

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND Senate Bill No. 446, Page 1, In the Title, Line 3, by deleting the words "Purple Heart  
2 license plates" and insert in lieu thereof the words "motor vehicles"; and

3  
4 Further amend said bill and page, Section A, Line 2, by inserting immediately after said section and  
5 line the following:

6  
7 "301.196. 1. Beginning January 1, 2006, except as otherwise provided in this section, the  
8 transferor of an interest in a motor vehicle or trailer listed on the face of a Missouri title, excluding  
9 salvage titles and junking certificates, shall notify the department of revenue of the transfer within  
10 thirty days of the date of transfer. The notice shall be in a form determined by the department by  
11 rule and shall contain:

- 12 (1) The name of the transferor and transferee;
- 13 (2) A description of the motor vehicle or trailer sufficient to identify it;
- 14 ~~[(2)]~~ (3) The vehicle identification number of the motor vehicle or trailer;
- 15 ~~[(3)]~~ (4) The name and address of the transferee;
- 16 ~~[(4)]~~ (5) The date of birth of the transferee, unless the transferee is not a natural person;
- 17 ~~[(5)]~~ (6) The date of the transfer or sale;
- 18 ~~[(6)]~~ (7) The purchase price of the motor vehicle or trailer, if applicable;
- 19 ~~[(7)]~~ (8) The number of the transferee's drivers license, unless the transferee does not have a  
20 drivers license;

21 ~~[(8) The printed name and signature]~~ (9) The transferor's electronic signature if transmitted  
22 electronically or the signatures of the transferee and transferor if not submitted electronically. For  
23 the purposes of this section, "transmitted electronically" shall have the same meaning as an  
24 electronic signature as defined in section 432.205;

25 ~~[(9)]~~ (10) Any other information required by the department by rule.

26 2. A notice of sale substantially complying with the requirements of this section is effective  
27 even though it contains minor errors which are not materially misleading.

28 3. For purposes of giving notice under this section, if the transfer occurs by operation of law,  
29 the personal representative, receiver, trustee, sheriff, or other representative or successor in interest  
30 of the person whose interest is transferred shall be considered the transferor. Repossession by a  
31 creditor shall not be considered a transfer of ownership requiring such notice.

32 [3.] 4. The requirements of this section shall not apply to transfers when there is no complete  
33 change of ownership interest or upon award of ownership of a motor vehicle or trailer made by court  
34 order, or transfers of ownership of a motor vehicle or trailer to or between vehicle dealers, or  
35 transfers of ownership of a motor vehicle or trailer to an insurance company due to a theft or casualty  
36 loss, or transfers of beneficial ownership of a motor vehicle owned by a trust.

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1 [4.] 5. Notification under this section is only required for transfers of ownership that would  
2 otherwise require registration and an application for certificate of title in this state under section  
3 301.190, and is for informational purposes only and does not constitute an assignment or release of  
4 any interest in the vehicle.

5 [5.] 6. Retail sales made by licensed dealers including sales of new vehicles shall be  
6 reported pursuant to the provisions of section 301.280."; and

7  
8 Further amend said bill, Page 2, Section 301.451, Line 25, by inserting immediately after said  
9 section and line the following:

10  
11 "302.010. Except where otherwise provided, when used in this chapter, the following words  
12 and phrases mean:

13 (1) "Circuit court", each circuit court in the state;

14 (2) "Commercial motor vehicle", a motor vehicle designed or regularly used for carrying  
15 freight and merchandise, or more than fifteen passengers;

16 (3) "Conviction", any final conviction; also a forfeiture of bail or collateral deposited to  
17 secure a defendant's appearance in court, which forfeiture has not been vacated, shall be equivalent  
18 to a conviction, except that when any conviction as a result of which points are assessed pursuant to  
19 section 302.302 is appealed, the term "conviction" means the original judgment of conviction for the  
20 purpose of determining the assessment of points, and the date of final judgment affirming the  
21 conviction shall be the date determining the beginning of any license suspension or revocation  
22 pursuant to section 302.304;

23 (4) "Criminal history check", a search of criminal records, including criminal history record  
24 information as defined in section 43.500, maintained by the Missouri state highway patrol in the  
25 Missouri criminal records repository or by the Federal Bureau of Investigation as part of its criminal  
26 history records, including, but not limited to, any record of conviction, plea of guilty or nolo  
27 contendere, or finding of guilty in any state for any offense related to alcohol, controlled substances,  
28 or drugs;

29 (5) "Director", the director of revenue acting directly or through the director's authorized  
30 officers and agents;

31 (6) "Farm tractor", every motor vehicle designed and used primarily as a farm implement for  
32 drawing plows, mowing machines and other implements of husbandry;

33 (7) "Highway", any public thoroughfare for vehicles, including state roads, county roads and  
34 public streets, avenues, boulevards, parkways, or alleys in any municipality;

35 (8) "Incompetent to drive a motor vehicle", a person who has become physically incapable  
36 of meeting the prescribed requirements of an examination for an operator's license, or who has been  
37 adjudged by a probate division of the circuit court in a capacity hearing of being incapacitated;

38 (9) "License", a license issued by a state to a person which authorizes a person to operate a  
39 motor vehicle;

40 (10) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks except  
41 motorized bicycles, as defined in section 307.180;

42 (11) "Motorcycle", a motor vehicle operated on two wheels; however, this definition shall  
43 not include motorized bicycles as defined in section 301.010;

44 (12) "Motortricycle", a motor vehicle operated on three wheels, including a motorcycle  
45 operated with any conveyance, temporary or otherwise, requiring the use of a third wheel;

46 (13) "Moving violation", that character of traffic violation where at the time of violation the  
47 motor vehicle involved is in motion, except that the term does not include the driving of a motor  
48 vehicle without a valid motor vehicle registration license, or violations of sections 304.170 to

1 304.240, inclusive, relating to sizes and weights of vehicles;

2 (14) "Municipal court", every division of the circuit court having original jurisdiction to try  
3 persons for violations of city ordinances;

4 (15) "Nonresident", every person who is not a resident of this state;

5 (16) "Operator", every person who is in actual physical control of a motor vehicle upon a  
6 highway;

