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ORIGINAL



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House

Amendment NO.

Jones

Offered By

SO

1 AMEND HCS for Senate Bill No. 51, Page 2, Section 301.301, Line
2 8, by inserting after all of said section and line, the following:

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

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

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

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10 person whose license has been revoked, until the expiration of one year after such license was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

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

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

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

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

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

23 (9) To any person who has been convicted more than twice of violating state law, or a county
24 or municipal ordinance where the defendant was represented by or waived the right to an attorney in
25 writing, relating to driving while intoxicated; except that, after the expiration of ten years from the
26 date of conviction of the last offense of violating such law or ordinance relating to driving while
27 intoxicated, a person who was so convicted may petition the circuit court of the county in which such
28 last conviction was rendered and the court shall review the person's habits and conduct since such
29 conviction, including the results of a criminal history check as defined in section 302.010. If the
30 court finds that the petitioner has not been convicted, pled guilty to or been found guilty of, and has
31 no pending charges for any offense related to alcohol, controlled substances or drugs and has no
32 other alcohol-related enforcement contacts as defined in section 302.525 during the preceding ten

Action Taken

Date

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1 years and that the petitioner's habits and conduct show such petitioner to no longer pose a threat to
2 the public safety of this state, the court [may] shall order the director to issue a license to the
3 petitioner if the petitioner is otherwise qualified pursuant to the provisions of sections 302.010 to
4 302.540. No person may obtain a license pursuant to the provisions of this subdivision through court
5 action more than one time;

6 (10) To any person who has pled guilty to or been convicted of the crime of involuntary
7 manslaughter while operating a motor vehicle in an intoxicated condition, or to any person who has
8 been convicted twice within a five-year period of violating state law, county or municipal ordinance
9 of driving while intoxicated, or any other intoxication-related traffic offense as defined in section
10 577.023, except that, after the expiration of five years from the date of conviction of the last offense
11 of violating such law or ordinance, a person who was so convicted may petition the circuit court of
12 the county in which such last conviction was rendered and the court shall review the person's habits
13 and conduct since such conviction, including the results of a criminal history check as defined in
14 section 302.010. If the court finds that the petitioner has not been convicted, pled guilty to, or been
15 found guilty of, and has no pending charges for any offense related to alcohol, controlled substances,
16 or drugs and has no other alcohol-related enforcement contacts as defined in section 302.525 during
17 the preceding five years, and that the petitioner's habits and conduct show such petitioner to no
18 longer pose a threat to the public safety of this state, the court [may] shall order the director to issue a
19 license to the petitioner if the petitioner is otherwise qualified pursuant to the provisions of sections
20 302.010 to 302.540;

21 (11) To any person who is otherwise disqualified pursuant to the provisions of sections
22 302.010 to 302.780, chapter 303, or section 544.046;

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

33 2. Any person whose license is reinstated under the provisions of [subdivisions (9) and (10)]
34 subdivision (9) or (10) of subsection 1 of this section shall be required to file proof with the director
35 of revenue that any motor vehicle operated by the person is equipped with a functioning, certified
36 ignition interlock device as a required condition of reinstatement. The ignition interlock device
37 required for reinstatement under this subsection and for obtaining a limited driving privilege under
38 paragraph (a) or (b) of subdivision (8) of subsection 3 of section 302.309 shall have photo
39 identification technology and global positioning system features. The ignition interlock device shall
40 further be required to be maintained on all motor vehicles operated by the person for a period of not
41 less than six months immediately following the date of reinstatement. If the monthly monitoring

1 reports show that the ignition interlock device has registered any confirmed blood alcohol
2 concentration readings above the alcohol setpoint established by the department of transportation or
3 that the person has tampered with or circumvented the ignition interlock device, then the period for
4 which the person must maintain the ignition interlock device following the date of reinstatement
5 shall be extended for an additional six months. If the person fails to maintain such proof with the
6 director, the license shall be suspended for the remainder of the six-month period or until proof as
7 required by this section is filed with the director. Upon the completion of the six-month period, the
8 license shall be shown as reinstated, if the person is otherwise eligible.

9 3. Any person who petitions the court for reinstatement of his or her license pursuant to
10 subdivision (9) or (10) of subsection 1 of this section shall make application with the Missouri state
11 highway patrol as provided in section 43.540, and shall submit two sets of fingerprints collected
12 pursuant to standards as determined by the highway patrol. One set of fingerprints shall be used by
13 the highway patrol to search the criminal history repository and the second set shall be forwarded to
14 the Federal Bureau of Investigation for searching the federal criminal history files. At the time of
15 application, the applicant shall supply to the highway patrol the court name and case number for the
16 court where he or she has filed his or her petition for reinstatement. The applicant shall pay the fee
17 for the state criminal history check pursuant to section 43.530 and pay the appropriate fee
18 determined by the Federal Bureau of Investigation for the federal criminal history record. The
19 Missouri highway patrol, upon receipt of the results of the criminal history check, shall forward a
20 copy of the results to the circuit court designated by the applicant and to the department.
21 Notwithstanding the provisions of section 610.120, all records related to any criminal history check
22 shall be accessible and available to the director and the court.

23
24 [302.060. 1. The director shall not issue any license and shall immediately
25 deny any driving privilege:

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

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

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

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

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

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

40 (7) To any person who has an unsatisfied judgment against such person, as
41 defined in chapter 303, until such judgment has been satisfied or the financial

1 responsibility of such person, as defined in section 303.120, has been established;

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

6 (9) To any person who has been convicted more than twice of violating state
7 law, or a county or municipal ordinance where the defendant was represented by or
8 waived the right to an attorney in writing, relating to driving while intoxicated; except
9 that, after the expiration of ten years from the date of conviction of the last offense of
10 violating such law or ordinance relating to driving while intoxicated, a person who
11 was so convicted may petition the circuit court of the county in which such last
12 conviction was rendered and the court shall review the person's habits and conduct
13 since such conviction, including the results of a criminal history check as defined in
14 section 302.010. If the court finds that the petitioner has not been convicted, pled
15 guilty to or been found guilty of, and has no pending charges for any offense related
16 to alcohol, controlled substances or drugs and has no other alcohol-related
17 enforcement contacts as defined in section 302.525 during the preceding ten years and
18 that the petitioner's habits and conduct show such petitioner to no longer pose a threat
19 to the public safety of this state, the court may order the director to issue a license to
20 the petitioner if the petitioner is otherwise qualified pursuant to the provisions of
21 sections 302.010 to 302.540. No person may obtain a license pursuant to the
22 provisions of this subdivision through court action more than one time;

