

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 “301.449. [Any] Only a community college or four-year public or private institution of
4 higher education, or a foundation or organization representing the college or institution, located in
5 the state of Missouri may itself authorize or may by the director of revenue be authorized to use
6 the school’s [the use of its] official emblem to be affixed on multiyear personalized license plates
7 as provided in this section. Any contribution to such institution derived from this section, except
8 reasonable administrative costs, shall be used for scholarship endowment or other academically
9 related purposes. Any vehicle owner may annually apply to the institution for the use of the
10 emblem. Upon annual application and payment of an emblem use contribution to the institution,
11 which shall be set by the governing body of the institution at an amount of at least twenty-five
12 dollars, the institution shall issue to the vehicle owner, without further charge, an "emblem use
13 authorization statement", which shall be presented by the vehicle owner to the department of
14 revenue at the time of registration. Upon presentation of the annual statement and payment of the
15 fee required for personalized license plates in section 301.144, and other fees and documents
16 which may be required by law, the department of revenue shall issue a personalized license plate,
17 which shall bear the seal, emblem or logo of the institution, to the vehicle owner.

18 The license plate authorized by this section shall use the school colors of the institution, and those
19 colors shall be constructed upon the license plate using a process to ensure that the school emblem
20 shall be displayed upon the license plate in the clearest and most attractive manner possible. Such

license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. The license plate authorized by this section shall be issued with a design approved by both the institution of higher education and the advisory committee established in section 301.129. A vehicle owner, who was previously issued a plate with an institutional emblem authorized by this section and does not provide an emblem use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the institutional emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms including establishing a minimum number of license plates which can be issued with the authorized emblem of a participating institution.

301.3150. 1. An organization, other than an organization seeking a special military license plate or a collegiate or university plate, that seeks authorization to establish a new specialty license plate shall initially petition the department of revenue by submitting the following:

(1) An application in a form prescribed by the director for the particular specialty license plate being sought, describing the proposed specialty license plate in general terms and have a sponsor of at least one current member of the general assembly in the same legislative session in which the application is reviewed pursuant to subsection 5 of section 21.795, RSMo. The application may contain written testimony for support of this specialty plate;

(2) Each application submitted pursuant to this section shall be accompanied by a list of at least two hundred potential applicants who plan to purchase the specialty plate if the specialty plate is approved pursuant to this section;

(3) An application fee, not to exceed five thousand dollars, to defray the department's cost for issuing, developing and programming the implementation of the specialty plate, if authorized; and

(4) All moneys received by the department of revenue, for the reviewing and development of specialty plates shall be deposited in the state treasury to the credit of the "Department of Revenue Specialty Plate Fund" which is hereby created. The state treasurer shall be custodian of the fund and shall make disbursements from the fund requested by the Missouri director of revenue for personal services, expenses, and equipment required to prepare, review, develop, and disseminate a new specialty plate and process the two hundred applications to be submitted once the plate is approved and to refund deposits for the application of such specialty plate, if the application is not approved by the joint committee on transportation oversight and for no other purpose.

2. At the end of each state fiscal year, the director of revenue shall:

(1) Determine the amount of all moneys deposited into the department of revenue specialty plate fund;

(2) Determine the amount of disbursements from the department of revenue specialty plate fund which were made to produce the specialty plate and process the two hundred applications; and

(3) Subtract the amount of disbursements from the income figure referred to in subdivision (1) of this subsection and deliver this figure to the state treasurer.

3. The state treasurer shall transfer an amount of money equal to the figure provided by the director of revenue from the department of revenue specialty plate fund to the state highway department fund. An unexpended balance in the department of revenue specialty plate fund at the end of the biennium not exceeding twenty-five thousand dollars shall be exempt from the provisions of section 33.080 relating to transfer of unexpended balances to the general revenue fund.

4. The documents and fees required pursuant to this section shall be submitted to the department of revenue by July first prior to the next regular session of the general assembly to be approved or denied by the joint committee on transportation oversight during that legislative

2 session.