7 (17) "Owner", a person who holds the legal title of a vehicle or in the event a vehicle is the  
8 subject of an agreement for the conditional sale or lease thereof with the right of purchase upon  
9 performance of the conditions stated in the agreement and with an immediate right of possession  
10 vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to  
11 possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the  
12 purpose of sections 302.010 to 302.540;

13 (18) "Record" includes, but is not limited to, papers, documents, facsimile information,  
14 microphotographic process, electronically generated or electronically recorded information, digitized  
15 images, deposited or filed with the department of revenue;

16 (19) "Residence address", "residence", or "resident address" shall be the location at which a  
17 person has been physically present, and that the person regards as home. A residence address is a  
18 person's true, fixed, principal, and permanent home, to which a person intends to return and remain,  
19 even though currently residing elsewhere;

20 (20) "Restricted driving privilege", a sixty-day driving privilege issued by the director of  
21 revenue following a suspension of driving privileges for the limited purpose of driving in connection  
22 with the driver's business, occupation, employment, formal program of secondary, postsecondary or  
23 higher education, or for an alcohol education or treatment program or certified ignition interlock  
24 provider, or a ninety-day 'interlock restricted privilege' issued by the director of revenue for the  
25 limited purpose of driving in connection with the driver's business, occupation, employment, seeking  
26 medical treatment for such driver or a dependent family member, attending school or other  
27 institution of higher education, attending alcohol or drug treatment programs, seeking the required  
28 services of a certified ignition interlock provider, fulfilling court obligations, including required  
29 appearances and probation and parole obligations, religious services, the care of a child or children,  
30 including scheduled visitation or custodial obligations pursuant to a court order, fueling requirements  
31 for any vehicle utilized, and seeking basic nutritional requirements;

32 (21) "School bus", when used in sections 302.010 to 302.540, means any motor vehicle,  
33 either publicly or privately owned, used to transport students to and from school, or to transport  
34 pupils properly chaperoned to and from any place within the state for educational purposes. The  
35 term "school bus" shall not include a bus operated by a public utility, municipal corporation or  
36 common carrier authorized to conduct local or interstate transportation of passengers when such bus  
37 is not traveling a specific school bus route but is:

38 (a) On a regularly scheduled route for the transportation of fare-paying passengers; or

39 (b) Furnishing charter service for the transportation of persons enrolled as students on field  
40 trips or other special trips or in connection with other special events;

41 (22) "School bus operator", an operator who operates a school bus as defined in subdivision  
42 (21) of this section in the transportation of any schoolchildren and who receives compensation for  
43 such service. The term "school bus operator" shall not include any person who transports  
44 schoolchildren as an incident to employment with a school or school district, such as a teacher,  
45 coach, administrator, secretary, school nurse, or janitor unless such person is under contract with or  
46 employed by a school or school district as a school bus operator;

47 (23) "Signature", any method determined by the director of revenue for the signing,  
48 subscribing or verifying of a record, report, application, driver's license, or other related document

1 that shall have the same validity and consequences as the actual signing by the person providing the  
2 record, report, application, driver's license or related document;

3 (24) "Substance abuse traffic offender program", a program certified by the division of  
4 alcohol and drug abuse of the department of mental health to provide education or rehabilitation  
5 services pursuant to a professional assessment screening to identify the individual needs of the  
6 person who has been referred to the program as the result of an alcohol- or drug-related traffic  
7 offense. Successful completion of such a program includes participation in any education or  
8 rehabilitation program required to meet the needs identified in the assessment screening. The  
9 assignment recommendations based upon such assessment shall be subject to judicial review as  
10 provided in subsection 14 of section 302.304 and subsections 1 and 5 of section 302.540;

11 (25) "Vehicle", any mechanical device on wheels, designed primarily for use, or used on  
12 highways, except motorized bicycles, vehicles propelled or drawn by horses or human power, or  
13 vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized wheelchairs  
14 operated by handicapped persons.

15 \*302.060. 1. The director shall not issue any license and shall immediately deny any driving  
16 privilege:

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

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

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

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

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

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

28 (7) To any person who has an unsatisfied judgment against such person, as defined in chapter  
29 303, until such judgment has been satisfied or the financial responsibility of such person, as  
30 described in section 303.120, has been established;

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

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

48 (10) To any person who has been found guilty of acting with criminal negligence while

1 driving while intoxicated to cause the death of another person, or to any person who has been  
2 convicted twice within a five-year period of violating state law, county or municipal ordinance of  
3 driving while intoxicated, or any other intoxication-related traffic offense as defined in section  
4 577.001, except that, after the expiration of five years from the date of conviction of the last offense  
5 of violating such law or ordinance, a person who was so convicted may petition the circuit court of  
6 the county in which such last conviction was rendered and the court shall review the person's habits  
7 and conduct since such conviction, including the results of a criminal history check as defined in  
8 section 302.010. If the court finds that the petitioner has not been found guilty of, and has no  
9 pending charges for any offense related to alcohol, controlled substances, or drugs and has no other  
10 alcohol-related enforcement contacts as defined in section 302.525 during the preceding five years,  
11 and that the petitioner's habits and conduct show such petitioner to no longer pose a threat to the  
12 public safety of this state, the court shall order the director to issue a license to the petitioner if the  
13 petitioner is otherwise qualified pursuant to the provisions of sections 302.010 to 302.540;

14 (11) To any person who is otherwise disqualified pursuant to the provisions of chapter 302,  
15 chapter 303, or section 544.046;

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

26 2. Any person whose license is reinstated under the provisions of subdivision (9) or (10) of  
27 subsection 1 of this section shall be required to file proof with the director of revenue that any motor  
28 vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a  
29 required condition of reinstatement. The ignition interlock device required for reinstatement under  
30 this subsection and for obtaining a limited driving privilege under paragraph (a) or (b) of subdivision  
31 (8) of subsection 3 of section 302.309 shall have a photo identification technology feature, and a  
32 court may require a global positioning system feature for such device. The ignition interlock device  
33 shall further be required to be maintained on all motor vehicles operated by the person for a period of  
34 not less than six months immediately following the date of reinstatement. If the monthly monitoring  
35 reports show that the ignition interlock device has registered any confirmed blood alcohol  
36 concentration readings above the alcohol setpoint established by the department of transportation or  
37 that the person has tampered with or circumvented the ignition interlock device within the last three  
38 months of the six-month period of required installation of the ignition interlock device, then the  
39 period for which the person must maintain the ignition interlock device following the date of  
40 reinstatement shall be extended [for an additional six months] until the person has completed three  
41 consecutive months with no violations as described in this section. If the person fails to maintain  
42 such proof with the director, the license shall be suspended [for the remainder of the six-month  
43 period or] until proof as required by this section is filed with the director. [Upon the completion of  
44 the six-month period, the license shall be shown as reinstated, if the person is otherwise eligible.]

