

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 456,
2 Page 1, in the Title, Line 3, by deleting the words "ownership of motor vehicles" and inserting in lieu
3 thereof the word "transportation"; and
4

5 Further amend said bill, Page 17, Section 301.562, Line 145, by inserting immediately after said line
6 the following:
7

8 "302.302. 1. The director of revenue shall put into effect a point system for the suspension
9 and revocation of licenses. Points shall be assessed only after a conviction or forfeiture of collateral.
10 The initial point value is as follows:

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

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

17 (3) Leaving the scene of an accident in violation of section 577.060 12 points In violation of
18 any county or municipal ordinance 6 points

19 (4) Careless and imprudent driving in violation of subsection 4 of section 304.016 4 points
20 In violation of a county or municipal ordinance 2 points

21 (5) Operating without a valid license in violation of subdivision (1) or (2) of subsection 1 of
22 section 302.020:

23 (a) For the first conviction 2 points

24 (b) For the second conviction 4 points

25 (c) For the third conviction 6 points

26 (6) Operating with a suspended or revoked license prior to restoration of operating privileges
27 12 points

28 (7) Obtaining a license by misrepresentation 12 points

29 (8) For the first conviction of driving while in an intoxicated condition or under the
30 influence of controlled substances or drugs 8 points

31 (9) For the second or subsequent conviction of any of the following offenses however
32 combined: driving while in an intoxicated condition, driving under the influence of controlled
33 substances or drugs or driving with a blood alcohol content of eight-hundredths of one percent or
34 more by weight 12 points

35 (10) For the first conviction for driving with blood alcohol content eight-hundredths of one
36 percent or more by weight In violation of state law 8 points

Action Taken _____ Date _____

Action Taken _____ Date _____

1 In violation of a county or municipal ordinance or federal law or regulation

2 8 points

3 (11) Any felony involving the use of a motor vehicle except that a felony resulting from
4 aggregate violations of alcohol regulations shall not be used to assign points under this subdivision

5 12 points

6 (12) Knowingly permitting unlicensed operator to operate a motor vehicle 4 points

7 (13) For a conviction for failure to maintain financial responsibility pursuant to county or
8 municipal ordinance or pursuant to section 303.025 4 points

9 (14) Endangerment of a highway worker in violation of section 304.585 4 points

10 (15) Aggravated endangerment of a highway worker in violation of section 304.585 12
11 points

12 (16) For a conviction of violating a municipal ordinance that prohibits tow truck operators
13 from stopping at or proceeding to the scene of an accident unless they have been requested to stop or
14 proceed to such scene by a party involved in such accident or by an officer of a public safety agency
15 4 points

16 (17) Endangerment of an emergency responder in violation of section 304.894 4 points

17 (18) Aggravated endangerment of an emergency responder in violation of section 304.894
18 12 points

19 2. The director shall, as provided in subdivision (5) of subsection 1 of this section, assess an
20 operator points for a conviction pursuant to subdivision (1) or (2) of subsection 1 of section 302.020,
21 when the director issues such operator a license or permit pursuant to the provisions of sections
22 302.010 to 302.340.

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

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

33 5. The director of revenue shall put into effect a system for staying the assessment of points
34 against an operator. The system shall provide that the satisfactory completion of a
35 driver-improvement program or, in the case of violations committed while operating a motorcycle, a
36 motorcycle-rider training course approved by the state highways and transportation commission, by
37 an operator, when so ordered and verified by any court having jurisdiction over any law of this state
38 or county or municipal ordinance, regulating motor vehicles, other than a violation committed in a
39 commercial motor vehicle as defined in section 302.700 or a violation committed by an individual
40 who has been issued a commercial driver's license or is required to obtain a commercial driver's
41 license in this state or any other state, shall be accepted by the director in lieu of the assessment of
42 points for a violation pursuant to subdivision (1), (2) or (4) of subsection 1 of this section or pursuant
43 to subsection 3 of this section. The operator shall be given the option to complete the
44 driver-improvement program through an online or in-person course. A court using a centralized
45 violation bureau established under section 476.385 may elect to have the bureau order and verify
46 completion of a driver-improvement program or motorcycle-rider training course as prescribed by
47 order of the court. For the purposes of this subsection, the driver-improvement program shall meet
48 or exceed the standards of the National Safety Council's eight-hour "Defensive Driving Course" or,