23 (10) To any person who has pled guilty to or been convicted of the crime of
24 involuntary manslaughter while operating a motor vehicle in an intoxicated condition,
25 or to any person who has been convicted twice within a five-year period of violating
26 state law, county or municipal ordinance of driving while intoxicated, or any other
27 intoxication-related traffic offense as defined in section 577.023, except that, after the
28 expiration of five years from the date of conviction of the last offense of violating
29 such law or ordinance, a person who was so convicted may petition the circuit court
30 of the county in which such last conviction was rendered and the court shall review
31 the person's habits and conduct since such conviction, including the results of a
32 criminal history check as defined in section 302.010. If the court finds that the
33 petitioner has not been convicted, pled guilty to, or been found guilty of, and has no
34 pending charges for any offense related to alcohol, controlled substances, or drugs
35 and has no other alcohol-related enforcement contacts as defined in section 302.525
36 during the preceding five years, and that the petitioner's habits and conduct show such
37 petitioner to no longer pose a threat to the public safety of this state, the court may
38 order the director to issue a license to the petitioner if the petitioner is otherwise
39 qualified pursuant to the provisions of sections 302.010 to 302.540;

40 (11) To any person who is otherwise disqualified pursuant to the provisions of
41 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 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 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.

3. Any person who petitions the court for reinstatement of his or her license pursuant to subdivision (9) or (10) of subsection 1 of this section shall make application with the Missouri state highway patrol as provided in section 43.540, and shall submit two sets of fingerprints collected pursuant to standards as determined by the highway patrol. One set of fingerprints shall be used by the highway patrol to search the criminal history repository and the second set shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal history files. At the time of application, the applicant shall supply to the highway patrol the court name and case number for the court where he or she has filed his or her petition for reinstatement. The applicant shall pay the fee for the state criminal history check pursuant to section 43.530 and pay the appropriate fee determined by the Federal Bureau of Investigation for the federal criminal history record. The Missouri highway patrol, upon receipt of the results of the criminal history check, shall forward a copy of the results to the circuit court designated by the applicant and to the department. Notwithstanding the provisions of section 610.120, all records related to any criminal history check shall be accessible and available to the director and the court.]"; and

Further amend said bill, Page _____, Section _____, Line _____, by inserting after all

of said section and line, the following:

- "302.302. 1. The director of revenue shall put into effect a point system for the suspension and revocation of licenses. Points shall be assessed only after a conviction or forfeiture of collateral. The initial point value is as follows:
- (1) Any moving violation of a state law or county or municipal or federal traffic ordinance or regulation not listed in this section, other than a violation of vehicle equipment provisions or a court-ordered supervision as provided in section 302.303..... 2 points
- (except any violation of municipal stop sign ordinance where no accident is involved 1 point)
- (2) Speeding
- In violation of a state law..... 3 points
- In violation of a county or municipal ordinance..... 2 points
- (3) Leaving the scene of an accident in violation of section 577.060..... 12 points
- In violation of any county or municipal ordinance..... 6 points
- (4) Careless and imprudent driving in violation of subsection 4 of section 304.016..... 4 points
- In violation of a county or municipal ordinance..... 2 points
- (5) Operating without a valid license in violation of subdivision (1) or (2) of subsection 1 of section 302.020:
- (a) For the first conviction..... 2 points
- (b) For the second conviction..... 4 points
- (c) For the third conviction..... 6 points
- (6) Operating with a suspended or revoked license prior to restoration of operating privileges 12 points
- (7) Obtaining a license by misrepresentation..... 12 points
- (8) For the first conviction of driving while in an intoxicated condition or under the influence of controlled substances or drugs..... 8 points
- (9) For the second or subsequent conviction of any of the following offenses however combined: driving while in an intoxicated condition, driving under the influence of controlled substances or drugs or driving with a blood alcohol content of eight-hundredths of one percent or more by weight..... 12 points
- (10) For the first conviction for driving with blood alcohol content eight-hundredths of one percent or more by weight
- In violation of state law..... 8 points

- 1
2 In violation of a county or municipal ordinance or federal law or regulation..... 8 points
3 (11) Any felony involving the use of a motor vehicle 12 points
4 (12) Knowingly permitting unlicensed operator to operate a motor vehicle. . .4 points
5 (13) For a conviction for failure to maintain financial responsibility pursuant to county or
6 municipal ordinance or pursuant to section 303.025.....4 points
7 (14) Endangerment of a highway worker in violation of section 304.585.....4 points
8 (15) Aggravated endangerment of a highway worker in violation of
9 section 304.585..... 12 points
10 (16) For a conviction of violating a municipal ordinance that prohibits tow truck operators
11 from stopping at or proceeding to the scene of an accident unless they have been requested to stop or
12 proceed to such scene by a party involved in such accident or by an officer of a public safety agency
13 4 points
14 2. The director shall, as provided in subdivision (5) of subsection 1 of this section, assess an
15 operator points for a conviction pursuant to subdivision (1) or (2) of subsection 1 of section 302.020,
16 when the director issues such operator a license or permit pursuant to the provisions of sections
17 302.010 to 302.340.
18 3. An additional two points shall be assessed when personal injury or property damage
19 results from any violation listed in subdivisions (1) to (13) of subsection 1 of this section and if
20 found to be warranted and certified by the reporting court.
21 4. When any of the acts listed in subdivision (2), (3), (4) or (8) of subsection 1 of this section
22 constitutes both a violation of a state law and a violation of a county or municipal ordinance, points
23 may be assessed for either violation but not for both. Notwithstanding that an offense arising out of
24 the same occurrence could be construed to be a violation of subdivisions (8), (9) and (10) of
25 subsection 1 of this section, no person shall be tried or convicted for more than one offense pursuant
26 to subdivisions (8), (9) and (10) of subsection 1 of this section for offenses arising out of the same
27 occurrence.
28 5. The director of revenue shall put into effect a system for staying the assessment of points
29 against an operator. The system shall provide that the satisfactory completion of a
30 driver-improvement program or, in the case of violations committed while operating a motorcycle, a
31 motorcycle-rider training course approved by the state highways and transportation commission, by
32 an operator, when so ordered and verified by any court having jurisdiction over any law of this state
33 or county or municipal ordinance, regulating motor vehicles, other than a violation committed in a
34 commercial motor vehicle as defined in section 302.700 or a violation committed by an individual
35 who has been issued a commercial driver's license or is required to obtain a commercial driver's
36 license in this state or any other state, shall be accepted by the director in lieu of the assessment of
37 points for a violation pursuant to subdivision (1), (2) or (4) of subsection 1 of this section or pursuant
38 to subsection 3 of this section. The operator shall be given the option to complete the
39 driver-improvement program through an online or in-person course. A court using a centralized
40 violation bureau established under section 476.385 may elect to have the bureau order and verify
41 completion of a driver-improvement program or motorcycle-rider training course as prescribed by

order of the court. For the purposes of this subsection, the driver-improvement program shall meet or exceed the standards of the National Safety Council's eight-hour "Defensive Driving Course" or, in the case of a violation which occurred during the operation of a motorcycle, the program shall meet the standards established by the state highways and transportation commission pursuant to sections 302.133 to 302.137. The completion of a driver-improvement program or a motorcycle-rider training course shall not be accepted in lieu of points more than one time in any thirty-six-month period and shall be completed within sixty days of the date of conviction in order to be accepted in lieu of the assessment of points. Every court having jurisdiction pursuant to the provisions of this subsection shall, within fifteen days after completion of the driver-improvement program or motorcycle-rider training course by an operator, forward a record of the completion to the director, all other provisions of the law to the contrary notwithstanding. The director shall establish procedures for record keeping and the administration of this subsection."; and