45 3. Any person who petitions the court for reinstatement of his or her license pursuant to  
46 subdivision (9) or (10) of subsection 1 of this section shall make application with the Missouri state  
47 highway patrol as provided in section 43.540, and shall submit two sets of fingerprints collected  
48 pursuant to standards as determined by the highway patrol. One set of fingerprints shall be used by

1 the highway patrol to search the criminal history repository and the second set shall be forwarded to  
2 the Federal Bureau of Investigation for searching the federal criminal history files. At the time of  
3 application, the applicant shall supply to the highway patrol the court name and case number for the  
4 court where he or she has filed his or her petition for reinstatement. The applicant shall pay the fee  
5 for the state criminal history check pursuant to section 43.530 and pay the appropriate fee  
6 determined by the Federal Bureau of Investigation for the federal criminal history record. The  
7 Missouri highway patrol, upon receipt of the results of the criminal history check, shall forward a  
8 copy of the results to the circuit court designated by the applicant and to the department.  
9 Notwithstanding the provisions of section 610.120, all records related to any criminal history check  
10 shall be accessible and available to the director and the court.

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

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

1 303, the license and driving privilege shall be reinstated. However, if the monthly monitoring  
2 reports during such ninety-day period indicate that the ignition interlock device has registered a  
3 confirmed blood alcohol concentration level above the alcohol setpoint established by the  
4 department of transportation or such reports indicate that the ignition interlock device has been  
5 tampered with or circumvented, then the license and driving privilege of such person shall not be  
6 reinstated until the person completes an additional thirty-day period of restricted driving privilege.

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

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

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

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

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

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

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

1 dollars which shall be in addition to all other fees provided by law.

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

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

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

45 16. Any administrator who fails to remit to the division of alcohol and drug abuse of the  
46 department of mental health the supplemental fees and interest for all persons enrolled in the  
47 program pursuant to this section shall be subject to a penalty equal to the amount of interest accrued  
48 on the supplemental fees due the division pursuant to this section. If the supplemental fees, interest,



1 and penalties are not remitted to the division of alcohol and drug abuse of the department of mental  
2 health within six months of the due date, the attorney general of the state of Missouri shall initiate  
3 appropriate action of the collection of said fees and interest accrued. The court shall assess attorney  
4 fees and court costs against any delinquent program.

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

22 \*302.309. 1. Whenever any license is suspended pursuant to sections 302.302 to 302.309,  
23 the director of revenue shall return the license to the operator immediately upon the termination of  
24 the period of suspension and upon compliance with the requirements of chapter 303.

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

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

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

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

41  
42 the court or director may grant such limited driving privilege as the circumstances of the case justify  
43 if the court or director finds undue hardship would result to the individual, and while so operating a  
44 motor vehicle within the restrictions and limitations of the limited driving privilege the driver shall  
45 not be guilty of operating a motor vehicle without a valid license.

46 (3) An operator may make application to the proper court in the county in which such  
47 operator resides or in the county in which is located the operator's principal place of business or  
48 employment. Any application for a limited driving privilege made to a circuit court shall name the

1 director as a party defendant and shall be served upon the director prior to the grant of any limited  
2 privilege, and shall be accompanied by a copy of the applicant's driving record as certified by the  
3 director. Any applicant for a limited driving privilege shall have on file with the department of  
4 revenue proof of financial responsibility as required by chapter 303. Any application by a person  
5 who transports persons or property as classified in section 302.015 may be accompanied by proof of  
6 financial responsibility as required by chapter 303, but if proof of financial responsibility does not  
7 accompany the application, or if the applicant does not have on file with the department of revenue  
8 proof of financial responsibility, the court or the director has discretion to grant the limited driving  
9 privilege to the person solely for the purpose of operating a vehicle whose owner has complied with  
10 chapter 303 for that vehicle, and the limited driving privilege must state such restriction. When  
11 operating such vehicle under such restriction the person shall carry proof that the owner has  
12 complied with chapter 303 for that vehicle.

13 (4) No limited driving privilege shall be issued to any person otherwise eligible under the  
14 provisions of [paragraph (a) of] subdivision (6) of this subsection [on a license revocation resulting  
15 from a conviction under subdivision (9) of subsection 1 of section 302.302, or] if such person has a  
16 license denial under paragraph (a) or (b) of subdivision (8) of this subsection[, or a license  
17 revocation under paragraph (g) of subdivision (6) of this subsection,] or on a license revocation  
18 resulting from a conviction under subdivision (9) of subsection 1 of section 302.302, or a license  
19 revocation under subdivision (2) of subsection 2 of section 302.525, or sections 302.574 or 577.041,  
20 until the applicant has filed proof with the department of revenue that any motor vehicle operated by  
21 the person is equipped with a functioning, certified ignition interlock device as a required condition  
22 of limited driving privilege. The ignition interlock device required for obtaining a limited driving  
23 privilege under paragraph (a) or (b) of subdivision (8) of this subsection shall have a photo  
24 identification technology feature, and a court may require a global positioning system feature for  
25 such device.