1 in the case of a violation which occurred during the operation of a motorcycle, the program shall
2 meet the standards established by the state highways and transportation commission pursuant to
3 sections 302.133 to 302.137. The completion of a driver-improvement program or a
4 motorcycle-rider training course shall not be accepted in lieu of points more than one time in any
5 thirty-six-month period and shall be completed within sixty days of the date of conviction in order to
6 be accepted in lieu of the assessment of points. Every court having jurisdiction pursuant to the
7 provisions of this subsection shall, within fifteen days after completion of the driver-improvement
8 program or motorcycle-rider training course by an operator, forward a record of the completion to
9 the director, all other provisions of the law to the contrary notwithstanding. The director shall
10 establish procedures for record keeping and the administration of this subsection.

11 302.304. 1. The director shall notify by ordinary mail any operator of the point value
12 charged against the operator's record when the record shows four or more points have been
13 accumulated in a twelve-month period.

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

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

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

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

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

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

31 Unless proof of financial responsibility is filed with the department of revenue, a suspension shall
32 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 any person under
34 the provisions of subdivision (8) or (9) of subsection 1 of section 302.302 or who has accumulated
35 sufficient points together with a conviction under subdivision (10) of subsection 1 of section 302.302
36 shall be thirty days, followed by a sixty-day period of restricted driving privilege as defined in
37 section 302.010. Upon completion of such period of restricted driving privilege, upon compliance
38 with other requirements of law and upon filing of proof of financial responsibility with the
39 department of revenue, in accordance with chapter 303, the license and driving privilege shall be
40 reinstated. If a person, otherwise subject to the provisions of this subsection, files proof of
41 installation with the department of revenue that any vehicle operated by such person is equipped with
42 a functioning, certified ignition interlock device, there shall be no period of suspension. However, in
43 lieu of a suspension the person shall instead complete a ninety-day period of restricted driving
44 privilege. If the person fails to maintain such proof of the device with the director of revenue as
45 required, the restricted driving privilege shall be terminated. Upon completion of such ninety-day
46 period of restricted driving privilege, upon compliance with other requirements of law, and upon
47 filing of proof of financial responsibility with the department of revenue, in accordance with chapter
48 303, the license and driving privilege shall be reinstated. However, if the monthly monitoring

1 reports during such ninety-day period indicate that the ignition interlock device has registered a
2 confirmed blood alcohol concentration level above the alcohol setpoint established by the
3 department of transportation or such reports indicate that the ignition interlock device has been
4 tampered with or circumvented, then the license and driving privilege of such person shall not be
5 reinstated until the person completes an additional thirty-day period of restricted driving privilege.

6 6. If the person fails to maintain proof of financial responsibility in accordance with chapter
7 303, or, if applicable, if the person fails to maintain proof that any vehicle operated is equipped with
8 a functioning, certified ignition interlock device installed pursuant to subsection 5 of this section, the
9 person's driving privilege and license shall be resuspended.

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

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

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

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

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

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

1 13. Notwithstanding any other provision of law to the contrary, if after two years from the
2 effective date of any suspension or revocation issued under this chapter, except any suspension or
3 revocation issued under section 302.410, 302.462, or 302.574, the person or nonresident has not paid
4 the reinstatement fee of twenty dollars, the director shall reinstate such license or privilege to operate
5 a motor vehicle in this state. Any person who has had his or her license suspended or revoked under
6 section 302.410, 302.462, or 302.574, shall be required to pay the reinstatement fee.

7 14. No person who has had a license to operate a motor vehicle suspended or revoked as a
8 result of an assessment of points for a violation under subdivision (8), (9) or (10) of subsection 1 of
9 section 302.302 shall have that license reinstated until such person has participated in and
10 successfully completed a substance abuse traffic offender program defined in section 302.010, or a
11 program determined to be comparable by the department of mental health. Assignment
12 recommendations, based upon the needs assessment as described in subdivision (24) of section
13 302.010, shall be delivered in writing to the person with written notice that the person is entitled to
14 have such assignment recommendations reviewed by the court if the person objects to the
15 recommendations. The person may file a motion in the associate division of the circuit court of the
16 county in which such assignment was given, on a printed form provided by the state courts
17 administrator, to have the court hear and determine such motion pursuant to the provisions of chapter
18 517. The motion shall name the person or entity making the needs assessment as the respondent and
19 a copy of the motion shall be served upon the respondent in any manner allowed by law. Upon
20 hearing the motion, the court may modify or waive any assignment recommendation that the court
21 determines to be unwarranted based upon a review of the needs assessment, the person's driving
22 record, the circumstances surrounding the offense, and the likelihood of the person committing a like
23 offense in the future, except that the court may modify but may not waive the assignment to an
24 education or rehabilitation program of a person determined to be a prior or persistent offender as
25 defined in section 577.001 or of a person determined to have operated a motor vehicle with
26 fifteen-hundredths of one percent or more by weight in such person's blood. Compliance with the
27 court determination of the motion shall satisfy the provisions of this section for the purpose of
28 reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at
29 any hearing conducted pursuant to this subsection shall not be necessary unless directed by the court.

