviction of the last offense of violating such law or ordinance relating to
8 driving while intoxicated, a person who was so convicted may petition the circuit court of the
9 county in which such last conviction was rendered and the court shall review the person's habits
10 and conduct since such conviction. If the court finds that the petitioner has not been convicted of
11 any offense related to alcohol, controlled substances or drugs during the preceding ten years and
12 that the petitioner's habits and conduct show such petitioner to no longer pose a threat to the
13 public safety of this state, the court may order the director to issue a license to the petitioner if the
14 petitioner is otherwise qualified pursuant to the provisions of sections 302.010 to 302.540. No
15 person may obtain a license pursuant to the provisions of this subdivision through court action
16 more than one time;

17 (10) To any person who has been convicted twice within a five-year period of violating
18 state law, or a county or municipal ordinance, of driving while intoxicated, or any other
19 intoxication-related traffic offense as defined in subdivision (4) of subsection 1 of section
20 577.023, or who has been convicted of the crime of involuntary manslaughter while operating a
21 motor vehicle in an intoxicated condition. The director shall not issue a license to such person for
22 five years from the date such person was convicted or pled guilty for involuntary manslaughter
23 while operating a motor vehicle in an intoxicated condition or for driving while intoxicated or any
24 other intoxication-related traffic offense as defined in subdivision (4) of subsection 1 of section
25 577.023 for the second time;

26 (11) To any person who is otherwise disqualified pursuant to the provisions of sections
27 302.010 to 302.780, chapter 303, or section 544.046;

2 (12) To any person who is under the age of eighteen years, if such person's parents or
3 legal guardians file a certified document with the department of revenue stating that the director
4 shall not issue such person a driver's license. Each document filed by the person's parents or legal
5 guardians shall be made upon a form furnished by the director and shall include identifying
6 information of the person for whom the parents or legal guardians are denying the driver's license.
7 The document shall also contain identifying information of the person's parents or legal guardians.
8 The document shall be certified by the parents or legal guardians to be true and correct. This
9 provision shall not apply to any person who is legally emancipated. The parents or legal
10 guardians may later file an additional document with the department of revenue which reinstates
11 the person's ability to receive a driver's license.

12 2. Any person whose license is reinstated under the provisions of subdivisions (9) and
13 (10) of subsection 1 of this section shall be required to file proof with the director of revenue that
14 any motor vehicle operated by the person is equipped with a functioning, certified ignition
15 interlock device as a required condition of reinstatement. The ignition interlock device required
16 for reinstatement under this subsection and for obtaining a limited driving privilege under
17 paragraph (a) or (b) of subdivision (8) of subsection 3 of section 302.309 shall have photo
18 identification technology and global positioning system features. The ignition interlock device
19 shall further be required to be maintained on all motor vehicles operated by the person for a period
20 of not less than six months immediately following the date of reinstatement. If the monthly
21 monitoring reports show that the ignition interlock device has registered any confirmed blood
22 alcohol concentration readings above the alcohol setpoint established by the department of
23 transportation or that the person has tampered with or circumvented the ignition interlock device,
24 then the period for which the person must maintain the ignition interlock device following the
25 date of reinstatement shall be extended for an additional six months. If the person fails to
26 maintain such proof with the director, the license shall be suspended for the remainder of the
27 six-month period or until proof as required by this section is filed with the director. Upon the

2 completion of the six-month period, the license shall be shown as reinstated, if the person is
3 otherwise eligible.

4
5 Further amend said bill, Page 5, Section 302.304, Line 37 by inserting after the word “reinstated”
6 in lieu thereof the following:

7 “. If a person, otherwise subject to the provisions of this subsection, files proof of
8 installation with the department of revenue that any vehicle operated by such person is equipped
9 with a functioning, certified ignition interlock device, then there shall be no period of suspension
10 and the person shall instead be subject to a ninety-day period of restricted driving privilege. If the
11 person fails to maintain such proof of the device with the director of revenue as required, the
12 restricted driving privilege shall be terminated. Upon completion of such ninety-day period of
13 restricted driving privilege, upon compliance with other requirements of law, and upon filing of
14 proof of financial responsibility with the department of revenue, in accordance with chapter 303,
15 the license and driving privilege shall be reinstated. However, if the monthly monitoring reports
16 during such ninety-day period indicate that the ignition interlock device has registered a blood
17 alcohol concentration level above the alcohol setpoint established by the department of
18 transportation or such reports indicate that the ignition interlock device has been tampered with or
19 circumvented, then the license and driving privilege of such person shall not be reinstated until the
20 person completes an additional ninety-day period of restricted driving privilege without any such
21 violations.: and