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

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

46 (a) [A conviction of violating the provisions of section 577.010 or 577.012, or any similar  
47 provision of any federal or state law, or a municipal or county law where the judge in such case was  
48 an attorney and the defendant was represented by or waived the right to an attorney in writing, until

1 the person has completed the first thirty days of a suspension or revocation imposed pursuant to this  
2 chapter;

3 (b)] A conviction of any felony in the commission of which a motor vehicle was used and  
4 such conviction occurred within the five year period prior to the date of application. However, any  
5 felony conviction for leaving the scene of an accident under section 577.060 shall not render the  
6 applicant ineligible for a limited driving privilege under this section;

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

9 [(d) Because of operating a motor vehicle under the influence of narcotic drugs, a controlled  
10 substance as defined in chapter 195, or having left the scene of an accident as provided in section  
11 577.060];

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

17 (f)] (c) Due to a suspension pursuant to subdivision (8) or (10) of subsection 1 of section  
18 302.302 or subsection 2 of section 302.525 [and who has not completed the first thirty days of such  
19 suspension, provided the person is not otherwise ineligible for a limited driving privilege; or

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

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

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

40 (b) Provided that pursuant to the provisions of this section, the applicant is not otherwise  
41 ineligible for a limited driving privilege or convicted of acting with criminal negligence while  
42 driving while intoxicated to cause the death of another person, a circuit court or the director may, in  
43 the manner prescribed in this subsection, allow a person who has had such person's license to operate  
44 a motor vehicle revoked where that person cannot obtain a new license for a period of five years  
45 because of two convictions of driving while intoxicated, as prescribed in subdivision (10) of  
46 subsection 1 of section 302.060, to apply for a limited driving privilege pursuant to this subsection.  
47 Such person shall present evidence satisfactory to the court or the director that such person's habits  
48 and conduct show that the person no longer poses a threat to the public safety of this state. Any

1 person who is denied a license permanently in this state because of an alcohol-related conviction  
2 subsequent to a restoration of such person's driving privileges pursuant to subdivision (9) of section  
3 302.060 shall not be eligible for limited driving privilege pursuant to the provisions of this  
4 subdivision. A circuit court shall grant a limited driving privilege to any individual who otherwise is  
5 eligible to receive a limited driving privilege, has filed proof of installation of a certified ignition  
6 interlock device, and has had no alcohol-related enforcement contacts since the alcohol-related  
7 enforcement contact that resulted in the person's license denial.

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

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

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

27 302.525. 1. The license suspension or revocation shall become effective fifteen days after  
28 the subject person has received the notice of suspension or revocation as provided in section  
29 302.520, or is deemed to have received the notice of suspension or revocation by mail as provided in  
30 section 302.515. If a request for a hearing is received by or postmarked to the department within that  
31 fifteen-day period, the effective date of the suspension or revocation shall be stayed until a final  
32 order is issued following the hearing; provided, that any delay in the hearing which is caused or  
33 requested by the subject person or counsel representing that person without good cause shown shall  
34 not result in a stay of the suspension or revocation during the period of delay.

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

36 (1) If the person's driving record shows no prior alcohol-related enforcement contacts during  
37 the immediately preceding five years, the period of suspension shall be thirty days after the effective  
38 date of suspension, followed by a sixty-day period of restricted driving privilege as defined in  
39 section 302.010 and issued by the director of revenue. The restricted driving privilege shall not be  
40 issued until he or she has filed proof of financial responsibility with the department of revenue, in  
41 accordance with chapter 303, and is otherwise eligible. The restricted driving privilege shall indicate  
42 whether a functioning, certified ignition interlock device is required as a condition of operating a  
43 motor vehicle. A copy of the restricted driving privilege shall be given to the person and such person  
44 shall carry a copy of the restricted driving privilege while operating a motor vehicle. In no case shall  
45 restricted driving privileges be issued pursuant to this section or section 302.535 until the person has  
46 completed the first thirty days of a suspension under this section. If a person otherwise subject to the  
47 provisions of this subdivision files proof of installation with the department of revenue that any  
48 vehicle that he or she operates is equipped with a functioning, certified ignition interlock device,

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

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

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

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

27 4. Where a license is suspended or revoked under this section and the person is also  
28 convicted on charges arising out of the same occurrence for a violation of section 577.010 or  
29 577.012 or for a violation of any county or municipal ordinance prohibiting driving while  
30 intoxicated or alcohol-related traffic offense, both the suspension or revocation under this section  
31 and any other suspension or revocation arising from such convictions shall be imposed, but the  
32 period of suspension or revocation under sections 302.500 to 302.540 shall be credited against any  
33 other suspension or revocation arising from such convictions, and the total period of suspension or  
34 revocation shall not exceed the longer of the two suspension or revocation periods.

35 5. Any person who has had a license to operate a motor vehicle revoked under this section or  
36 suspended under this section with one or more prior alcohol-related enforcement contacts showing  
37 on their driver record shall be required to file proof with the director of revenue that any motor  
38 vehicle operated by that person is equipped with a functioning, certified ignition interlock device as a  
39 required condition of reinstatement. The ignition interlock device shall further be required to be  
40 maintained on all motor vehicles operated by the person for a period of not less than six months  
41 immediately following the date of reinstatement. If the monthly monitoring reports show that the  
42 ignition interlock device has registered any confirmed blood alcohol concentration readings above  
43 the alcohol setpoint established by the department of transportation or that the person has tampered  
44 with or circumvented the ignition interlock device within the last three months of the six-month  
45 period of required installation of the ignition interlock device, then the period for which the person  
46 must maintain the ignition interlock device following the date of reinstatement shall be extended [for  
47 an additional six months] until the person has completed three consecutive months with no violations  
48 as described in this section. If the person fails to maintain such proof with the director, the license

1 shall be suspended or revoked, [as applicable] until proof as required by this section is filed with the  
2 director, and the person shall be guilty of a class A misdemeanor.

3 302.574. 1. If a person who was operating a vehicle refuses upon the request of the officer to  
4 submit to any chemical test under section 577.041, the officer shall, on behalf of the director of  
5 revenue, serve the notice of license revocation personally upon the person and shall take possession  
6 of any license to operate a vehicle issued by this state which is held by that person. The officer shall  
7 issue a temporary permit, on behalf of the director of revenue, which is valid for fifteen days and  
8 shall also give the person notice of his or her right to file a petition for review to contest the license  
9 revocation.

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

13 (1) That the officer has:

14 (a) Reasonable grounds to believe that the arrested person was driving a motor vehicle while  
15 in an intoxicated condition; or

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

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

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

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

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

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

28 (6) Any license, which the officer has taken into possession, to operate a motor vehicle.

29 3. Upon receipt of the officer's report, the director shall revoke the license of the person  
30 refusing to take the test for a period of one year; or if the person is a nonresident, such person's  
31 operating permit or privilege shall be revoked for one year; or if the person is a resident without a  
32 license or permit to operate a motor vehicle in this state, an order shall be issued denying the person  
33 the issuance of a license or permit for a period of one year.