30 15. The fees for the program authorized in subsection 14 of this section, or a portion thereof
31 to be determined by the department of mental health, shall be paid by the person enrolled in the
32 program. Any person who is enrolled in the program shall pay, in addition to any fee charged for the
33 program, a supplemental fee in an amount to be determined by the department of mental health for
34 the purposes of funding the substance abuse traffic offender program defined in section 302.010 or a
35 program determined to be comparable by the department of mental health. The administrator of the
36 program shall remit to the division of alcohol and drug abuse of the department of mental health on
37 or before the fifteenth day of each month the supplemental fee for all persons enrolled in the
38 program, less two percent for administrative costs. Interest shall be charged on any unpaid balance
39 of the supplemental fees due the division of alcohol and drug abuse pursuant to this section and shall
40 accrue at a rate not to exceed the annual rate established pursuant to the provisions of section 32.065,
41 plus three percentage points. The supplemental fees and any interest received by the department of
42 mental health pursuant to this section shall be deposited in the mental health earnings fund which is
43 created in section 630.053.

44 16. Any administrator who fails to remit to the division of alcohol and drug abuse of the
45 department of mental health the supplemental fees and interest for all persons enrolled in the
46 program pursuant to this section shall be subject to a penalty equal to the amount of interest accrued
47 on the supplemental fees due the division pursuant to this section. If the supplemental fees, interest,
48 and penalties are not remitted to the division of alcohol and drug abuse of the department of mental

1 health within six months of the due date, the attorney general of the state of Missouri shall initiate
 2 appropriate action of the collection of said fees and interest accrued. The court shall assess attorney
 3 fees and court costs against any delinquent program.

4 17. Any person who has had a license to operate a motor vehicle suspended or revoked as a
 5 result of an assessment of points for a conviction for an intoxication-related traffic offense as defined
 6 under section 577.001, and who has a prior alcohol-related enforcement contact as defined under
 7 section 302.525, shall be required to file proof with the director of revenue that any motor vehicle
 8 operated by the person is equipped with a functioning, certified ignition interlock device as a
 9 required condition of reinstatement of the license. The ignition interlock device shall further be
 10 required to be maintained on all motor vehicles operated by the person for a period of not less than
 11 six months immediately following the date of reinstatement. If the monthly monitoring reports show
 12 that the ignition interlock device has registered any confirmed blood alcohol concentration readings
 13 above the alcohol setpoint established by the department of transportation or that the person has
 14 tampered with or circumvented the ignition interlock device within the last three months of the
 15 six-month period of required installation of the ignition interlock device, then the period for which
 16 the person must maintain the ignition interlock device following the date of reinstatement shall be
 17 extended for [an additional six months] additional periods of three months until the person has
 18 completed three months with no violations as described in this section. If the person fails to
 19 maintain such proof with the director, the license shall be resuspended or revoked and the person
 20 shall be guilty of a class A misdemeanor.

21 302.304. 1. The director shall notify by ordinary mail any operator of the point value
 22 charged against the operator's record when the record shows four or more points have been
 23 accumulated in a twelve-month period.

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

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

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

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

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

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

41
 42 Unless proof of financial responsibility is filed with the department of revenue, a suspension shall
 43 continue in effect for two years from its effective date.

