

House _____ Amendment NO. _____

Offered By _____

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

3
4 "302.302. 1. The director of revenue shall put into effect a point system for the suspension
5 and revocation of licenses. Points shall be assessed only after a conviction or forfeiture of collateral.
6 The initial point value is as follows:

7 (1) Any moving violation of a state
8 law or county or municipal or federal traffic
9 ordinance or regulation not listed in this
10 section, other than a violation of vehicle
11 equipment provisions or a court-ordered
12 supervision as provided in section 302.303..... 2 points
13 (except any violation of municipal stop sign
14 ordinance where no accident is involved..... 1 point)

15 (2) Speeding
16 In violation of a state law..... 3 points
17 In violation of a county or
18 municipal ordinance..... 2 points

19 (3) Leaving the scene of an accident
20 in violation of section 577.060..... 12 points
21 In violation of any county or
22 municipal ordinance..... 6 points

23 (4) Careless and imprudent driving in
24 violation of subsection 4 of section 304.016..... 4 points
25 In violation of a county or municipal ordinance..... 2 points

26 (5) Operating without a valid license
27 in violation of subdivision (1) or (2) of
28 subsection 1 of section 302.020:

29 (a) For the first conviction..... 2 points
30 (b) For the second conviction..... 4 points
31 (c) For the third conviction..... 6 points

32 (6) Operating with a suspended or
33 revoked license prior to restoration of
34 operating privileges..... 12 points

35 (7) Obtaining a license by
36 misrepresentation..... 12 points

37 (8) For the first conviction of

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- 1 driving while in an intoxicated condition
 2 or under the influence of controlled
 3 substances or drugs..... 8 points
- 4 (9) For the second or subsequent
 5 conviction of any of the following offenses
 6 however combined: driving while in an
 7 intoxicated condition, driving under the
 8 influence of controlled substances or drugs
 9 or driving with a blood alcohol content of
 10 eight-hundredths of one percent or more by
 11 weight..... 12 points
- 12 (10) For the first conviction for
 13 driving with blood alcohol content
 14 eight-hundredths of one percent or more by
 15 weight In violation of state law..... 8 points
- 16 In violation of a county or municipal
 17 ordinance or federal law or regulation..... 8 points
- 18 (11) Any felony involving the use
 19 of a motor vehicle..... 12 points
- 20 (12) Knowingly permitting unlicensed
 21 operator to operate a motor vehicle..... 4 points
- 22 (13) For a conviction for failure to
 23 maintain financial responsibility pursuant to
 24 county or municipal ordinance or pursuant to
 25 section 303.025..... 4 points
- 26 (14) Endangerment of a highway worker
 27 in violation of section 304.585..... 4 points
- 28 (15) Aggravated endangerment of a
 29 highway worker in violation of section 304.585..... 12 points
- 30 (16) For a conviction of violating a
 31 municipal ordinance that prohibits tow truck
 32 operators from stopping at or proceeding to
 33 the scene of an accident unless they have
 34 been requested to stop or proceed to such
 35 scene by a party involved in such accident
 36 or by an officer of a public safety agency..... 4 points
- 37 (17) Endangerment of an emergency
 38 responder in violation of section 304.894 4 points
- 39 (18) Aggravated endangerment of
 40 an emergency responder in violation of
 41 section 304.894..... 12 points

42 2. The director shall, as provided in subdivision (5) of subsection 1 of this section, assess an
 43 operator points for a conviction pursuant to subdivision (1) or (2) of subsection 1 of section 302.020,
 44 when the director issues such operator a license or permit pursuant to the provisions of sections
 45 302.010 to 302.340.

46 3. An additional two points shall be assessed when personal injury or property damage
 47 results from any violation listed in subdivisions (1) to (13) of subsection 1 of this section and if
 48 found to be warranted and certified by the reporting court.

4. When any of the acts listed in subdivision (2), (3), (4) or (8) of subsection 1 of this section constitutes both a violation of a state law and a violation of a county or municipal ordinance, points may be assessed for either violation but not for both. Notwithstanding that an offense arising out of the same occurrence could be construed to be a violation of subdivisions (8), (9) and (10) of subsection 1 of this section, no person shall be tried or convicted for more than one offense pursuant to subdivisions (8), (9) and (10) of subsection 1 of this section for offenses arising out of the same occurrence.

5. The director of revenue shall put into effect a system for staying the assessment of points against an operator. The system shall provide that the satisfactory completion of a driver-improvement program or, in the case of violations committed while operating a motorcycle, a motorcycle-rider training course approved by the state highways and transportation commission, by an operator, when so ordered and verified by any court having jurisdiction over any law of this state or county or municipal ordinance, regulating motor vehicles, other than a violation committed in a commercial motor vehicle as defined in section 302.700 or a violation committed by an individual who has been issued a commercial driver's license or is required to obtain a commercial driver's license in this state or any other state, shall be accepted by the director in lieu of the assessment of points for a violation pursuant to subdivision (1), (2) or (4) of subsection 1 of this section or pursuant to subsection 3 of this section. A court using a centralized violation bureau established under section 476.385 may elect to have the bureau order and verify 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, Section 304.820, Page 29, Line 59, by inserting after all of said section and line the following:

"304.890. As used in sections 304.890 to 304.894, the following terms shall mean:

(1) "Active emergency", any incident occurring on a highway, as the term "highway" is defined in section 302.010, that requires emergency services from any emergency responder;

(2) "Active emergency zone", any area upon or around any highway, which is visibly marked by emergency responders performing work for the purpose of emergency response, and where an active emergency, or incident removal, is temporarily occurring. This area includes the lanes of highway leading up to an active emergency or incident removal, beginning within three hundred feet of visual sighting of:

(a) Appropriate signs or traffic control devices posted or placed by emergency responders; or

(b) An emergency vehicle displaying active emergency lights or signals;

(3) "Emergency responder", any law enforcement officer, paid or volunteer firefighter, first responder, emergency medical worker, tow truck operator, or other emergency personnel responding

1 to an emergency on a highway.