34 4. If a person's license has been revoked because of the person's refusal to submit to a  
35 chemical test, such person may petition for a hearing before a circuit division or associate division of  
36 the court in the county in which the arrest or stop occurred. The person may request such court to  
37 issue an order staying the revocation until such time as the petition for review can be heard. If the  
38 court, in its discretion, grants such stay, it shall enter the order upon a form prescribed by the director  
39 of revenue and shall send a copy of such order to the director. Such order shall serve as proof of the  
40 privilege to operate a motor vehicle in this state and the director shall maintain possession of the  
41 person's license to operate a motor vehicle until termination of any revocation under this section.  
42 Upon the person's request, the clerk of the court shall notify the prosecuting attorney of the county  
43 and the prosecutor shall appear at the hearing on behalf of the director of revenue. At the hearing, the  
44 court shall determine only:

45 (1) Whether the person was arrested or stopped;

46 (2) Whether the officer had:

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

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

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

8 (3) Whether the person refused to submit to the test.

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

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

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

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

48 9. Any administrator who fails to remit to the division of alcohol and drug abuse of the

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

8 10. Any person who has had a license to operate a motor vehicle revoked under this section  
9 and who has a prior alcohol-related enforcement contact, as defined in section 302.525, shall be  
10 required to file proof with the director of revenue that any motor vehicle operated by the person is  
11 equipped with a functioning, certified ignition interlock device as a required condition of license  
12 reinstatement. Such ignition interlock device shall further be required to be maintained on all motor  
13 vehicles operated by the person for a period of not less than six months immediately following the  
14 date of reinstatement. If the monthly monitoring reports show that the ignition interlock device has  
15 registered any confirmed blood alcohol concentration readings above the alcohol setpoint established  
16 by the department of transportation or that the person has tampered with or circumvented the ignition  
17 interlock device within the last three months of the six-month period of required installation of the  
18 ignition interlock device, then the period for which the person must maintain the ignition interlock  
19 device following the date of reinstatement shall be extended [for an additional six months] until the  
20 person has completed three consecutive months with no violations as described in this section. If the  
21 person fails to maintain such proof with the director as required by this section, the license shall be  
22 rerevoked until proof as required by this section is filed with the director, and the person shall be  
23 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.

32 12. A person commits the offense of failure to maintain proof with the Missouri department  
33 of revenue if, when required to do so, he or she fails to file proof with the director of revenue that  
34 any vehicle operated by the person is equipped with a functioning, certified ignition interlock device  
35 or fails to file proof of financial responsibility with the department of revenue in accordance with  
36 chapter 303. The offense of failure to maintain proof with the Missouri department of revenue is a  
37 class A misdemeanor.

38 478.007. 1. Any circuit court, or any county with a charter form of government and with  
39 more than six hundred thousand but fewer than seven hundred thousand inhabitants with a county  
40 municipal court established under section 66.010, may establish a docket or court to provide an  
41 alternative for the judicial system to dispose of cases in which a person has pleaded guilty to driving  
42 while intoxicated or driving with excessive blood alcohol content and:

43 (1) The person was operating a motor vehicle with at least fifteen-hundredths of one percent  
44 or more by weight of alcohol in such person's blood; or

45 (2) The person has previously pleaded guilty to or has been found guilty of one or more  
46 intoxication-related traffic offenses as defined by section 577.023; or

47 (3) The person has two or more previous alcohol-related enforcement contacts as defined in  
48 section 302.525.



1           2. This docket or court shall combine judicial supervision, drug testing, continuous alcohol  
2 monitoring, as defined in section 577.001, substance abuse traffic offender program compliance, and  
3 treatment of DWI court participants. The court may assess any and all necessary costs for  
4 participation in DWI court against the participant. Any money received from such assessed costs by  
5 a court from a defendant shall not be considered court costs, charges, or fines. This docket or court  
6 may operate in conjunction with a drug court established pursuant to sections 478.001 to 478.006.

7           3. If the division of probation and parole is otherwise unavailable to assist in the judicial  
8 supervision of any person who wishes to enter a DWI court, a court-approved private probation  
9 service may be utilized by the DWI court to fill the division's role. In such case, any and all  
10 necessary additional costs may be assessed against the participant. No person shall be rejected from  
11 participating in DWI court solely for the reason that the person does not reside in the city or county  
12 where the applicable DWI court is located but the DWI court can base acceptance into a treatment  
13 court program on its ability to adequately provide services for the person or handle the additional  
14 caseload.

15           \*577.001. As used in this chapter, the following terms mean:

16           (1) "Aggravated offender", a person who has been found guilty of:

17           (a) Three or more intoxication-related traffic offenses committed on separate occasions; or

18           (b) Two or more intoxication-related traffic offenses committed on separate occasions where  
19 at least one of the intoxication-related traffic offenses is an offense committed in violation of any  
20 state law, county or municipal ordinance, any federal offense, or any military offense in which the  
21 defendant was operating a vehicle while intoxicated and another person was injured or killed;

22           (2) "Aggravated boating offender", a person who has been found guilty of:

23           (a) Three or more intoxication-related boating offenses; or

24           (b) Has been found guilty of one or more intoxication-related boating offenses committed on  
25 separate occasions where at least one of the intoxication-related traffic offenses is an offense  
26 committed in violation of any state law, county or municipal ordinance, any federal offense, or any  
27 military offense in which the defendant was operating a vessel while intoxicated and another person  
28 was injured or killed;

29           (3) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for  
30 off-highway use which is fifty inches or less in width, with an unladen dry weight of one thousand  
31 pounds or less, traveling on three, four or more low pressure tires, with a seat designed to be  
32 straddled by the operator, or with a seat designed to carry more than one person, and handlebars for  
33 steering control;

34           (4) "Court", any circuit, associate circuit, or municipal court, including traffic court, but not  
35 any juvenile court or drug court;

36           (5) "Chronic offender", a person who has been found guilty of:

37           (a) Four or more intoxication-related traffic offenses committed on separate occasions; or

38           (b) Three or more intoxication-related traffic offenses committed on separate occasions  
39 where at least one of the intoxication-related traffic offenses is an offense committed in violation of  
40 any state law, county or municipal ordinance, any federal offense, or any military offense in which  
41 the defendant was operating a vehicle while intoxicated and another person was injured or killed; or