Further amend said bill, Page _____, Section _____, Line _____, by inserting after all of said section and 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 under the provisions of subdivision (8) of subsection 1 of section 302.302 or who has accumulated sufficient points together with a conviction under subdivision (10) of subsection 1 of section 302.302

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

21 6. If the person fails to maintain proof of financial responsibility in accordance with chapter
22 303, or, if applicable, if the person fails to maintain proof that any vehicle operated is equipped with
23 a functioning, certified ignition interlock device installed pursuant to subsection 5 of this section, the
24 person's driving privilege and license shall be resuspended.

25 7. The director shall revoke the license and driving privilege of any person when the person's
26 driving record shows such person has accumulated twelve points in twelve months or eighteen points
27 in twenty-four months or twenty-four points in thirty-six months. The revocation period of any
28 person whose license and driving privilege have been revoked under the provisions of sections
29 302.010 to 302.540 and who has filed proof of financial responsibility with the department of
30 revenue in accordance with chapter 303 and is otherwise eligible, shall be terminated by a notice
31 from the director of revenue after one year from the effective date of the revocation. Unless proof of
32 financial responsibility is filed with the department of revenue, except as provided in subsection 2 of
33 section 302.541, the revocation shall remain in effect for a period of two years from its effective
34 date. If the person fails to maintain proof of financial responsibility in accordance with chapter 303,
35 the person's license and driving privilege shall be rerevoked. Any person whose license and driving
36 privilege have been revoked under the provisions of sections 302.010 to 302.540 shall, upon receipt
37 of the notice of termination of the revocation from the director, pass the complete driver examination
38 and apply for a new license before again operating a motor vehicle upon the highways of this state.

39 8. If, prior to conviction for an offense that would require suspension or revocation of a
40 person's license under the provisions of this section, the person's total points accumulated are
41 reduced, pursuant to the provisions of section 302.306, below the number of points required for

1 suspension or revocation pursuant to the provisions of this section, then the person's license shall not
2 be suspended or revoked until the necessary points are again obtained and accumulated.

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

6 10. Upon the issuance of a reinstatement or termination notice after a suspension or
7 revocation of any person's license and driving privilege under the provisions of sections 302.010 to
8 302.540, the accumulated point value shall be reduced to four points, except that the points of any
9 person serving as a member of the Armed Forces of the United States outside the limits of the United
10 States during a period of suspension or revocation shall be reduced to zero upon the date of the
11 reinstatement or termination of notice. It shall be the responsibility of such member of the Armed
12 Forces to submit copies of official orders to the director of revenue to substantiate such overseas
13 service. Any other provision of sections 302.010 to 302.540 to the contrary notwithstanding, the
14 effective date of the four points remaining on the record upon reinstatement or termination shall be
15 the date of the reinstatement or termination notice.

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

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

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

27 14. No person who has had a license to operate a motor vehicle suspended or revoked as a
28 result of an assessment of points for a violation under subdivision (8), (9) or (10) of subsection 1 of
29 section 302.302 shall have that license reinstated until such person has participated in and
30 successfully completed a substance abuse traffic offender program defined in section 302.010, or a
31 program determined to be comparable by the department of mental health. Assignment
32 recommendations, based upon the needs assessment as described in subdivision [(22)] (24) of section
33 302.010, shall be delivered in writing to the person with written notice that the person is entitled to
34 have such assignment recommendations reviewed by the court if the person objects to the
35 recommendations. The person may file a motion in the associate division of the circuit court of the
36 county in which such assignment was given, on a printed form provided by the state courts
37 administrator, to have the court hear and determine such motion pursuant to the provisions of chapter
38 517. The motion shall name the person or entity making the needs assessment as the respondent and
39 a copy of the motion shall be served upon the respondent in any manner allowed by law. Upon
40 hearing the motion, the court may modify or waive any assignment recommendation that the court
41 determines to be unwarranted based upon a review of the needs assessment, the person's driving

1 record, the circumstances surrounding the offense, and the likelihood of the person committing a like
2 offense in the future, except that the court may modify but may not waive the assignment to an
3 education or rehabilitation program of a person determined to be a prior or persistent offender as
4 defined in section 577.023 or of a person determined to have operated a motor vehicle with
5 fifteen-hundredths of one percent or more by weight in such person's blood. Compliance with the
6 court determination of the motion shall satisfy the provisions of this section for the purpose of
7 reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at
8 any hearing conducted pursuant to this subsection shall not be necessary unless directed by the court.

9 15. The fees for the program authorized in subsection 14 of this section, or a portion thereof
10 to be determined by the department of mental health, shall be paid by the person enrolled in the
11 program. Any person who is enrolled in the program shall pay, in addition to any fee charged for the
12 program, a supplemental fee in an amount to be determined by the department of mental health for
13 the purposes of funding the substance abuse traffic offender program defined in section 302.010 and
14 section 577.001 or a program determined to be comparable by the department of mental health. The
15 administrator of the program shall remit to the division of alcohol and drug abuse of the department
16 of mental health on or before the fifteenth day of each month the supplemental fee for all persons
17 enrolled in the program, less two percent for administrative costs. Interest shall be charged on any
18 unpaid balance of the supplemental fees due the division of alcohol and drug abuse pursuant to this
19 section and shall accrue at a rate not to exceed the annual rate established pursuant to the provisions
20 of section 32.065, plus three percentage points. The supplemental fees and any interest received by
21 the department of mental health pursuant to this section shall be deposited in the mental health
22 earnings fund which is created in section 630.053.

