

**HOUSE** \_\_\_\_\_ **AMENDMENT NO.** \_\_\_\_\_

**Offered By**

1 AMEND Senate Bill No. 0893, Page 7, Section 301.060, Lines 88 - 99 by deleting all of said  
2 lines and inserting in lieu thereof the following:

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

Further amend said bill, Page 8, Section 302.060, Line 119 by inserting after said line the following:

“302.304. 1. The director shall notify by ordinary mail any operator of the point value charged against the operator's record when the record shows four or more points have been accumulated in a twelve-month period.

2. In an action to suspend or revoke a license or driving privilege under this section points shall be accumulated on the date of conviction. No case file of any conviction for a driving violation for which points may be assessed pursuant to section 302.302 may be closed until such time as a copy of the record of such conviction is forwarded to the department of revenue.

3. The director shall suspend the license and driving privileges of any person whose driving record shows the driver has accumulated eight points in eighteen months.

4. The license and driving privilege of any person whose license and driving privilege have been suspended under the provisions of sections 302.010 to 302.540 except those persons whose license and driving privilege have been suspended under the provisions of subdivision (8) of subsection 1 of section 302.302 or has accumulated sufficient points together with a conviction under subdivision (10) of subsection 1 of section 302.302 and who has filed proof of financial responsibility with the department of revenue, in accordance with chapter 303, and is otherwise eligible, shall be reinstated as follows:

(1) In the case of an initial suspension, thirty days after the effective date of the suspension;

(2) In the case of a second suspension, sixty days after the effective date of the suspension;

(3) In the case of the third and subsequent suspensions, ninety days after the effective date of the suspension. Unless proof of financial responsibility is filed with the department of revenue, a suspension shall continue in effect for two years from its effective date.

5. The period of suspension of the driver's license and driving privilege of any person

2 under the provisions of subdivision (8) of subsection 1 of section 302.302 or who has  
3 accumulated sufficient points together with a conviction under subdivision (10) of subsection 1 of  
4 section 302.302 shall be thirty days, followed by a sixty-day period of restricted driving privilege  
5 as defined in section 302.010. Upon completion of such period of restricted driving privilege,  
6 upon compliance with other requirements of law and upon filing of proof of financial  
7 responsibility with the department of revenue, in accordance with chapter 303, the license and  
8 driving privilege shall be reinstated. If a person, otherwise subject to the provisions of this  
9 subsection, files proof of installation with the department of revenue that any vehicle operated by  
10 such person is equipped with a functioning, certified ignition interlock device, then there shall be  
11 no period of suspension and the person shall instead be subject to a ninety-day period of restricted  
12 driving privilege. If the person fails to maintain such proof of the device with the director of  
13 revenue as required, the restricted driving privilege shall be terminated. Upon completion of such  
14 ninety-day period of restricted driving privilege, upon compliance with other requirements of law,  
15 and upon filing of proof of financial responsibility with the department of revenue, in accordance  
16 with chapter 303, the license and driving privilege shall be reinstated. However, if the monthly  
17 monitoring reports during such ninety-day period indicate that the ignition interlock device has  
18 registered a blood alcohol concentration level above the alcohol setpoint established by the  
19 department of transportation or such reports indicate that the ignition interlock device has been  
20 tampered with or circumvented, then the license and driving privilege of such person shall not be  
21 reinstated until the person completes an additional ninety-day period of restricted driving privilege  
22 without any such violations.

23 6. If the person fails to maintain proof of financial responsibility in accordance with  
24 chapter 303, 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, the person's driving privilege and license shall be resuspended.

27 7. The director shall revoke the license and driving privilege of any person when the

2 person's driving record shows such person has accumulated twelve points in twelve months or  
3 eighteen points in twenty-four months or twenty-four points in thirty-six months. The revocation  
4 period of any person whose license and driving privilege have been revoked under the provisions  
5 of sections 302.010 to 302.540 and who has filed proof of financial responsibility with the  
6 department of revenue in accordance with chapter 303 and is otherwise eligible, shall be  
7 terminated by a notice from the director of revenue after one year from the effective date of the  
8 revocation. Unless proof of financial responsibility is filed with the department of revenue,  
9 except as provided in subsection 2 of section 302.541, the revocation shall remain in effect for a  
10 period of two years from its effective date. If the person fails to maintain proof of financial  
11 responsibility in accordance with chapter 303, the person's license and driving privilege shall be  
12 rerevoked. Any person whose license and driving privilege have been revoked under the  
13 provisions of sections 302.010 to 302.540 shall, upon receipt of the notice of termination of the  
14 revocation from the director, pass the complete driver examination and apply for a new license  
15 before again operating a motor vehicle upon the highways of this state.

16 8. If, prior to conviction for an offense that would require suspension or revocation of a  
17 person's license under the provisions of this section, the person's total points accumulated are  
18 reduced, pursuant to the provisions of section 302.306, below the number of points required for  
19 suspension or revocation pursuant to the provisions of this section, then the person's license shall  
20 not be suspended or revoked until the necessary points are again obtained and accumulated.