42           (c) Two or more intoxication-related traffic offenses committed on separate occasions where  
43 both intoxication-related traffic offenses were offenses committed in violation of any state law,  
44 county or municipal ordinance, any federal offense, or any military offense in which the defendant  
45 was operating a vehicle while intoxicated and another person was injured or killed;

46           (6) "Chronic boating offender", a person who has been found guilty of:

47           (a) Four or more intoxication-related boating offenses; or

48           (b) Three or more intoxication-related boating offenses committed on separate occasions

1 where at least one of the intoxication-related boating offenses is an offense committed in violation of  
 2 any state law, county or municipal ordinance, any federal offense, or any military offense in which  
 3 the defendant was operating a vessel while intoxicated and another person was injured or killed; or

4 (c) Two or more intoxication-related boating offenses committed on separate occasions  
 5 where both intoxication-related boating offenses were offenses committed in violation of any state  
 6 law, county or municipal ordinance, any federal offense, or any military offense in which the  
 7 defendant was operating a vessel while intoxicated and another person was injured or killed;

8 (7) "Continuous alcohol monitoring", automatically testing breath, blood, or transdermal  
 9 alcohol concentration levels and tampering attempts at least once every hour, regardless of the  
 10 location of the person who is being monitored, and regularly transmitting the data. Continuous  
 11 alcohol monitoring shall be considered an electronic monitoring service under subsection 3 of  
 12 section 217.690;

13 (8) "Controlled substance", a drug, substance, or immediate precursor in schedules I to V  
 14 listed in section 195.017;

15 [(8)] (9) "Drive", "driving", "operates" or "operating", means physically driving or operating  
 16 a vehicle or vessel;

17 [(9)] (10) "Flight crew member", the pilot in command, copilots, flight engineers, and flight  
 18 navigators;

19 [(10)] (11) "Habitual offender", a person who has been found guilty of:

20 (a) Five or more intoxication-related traffic offenses committed on separate occasions; or

21 (b) Four or more intoxication-related traffic offenses committed on separate occasions where  
 22 at least one of the intoxication-related traffic offenses is an offense committed in violation of any  
 23 state law, county or municipal ordinance, any federal offense, or any military offense in which the  
 24 defendant was operating a vehicle while intoxicated and another person was injured or killed; or

25 (c) Three or more intoxication-related traffic offenses committed on separate occasions  
 26 where at least two of the intoxication-related traffic offenses were offenses committed in violation of  
 27 any state law, county or municipal ordinance, any federal offense, or any military offense in which  
 28 the defendant was operating a vehicle while intoxicated and another person was injured or killed; or

29 (d) While driving while intoxicated, the defendant acted with criminal negligence to:

30 a. Cause the death of any person not a passenger in the vehicle operated by the defendant,  
 31 including the death of an individual that results from the defendant's vehicle leaving a highway, as  
 32 defined by section 301.010, or the highway's right-of-way; or

33 b. Cause the death of two or more persons; or

34 c. Cause the death of any person while he or she has a blood alcohol content of at least  
 35 eighteen-hundredths of one percent by weight of alcohol in such person's blood;

36 [(11)] (12) "Habitual boating offender", a person who has been found guilty of:

37 (a) Five or more intoxication-related boating offenses; or

38 (b) Four or more intoxication-related boating offenses committed on separate occasions  
 39 where at least one of the intoxication-related boating offenses is an offense committed in violation of  
 40 any state law, county or municipal ordinance, any federal offense, or any military offense in which  
 41 the defendant was operating a vessel while intoxicated and another person was injured or killed; or

42 (c) Three or more intoxication-related boating offenses committed on separate occasions  
 43 where at least two of the intoxication-related boating offenses were offenses committed in violation  
 44 of any state law, county or municipal ordinance, any federal offense, or any military offense in which  
 45 the defendant was operating a vessel while intoxicated and another person was injured or killed; or

46 (d) While boating while intoxicated, the defendant acted with criminal negligence to:

47 a. Cause the death of any person not a passenger in the vessel operated by the defendant,  
 48 including the death of an individual that results from the defendant's vessel leaving the water; or

- 1           b. Cause the death of two or more persons; or
- 2           c. Cause the death of any person while he or she has a blood alcohol content of at least
- 3 eighteen-hundredths of one percent by weight of alcohol in such person's blood;
- 4           [(12)] (13) "Intoxicated" or "intoxicated condition", when a person is under the influence of
- 5 alcohol, a controlled substance, or drug, or any combination thereof;
- 6           [(13)] (14) "Intoxication-related boating offense", operating a vessel while intoxicated;
- 7 boating while intoxicated; operating a vessel with excessive blood alcohol content or an offense in
- 8 which the defendant was operating a vessel while intoxicated and another person was injured or
- 9 killed in violation of any state law, county or municipal ordinance, any federal offense, or any
- 10 military offense;
- 11           [(14)] (15) "Intoxication-related traffic offense", driving while intoxicated, driving with
- 12 excessive blood alcohol content or an offense in which the defendant was operating a vehicle while
- 13 intoxicated and another person was injured or killed in violation of any state law, county or
- 14 municipal ordinance, any federal offense, or any military offense;
- 15           [(15)] (16) "Law enforcement officer" or "arresting officer", includes the definition of law
- 16 enforcement officer in section 556.061 and military policemen conducting traffic enforcement
- 17 operations on a federal military installation under military jurisdiction in the state of Missouri;
- 18           [(16)] (17) "Operate a vessel", to physically control the movement of a vessel in motion
- 19 under mechanical or sail power in water;
- 20           [(17)] (18) "Persistent offender", a person who has been found guilty of two or more
- 21 intoxication-related traffic offenses committed on separate occasions;
- 22           [(18)] (19) "Persistent boating offender", a person who has been found guilty of two or more
- 23 intoxication-related boating offenses committed on separate occasions;
- 24           [(19)] (20) "Prior offender", a person who has been found guilty of one intoxication-related
- 25 traffic offense, where such prior offense occurred within five years of the occurrence of the
- 26 intoxication-related traffic offense for which the person is charged;
- 27           [(20)] (21) "Prior boating offender", a person who has been found guilty of one
- 28 intoxication-related boating offense, where such prior offense occurred within five years of the
- 29 occurrence of the intoxication-related boating offense for which the person is charged.
- 30           \*577.010. 1. A person commits the offense of driving while intoxicated if he or she operates
- 31 a vehicle while in an intoxicated condition.
- 32           2. The offense of driving while intoxicated is:
- 33           (1) A class B misdemeanor;
- 34           (2) A class A misdemeanor if:
- 35           (a) The defendant is a prior offender; or
- 36           (b) A person less than seventeen years of age is present in the vehicle;
- 37           (3) A class E felony if:
- 38           (a) The defendant is a persistent offender; or
- 39           (b) While driving while intoxicated, the defendant acts with criminal negligence to cause
- 40 physical injury to another person;
- 41           (4) A class D felony if:
- 42           (a) The defendant is an aggravated offender;
- 43           (b) While driving while intoxicated, the defendant acts with criminal negligence to cause
- 44 physical injury to a law enforcement officer or emergency personnel; or
- 45           (c) While driving while intoxicated, the defendant acts with criminal negligence to cause
- 46 serious physical injury to another person;
- 47           (5) A class C felony if:
- 48           (a) The defendant is a chronic offender;