44 5. The period of suspension of the driver's license and driving privilege of any person under
 45 the provisions of subdivision (8) and (9) of subsection 1 of section 302.302 or who has accumulated
 46 sufficient points together with a conviction under subdivision (10) of subsection 1 of section 302.302
 47 shall be thirty days, followed by a sixty-day period of restricted driving privilege as defined in
 48 section 302.010. Upon completion of such period of restricted driving privilege, upon compliance

1 with other requirements of law and upon filing of proof of financial responsibility with the
2 department of revenue, in accordance with chapter 303, the license and driving privilege shall be
3 reinstated. If a person, otherwise subject to the provisions of this subsection, files proof of
4 installation with the department of revenue that any vehicle operated by such person is equipped with
5 a functioning, certified ignition interlock device, there shall be no period of suspension. However, in
6 lieu of a suspension the person shall instead complete a ninety-day period of restricted driving
7 privilege. If the person fails to maintain such proof of the device with the director of revenue as
8 required, the restricted driving privilege shall be terminated. Upon completion of such ninety-day
9 period of restricted driving privilege, upon compliance with other requirements of law, and upon
10 filing of proof of financial responsibility with the department of revenue, in accordance with chapter
11 303, the license and driving privilege shall be reinstated. However, if the monthly monitoring
12 reports during such ninety-day period indicate that the ignition interlock device has registered a
13 confirmed blood alcohol concentration level above the alcohol setpoint established by the
14 department of transportation or such reports indicate that the ignition interlock device has been
15 tampered with or circumvented, then the license and driving privilege of such person shall not be
16 reinstated until the person completes an additional thirty-day period of restricted driving privilege.

17 6. If the person fails to maintain proof of financial responsibility in accordance with chapter
18 303, or, if applicable, if the person fails to maintain proof that any vehicle operated is equipped with
19 a functioning, certified ignition interlock device installed pursuant to subsection 5 of this section, the
20 person's driving privilege and license shall be resuspended.

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

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

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

43 10. Upon the issuance of a reinstatement or termination notice after a suspension or
44 revocation of any person's license and driving privilege under the provisions of sections 302.010 to
45 302.540, the accumulated point value shall be reduced to four points, except that the points of any
46 person serving as a member of the Armed Forces of the United States outside the limits of the United
47 States during a period of suspension or revocation shall be reduced to zero upon the date of the
48 reinstatement or termination of notice. It shall be the responsibility of such member of the Armed

1 Forces to submit copies of official orders to the director of revenue to substantiate such overseas
2 service. Any other provision of sections 302.010 to 302.540 to the contrary notwithstanding, the
3 effective date of the four points remaining on the record upon reinstatement or termination shall be
4 the date of the reinstatement or termination notice.

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

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

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

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

39 15. The fees for the program authorized in subsection 14 of this section, or a portion thereof
40 to be determined by the department of mental health, shall be paid by the person enrolled in the
41 program. Any person who is enrolled in the program shall pay, in addition to any fee charged for the
42 program, a supplemental fee in an amount to be determined by the department of mental health for
43 the purposes of funding the substance abuse traffic offender program defined in section 302.010 and
44 section 577.001 or a program determined to be comparable by the department of mental health. The
45 administrator of the program shall remit to the division of alcohol and drug abuse of the department
46 of mental health on or before the fifteenth day of each month the supplemental fee for all persons
47 enrolled in the program, less two percent for administrative costs. Interest shall be charged on any
48 unpaid balance of the supplemental fees due the division of alcohol and drug abuse pursuant to this

1 section and shall accrue at a rate not to exceed the annual rate established pursuant to the provisions
 2 of section 32.065, plus three percentage points. The supplemental fees and any interest received by
 3 the department of mental health pursuant to this section shall be deposited in the mental health
 4 earnings fund which is created in section 630.053.

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

13 17. Any person who has had a license to operate a motor vehicle suspended or revoked as a
 14 result of an assessment of points for a conviction for an intoxication-related traffic offense as defined
 15 under section 577.023, and who has a prior alcohol-related enforcement contact as defined under
 16 section 302.525, shall be required to file proof with the director of revenue that any motor vehicle
 17 operated by the person is equipped with a functioning, certified ignition interlock device as a
 18 required condition of reinstatement of the license. The ignition interlock device shall further be
 19 required to be maintained on all motor vehicles operated by the person for a period of not less than
 20 six months immediately following the date of reinstatement. If the monthly monitoring reports show
 21 that the ignition interlock device has registered any confirmed blood alcohol concentration readings
 22 above the alcohol setpoint established by the department of transportation or that the person has
 23 tampered with or circumvented the ignition interlock device within the last three months of the
 24 six-month period of required installation of the ignition interlock device, then the period for which
 25 the person must maintain the ignition interlock device following the date of reinstatement shall be
 26 extended for [an additional six months] additional periods of three months until the person has
 27 completed three months with no violations as described in this section. If the person fails to
 28 maintain such proof with the director, the license shall be resuspended or revoked and the person
 29 shall be guilty of a class A misdemeanor.