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

31 17. Any person who has had a license to operate a motor vehicle suspended or revoked as a
32 result of an assessment of points for a [violation under subdivision (9) of subsection 1 of section
33 302.302] conviction for an intoxication-related traffic offense as defined under section 577.023, and
34 who has a prior alcohol-related enforcement contact as defined under section 302.525, shall be
35 required to file proof with the director of revenue that any motor vehicle operated by the person is
36 equipped with a functioning, certified ignition interlock device as a required condition of
37 reinstatement of the license. The ignition interlock device shall further be required to be maintained
38 on all motor vehicles operated by the person for a period of not less than six months immediately
39 following the date of reinstatement. If the monthly monitoring reports show that the ignition
40 interlock device has registered any confirmed blood alcohol concentration readings above the
41 alcohol setpoint established by the department of transportation or that the person has tampered with

1 or circumvented the ignition interlock device, then the period for which the person must maintain the
2 ignition interlock device following the date of reinstatement shall be extended for an additional six
3 months. If the person fails to maintain such proof with the director, the license shall be resuspended
4 or revoked and the person shall be guilty of a class A misdemeanor.

5
6 [302.304. 1. The director shall notify by ordinary mail any operator of the
7 point value charged against the operator's record when the record shows four or more
8 points have been accumulated in a twelve-month period.

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

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

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

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

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

29 (3) In the case of the third and subsequent suspensions, ninety days after the
30 effective date of the suspension.

31 Unless proof of financial responsibility is filed with the department of revenue, a
32 suspension shall continue in effect for two years from its effective date.

33 5. The period of suspension of the driver's license and driving privilege of
34 any person under the provisions of subdivision (8) of subsection 1 of section 302.302
35 or who has accumulated sufficient points together with a conviction under subdivision
36 (10) of subsection 1 of section 302.302 shall be thirty days, followed by a sixty-day
37 period of restricted driving privilege as defined in section 302.010. Upon completion
38 of such period of restricted driving privilege, upon compliance with other
39 requirements of law and upon filing of proof of financial responsibility with the
40 department of revenue, in accordance with chapter 303, the license and driving
41 privilege shall be reinstated.

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

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

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

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

30 10. Upon the issuance of a reinstatement or termination notice after a
31 suspension or revocation of any person's license and driving privilege under the
32 provisions of sections 302.010 to 302.540, the accumulated point value shall be
33 reduced to four points, except that the points of any person serving as a member of
34 the Armed Forces of the United States outside the limits of the United States during a
35 period of suspension or revocation shall be reduced to zero upon the date of the
36 reinstatement or termination of notice. It shall be the responsibility of such member
37 of the Armed Forces to submit copies of official orders to the director of revenue to
38 substantiate such overseas service. Any other provision of sections 302.010 to
39 302.540 to the contrary notwithstanding, the effective date of the four points
40 remaining on the record upon reinstatement or termination shall be the date of the
41 reinstatement or termination notice.

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

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

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

14 14. No person who has had a license to operate a motor vehicle suspended or
15 revoked as a result of an assessment of points for a violation under subdivision (8),
16 (9) or (10) of subsection 1 of section 302.302 shall have that license reinstated until
17 such person has participated in and successfully completed a substance abuse traffic
18 offender program defined in section 302.010, or a program determined to be
19 comparable by the department of mental health. Assignment recommendations,
20 based upon the needs assessment as described in subdivision (22) of section 302.010,
21 shall be delivered in writing to the person with written notice that the person is
22 entitled to have such assignment recommendations reviewed by the court if the person
23 objects to the recommendations. The person may file a motion in the associate
24 division of the circuit court of the county in which such assignment was given, on a
25 printed form provided by the state courts administrator, to have the court hear and
26 determine such motion pursuant to the provisions of chapter 517. The motion shall
27 name the person or entity making the needs assessment as the respondent and a copy
28 of the motion shall be served upon the respondent in any manner allowed by law.
29 Upon hearing the motion, the court may modify or waive any assignment
30 recommendation that the court determines to be unwarranted based upon a review of
31 the needs assessment, the person's driving record, the circumstances surrounding the
32 offense, and the likelihood of the person committing a like offense in the future,
33 except that the court may modify but may not waive the assignment to an education
34 or rehabilitation program of a person determined to be a prior or persistent offender as
35 defined in section 577.023 or of a person determined to have operated a motor vehicle
36 with fifteen-hundredths of one percent or more by weight in such person's blood.
37 Compliance with the court determination of the motion shall satisfy the provisions of
38 this section for the purpose of reinstating such person's license to operate a motor
39 vehicle. The respondent's personal appearance at any hearing conducted pursuant to
40 this subsection shall not be necessary unless directed by the court.

41 15. The fees for the program authorized in subsection 14 of this section, or a

portion thereof to be determined by the department of mental health, shall be paid by the person enrolled in the program. Any person who is enrolled in the program shall pay, in addition to any fee charged for the program, a supplemental fee in an amount to be determined by the department of mental health for the purposes of funding the substance abuse traffic offender program defined in section 302.010 and section 577.001 or a program determined to be comparable by the department of mental health. The administrator of the program shall remit to the division of alcohol and drug abuse of the department of mental health on or before the fifteenth day of each month the supplemental fee for all persons enrolled in the program, less two percent for administrative costs. Interest shall be charged on any unpaid balance of the supplemental fees due the division of 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 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, Page _____, Section _____, Line _____, 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

1 with the requirements of chapter 303.

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

5 3. (1) All circuit courts, the director of revenue, or a commissioner operating
6 under section 478.007 shall have jurisdiction to hear applications and make eligibility
7 determinations granting limited driving privileges. Any application may be made in
8 writing to the director of revenue and the person's reasons for requesting the limited
9 driving privilege shall be made therein.

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

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

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

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

1 shall carry proof that the owner has complied with chapter 303 for that vehicle.

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

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

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

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

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

39 (c) Ineligibility for a license because of the provisions of subdivision (1), (2),
40 (4), (5), (6), (7), (8), (9), (10) or (11) of section 302.060;

41 (d) Because of operating a motor vehicle under the influence of narcotic

1 drugs, a controlled substance as defined in chapter 195, or having left the scene of an
2 accident as provided in section 577.060;

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

6 (f) Violation more than once of the provisions of section 577.041 or a similar
7 implied consent law of any other state; or

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

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

19 (8) (a) Provided that pursuant to the provisions of this section, the applicant
20 is not otherwise ineligible for a limited driving privilege, a circuit court or the director
21 may, in the manner prescribed in this subsection, allow a person who has had such
22 person's license to operate a motor vehicle revoked where that person cannot obtain a
23 new license for a period of ten years, as prescribed in subdivision (9) of subsection 1
24 of section 302.060, to apply for a limited driving privilege pursuant to this subsection
25 if such person has served at least three years of such disqualification or revocation.
26 Such person shall present evidence satisfactory to the court or the director that such
27 person has not been convicted of any offense related to alcohol, controlled substances
28 or drugs during the preceding three years and that the person's habits and conduct
29 show that the person no longer poses a threat to the public safety of this state. The
30 court or the director shall review the results of a criminal history check prior to
31 granting any limited privilege under this subdivision. If the court or the director finds
32 that the petitioner has been convicted, pled guilty to, or been found guilty of, or has a
33 pending charge for any offense related to alcohol, controlled substances, or drugs, or
34 has any other alcohol-related enforcement contact as defined in section 302.525
35 during the preceding three years, the court or the director shall not grant a limited
36 driving privilege to the applicant.