1 (b) While driving while intoxicated, the defendant acts with criminal negligence to cause  
2 serious physical injury to a law enforcement officer or emergency personnel; or

3 (c) While driving while intoxicated, the defendant acts with criminal negligence to cause the  
4 death of another person;

5 (6) A class B felony if:

6 (a) The defendant is a habitual offender; or

7 (b) While driving while intoxicated, the defendant acts with criminal negligence to cause the  
8 death of a law enforcement officer or emergency personnel;

9 (7) A class A felony if the defendant is a habitual offender as a result of being found guilty of  
10 an act described under paragraph (d) of subdivision [(10)] (11) of section 577.001 and is found guilty  
11 of a subsequent violation of such paragraph.

12 3. Notwithstanding the provisions of subsection 2 of this section, a person found guilty of the  
13 offense of driving while intoxicated as a first offense shall not be granted a suspended imposition of  
14 sentence:

15 (1) Unless such person shall be placed on probation for a minimum of two years; or

16 (2) In a circuit where a DWI court or docket created under section 478.007 or other  
17 court-ordered treatment program is available, and where the offense was committed with  
18 fifteen-hundredths of one percent or more by weight of alcohol in such person's blood, unless the  
19 individual participates and successfully completes a program under such DWI court or docket or  
20 other court-ordered treatment program.

21 4. If a person is found guilty of a second or subsequent offense of driving while intoxicated,  
22 the court may order the person to submit to a period of continuous alcohol monitoring as a condition  
23 of probation.

24 5. If a person is not granted a suspended imposition of sentence for the reasons described in  
25 subsection 3 of this section:

26 (1) If the individual operated the vehicle with fifteen-hundredths to twenty-hundredths of one  
27 percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not  
28 less than forty-eight hours;

29 (2) If the individual operated the vehicle with greater than twenty-hundredths of one percent  
30 by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than  
31 five days.

32 [5.] 6. A person found guilty of the offense of driving while intoxicated:

33 (1) As a prior offender, persistent offender, aggravated offender, chronic offender, or habitual  
34 offender shall not be granted a suspended imposition of sentence or be sentenced to pay a fine in lieu  
35 of a term of imprisonment, section 557.011 to the contrary notwithstanding;

36 (2) As a prior offender shall not be granted parole or probation until he or she has served a  
37 minimum of ten days imprisonment:

38 (a) Unless as a condition of such parole or probation such person performs at least thirty days  
39 of community service under the supervision of the court in those jurisdictions which have a  
40 recognized program for community service; or

41 (b) The offender participates in and successfully completes a program established under  
42 section 478.007 or other court-ordered treatment program, if available, and as part of either program,  
43 the offender performs at least thirty days of community service under the supervision of the court;

44 (3) As a persistent offender shall not be eligible for parole or probation until he or she has  
45 served a minimum of thirty days imprisonment:

46 (a) Unless as a condition of such parole or probation such person performs at least sixty days  
47 of community service under the supervision of the court in those jurisdictions which have a  
48 recognized program for community service; or

1 (b) The offender participates in and successfully completes a program established under  
2 section 478.007 or other court-ordered treatment program, if available, and as part of either program,  
3 the offender performs at least sixty days of community service under the supervision of the court;

4 (4) As an aggravated offender shall not be eligible for parole or probation until he or she has  
5 served a minimum of sixty days imprisonment;

6 (5) As a chronic offender shall not be eligible for parole or probation until he or she has  
7 served a minimum of two years imprisonment; and

8 (6) Any probation or parole granted under this subsection may include a period of continuous  
9 alcohol monitoring.

10 \*577.012. 1. A person commits the offense of driving with excessive blood alcohol content if  
11 such person operates:

12 (1) A vehicle while having eight-hundredths of one percent or more by weight of alcohol in  
13 his or her blood; or

14 (2) A commercial motor vehicle while having four one-hundredths of one percent or more by  
15 weight of alcohol in his or her blood.

16 2. As used in this section, percent by weight of alcohol in the blood shall be based upon  
17 grams of alcohol per one hundred milliliters of blood or two hundred ten liters of breath and may be  
18 shown by chemical analysis of the person's blood, breath, saliva or urine. For the purposes of  
19 determining the alcoholic content of a person's blood under this section, the test shall be conducted in  
20 accordance with the provisions of sections 577.020 to 577.041.

21 3. The offense of driving with excessive blood alcohol content is:

22 (1) A class B misdemeanor;

23 (2) A class A misdemeanor if the defendant is alleged and proved to be a prior offender;

24 (3) A class E felony if the defendant is alleged and proved to be a persistent offender;

25 (4) A class D felony if the defendant is alleged and proved to be an aggravated offender;

26 (5) A class C felony if the defendant is alleged and proved to be a chronic offender;

27 (6) A class B felony if the defendant is alleged and proved to be a habitual offender.

28 4. A person found guilty of the offense of driving with an excessive blood alcohol content as  
29 a first offense shall not be granted a suspended imposition of sentence:

30 (1) Unless such person shall be placed on probation for a minimum of two years; or

31 (2) In a circuit where a DWI court or docket created under section 478.007 or other  
32 court-ordered treatment program is available, and where the offense was committed with  
33 fifteen-hundredths of one percent or more by weight of alcohol in such person's blood, unless the  
34 individual participates in and successfully completes a program under such DWI court or docket or  
35 other court-ordered treatment program.

