

ORIGINAL

53 24



0361H08.01F

House _____ Amendment NO. _____

English

Offered By

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AMEND HCS SB No. 24, Page 88, Section 302.314 Line 155, by inserting after all of said section and line the following:

"302.314. 1. Notwithstanding any provision of this chapter or sections 454.1000 to 454.1031, any person whose driver's license is suspended due to child support arrearage may apply to the department of revenue for limited driving privileges. Any application shall be made in writing to the director of revenue and the person's reasons for requesting the limited driving privilege shall be made therein.

2. When the director of revenue finds that an operator is required to operate a motor vehicle in connection with any of the following:

- (1) A business, occupation, or employment;
- (2) Seeking medical treatment for such operator;
- (3) Attending school or other institution of higher education; or
- (4) Any other circumstance the director finds would create an undue hardship on the operator;

the director may grant such limited driving privilege as the circumstances of the case justify if the director finds undue hardship would result to the individual, and while so operating a motor vehicle within the restrictions and limitations of the limited driving privilege the driver shall not be guilty of operating a motor vehicle without a valid license. Upon the director's determination granting limited driving privileges, the operator shall submit to the director a two thousand dollar fee which shall be applied towards the operator's child support arrearage; failure to pay such fee within ten days of the grant of limited driving privileges shall result in immediate revocation of all driving privileges.

3. The director's grant of the limited driving privilege shall indicate the termination date of the privilege, which shall be not later than the end of the period of suspension. The director of revenue upon granting a limited driving privilege shall give a copy of the limited driving privilege to the applicant. The applicant shall carry a copy of the limited driving privilege while operating a motor vehicle. A conviction which results in the assessment of points under section 302.302, other than a violation of a municipal stop sign ordinance where no accident is involved, against a driver who is operating a vehicle pursuant to a limited driving privilege terminates the privilege, as of the date the points are assessed to the person's driving record. If the date of arrest is prior to the issuance of the limited driving privilege, the privilege shall not be terminated. Failure of the driver to maintain proof of financial responsibility, as required by chapter 303, shall terminate the privilege. The director shall notify by ordinary mail the driver whose privilege is so terminated.

4. No person who possesses a commercial driver's license shall receive a limited driving privilege issued for the purpose of operating a commercial motor vehicle if such person's driving privilege is suspended for child support arrearage.

5. Any person who has received notice of denial of a request of limited driving privilege by

Action Taken _____ Date _____

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

7 6. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
8 under the authority delegated in this section shall become effective only if it complies with and is
9 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and
10 chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to
11 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
12 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
13 August 28, 2013, shall be invalid and void."; and
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16 Further amend said bill by amending the title, enacting clause, and intersectional references
17 accordingly.