37 (b) Provided that pursuant to the provisions of this section, the applicant is
38 not otherwise ineligible for a limited driving privilege or convicted of involuntary
39 manslaughter while operating a motor vehicle in an intoxicated condition, a circuit
40 court or the director may, in the manner prescribed in this subsection, allow a person
41 who has had such person's license to operate a motor vehicle revoked where that

1 person cannot obtain a new license for a period of five years because of two
2 convictions of driving while intoxicated, as prescribed in subdivision (10) of
3 subsection 1 of section 302.060, to apply for a limited driving privilege pursuant to
4 this subsection if such person has served at least two years of such disqualification or
5 revocation. Such person shall present evidence satisfactory to the court or the
6 director that such person has not been convicted of any offense related to alcohol,
7 controlled substances or drugs during the preceding two years and that the person's
8 habits and conduct show that the person no longer poses a threat to the public safety
9 of this state. The court or the director shall review the results of a criminal history
10 check prior to granting any limited privilege under this subdivision. If the court or
11 director finds that the petitioner has been convicted, pled guilty to, or been found
12 guilty of, or has a pending charge for any offense related to alcohol, controlled
13 substances, or drugs, or has any other alcohol-related enforcement contact as defined
14 in section 302.525 during the preceding two years, the court or the director shall not
15 grant a limited driving privilege to the applicant. Any person who is denied a license
16 permanently in this state because of an alcohol-related conviction subsequent to a
17 restoration of such person's driving privileges pursuant to subdivision (9) of section
18 302.060 shall not be eligible for limited driving privilege pursuant to the provisions
19 of this subdivision.

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

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

33 5. Any person who petitions a court or makes application with the director for
34 a limited driving privilege pursuant to paragraph (a) or (b) of subdivision (8) of
35 subsection 3 of this section shall make application with the Missouri state highway
36 patrol as provided in section 43.540 and shall submit two sets of fingerprints collected
37 pursuant to standards as determined by the highway patrol. One set of fingerprints
38 shall be used by the highway patrol to search the criminal history repository and the
39 second set shall be forwarded to the Federal Bureau of Investigation for searching the
40 federal criminal history files. At the time of application, the applicant shall supply to
41 the highway patrol the court name and case number for the court where he or she has

1 filed his or her petition for limited driving privileges. The applicant shall pay the fee
2 for the state criminal history record information pursuant to section 43.530 and pay
3 the appropriate fee determined by the Federal Bureau of Investigation for the federal
4 criminal history record. The Missouri highway patrol, upon receipt of the results of
5 the criminal history check, shall forward the results to the circuit court designated by
6 the applicant and to the department. Notwithstanding the provisions of section
7 610.120, all records related to any criminal history check shall be accessible and
8 available to the director and the court.

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

19 302.309. 1. Whenever any license is suspended pursuant to sections 302.302 to 302.309, the
20 director of revenue shall return the license to the operator immediately upon the termination of the
21 period of suspension and upon compliance with the requirements of chapter 303.

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

24 3. (1) All circuit courts, the director of revenue, or a commissioner operating under section
25 478.007 shall have jurisdiction to hear applications and make eligibility determinations granting
26 limited driving privileges, except as provided under subdivision (8) of this subsection. Any
27 application may be made in writing to the director of revenue and the person's reasons for requesting
28 the limited driving privilege shall be made therein.

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

- 31 (a) A business, occupation, or employment;
- 32 (b) Seeking medical treatment for such operator;
- 33 (c) Attending school or other institution of higher education;
- 34 (d) Attending alcohol or drug treatment programs;
- 35 (e) Seeking the required services of a certified ignition interlock device provider; or
- 36 (f) Any other circumstance the court or director finds would create an undue hardship on the
37 operator[;],

38
39 the court or director may grant such limited driving privilege as the circumstances of the case justify
40 if the court or director finds undue hardship would result to the individual, and while so operating a
41 motor vehicle within the restrictions and limitations of the limited driving privilege the driver shall

1 not be guilty of operating a motor vehicle without a valid license.

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

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

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

1 privilege. The director shall notify by ordinary mail the driver whose privilege is so terminated.

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

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

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

12 (c) Ineligibility for a license because of the provisions of subdivision (1), (2), (4), (5), (6),
13 (7), (8), (9), (10) or (11) of subsection 1 of section 302.060;

14 (d) Because of operating a motor vehicle under the influence of narcotic drugs, a controlled
15 substance as defined in chapter 195, or having left the scene of an accident as provided in section
16 577.060;

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

20 (f) Violation more than once of the provisions of section 577.041 or a similar implied
21 consent law of any other state] and files proof of installation with the department of revenue that any
22 vehicle operated by such person is equipped with a functioning, certified ignition interlock device,
23 provided the person is not otherwise ineligible for a limited driving privilege;

24 [(g)] (f) Due to a suspension pursuant to subsection 2 of section 302.525 and who has not
25 completed the first thirty days of such suspension, provided the person is not otherwise ineligible for
26 a limited driving privilege; or

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

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

36 (8) (a) Provided that pursuant to the provisions of this section, the applicant is not otherwise
37 ineligible for a limited driving privilege, a circuit court or the director may, in the manner prescribed
38 in this subsection, allow a person who has had such person's license to operate a motor vehicle
39 revoked where that person cannot obtain a new license for a period of ten years, as prescribed in
40 subdivision (9) of subsection 1 of section 302.060, to apply for a limited driving privilege pursuant
41 to this subsection [if such person has served at least forty-five days of such disqualification or

1 revocation]. Such person shall present evidence satisfactory to the court or the director that such
2 [person has not been convicted of any offense related to alcohol, controlled substances or drugs
3 during the preceding forty-five days and that the] person's habits and conduct show that the person
4 no longer poses a threat to the public safety of this state. A circuit court shall grant a limited driving
5 privilege to any individual who otherwise is eligible to receive a limited driving privilege, has filed
6 proof of installation of a certified ignition interlock device, and has had no alcohol-related
7 enforcement contacts since the alcohol-related enforcement contact that resulted in the person's
8 license denial.