3 5. The department of revenue shall give notice of any proposed specialty plate in a
4 manner reasonably calculated to advise the public of such proposal. Reasonable notice shall
5 include posting the proposal for the specialty plate on the department's official public website, and
6 making available copies of the specialty plate application to any representative of the news media
7 or public upon request and posting the application on a bulletin board or other prominent public
8 place which is easily accessible to the public and clearly designated for that purpose at the
9 principal office.

10 6. Adequate notice conforming with all the requirements of subsection 5 of this section
11 shall be given not less than four weeks, exclusive of weekends and holidays when the facility is
12 closed, after the submission of the application by the organization to the department of revenue.
13 Written or electronic testimony in support or opposition of the proposed specialty plate shall be
14 submitted to the department of revenue by November thirtieth of the year of filing of the original
15 proposal. All written testimony shall contain the printed name, signature, address, phone number,
16 and email address, if applicable, of the individual giving the testimony.

17 7. The department of revenue shall submit for approval all applications for the
18 development of specialty plates to the joint committee on transportation oversight during a regular
19 session of the general assembly for approval.

20 8. If the specialty license plate requested by an organization is approved by the joint
21 committee on transportation oversight, the organization shall submit the proposed art design for
22 the specialty license plate to the department as soon as practicable, but no later than sixty days
23 after the approval of the specialty license plate. If the specialty license plate requested by the
24 organization is not approved by the joint committee on transportation oversight, ninety-seven
25 percent of the application fee shall be refunded to the requesting organization.

26 9. An emblem-use authorization fee may be charged by the organization prior to the
27 issuance of an approved specialty plate. The organization's specialty plate proposal approved by

the joint committee on transportation oversight shall state what fee is required to obtain such statement and if such fee is required annually or biennially, if the applicant has a two-year registration. An organization applying for specialty plates shall authorize the use of its official emblem to be affixed on multiyear personalized license plates within the plate area prescribed by the director of revenue and as provided in this section. Any contribution to the organization derived from the emblem-use contribution, except reasonable administrative costs, shall be used solely for the purposes of the organization. Any member of the organization or nonmember, if applicable, may annually apply for the use of the emblem, if applicable.

10. The department shall begin production and distribution of each new specialty license plate within one year after approval of the specialty license plate by the joint committee on transportation oversight.

11. The department shall issue a specialty license plate to the owner who meets the requirements for issuance of the specialty plate for any motor vehicle such owner owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight.

12. Each new or renewed application for an approved specialty license plate shall be made to the department of revenue, accompanied by an additional fee of fifteen dollars and the appropriate emblem-use authorization statement.

13. The appropriate registration fees, fifteen dollar specialty plate fee, processing fees and documents otherwise required for the issuance of registration of the motor vehicle as set forth by law must be submitted at the time the specialty plates are actually issued and renewed or as otherwise provided by law. However, no additional fee for the personalization of this plate shall be charged.

14. Once a specialty plate design is approved, a request for such plate may be made any time during a registration period. If a request is made for a specialty license plate to replace a current valid license plate, all documentation, credits, and fees provided for in this chapter when

replacing a current license plate shall apply.

15. A vehicle owner who was previously issued a plate with an organization emblem authorized by this section, but who does not provide an emblem-use authorization statement at a subsequent time of registration if required, shall be issued a new plate which does not bear the organization's emblem, as otherwise provided by law.

16. Specialty license plates shall bear a design approved by the organization submitting the original application for approval by the joint committee on transportation oversight. The design shall be within the plate area prescribed by the director of revenue, and the designated organization's name or slogan shall be in place of the words "SHOW-ME STATE". Such license plates shall be made with fully reflective material with a common color scheme, shall be clearly visible at night, shall have a reflective white background in the area of the plate configuration, and shall be aesthetically attractive, as prescribed by section 301.130 and as provided in this section. In addition to a design, the specialty license plates shall be in accordance with criteria and plate design set forth in this chapter.

17. The department is authorized to discontinue the issuance and renewal of a specialty license plate if the organization has stopped providing services and emblem-use authorization statements are no longer being issued by the organization. Such organizations shall notify the department immediately to discontinue the issuance of a specialty plate.

