

HOUSE _____ **AMENDMENT NO.** _____

Offered By

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 648, Page 1,
Section A, Line 3, by inserting after all of said section and line, the following:

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

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

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whose license has been revoked, until the expiration of one year after such license was revoked;

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

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

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

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

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

(9) To any person who has been convicted more than twice of violating state law, or a county or
municipal ordinance where the defendant was represented by or waived the right to an attorney in writing,
relating to driving while intoxicated; except that, after the expiration of ten years from the date of
conviction of the last offense of violating such law or ordinance relating to driving while intoxicated, a
person who was so convicted may petition the circuit court of the county in which such last conviction
was rendered and the court shall review the person's habits and conduct since such conviction. If the court
finds that the petitioner has not been convicted of any offense related to alcohol, controlled substances or
drugs during the preceding ten years and 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

1 the petitioner if the petitioner is otherwise qualified pursuant to the provisions of sections 302.010 to
2 302.540. No person may obtain a license pursuant to the provisions of this subdivision through court
3 action more than one time;

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

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

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

23 2. Any person whose license is reinstated under the provisions of subdivisions (9) and (10) of
24 subsection 1 of this section shall be required to file proof with the director of revenue that any motor
25 vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a
26 required condition of reinstatement. The ignition interlock device required for reinstatement under this
27 subsection and for obtaining a limited driving privilege under paragraph (a) or (b) of subdivision (8) of
28 subsection 3 of section 302.309 shall have photo identification technology and global positioning system
29 features. The ignition interlock device shall further be required to be maintained on all motor vehicles
30 operated by the person for a period of not less than six months immediately following the date of
31 reinstatement. If the monthly monitoring reports show that the ignition interlock device has registered any
32 confirmed blood alcohol concentration readings above the alcohol setpoint established by the department
33 of transportation or that the person has tampered with or circumvented the ignition interlock device, then
34 the period for which the person must maintain the ignition interlock device following the date of
35 reinstatement shall be extended for an additional six months. If the person fails to maintain such proof
36 with the director, the license shall be suspended for the remainder of the six-month period or until proof as
37 required by this section is filed with the director. Upon the completion of the six-month period, the
38 license shall be shown as reinstated, if the person is otherwise eligible.”; and
39

Further amend said bill, Page 5, Section 302.304, Line 37, by inserting after the period “.” on said line, 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 the period of suspension shall be fifteen days, followed by a seventy-five 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 seventy-five-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 seventy-five 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 such person shall not be reinstated until the person completes an additional seventy-five day period of restricted driving privilege without any such violations.”; and

Further amend said bill, page, and section, Line 39, by inserting after the comma “,” on said line, the following:

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

Further amend said bill, Page 7, Section 302.304, Line 137, by inserting after the period “.” on said line, 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 bill, page, and section, Line 139, by inserting after all of said section and 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.

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

3 3. (1) All circuit courts, the director of revenue, or a commissioner operating under section
4 478.007 shall have jurisdiction to hear applications and make eligibility determinations granting limited
5 driving privileges. Any application may be made in writing to the director of revenue and the person's
6 reasons for requesting the limited driving privilege shall be made therein. (2) When any court of
7 record having jurisdiction or the director of revenue finds that an operator is required to operate a motor
8 vehicle in connection with any of the following:

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

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

33 (4) No limited driving privilege shall be issued to any person otherwise eligible under the
34 provisions of paragraph (a) of subdivision (6) of this subsection on a license revocation resulting from a
35 conviction under subdivision (9) of subsection 1 of section 302.302, or a license denial under paragraph
36 (a) or (b) of subdivision (8) of this subsection, or a license revocation under paragraph (h) of subdivision
37 (6) of this subsection, until the applicant has filed proof with the department of revenue that any motor
38 vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a
39 required condition of limited driving privilege. The ignition interlock device required for obtaining a

1 limited driving privilege under paragraph (a) or (b) of subdivision (8) of this subsection shall have photo
2 identification technology and global positioning system features.

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

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

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

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

29 (c) Ineligibility for a license because of the provisions of subdivision (1), (2), (4), (5), (6), (7),
30 (8), (9), (10) or (11) of section 302.060;

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

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

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

38 (g) Due to a suspension pursuant to subsection 2 of section 302.525 and who has not completed
39 the first thirty days of such suspension, provided the person is not otherwise ineligible for a limited

1 driving privilege; or

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

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

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

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

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

39 4. Any person who has received notice of denial of a request of limited driving privilege by the

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

6 5. The director of revenue shall promulgate rules and regulations necessary to carry out the
7 provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is
8 created under the authority delegated in this section shall become effective only if it complies with and is
9 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter
10 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to
11 review, to delay the effective date or to disapprove and annul a rule are subsequently held
12 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28,
13 2001, shall be invalid and void.