22
23 Further amend said Section and page, Line 39 by inserting after the number “303” the following:

24 “or, if applicable, if the person fails to maintain proof that any vehicle operated is
25 equipped with a functioning, certified ignition interlock device installed pursuant to subsection 5
26 of this section,; and

Further amend said section, Page 7, Line 137 by inserting after the word “reinstatement.” the following: “If the monthly monitoring reports show that the ignition interlock device has registered any confirmed blood alcohol concentration readings above the alcohol setpoint established by the department of transportation or that the person has tampered with or circumvented the ignition interlock device, then the period for which the person must maintain the ignition interlock device following the date of reinstatement shall be extended for an additional six months.”; and

Further amend said section and page, Line 139 by inserting after said line the following:

“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.

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

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

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

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

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

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

functioning, certified ignition interlock device as a required condition of limited driving privilege.
The ignition interlock device required for obtaining a limited driving privilege under paragraph (a) or (b) of subdivision (8) of this subsection shall have photo identification technology and global positioning system features.

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

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

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

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

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

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

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

16 (f) Violation more than once of the provisions of section 577.041 or a similar implied
17 consent law of any other state; [or]

18 (g) Due to a suspension pursuant to subsection 2 of section 302.525 and who has not
19 completed the first thirty days of such suspension, provided the person is not otherwise ineligible
20 for a limited driving privilege; or

21 (h) Due to a revocation pursuant to subsection 2 of section 302.525 if such person has not
22 completed the first forty-five days of such revocation, provided the person is not otherwise
23 ineligible for a limited driving privilege.

24 (7) No person who possesses a commercial driver's license shall receive a limited driving
25 privilege issued for the purpose of operating a commercial motor vehicle if such person's driving
26 privilege is suspended, revoked, canceled, denied, or disqualified. Nothing in this section shall
27 prohibit the issuance of a limited driving privilege for the purpose of operating a noncommercial

2 motor vehicle provided that pursuant to the provisions of this section, the applicant is not
3 otherwise ineligible for a limited driving privilege.

4 (8) (a) Provided that pursuant to the provisions of this section, the applicant is not
5 otherwise ineligible for a limited driving privilege, a circuit court or the director may, in the
6 manner prescribed in this subsection, allow a person who has had such person's license to operate
7 a motor vehicle revoked where that person cannot obtain a new license for a period of ten years,
8 as prescribed in subdivision (9) of section 302.060, to apply for a limited driving privilege
9 pursuant to this subsection if such person has served at least [three years] forty-five days of such
10 disqualification or revocation. Such person shall present evidence satisfactory to the court or the
11 director that such person has not been convicted of any offense related to alcohol, controlled
12 substances or drugs during the preceding [three years] forty-five days and that the person's habits
13 and conduct show that the person no longer poses a threat to the public safety of this state.

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

2 driving privilege pursuant to the provisions of this subdivision.

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

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

14 5. The director of revenue shall promulgate rules and regulations necessary to carry out
15 the provisions of this section. Any rule or portion of a rule, as that term is defined in section
16 536.010, that is created under the authority delegated in this section shall become effective only if
17 it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
18 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the
19 general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove
20 and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and
21 any rule proposed or adopted after August 28, 2001, shall be invalid and void.

22 302.525. 1. The license suspension or revocation shall become effective fifteen days after
23 the subject person has received the notice of suspension or revocation as provided in section
24 302.520, or is deemed to have received the notice of suspension or revocation by mail as provided
25 in section 302.515.

26 If a request for a hearing is received by or postmarked to the department within that fifteen-day
27 period, the effective date of the suspension or revocation shall be stayed until a final order is

issued following the hearing; provided, that any delay in the hearing which is caused or requested by the subject person or counsel representing that person without good cause shown shall not result in a stay of the suspension or revocation during the period of delay.