21 9. If any person shall neglect or refuse to surrender the person's license, as provided  
22 herein, the director shall direct the state highway patrol or any peace or police officer to secure  
23 possession thereof and return it to the director.

24 10. Upon the issuance of a reinstatement or termination notice after a suspension or  
25 revocation of any person's license and driving privilege under the provisions of sections 302.010  
26 to 302.540, the accumulated point value shall be reduced to four points, except that the points of  
27 any person serving as a member of the armed forces of the United States outside the limits of the

United States during a period of suspension or revocation shall be reduced to zero upon the date of the reinstatement or termination of notice. It shall be the responsibility of such member of the armed forces to submit copies of official orders to the director of revenue to substantiate such overseas service. Any other provision of sections 302.010 to 302.540 to the contrary notwithstanding, the effective date of the four points remaining on the record upon reinstatement or termination shall be the date of the reinstatement or termination notice.

11. No credit toward reduction of points shall be given during periods of suspension or revocation or any period of driving under a limited driving privilege granted by a court or the director of revenue.

12. Any person or nonresident whose license or privilege to operate a motor vehicle in this state has been suspended or revoked under this or any other law shall, before having the license or privilege to operate a motor vehicle reinstated, pay to the director a reinstatement fee of twenty dollars which shall be in addition to all other fees provided by law.

13. Notwithstanding any other provision of law to the contrary, if after two years from the effective date of any suspension or revocation issued under this chapter, the person or nonresident has not paid the reinstatement fee of twenty dollars, the director shall reinstate such license or privilege to operate a motor vehicle in this state.

14. No person who has had a license to operate a motor vehicle suspended or revoked as a result of an assessment of points for a violation under subdivision (8), (9) or (10) of subsection 1 of section 302.302 shall have that license reinstated until such person has participated in and successfully completed a substance abuse traffic offender program defined in section 302.010, or a program determined to be comparable by the department of mental health. Assignment recommendations, based upon the needs assessment as described in subdivision (22) of section 302.010, shall be delivered in writing to the person with written notice that the person is entitled to have such assignment recommendations reviewed by the court if the person objects to the recommendations. The person may file a motion in the associate division of the circuit court of

2 the county in which such assignment was given, on a printed form provided by the state courts  
3 administrator, to have the court hear and determine such motion pursuant to the provisions of  
4 chapter 517. The motion shall name the person or entity making the needs assessment as the  
5 respondent and a copy of the motion shall be served upon the respondent in any manner allowed  
6 by law. Upon hearing the motion, the court may modify or waive any assignment  
7 recommendation that the court determines to be unwarranted based upon a review of the needs  
8 assessment, the person's driving record, the circumstances surrounding the offense, and the  
9 likelihood of the person committing a like offense in the future, except that the court may modify  
10 but may not waive the assignment to an education or rehabilitation program of a person  
11 determined to be a prior or persistent offender as defined in section 577.023 or of a person  
12 determined to have operated a motor vehicle with fifteen-hundredths of one percent or more by  
13 weight in such person's blood. Compliance with the court determination of the motion shall  
14 satisfy the provisions of this section for the purpose of reinstating such person's license to operate  
15 a motor vehicle. The respondent's personal appearance at any hearing conducted pursuant to this  
16 subsection shall not be necessary unless directed by the court.

17 15. The fees for the program authorized in subsection 14 of this section, or a portion  
18 thereof to be determined by the department of mental health, shall be paid by the person enrolled  
19 in the program. Any person who is enrolled in the program shall pay, in addition to any fee  
20 charged for the program, a supplemental fee in an amount to be determined by the department of  
21 mental health for the purposes of funding the substance abuse traffic offender program defined in  
22 section 302.010 and section 577.001 or a program determined to be comparable by the department  
23 of mental health. The administrator of the program shall remit to the division of alcohol and drug  
24 abuse of the department of mental health on or before the fifteenth day of each month the  
25 supplemental fee for all persons enrolled in the program, less two percent for administrative costs.  
26 Interest shall be charged on any unpaid balance of the supplemental fees due the division of  
27 alcohol and drug abuse pursuant to this section and shall accrue at a rate not to exceed the annual

rate established pursuant to the provisions of section 32.065, plus three percentage points. The supplemental fees and any interest received by the department of mental health pursuant to this section shall be deposited in the mental health earnings fund which is created in section 630.053.

16. Any administrator who fails to remit to the division of alcohol and drug abuse of the department of mental health the supplemental fees and interest for all persons enrolled in the program pursuant to this section shall be subject to a penalty equal to the amount of interest accrued on the supplemental fees due the division pursuant to this section. If the supplemental fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the department of mental health within six months of the due date, the attorney general of the state of Missouri shall initiate appropriate action of the collection of said fees and interest accrued. The court shall assess attorney fees and court costs against any delinquent program.