18. The organization that requested the specialty license plate shall not redesign the specialty personalized license plate unless such organization pays the director in advance all redesigned plate fees. All plate holders of such plates must pay the replacement fees prescribed in section 301.300 for the replacement of the existing specialty plate. All other applicable license plate fees in accordance with this chapter shall be required.

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

(1) To any person who is under the age of eighteen years, if such person operates a motor

2 vehicle in the transportation of persons or property as classified in section 302.015;

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

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

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

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

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

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

15 (8) To any person whose application shows that the person has been convicted within one
16 year prior to such application of violating the laws of this state relating to failure to stop after an
17 accident and to disclose the person's identity or driving a motor vehicle without the owner's
18 consent;

19 (9) To any person who has been convicted more than twice of violating state law, or a
20 county or municipal ordinance where the defendant was represented by or waived the right to an
21 attorney in writing, relating to driving while intoxicated; except that, after the expiration of ten
22 years from the date of conviction of the last offense of violating such law or ordinance relating to
23 driving while intoxicated, a person who was so convicted may petition the circuit court of the
24 county in which such last conviction was rendered and the court shall review the person's habits
25 and conduct since such conviction. If the court finds that the petitioner has not been convicted of
26 any offense related to alcohol, controlled substances or drugs during the preceding ten years and
27 that the petitioner's habits and conduct show such petitioner to no longer pose a threat to the

public safety of this state, the court may order the director to issue a license to the petitioner if the petitioner is otherwise qualified pursuant to the provisions of sections 302.010 to 302.540. No person may obtain a license pursuant to the provisions of this subdivision through court action more than one time;

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

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

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

2. Any person whose license is reinstated under the provisions of subdivisions (9) and

(10) of subsection 1 of this section shall be required to file proof with the director of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of reinstatement. The ignition interlock device required for reinstatement under this subsection and for obtaining a limited driving privilege under paragraph (a) or (b) of subdivision (8) of subsection 3 of section 302.309 shall have photo identification technology and global positioning system features. The ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. 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. If the person fails to maintain such proof with the director, the license shall be suspended for the remainder of the six-month period or until proof as required by this section is filed with the director. Upon the completion of the six-month period, the license shall be shown as reinstated, if the person is otherwise eligible.”; and

Further amend said bill, Page 5, Section 302.304, Line 37 by inserting after the word “reinstated” the following: “. If a person, otherwise subject to the provisions of this subsection, files proof of installation with the department of revenue that any vehicle operated by such person 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. If the person fails to maintain such proof of the device with the director of revenue as required, the restricted driving privilege shall be terminated. Upon completion of such ninety-day period of restricted driving privilege, upon compliance with other requirements of law, and upon filing of

2 proof of financial responsibility with the department of revenue, in accordance with chapter 303,
3 the license and driving privilege shall be reinstated. However, if the monthly monitoring reports
4 during such ninety-day period indicate that the ignition interlock device has registered a blood
5 alcohol concentration level above the alcohol setpoint established by the department of
6 transportation or such reports indicate that the ignition interlock device has been tampered with or
7 circumvented, then the license and driving privilege of such person shall not be reinstated until the
8 person completes an additional ninety-day period of restricted driving privilege without any such
9 violations.”; and

10
11 Further amend said bill, Page and Section, Line 39 by inserting after the number “303” the
12 following:

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

16
17 Further amend said bill and Section, Page 7, Line 137 by inserting after the word “reinstatement.”
18 the following: “If the monthly monitoring reports show that the ignition interlock device has
19 registered any confirmed blood alcohol concentration readings above the alcohol setpoint
20 established by the department of transportation or that the person has tampered with or
21 circumvented the ignition interlock device, then the period for which the person must maintain the
22 ignition interlock device following the date of reinstatement shall be extended for an additional
23 six months.”; and

24
25 Further amend said bill and Section, Page 7, Line 139 by inserting after said line the following:

26 “302.309. 1. Whenever any license is suspended pursuant to sections 302.302 to 302.309,
27 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
- (f) Any other circumstance the court or director finds would create an undue hardship on the operator; the court or director may grant such limited driving privilege as the circumstances of the case justify if the court or director finds undue hardship would result to the individual, and while so operating a motor vehicle within the restrictions and limitations of the limited driving privilege the driver shall not be guilty of operating a motor vehicle without a valid license.