9 (b) Provided that pursuant to the provisions of this section, the applicant is not otherwise
10 ineligible for a limited driving privilege or convicted of involuntary manslaughter while operating a
11 motor vehicle in an intoxicated condition, a circuit court or the director may, in the manner
12 prescribed in this subsection, allow a person who has had such person's license to operate a motor
13 vehicle revoked where that person cannot obtain a new license for a period of five years because of
14 two convictions of driving while intoxicated, as prescribed in subdivision (10) of subsection 1 of
15 section 302.060, to apply for a limited driving privilege pursuant to this subsection [if such person
16 has served at least forty-five days of such disqualification or revocation]. Such person shall present
17 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 forty-five days and
19 that the] person's habits and conduct show that the person no longer poses a threat to the public
20 safety of this state. Any person who is denied a license permanently in this state because of an
21 alcohol-related conviction subsequent to a restoration of such person's driving privileges pursuant to
22 subdivision (9) of section 302.060 shall not be eligible for limited driving privilege pursuant to the
23 provisions of this subdivision. A circuit court shall grant a limited driving privilege to any
24 individual who otherwise is eligible to receive a limited driving privilege, has filed proof of
25 installation of a certified ignition interlock device, and has had no alcohol-related enforcement
26 contacts since the alcohol-related enforcement contact that resulted in the person's license denial.

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

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

38 5. The director of revenue shall promulgate rules and regulations necessary to carry out the
39 provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010,
40 that is created under the authority delegated in this section shall become effective only if it complies
41 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This

section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void."; and

Further amend said bill, Page 3, Section 302.341 Line 46, by inserting after all of said section and line, the following:

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

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

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

1 driving privilege [without any such violations]. If the person fails to maintain such proof of the
2 device with the director of revenue as required, the restricted driving privilege shall be terminated;

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

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

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

17 4. Where a license is suspended or revoked under this section and the person is also
18 convicted on charges arising out of the same occurrence for a violation of section 577.010 or
19 577.012 or for a violation of any county or municipal ordinance prohibiting driving while
20 intoxicated or alcohol-related traffic offense, both the suspension or revocation under this section
21 and any other suspension or revocation arising from such convictions shall be imposed, but the
22 period of suspension or revocation under sections 302.500 to 302.540 shall be credited against any
23 other suspension or revocation arising from such convictions, and the total period of suspension or
24 revocation shall not exceed the longer of the two suspension or revocation periods.

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

38
39 [302.525. 1. The license suspension or revocation shall become effective fifteen days
40 after the subject person has received the notice of suspension or revocation as provided in
41 section 302.520, or is deemed to have received the notice of suspension or revocation by mail

1 as provided in section 302.515. If a request for a hearing is received by or postmarked to the
2 department within that fifteen-day period, the effective date of the suspension or revocation
3 shall be stayed until a final order is issued following the hearing; provided, that any delay in
4 the hearing which is caused or requested by the subject person or counsel representing that
5 person without good cause shown shall not result in a stay of the suspension or revocation
6 during the period of delay.

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

9 (1) If the person's driving record shows no prior alcohol-related enforcement
10 contacts during the immediately preceding five years, the period of suspension shall
11 be thirty days after the effective date of suspension, followed by a sixty-day period of
12 restricted driving privilege as defined in section 302.010 and issued by the director of
13 revenue. The restricted driving privilege shall not be issued until he or she has filed
14 proof of financial responsibility with the department of revenue, in accordance with
15 chapter 303, and is otherwise eligible. In no case shall restricted driving privileges be
16 issued pursuant to this section or section 302.535 until the person has completed the
17 first thirty days of a suspension under this section;

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

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

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

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

1 suspension or revocation arising from such convictions, and the total period of
 2 suspension or revocation shall not exceed the longer of the two suspension or
 3 revocation periods.

4 5. Any person who has had a license to operate a motor vehicle revoked under
 5 this section or suspended under this section with one or more prior alcohol-related
 6 enforcement contacts showing on their driver record shall be required to file proof
 7 with the director of revenue that any motor vehicle operated by that person is
 8 equipped with a functioning, certified ignition interlock device as a required
 9 condition of reinstatement. The ignition interlock device shall further be required to
 10 be maintained on all motor vehicles operated by the person for a period of not less
 11 than six months immediately following the date of reinstatement. If the person fails
 12 to maintain such proof with the director, the license shall be resuspended or revoked,
 13 as applicable.]"; and

14
 15 Further amend said bill, Page 31, Section 307.400, Line 81, by inserting after all
 16 of said section and line, the following:

17
 18 "476.385. 1. The judges of the supreme court may appoint a committee consisting of at least
 19 seven associate circuit judges, who shall meet en banc and establish and maintain a schedule of fines
 20 to be paid for violations of sections 210.104, 577.070, and 577.073, and chapters 252, 301, 302, 304,
 21 306, 307 and 390, with such fines increasing in proportion to the severity of the violation. The
 22 associate circuit judges of each county may meet en banc and adopt the schedule of fines and
 23 participation in the centralized bureau pursuant to this section. Notice of such adoption and
 24 participation shall be given in the manner provided by supreme court rule. Upon order of the
 25 supreme court, the associate circuit judges of each county may meet en banc and establish and
 26 maintain a schedule of fines to be paid for violations of municipal ordinances for cities, towns and
 27 villages electing to have violations of its municipal ordinances heard by associate circuit judges,
 28 pursuant to section 479.040; and for traffic court divisions established pursuant to section 479.500.
 29 The schedule of fines adopted for violations of municipal ordinances may be modified from time to
 30 time as the associate circuit judges of each county en banc deem advisable. No fine established
 31 pursuant to this subsection may exceed the maximum amount specified by statute or ordinance for
 32 such violation.

33 2. In no event shall any schedule of fines adopted pursuant to this section include offenses
 34 involving the following:

- 35 (1) Any violation resulting in personal injury or property damage to another person;
- 36 (2) Operating a motor vehicle while intoxicated or under the influence of intoxicants or
- 37 drugs;
- 38 (3) Operating a vehicle with a counterfeited, altered, suspended or revoked license;
- 39 (4) Fleeing or attempting to elude an officer.

40 3. There shall be a centralized bureau to be established by supreme court rule in order to
 41 accept pleas of not guilty or guilty and payments of fines and court costs for violations of the laws

1 and ordinances described in subsection 1 of this section, made pursuant to a schedule of fines
2 established pursuant to this section. The centralized bureau shall collect, with any plea of guilty and
3 payment of a fine, all court costs which would have been collected by the court of the jurisdiction
4 from which the violation originated.

5 4. If a person elects not to contest the alleged violation, the person shall send payment in the
6 amount of the fine and any court costs established for the violation to the centralized bureau. Such
7 payment shall be payable to the central violations bureau, shall be made by mail or in any other
8 manner established by the centralized bureau, and shall constitute a plea of guilty, waiver of trial and
9 a conviction for purposes of section 302.302, and for purposes of imposing any collateral
10 consequence of a criminal conviction provided by law. By paying the fine and costs, the person also
11 consents to attendance either online or in person at any driver-improvement program or
12 motorcycle-rider training course ordered by the court and consents to verification of such attendance
13 as directed by the bureau. Notwithstanding any provision of law to the contrary, the prosecutor shall
14 not be required to sign any information, ticket or indictment if disposition is made pursuant to this
15 subsection. In the event that any payment is made pursuant to this section by credit card or similar
16 method, the centralized bureau may charge an additional fee in order to reflect any transaction cost,
17 surcharge or fee imposed on the recipient of the credit card payment by the credit card company.