30 302.309. 1. Whenever any license is suspended pursuant to sections 302.302 to 302.309, the
 31 director of revenue shall return the license to the operator immediately upon the termination of the
 32 period of suspension and upon compliance with the requirements of chapter 303.

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

35 3. (1) All circuit courts, the director of revenue, or a commissioner operating under section
 36 478.007 shall have jurisdiction to hear applications and make eligibility determinations granting
 37 limited driving privileges, except as provided under subdivision (8) of this subsection. Any
 38 application may be made in writing to the director of revenue and the person's reasons for requesting
 39 the limited driving privilege shall be made therein.

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

- 42 (a) A business, occupation, or employment;
- 43 (b) Seeking medical treatment for such operator;
- 44 (c) Attending school or other institution of higher education;
- 45 (d) Attending alcohol or drug treatment programs;
- 46 (e) Seeking the required services of a certified ignition interlock device provider; or
- 47 (f) Any other circumstance the court or director finds would create an undue hardship on the
- 48 operator,

1
2 the court or director may grant such limited driving privilege as the circumstances of the case justify
3 if the court or director finds undue hardship would result to the individual, and while so operating a
4 motor vehicle within the restrictions and limitations of the limited driving privilege the driver shall
5 not be guilty of operating a motor vehicle without a valid license.

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

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

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

48 (6) Except as provided in subdivision (8) of this subsection, no person is eligible to receive a

1 limited driving privilege whose license at the time of application has been suspended or revoked for
2 the following reasons:

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

8 (b)] A conviction of any felony in the commission of which a motor vehicle was used except
9 for a felony resulting from aggregate driving while intoxicated or driving under the influence
10 offenses;

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

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

16 (e) Due to a revocation for failure to submit to a chemical test pursuant to section 302.574 or
17 due to a refusal to submit to a chemical test in any other state, unless such person has completed the
18 first ninety days of such revocation and files proof of installation with the department of revenue that
19 any vehicle operated by such person is equipped with a functioning, certified ignition interlock
20 device, provided the person is not otherwise ineligible for a limited driving privilege;

21 (f) Due to a suspension pursuant to subsection 2 of section 302.525 and who has not
22 completed the first thirty days of such suspension, provided the person is not otherwise ineligible for
23 a limited driving privilege; or

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

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

33 (8) (a) Provided that pursuant to the provisions of this section, the applicant is not otherwise
34 ineligible for a limited driving privilege, a circuit court or the director may, in the manner prescribed
35 in this subsection, allow a person who has had such person's license to operate a motor vehicle
36 revoked where that person cannot obtain a new license for a period of ten years, as prescribed in
37 subdivision (9) of subsection 1 of section 302.060, to apply for a limited driving privilege pursuant
38 to this subsection. Such person shall present evidence satisfactory to the court or the director that
39 such person's habits and conduct show that the person no longer poses a threat to the public safety of
40 this state. A circuit court shall grant a limited driving privilege to any individual who otherwise is
41 eligible to receive a limited driving privilege, has filed proof of installation of a certified ignition
42 interlock device, and has had no alcohol-related enforcement contacts since the alcohol-related
43 enforcement contact that resulted in the person's license denial.

44 (b) Provided that pursuant to the provisions of this section, the applicant is not otherwise
45 ineligible for a limited driving privilege or convicted of acting with criminal negligence while
46 driving while intoxicated to cause the death of another person, a circuit court or the director may, in
47 the manner prescribed in this subsection, allow a person who has had such person's license to operate
48 a motor vehicle revoked where that person cannot obtain a new license for a period of five years

1 because of two convictions of driving while intoxicated, as prescribed in subdivision (10) of
2 subsection 1 of section 302.060, to apply for a limited driving privilege pursuant to this subsection.
3 Such person shall present evidence satisfactory to the court or the director that such person's habits
4 and conduct show that the person no longer poses a threat to the public safety of this state. Any
5 person who is denied a license permanently in this state because of an alcohol-related conviction
6 subsequent to a restoration of such person's driving privileges pursuant to subdivision (9) of section
7 302.060 shall not be eligible for limited driving privilege pursuant to the provisions of this
8 subdivision. A circuit court shall grant a limited driving privilege to any individual who otherwise is
9 eligible to receive a limited driving privilege, has filed proof of installation of a certified ignition
10 interlock device, and has had no alcohol-related enforcement contacts since the alcohol-related
11 enforcement contact that resulted in the person's license denial.