14 302.525. 1. The license suspension or revocation shall become effective fifteen days after the
15 subject person has received the notice of suspension or revocation as provided in section 302.520, or is
16 deemed to have received the notice of suspension or revocation by mail as provided in section 302.515.
17 If a request for a hearing is received by or postmarked to the department within that fifteen-day period, the
18 effective date of the suspension or revocation shall be stayed until a final order is issued following the
19 hearing; provided, that any delay in the hearing which is caused or requested by the subject person or
20 counsel representing that person without good cause shown shall not result in a stay of the suspension or
21 revocation during the period of delay.

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

23 (1) If the person's driving record shows no prior alcohol-related enforcement contacts during the
24 immediately preceding five years, the period of suspension shall be thirty days after the effective date of
25 suspension, followed by a sixty-day period of restricted driving privilege as defined in section 302.010
26 and issued by the director of revenue. The restricted driving privilege shall not be issued until he or she
27 has filed proof of financial responsibility with the department of revenue, in accordance with chapter 303,
28 and is otherwise eligible. The restricted driving privilege shall indicate whether a functioning, certified
29 ignition interlock device is required as a condition of operating a motor vehicle. A copy of the restricted
30 driving privilege shall be given to the person and such person shall carry a copy of the restricted driving
31 privilege while operating a motor vehicle. In no case shall restricted driving privileges be issued pursuant
32 to this section or section 302.535 until the person has completed the first thirty days of a suspension under
33 this section. If a person, otherwise subject to the provisions of this subdivision files proof of installation
34 with the department of revenue that any vehicle operated is equipped with a functioning, certified ignition
35 interlock device, then the period of suspension shall be fifteen days, followed by a seventy-five day period
36 of restricted driving privilege. Upon completion of such seventy-five day period of restricted driving
37 privilege, upon compliance with other requirements of law, and upon filing of proof of financial
38 responsibility with the department of revenue, in accordance with chapter 303, the license and driving
39 privilege shall be reinstated. However, if the monthly monitoring reports during such seventy-five day

1 period indicate that the ignition interlock device has registered a blood alcohol concentration level above
2 the alcohol setpoint established by the department of transportation or such reports indicate that the
3 ignition interlock device has been tampered with or circumvented, then the license and driving privilege of
4 such person shall not be reinstated until the person completes an additional seventy-five day period of
5 restricted driving privilege without any such violations. If the person fails to maintain such proof of the
6 device with the director of revenue as required, the restricted driving privilege shall be terminated;

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

9 (3) In no case shall restricted driving privileges be issued under this section to any person whose
10 driving record shows one or more prior alcohol-related enforcement contacts until the person has
11 completed the first thirty days of a suspension under this section and has filed proof with the department
12 of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition
13 interlock device as a required condition of the restricted driving privilege. If the person fails to maintain
14 such proof the restricted driving privilege shall be 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 in this
17 or any other state for a refusal to submit to chemical testing under an implied consent law, and any
18 conviction in this or any other state for a violation which involves driving while intoxicated, driving while
19 under the influence of drugs or alcohol, or driving a vehicle while having an unlawful alcohol
20 concentration.

21 4. Where a license is suspended or revoked under this section and the person is also convicted on
22 charges arising out of the same occurrence for a violation of section 577.010 or 577.012 or for a violation
23 of any county or municipal ordinance prohibiting driving while intoxicated or alcohol-related traffic
24 offense, both the suspension or revocation under this section and any other suspension or revocation
25 arising from such convictions shall be imposed, but the period of suspension or revocation under sections
26 302.500 to 302.540 shall be credited against any other suspension or revocation arising from such
27 convictions, and the total period of suspension or revocation shall not exceed the longer of the two
28 suspension or revocation periods.

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

1 Further amend said bill, Pages 13-14, Section 577.600, Lines 1-45, by deleting all of said section and lines
2 from the bill; and

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4 Further amend said bill, Pages 14-15, Section 577.606, Lines 1-21, by deleting all of said section and lines
5 from the bill; and

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7 Further amend said bill, Page 15, Section 577.606, Line 21, by inserting after all of said section and line,
8 the following:

9
10 "Section B. The repeal and reenactment of sections 302.304, 302.309, and 302.525 shall become
11 effective October 1, 2013."; and

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