17. Any person who has had a license to operate a motor vehicle suspended or revoked as a result of an assessment of points for a violation under subdivision (9) of subsection 1 of section 302.302 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 of the license. 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 resuspended or revoked and the person shall be guilty of a class A misdemeanor.”; and

Further amend said bill, Pages 9 - 11, Section 302.309, Lines 47 through 109 by deleting said lines and inserting in lieu thereof the following:

“(4) No limited driving privilege shall be issued to any person otherwise eligible under the provisions of paragraph (a) of subdivision (6) of this subsection on a license revocation resulting from a conviction under subdivision (9) of subsection 1 of section 302.302, or a license denial under paragraph (a) or (b) of subdivision (8) of this subsection, or a license revocation under paragraph (h) of subdivision (6) of this subsection, until the applicant has filed proof with the 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



2 terminated. Failure of the driver to maintain proof of financial responsibility, as required by  
3 chapter 303, or to maintain proof of installation of a functioning, certified ignition interlock  
4 device, as applicable, shall terminate the privilege. The director shall notify by ordinary mail the  
5 driver whose privilege is so terminated.

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

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

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

16 (c) Ineligibility for a license because of the provisions of subdivision (1), (2), (4), (5), (6),  
17 (7), (8), (9), (10) or (11) of section 302.060;

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

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

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

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

for a limited driving privilege; or

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

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

Further amend said section, Page 11, Lines 116 and 117 by deleting the words “three years” and inserting in lieu thereof the words “ [three years] forty-five days “; and

Further amend said section, Page 11, Line 120 by deleting the words “three years” and inserting in lieu thereof the words “ [three years] forty-five days “; and

Further amend said section, Page 11, Line 138 by deleting the words “two years” and inserting in lieu thereof the words “ [two years] forty-five days “; and

Further amend said section, Page 12, Line 142 by deleting the words “two years” and inserting in lieu thereof the words “ [two years] forty-five days “; and

Further amend said bill, Page 13, Section 302.309, Line 199, by inserting after all of said line the following:

"302.525. 1. The license suspension or revocation shall become effective fifteen days

2 after the subject person has received the notice of suspension or revocation as provided in section  
3 302.520, or is deemed to have received the notice of suspension or revocation by mail as provided  
4 in section 302.515.

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

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

11 (1) If the person's driving record shows no prior alcohol-related enforcement contacts  
12 during the immediately preceding five years, the period of suspension shall be thirty days after the  
13 effective date of suspension, followed by a sixty-day period of restricted driving privilege as  
14 defined in section 302.010 and issued by the director of revenue. The restricted driving privilege  
15 shall not be issued until he or she has filed proof of financial responsibility with the department of  
16 revenue, in accordance with chapter 303, and is otherwise eligible. The restricted driving  
17 privilege shall indicate whether a functioning, certified ignition interlock device is required as a  
18 condition of operating a motor vehicle. A copy of the restricted driving privilege shall be given to  
19 the person and such person shall carry a copy of the restricted driving privilege while operating a  
20 motor vehicle. In no case shall restricted driving privileges be issued pursuant to this section or  
21 section 302.535 until the person has completed the first thirty days of a suspension under this  
22 section. If a person, otherwise subject to the provisions of this subdivision files proof of  
23 installation with the department of revenue that any vehicle operated is equipped with a  
24 functioning, certified ignition interlock device, then there shall be no period of suspension and the  
25 person shall instead be subject to a ninety-day period of restricted driving privilege. Upon  
26 completion of such ninety-day period of restricted driving privilege, upon compliance with other  
27 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 such person shall not be reinstated until the person completes an additional ninety-day period of restricted driving privilege without any such violations. 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;

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

(3) In no case shall restricted driving privileges be issued under this section to any person whose driving record shows one or more prior alcohol-related enforcement contacts until the person has completed the first thirty days of a suspension under this section and has filed proof with the 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 the restricted driving privilege. If the person fails to maintain such proof the restricted driving privilege shall be terminated.

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

4. Where a license is suspended or revoked under this section and the person is also convicted on charges arising out of the same occurrence for a violation of section 577.010 or

2 577.012 or for a violation of any county or municipal ordinance prohibiting driving while  
3 intoxicated or alcohol-related traffic offense, both the suspension or revocation under this section  
4 and any other suspension or revocation arising from such convictions shall be imposed, but the  
5 period of suspension or revocation under sections 302.500 to 302.540 shall be credited against any  
6 other suspension or revocation arising from such convictions, and the total period of suspension or  
7 revocation shall not exceed the longer of the two suspension or revocation periods.

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

21 Section B. The repeal and reenactment of sections 302.304, 302.309, and 302.525 shall  
22 become effective July 1, 2013."; and  
23 Further amend said bill by amending the title, enacting clause, and intersectional references  
24 accordingly.