18 5. If a person elects to plead not guilty, such person shall send the plea of not guilty to the
19 centralized bureau. The bureau shall send such plea and request for trial to the prosecutor having
20 original jurisdiction over the offense. Any trial shall be conducted at the location designated by the
21 court. The clerk of the court in which the case is to be heard shall notify in writing such person of
22 the date certain for the disposition of such charges. The prosecutor shall not be required to sign any
23 information, ticket or indictment until the commencement of any proceeding by the prosecutor with
24 respect to the notice of violation.

25 6. In courts adopting a schedule of fines pursuant to this section, any person receiving a
26 notice of violation pursuant to this section shall also receive written notification of the following:

27 (1) The fine and court costs established pursuant to this section for the violation or
28 information regarding how the person may obtain the amount of the fine and court costs for the
29 violation;

30 (2) That the person must respond to the notice of violation by paying the prescribed fine and
31 court costs, or pleading not guilty and appearing at trial, and that other legal penalties prescribed by
32 law may attach for failure to appear and dispose of the violation. The supreme court may modify the
33 suggested forms for uniform complaint and summons for use in courts adopting the procedures
34 provided by this section, in order to accommodate such required written notifications.

35 7. Any moneys received in payment of fines and court costs pursuant to this section shall not
36 be considered to be state funds, but shall be held in trust by the centralized bureau for benefit of
37 those persons or entities entitled to receive such funds pursuant to this subsection. All amounts paid
38 to the centralized bureau shall be maintained by the centralized bureau, invested in the manner
39 required of the state treasurer for state funds by sections 30.240, 30.250, 30.260 and 30.270, and
40 disbursed as provided by the constitution and laws of this state. Any interest earned on such fund
41 shall be payable to the director of the department of revenue for deposit into a revolving fund to be

1 established pursuant to this subsection. The state treasurer shall be the custodian of the revolving
 2 fund, and shall make disbursements, as allowed by lawful appropriations, only to the judicial branch
 3 of state government for goods and services related to the administration of the judicial system.

4 8. Any person who receives a notice of violation subject to this section who fails to dispose
 5 of such violation as provided by this section shall be guilty of failure to appear provided by section
 6 544.665; and may be subject to suspension of driving privileges in the manner provided by section
 7 302.341. The centralized bureau shall notify the appropriate prosecutor of any person who fails to
 8 either pay the prescribed fine and court costs, or plead not guilty and request a trial within the time
 9 allotted by this section, for purposes of application of section 544.665. The centralized bureau shall
 10 also notify the department of revenue of any failure to appear subject to section 302.341, and the
 11 department shall thereupon suspend the license of the driver in the manner provided by section
 12 302.341, as if notified by the court.

13 9. In addition to the remedies provided by subsection 8 of this section, the centralized bureau
 14 and the courts may use the remedies provided by sections 488.010 to 488.020 for the collection of
 15 court costs payable to courts, in order to collect fines and court costs for violations subject to this
 16 section."; and
 17

18 Further amend said bill, Page _____, Section _____, Line _____, by inserting after all
 19 of said section and line, the following:
 20

21 "577.041. 1. If a person under arrest, or who has been stopped pursuant to subdivision (2) or
 22 (3) of subsection 1 of section 577.020, refuses upon the request of the officer to submit to any test
 23 allowed pursuant to section 577.020, then evidence of the refusal shall be admissible in a proceeding
 24 pursuant to section 565.024, 565.060, or 565.082, or section 577.010 or 577.012. The request of the
 25 officer shall include the reasons of the officer for requesting the person to submit to a test and also
 26 shall inform the person that evidence of refusal to take the test may be used against such person and
 27 that the person's license shall be immediately revoked upon refusal to take the test. If a person when
 28 requested to submit to any test allowed pursuant to section 577.020 requests to speak to an attorney,
 29 the person shall be granted twenty minutes in which to attempt to contact an attorney. If upon the
 30 completion of the twenty-minute period the person continues to refuse to submit to any test, it shall
 31 be deemed a refusal. In this event, the officer shall, on behalf of the director of revenue, serve the
 32 notice of license revocation personally upon the person and shall take possession of any license to
 33 operate a motor vehicle issued by this state which is held by that person. The officer shall issue a
 34 temporary permit, on behalf of the director of revenue, which is valid for fifteen days and shall also
 35 give the person a notice of such person's right to file a petition for review to contest the license
 36 revocation.

37 2. The officer shall make a certified report under penalties of perjury for making a false
 38 statement to a public official. The report shall be forwarded to the director of revenue and shall
 39 include the following:

40 (1) That the officer has:

41 (a) Reasonable grounds to believe that the arrested person was driving a motor vehicle while

1 in an intoxicated or drugged condition; or

2 (b) Reasonable grounds to believe that the person stopped, being under the age of
3 twenty-one years, was driving a motor vehicle with a blood alcohol content of two-hundredths of one
4 percent or more by weight; or

5 (c) Reasonable grounds to believe that the person stopped, being under the age of twenty-one
6 years, was committing a violation of the traffic laws of the state, or political subdivision of the state,
7 and such officer has reasonable grounds to believe, after making such stop, that the person had a
8 blood alcohol content of two-hundredths of one percent or greater;

9 (2) That the person refused to submit to a chemical test;

10 (3) Whether the officer secured the license to operate a motor vehicle of the person;

11 (4) Whether the officer issued a fifteen-day temporary permit;

12 (5) Copies of the notice of revocation, the fifteen-day temporary permit and the notice of the
13 right to file a petition for review, which notices and permit may be combined in one document; and

14 (6) Any license to operate a motor vehicle which the officer has taken into possession. 3.
15 Upon receipt of the officer's report, the director shall revoke the license of the person refusing to take
16 the test for a period of one year; or if the person is a nonresident, such person's operating permit or
17 privilege shall be revoked for one year; or if the person is a resident without a license or permit to
18 operate a motor vehicle in this state, an order shall be issued denying the person the issuance of a
19 license or permit for a period of one year.