(3) An operator may make application to the proper court in the county in which such operator resides or in the county in which is located the operator's principal place of business or employment. Any application for a limited driving privilege made to a circuit court shall name the director as a party defendant and shall be served upon the director prior to the grant of any limited privilege, and shall be accompanied by a copy of the applicant's driving record as certified by the director. Any applicant for a limited driving privilege shall have on file with the department of revenue proof of financial responsibility as required by chapter 303. Any

2 application by a person who transports persons or property as classified in section 302.015 may be
3 accompanied by proof of financial responsibility as required by chapter 303, but if proof of
4 financial responsibility does not accompany the application, or if the applicant does not have on
5 file with the department of revenue proof of financial responsibility, the court or the director has
6 discretion to grant the limited driving privilege to the person solely for the purpose of operating a
7 vehicle whose owner has complied with chapter 303 for that vehicle, and the limited driving
8 privilege must state such restriction. When operating such vehicle under such restriction the
9 person shall carry proof that the owner has complied with chapter 303 for that vehicle.

10 (4) No limited driving privilege shall be issued to any person otherwise eligible under the
11 provisions of paragraph (a) of subdivision (6) of this subsection on a license revocation resulting
12 from a conviction under subdivision (9) of subsection 1 of section 302.302, or a license denial
13 under paragraph (a) or (b) of subdivision (8) of this subsection, or a license revocation under
14 paragraph (h) of subdivision (6) of this subsection, until the applicant has filed proof with the
15 department of revenue that any motor vehicle operated by the person is equipped with a
16 functioning, certified ignition interlock device as a required condition of limited driving privilege.
17 The ignition interlock device required for obtaining a limited driving privilege under paragraph (a)
18 or (b) of subdivision (8) of this subsection shall have photo identification technology and global
19 positioning system features.

20 (5) The court order or the director's grant of the limited or restricted driving privilege shall
21 indicate the termination date of the privilege, which shall be not later than the end of the period of
22 suspension or revocation. The court order or the director's grant of the limited or restricted
23 driving privilege shall also indicate whether a functioning, certified ignition interlock device is
24 required as a condition of operating a motor vehicle with the limited driving privilege. A copy of
25 any court order shall be sent by the clerk of the court to the director, and a copy shall be given to
26 the driver which shall be carried by the driver whenever such driver operates a motor vehicle. The
27 director of revenue upon granting a limited driving privilege shall give a copy of the limited

2 driving privilege to the applicant. The applicant shall carry a copy of the limited driving privilege
3 while operating a motor vehicle. A conviction which results in the assessment of points pursuant
4 to section 302.302, other than a violation of a municipal stop sign ordinance where no accident is
5 involved, against a driver who is operating a vehicle pursuant to a limited driving privilege
6 terminates the privilege, as of the date the points are assessed to the person's driving record. If the
7 date of arrest is prior to the issuance of the limited driving privilege, the privilege shall not be
8 terminated. Failure of the driver to maintain proof of financial responsibility, as required by
9 chapter 303, or to maintain proof of installation of a functioning, certified ignition interlock
10 device, as applicable, shall terminate the privilege. The director shall notify by ordinary mail the
11 driver whose privilege is so terminated.

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

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

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

22 (c) Ineligibility for a license because of the provisions of subdivision (1), (2), (4), (5), (6),
23 (7), (8), (9), (10) or (11) of section 302.060;

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

27 (e) Due to a revocation for the first time for failure to submit to a chemical test pursuant

2 to section 577.041 or due to a refusal to submit to a chemical test in any other state, if such person
3 has not completed the first ninety days of such revocation;

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

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

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

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

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

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

(9) A DWI docket or court established under section 478.007 may grant a limited 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.

2 5. The director of revenue shall promulgate rules and regulations necessary to carry out
3 the provisions of this section. Any rule or portion of a rule, as that term is defined in section
4 536.010, that is created under the authority delegated in this section shall become effective only if
5 it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
6 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the
7 general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove
8 and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and
9 any rule proposed or adopted after August 28, 2001, shall be invalid and void.