2. The period of license suspension or revocation under this section shall be as follows:

(1) If the person's driving record shows no prior alcohol-related enforcement contacts during the immediately preceding five years, the period of suspension shall be thirty days after the effective date of suspension, followed by a sixty-day period of restricted driving privilege as defined in section 302.010 and issued by the director of revenue. The restricted driving privilege shall not be issued until he or she has filed proof of financial responsibility with the department of revenue, in accordance with chapter 303, and is otherwise eligible. The restricted driving privilege shall indicate whether a functioning, certified ignition interlock device is required as a condition of operating a motor vehicle. A copy of the restricted driving privilege shall be given to the person and such person shall carry a copy of the restricted driving privilege while operating a motor vehicle. In no case shall restricted driving privileges be issued pursuant to this section or section 302.535 until the person has completed the first thirty days of a suspension under this section. If a person, otherwise subject to the provisions of this subdivision files proof of installation with the department of revenue that any vehicle operated is equipped with a functioning, certified ignition interlock device, then there shall be no period of suspension and the person shall instead be subject to a ninety-day period of restricted driving privilege. Upon completion of such ninety-day period of restricted driving privilege, upon compliance with other requirements of law, and upon filing of proof of financial responsibility with the department of revenue, in accordance with chapter 303, the license and driving privilege shall be reinstated. However, if the monthly monitoring reports during such ninety-day period indicate that the ignition interlock device has registered a blood alcohol concentration level above the alcohol setpoint established by the department of transportation or such reports indicate that the ignition interlock device has been tampered with or circumvented, then the license and driving privilege of

2 such person shall not be reinstated until the person completes an additional ninety-day period of
3 restricted driving privilege without any such violations. If the person fails to maintain such proof
4 of the device with the director of revenue as required, the restricted driving privilege shall be
5 terminated;

6 (2) The period of revocation shall be one year if the person's driving record shows one or
7 more prior alcohol-related enforcement contacts during the immediately preceding five years;

8 (3) In no case shall restricted driving privileges be issued under this section to any person
9 whose driving record shows one or more prior alcohol-related enforcement contacts until the
10 person has completed the first thirty days of a suspension under this section and has filed proof
11 with the department of revenue that any motor vehicle operated by the person is equipped with a
12 functioning, certified ignition interlock device as a required condition of the restricted driving
13 privilege. If the person fails to maintain such proof the restricted driving privilege shall be
14 terminated.

15 3. For purposes of this section, "alcohol-related enforcement contacts" shall include any
16 suspension or revocation under sections 302.500 to 302.540, any suspension or revocation entered
17 in this or any other state for a refusal to submit to chemical testing under an implied consent law,
18 and any conviction in this or any other state for a violation which involves driving while
19 intoxicated, driving while under the influence of drugs or alcohol, or driving a vehicle while
20 having an unlawful alcohol concentration.

21 4. Where a license is suspended or revoked under this section and the person is also
22 convicted on charges arising out of the same occurrence for a violation of section 577.010 or
23 577.012 or for a violation of any county or municipal ordinance prohibiting driving while
24 intoxicated or alcohol-related traffic offense, both the suspension or revocation under this section
25 and any other suspension or revocation arising from such convictions shall be imposed, but the
26 period of suspension or revocation under sections 302.500 to 302.540 shall be credited against any
27 other suspension or revocation arising from such convictions, and the total period of suspension or

2 revocation shall not exceed the longer of the two suspension or revocation periods.

3 5. Any person who has had a license to operate a motor vehicle revoked under this section
4 or suspended under this section with one or more prior alcohol-related enforcement contacts
5 showing on their driver record shall be required to file proof with the director of revenue that any
6 motor vehicle operated by that person is equipped with a functioning, certified ignition interlock
7 device as a required condition of reinstatement. The ignition interlock device shall further be
8 required to be maintained on all motor vehicles operated by the person for a period of not less
9 than six months immediately following the date of reinstatement. If the monthly monitoring
10 reports show that the ignition interlock device has registered any confirmed blood alcohol
11 concentration readings above the alcohol setpoint established by the department of transportation
12 or that the person has tampered with or circumvented the ignition interlock device, then the period
13 for which the person must maintain the ignition interlock device following the date of
14 reinstatement shall be extended for an additional six months. If the person fails to maintain such
15 proof with the director, the license shall be resuspended or revoked, as applicable."; and

16 Further amend said bill, Page 15, Section 577.606, Line 21 by inserting after all of said
17 line the following:

18 "Section C. The repeal and reenactment of sections 302.304, 302.309, and 302.525 shall
19 become effective July 1, 2013."; and

20
21 Further amend said bill by amending the title, enacting clause, and intersectional references
22 accordingly.