20 4. If a person's license has been revoked because of the person's refusal to submit to a
21 chemical test, such person may petition for a hearing before a circuit division or associate division of
22 the court in the county in which the arrest or stop occurred. The person may request such court to
23 issue an order staying the revocation until such time as the petition for review can be heard. If the
24 court, in its discretion, grants such stay, it shall enter the order upon a form prescribed by the director
25 of revenue and shall send a copy of such order to the director. Such order shall serve as proof of the
26 privilege to operate a motor vehicle in this state and the director shall maintain possession of the
27 person's license to operate a motor vehicle until termination of any revocation pursuant to this
28 section. Upon the person's request the clerk of the court shall notify the prosecuting attorney of the
29 county and the prosecutor shall appear at the hearing on behalf of the director of revenue. At the
30 hearing the court shall determine only:

31 (1) Whether or not the person was arrested or stopped;

32 (2) Whether or not the officer had:

33 (a) Reasonable grounds to believe that the person was driving a motor vehicle while in an
34 intoxicated or drugged condition; or

35 (b) Reasonable grounds to believe that the person stopped, being under the age of
36 twenty-one years, was driving a motor vehicle with a blood alcohol content of two-hundredths of one
37 percent or more by weight; or

38 (c) Reasonable grounds to believe that the person stopped, being under the age of twenty-one
39 years, was committing a violation of the traffic laws of the state, or political subdivision of the state,
40 and such officer had reasonable grounds to believe, after making such stop, that the person had a
41 blood alcohol content of two-hundredths of one percent or greater; and

1 (3) Whether or not the person refused to submit to the test.

2 5. If the court determines any issue not to be in the affirmative, the court shall order the
3 director to reinstate the license or permit to drive.

4 6. Requests for review as provided in this section shall go to the head of the docket of the
5 court wherein filed.

6 7. No person who has had a license to operate a motor vehicle suspended or revoked
7 pursuant to the provisions of this section shall have that license reinstated until such person has
8 participated in and successfully completed a substance abuse traffic offender program defined in
9 section 577.001, or a program determined to be comparable by the department of mental health or
10 the court. Assignment recommendations, based upon the needs assessment as described in
11 subdivision [(23)] (24) of section 302.010, shall be delivered in writing to the person with written
12 notice that the person is entitled to have such assignment recommendations reviewed by the court if
13 the person objects to the recommendations. The person may file a motion in the associate division of
14 the circuit court of the county in which such assignment was given, on a printed form provided by
15 the state courts administrator, to have the court hear and determine such motion pursuant to the
16 provisions of chapter 517. The motion shall name the person or entity making the needs assessment
17 as the respondent and a copy of the motion shall be served upon the respondent in any manner
18 allowed by law. Upon hearing the motion, the court may modify or waive any assignment
19 recommendation that the court determines to be unwarranted based upon a review of the needs
20 assessment, the person's driving record, the circumstances surrounding the offense, and the
21 likelihood of the person committing a like offense in the future, except that the court may modify but
22 may not waive the assignment to an education or rehabilitation program of a person determined to be
23 a prior or persistent offender as defined in section 577.023, or of a person determined to have
24 operated a motor vehicle with fifteen-hundredths of one percent or more by weight in such person's
25 blood. Compliance with the court determination of the motion shall satisfy the provisions of this
26 section for the purpose of reinstating such person's license to operate a motor vehicle. The
27 respondent's personal appearance at any hearing conducted pursuant to this subsection shall not be
28 necessary unless directed by the court.

29 8. The fees for the substance abuse traffic offender program, or a portion thereof to be
30 determined by the division of alcohol and drug abuse of the department of mental health, shall be
31 paid by the person enrolled in the program. Any person who is enrolled in the program shall pay, in
32 addition to any fee charged for the program, a supplemental fee to be determined by the department
33 of mental health for the purposes of funding the substance abuse traffic offender program defined in
34 section 302.010 and section 577.001. The administrator of the program shall remit to the division of
35 alcohol and drug abuse of the department of mental health on or before the fifteenth day of each
36 month the supplemental fee for all persons enrolled in the program, less two percent for
37 administrative costs. Interest shall be charged on any unpaid balance of the supplemental fees due
38 the division of alcohol and drug abuse pursuant to this section and shall accrue at a rate not to exceed
39 the annual rates established pursuant to the provisions of section 32.065, plus three percentage
40 points. The supplemental fees and any interest received by the department of mental health pursuant
41 to this section shall be deposited in the mental health earnings fund which is created in section

1 630.053.

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

10 10. Any person who has had a license to operate a motor vehicle revoked [more than once
11 for violation of the provisions of this section] under this section and who has a prior alcohol-related
12 enforcement contact, as defined in section 302.525, shall be required to file proof with the director of
13 revenue that any motor vehicle operated by the person is equipped with a functioning, certified
14 ignition interlock device as a required condition of license reinstatement. Such ignition interlock
15 device shall further be required to be maintained on all motor vehicles operated by the person for a
16 period of not less than six months immediately following the date of reinstatement. If the monthly
17 monitoring reports show that the ignition interlock device has registered any confirmed blood
18 alcohol concentration readings above the alcohol setpoint established by the department of
19 transportation or that the person has tampered with or circumvented the ignition interlock device,
20 then the period for which the person must maintain the ignition interlock device following the date
21 of reinstatement shall be extended for an additional six months. If the person fails to maintain such
22 proof with the director as required by this section, the license shall be rerevoked and the person shall
23 be guilty of a class A misdemeanor.

24 11. The revocation period of any person whose license and driving privilege has been
25 revoked under this section and who has filed proof of financial responsibility with the department of
26 revenue in accordance with chapter 303 and is otherwise eligible, shall be terminated by a notice
27 from the director of revenue after one year from the effective date of the revocation. Unless proof of
28 financial responsibility is filed with the department of revenue, the revocation shall remain in effect
29 for a period of two years from its effective date. If the person fails to maintain proof of financial
30 responsibility in accordance with chapter 303, the person's license and driving privilege shall be
31 rerevoked and the person shall be guilty of a class A misdemeanor."; and

32
33 Further amend said bill, Page _____, Section _____, Line _____, by inserting after all
34 of said section and line, the following:

35
36 "Section B. Because immediate action is necessary to ensure the safety of the citizens of this
37 state, the repeal and reenactment of section 302.309 of this act, and the repeal of section 302.309 of
38 this act, is deemed necessary for the immediate preservation of the public health, welfare, peace, and
39 safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the
40 repeal and reenactment of section 302.309 of this act, and the repeal of section 302.309 of this act,
41 shall be in full force and effect July 1, 2013, or upon its passage and approval, whichever later

1 occurs.

2 Section C. The repeal and reenactment of sections 302.060, 302.302, 302.304, 302.525,
3 476.385, and 577.041, and the repeal of sections 302.060, 302.304, and 302.525 of this act shall
4 become effective on March 3, 2014."; and

5
6 Further amend said bill by amending the title, enacting clause, and intersectional references
7 accordingly.
8