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

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

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

31 302.309. 1. Whenever any license is suspended pursuant to sections 302.302 to 302.309, the
32 director of revenue shall return the license to the operator immediately upon the termination of the
33 period of suspension and upon compliance with the requirements of chapter 303.

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

36 3. (1) All circuit courts, the director of revenue, or a commissioner operating under section
37 478.007 shall have jurisdiction to hear applications and make eligibility determinations granting
38 limited driving privileges, except as provided under subdivision (8) of this subsection. Any
39 application may be made in writing to the director of revenue and the person's reasons for requesting
40 the limited driving privilege shall be made therein.

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

- 43 (a) A business, occupation, or employment;
- 44 (b) Seeking medical treatment for such operator;
- 45 (c) Attending school or other institution of higher education;
- 46 (d) Attending alcohol or drug treatment programs;
- 47 (e) Seeking the required services of a certified ignition interlock device provider; or
- 48 (f) Any other circumstance the court or director finds would create an undue hardship on the

1 operator,

2
3 the court or director may grant such limited driving privilege as the circumstances of the case justify
4 if the court or director finds undue hardship would result to the individual, and while so operating a
5 motor vehicle within the restrictions and limitations of the limited driving privilege the driver shall
6 not be guilty of operating a motor vehicle without a valid license.

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

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

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

1 (6) Except as provided in subdivision (8) of this subsection, no person is eligible to receive a
2 limited driving privilege whose license at the time of application has been suspended or revoked for
3 the following reasons:

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

9 (b)] A conviction of any felony in the commission of which a motor vehicle was used except
10 for a felony resulting from aggregate driving while intoxicated or driving under the influence
11 offenses;

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

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

17 (e) Due to a revocation for failure to submit to a chemical test pursuant to section 577.041 or
18 due to a refusal to submit to a chemical test in any other state, unless such person has completed the
19 first ninety days of such revocation and files proof of installation with the department of revenue that
20 any vehicle operated by such person is equipped with a functioning, certified ignition interlock
21 device, provided the person is not otherwise ineligible for a limited driving privilege;

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

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

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

34 (8) (a) Provided that pursuant to the provisions of this section, the applicant is not otherwise
35 ineligible for a limited driving privilege, a circuit court or the director may, in the manner prescribed
36 in this subsection, allow a person who has had such person's license to operate a motor vehicle
37 revoked where that person cannot obtain a new license for a period of ten years, as prescribed in
38 subdivision (9) of subsection 1 of section 302.060, to apply for a limited driving privilege pursuant
39 to this subsection. Such person shall present evidence satisfactory to the court or the director that
40 such person's habits and conduct show that the person no longer poses a threat to the public safety of
41 this state. A circuit court shall grant a limited driving privilege to any individual who otherwise is
42 eligible to receive a limited driving privilege, has filed proof of installation of a certified ignition
43 interlock device, and has had no alcohol-related enforcement contacts since the alcohol-related
44 enforcement contact that resulted in the person's license denial.

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

1 vehicle revoked where that person cannot obtain a new license for a period of five years because of
2 two convictions of driving while intoxicated, as prescribed in subdivision (10) of subsection 1 of
3 section 302.060, to apply for a limited driving privilege pursuant to this subsection. Such person
4 shall present evidence satisfactory to the court or the director that such person's habits and conduct
5 show that the person no longer poses a threat to the public safety of this state. Any person who is
6 denied a license permanently in this state because of an alcohol-related conviction subsequent to a
7 restoration of such person's driving privileges pursuant to subdivision (9) of section 302.060 shall
8 not be eligible for limited driving privilege pursuant to the provisions of this subdivision. A circuit
9 court shall grant a limited driving privilege to any individual who otherwise is eligible to receive a
10 limited driving privilege, has filed proof of installation of a certified ignition interlock device, and
11 has had no alcohol-related enforcement contacts since the alcohol-related enforcement contact that
12 resulted in the person's license denial.