10 302.525. 1. The license suspension or revocation shall become effective fifteen days after
11 the subject person has received the notice of suspension or revocation as provided in section
12 302.520, or is deemed to have received the notice of suspension or revocation by mail as provided
13 in section 302.515.

14 If a request for a hearing is received by or postmarked to the department within that fifteen-day
15 period, the effective date of the suspension or revocation shall be stayed until a final order is
16 issued following the hearing; provided, that any delay in the hearing which is caused or requested
17 by the subject person or counsel representing that person without good cause shown shall not
18 result in a stay of the suspension or revocation during the period of delay.

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

20 (1) If the person's driving record shows no prior alcohol-related enforcement contacts
21 during the immediately preceding five years, the period of suspension shall be thirty days after the
22 effective date of suspension, followed by a sixty-day period of restricted driving privilege as
23 defined in section 302.010 and issued by the director of revenue. The restricted driving privilege
24 shall not be issued until he or she has filed proof of financial responsibility with the department of
25 revenue, in accordance with chapter 303, and is otherwise eligible. The restricted driving
26 privilege shall indicate whether a functioning, certified ignition interlock device is required as a
27 condition of operating a motor vehicle. A copy of the restricted driving privilege shall be given to

2 the person and such person shall carry a copy of the restricted driving privilege while operating a
3 motor vehicle. In no case shall restricted driving privileges be issued pursuant to this section or
4 section 302.535 until the person has completed the first thirty days of a suspension under this
5 section. If a person, otherwise subject to the provisions of this subdivision files proof of
6 installation with the department of revenue that any vehicle operated is equipped with a
7 functioning, certified ignition interlock device, then there shall be no period of suspension and the
8 person shall instead be subject to a ninety-day period of restricted driving privilege. Upon
9 completion of such ninety-day period of restricted driving privilege, upon compliance with other
10 requirements of law, and upon filing of proof of financial responsibility with the department of
11 revenue, in accordance with chapter 303, the license and driving privilege shall be reinstated.
12 However, if the monthly monitoring reports during such ninety-day period indicate that the
13 ignition interlock device has registered a blood alcohol concentration level above the alcohol
14 setpoint established by the department of transportation or such reports indicate that the ignition
15 interlock device has been tampered with or circumvented, then the license and driving privilege of
16 such person shall not be reinstated until the person completes an additional ninety-day period of
17 restricted driving privilege without any such violations. If the person fails to maintain such proof
18 of the device with the director of revenue as required, the restricted driving privilege shall be
19 terminated;

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

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

2 terminated.

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

9 4. Where a license is suspended or revoked under this section and the person is also
10 convicted on charges arising out of the same occurrence for a violation of section 577.010 or
11 577.012 or for a violation of any county or municipal ordinance prohibiting driving while
12 intoxicated or alcohol-related traffic offense, both the suspension or revocation under this section
13 and any other suspension or revocation arising from such convictions shall be imposed, but the
14 period of suspension or revocation under sections 302.500 to 302.540 shall be credited against any
15 other suspension or revocation arising from such convictions, and the total period of suspension or
16 revocation shall not exceed the longer of the two suspension or revocation periods.

17 5. Any person who has had a license to operate a motor vehicle revoked under this section
18 or suspended under this section with one or more prior alcohol-related enforcement contacts
19 showing on their driver record shall be required to file proof with the director of revenue that any
20 motor vehicle operated by that person is equipped with a functioning, certified ignition interlock
21 device as a required condition of reinstatement. The ignition interlock device shall further be
22 required to be maintained on all motor vehicles operated by the person for a period of not less
23 than six months immediately following the date of reinstatement. If the monthly monitoring
24 reports show that the ignition interlock device has registered any confirmed blood alcohol
25 concentration readings above the alcohol setpoint established by the department of transportation
26 or that the person has tampered with or circumvented the ignition interlock device, then the period
27 for which the person must maintain the ignition interlock device following the date of

2 reinstatement shall be extended for an additional six months. If the person fails to maintain such
3 proof with the director, the license shall be resuspended or revoked, as applicable."; and

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

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

8
9 Further amend said bill by amending the title, enacting clause, and intersectional references
10 accordingly.