2 304.892. 1. Upon the first conviction, finding of guilt, or plea of guilty by any person for a
 3 moving violation, as the term "moving violation" is defined in section 302.010, or any offense listed
 4 in section 302.302, other than a violation described in subsection 2 of this section, when the violation
 5 or offense occurs within an active emergency zone, the court shall assess a fine of thirty-five dollars
 6 in addition to any other fine authorized by law. Upon a second or subsequent conviction, finding of
 7 guilt, or plea of guilty, the court shall assess a fine of seventy-five dollars in addition to any other
 8 fine authorized by law.

9 2. Upon the first conviction, finding of guilt, or plea of guilty by any person for a speeding
 10 violation under either section 304.009 or 304.010, or a passing violation under subsection 3 of this
 11 section, when the violation or offense occurs within an active emergency zone and emergency
 12 responders were present in such zone at the time of the offense or violation, the court shall assess a
 13 fine of two hundred fifty dollars in addition to any other fine authorized by law. Upon a second or
 14 subsequent conviction, finding of guilt, or plea of guilty, the court shall assess a fine of three hundred
 15 dollars in addition to any other fine authorized by law. However, no person assessed an additional
 16 fine under this subsection shall also be assessed an additional fine under subsection 1 of this section.

17 3. The driver of a motor vehicle shall not overtake or pass another motor vehicle within an
 18 active emergency zone. Violation of this subsection is a class C misdemeanor.

19 4. The additional fines imposed by this section shall not be construed to enhance the
 20 assessment of court costs or the assessment of points under section 302.302.

21 304.894. 1. A person commits the offense of endangerment of an emergency responder for
 22 any of the following offenses when the offense occurs within an active emergency zone:

23 (1) Exceeding the posted speed limit by fifteen miles per hour or more;

24 (2) Passing in violation of subsection 3 of section 304.892;

25 (3) Failure to stop for an active emergency zone flagman or emergency responder, or failure
 26 to obey traffic control devices erected, or personnel posted, in the active emergency zone for
 27 purposes of controlling the flow of motor vehicles through the zone;

28 (4) Driving through or around an active emergency zone via any lane not clearly designated
 29 for motorists to control the flow of traffic through or around the active emergency zone;

30 (5) Physically assaulting, attempting to assault, or threatening to assault an emergency
 31 responder with a motor vehicle or other instrument;

32 (6) Intentionally striking, moving, or altering barrels, barriers, signs, or other devices erected
 33 to control the flow of traffic to protect emergency responders and motorists unless the action was
 34 necessary to avoid an obstacle, an emergency, or to protect the health and safety of an occupant of
 35 the motor vehicle or of another person; or

36 (7) Committing any of the following offenses for which points may be assessed under
 37 section 302.302:

38 (a) Leaving the scene of an accident in violation of section 577.060;

39 (b) Careless and imprudent driving in violation of subsection 4 of section 304.016;

40 (c) Operating without a valid license in violation of subdivision (1) or (2) of subsection 1 of
 41 section 302.020;

42 (d) Operating with a suspended or revoked license;

43 (e) Driving while in an intoxicated condition or under the influence of controlled substances
 44 or drugs or driving with an excessive blood alcohol content;

45 (f) Any felony involving the use of a motor vehicle.

46 2. Upon a finding of guilt or a plea of guilty for committing the offense of endangerment of
 47 an emergency responder under subsection 1 of this section, if no injury or death to an emergency
 48 responder resulted from the offense, the court shall assess a fine of not more than one thousand

1 dollars, and four points shall be assessed to the operator's license under section 302.302.

2 3. A person commits the offense of aggravated endangerment of an emergency responder
3 upon a finding of guilt or a plea of guilty for any offense under subsection 1 of this section when
4 such offense results in the injury or death of an emergency responder. Upon a finding of guilt or a
5 plea of guilty for committing the offense of aggravated endangerment of an emergency responder, in
6 addition to any other penalty authorized by law, the court shall assess a fine of not more than five
7 thousand dollars if the offense resulted in injury to an emergency responder, and ten thousand dollars
8 if the offense resulted in the death of an emergency responder. In addition, twelve points shall be
9 assessed to the operator's license under section 302.302.

10 4. Except for the offense established under subdivision (6) of subsection 1 of this section, no
11 person shall be deemed to have committed the offense of endangerment of an emergency responder
12 except when the act or omission constituting the offense occurred when one or more emergency
13 responders were responding to an active emergency.

14 5. No person shall be cited for, or found guilty of, endangerment of an emergency responder
15 or aggravated endangerment of an emergency responder, for any act or omission otherwise
16 constituting an offense under subsection 1 of this section, if such act or omission resulted in whole or
17 in part from mechanical failure of the person's vehicle, or from the negligence of another person or
18 emergency responder."; and

19
20 Further amend said bill by amending the title, enacting clause, and intersectional references
21 accordingly.