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

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

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

32 302.525. 1. The license suspension or revocation shall become effective fifteen days after
33 the subject person has received the notice of suspension or revocation as provided in section
34 302.520, or is deemed to have received the notice of suspension or revocation by mail as provided in
35 section 302.515. If a request for a hearing is received by or postmarked to the department within that
36 fifteen-day period, the effective date of the suspension or revocation shall be stayed until a final
37 order is issued following the hearing; provided, that any delay in the hearing which is caused or
38 requested by the subject person or counsel representing that person without good cause shown shall
39 not result in a stay of the suspension or revocation during the period of delay.

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

41 (1) If the person's driving record shows no prior alcohol-related enforcement contacts during
42 the immediately preceding five years, the period of suspension shall be thirty days after the effective
43 date of suspension, followed by a sixty-day period of restricted driving privilege as defined in
44 section 302.010 and issued by the director of revenue. The restricted driving privilege shall not be
45 issued until he or she has filed proof of financial responsibility with the department of revenue, in
46 accordance with chapter 303, and is otherwise eligible. The restricted driving privilege shall indicate
47 whether a functioning, certified ignition interlock device is required as a condition of operating a
48 motor vehicle. A copy of the restricted driving privilege shall be given to the person and such person

1 shall carry a copy of the restricted driving privilege while operating a motor vehicle. In no case shall
2 restricted driving privileges be issued pursuant to this section or section 302.535 until the person has
3 completed the first thirty days of a suspension under this section. If a person otherwise subject to the
4 provisions of this subdivision files proof of installation with the department of revenue that any
5 vehicle that he or she operates is equipped with a functioning, certified ignition interlock device,
6 there shall be no period of suspension. However, in lieu of a suspension the person shall instead
7 complete a ninety-day period of restricted driving privilege. Upon completion of such ninety-day
8 period of restricted driving privilege, compliance with other requirements of law, and filing of proof
9 of financial responsibility with the department of revenue, in accordance with chapter 303, the
10 license and driving privilege shall be reinstated. However, if the monthly monitoring reports during
11 such ninety-day period indicate that the ignition interlock device has registered a confirmed blood
12 alcohol concentration level above the alcohol setpoint established by the department of
13 transportation or such reports indicate that the ignition interlock device has been tampered with or
14 circumvented, then the license and driving privilege of such person shall not be reinstated until the
15 person completes an additional thirty-day period of restricted driving privilege. If the person fails to
16 maintain such proof of the device with the director of revenue as required, the restricted driving
17 privilege shall be terminated;

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

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

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

32 4. Where a license is suspended or revoked under this section and the person is also
33 convicted on charges arising out of the same occurrence for a violation of section 577.010 or
34 577.012 or for a violation of any county or municipal ordinance prohibiting driving while
35 intoxicated or alcohol-related traffic offense, both the suspension or revocation under this section
36 and any other suspension or revocation arising from such convictions shall be imposed, but the
37 period of suspension or revocation under sections 302.500 to 302.540 shall be credited against any
38 other suspension or revocation arising from such convictions, and the total period of suspension or
39 revocation shall not exceed the longer of the two suspension or revocation periods.

40 5. Any person who has had a license to operate a motor vehicle revoked under this section or
41 suspended under this section with one or more prior alcohol-related enforcement contacts showing
42 on their driver record shall be required to file proof with the director of revenue that any motor
43 vehicle operated by that person is equipped with a functioning, certified ignition interlock device as a
44 required condition of reinstatement. The ignition interlock device shall further be required to be
45 maintained on all motor vehicles operated by the person for a period of not less than six months
46 immediately following the date of reinstatement. If the monthly monitoring reports show that the
47 ignition interlock device has registered any confirmed blood alcohol concentration readings above
48 the alcohol setpoint established by the department of transportation or that the person has tampered

1 with or circumvented the ignition interlock device within the last three months of the six-month
2 period of required installation of the ignition interlock device, then the period for which the person
3 must maintain the ignition interlock device following the date of reinstatement shall be extended for
4 [an additional six months] additional periods of three months until the person has completed three
5 months with no violations as described in this section. If the person fails to maintain such proof with
6 the director, the license shall be resuspended or revoked, as applicable."; and
7

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