36 5. If a person is not granted a suspended imposition of sentence for the reasons described in  
37 subsection 4 of this section:

38 (1) If the individual operated the vehicle with fifteen-hundredths to twenty-hundredths of one  
39 percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not  
40 less than forty-eight hours;

41 (2) If the individual operated the vehicle with greater than twenty-hundredths of one percent  
42 by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than  
43 five days.

44 6. If a person is found guilty of a second or subsequent offense of driving with an excessive  
45 blood alcohol content, the court may order the person to submit to a period of continuous alcohol  
46 monitoring as a condition of probation.

47 7. A person found guilty of driving with excessive blood alcohol content:

48 (1) As a prior offender, persistent offender, aggravated offender, chronic offender or habitual

1 offender shall not be granted a suspended imposition of sentence or be sentenced to pay a fine in lieu  
2 of a term of imprisonment, section 557.011 to the contrary notwithstanding;

3 (2) As a prior offender shall not be granted parole or probation until he or she has served a  
4 minimum of ten days imprisonment:

5 (a) Unless as a condition of such parole or probation such person performs at least thirty days  
6 of community service under the supervision of the court in those jurisdictions which have a  
7 recognized program for community service; or

8 (b) The offender participates in and successfully completes a program established under  
9 section 478.007 or other court-ordered treatment program, if available, and as part of either program,  
10 the offender performs at least thirty days of community service under the supervision of the court;

11 (3) As a persistent offender shall not be granted parole or probation until he or she has served  
12 a minimum of thirty days imprisonment:

13 (a) Unless as a condition of such parole or probation such person performs at least sixty days  
14 of community service under the supervision of the court in those jurisdictions which have a  
15 recognized program for community service; or

16 (b) The offender participates in and successfully completes a program established under  
17 section 478.007 or other court-ordered treatment program, if available, and as part of either program,  
18 the offender performs at least sixty days of community service under the supervision of the court;

19 (4) As an aggravated offender shall not be eligible for parole or probation until he or she has  
20 served a minimum of sixty days imprisonment;

21 (5) As a chronic offender shall not be eligible for parole or probation until he or she has  
22 served a minimum of two years imprisonment; and

23 (6) Any probation or parole granted under this subsection may include a period of continuous  
24 alcohol monitoring.

25 577.013. 1. A person commits the offense of boating while intoxicated if he or she operates a  
26 vessel while in an intoxicated condition.

27 2. The offense of boating while intoxicated is:

28 (1) A class B misdemeanor;

29 (2) A class A misdemeanor if:

30 (a) The defendant is a prior boating offender; or

31 (b) A person less than seventeen years of age is present in the vessel;

32 (3) A class E felony if:

33 (a) The defendant is a persistent boating offender; or

34 (b) While boating while intoxicated, the defendant acts with criminal negligence to cause  
35 physical injury to another person;

36 (4) A class D felony if:

37 (a) The defendant is an aggravated boating offender;

38 (b) While boating while intoxicated, the defendant acts with criminal negligence to cause  
39 physical injury to a law enforcement officer or emergency personnel; or

40 (c) While boating while intoxicated, the defendant acts with criminal negligence to cause  
41 serious physical injury to another person;

42 (5) A class C felony if:

43 (a) The defendant is a chronic boating offender;

44 (b) While boating while intoxicated, the defendant acts with criminal negligence to cause  
45 serious physical injury to a law enforcement officer or emergency personnel; or

46 (c) While boating while intoxicated, the defendant acts with criminal negligence to cause the  
47 death of another person;

48 (6) A class B felony if:

1 (a) The defendant is a habitual boating offender; or

2 (b) While boating while intoxicated, the defendant acts with criminal negligence to cause the  
3 death of a law enforcement officer or emergency personnel;

4 (7) A class A felony if the defendant is a habitual offender as a result of being found guilty of  
5 an act described under paragraph (d) of subdivision [(11)] (12) of section 577.001 and is found guilty  
6 of a subsequent violation of such paragraph.

7 3. Notwithstanding the provisions of subsection 2 of this section, a person found guilty of the  
8 offense of boating while intoxicated as a first offense shall not be granted a suspended imposition of  
9 sentence:

10 (1) Unless such person shall be placed on probation for a minimum of two years; or

11 (2) In a circuit where a DWI court or docket created under section 478.007 or other  
12 court-ordered treatment program is available, and where the offense was committed with  
13 fifteen-hundredths of one percent or more by weight of alcohol in such person's blood, unless the  
14 individual participates in and successfully completes a program under such DWI court or docket or  
15 other court-ordered treatment program.

16 4. If a person is found guilty of a second or subsequent offense of boating while intoxicated,  
17 the court may order the person to submit to a period of continuous alcohol monitoring as a condition  
18 of probation.

19 5. If a person is not granted a suspended imposition of sentence for the reasons described in  
20 subsection 3 of this section:

21 (1) If the individual operated the vessel with fifteen-hundredths to twenty-hundredths of one  
22 percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not  
23 less than forty-eight hours;

24 (2) If the individual operated the vessel with greater than twenty-hundredths of one percent  
25 by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than  
26 five days.

27 [5.] 6. A person found guilty of the offense of boating while intoxicated:

28 (1) As a prior boating offender, persistent boating offender, aggravated boating offender,  
29 chronic boating offender or habitual boating offender shall not be granted a suspended imposition of  
30 sentence or be sentenced to pay a fine in lieu of a term of imprisonment, section 557.011 to the  
31 contrary notwithstanding;

32 (2) As a prior boating offender shall not be granted parole or probation until he or she has  
33 served a minimum of ten days imprisonment:

34 (a) Unless as a condition of such parole or probation such person performs at least two  
35 hundred forty hours of community service under the supervision of the court in those jurisdictions  
36 which have a recognized program for community service; or

37 (b) The offender participates in and successfully completes a program established under  
38 section 478.007 or other court-ordered treatment program, if available;

39 (3) As a persistent offender shall not be eligible for parole or probation until he or she has  
40 served a minimum of thirty days imprisonment:

41 (a) Unless as a condition of such parole or probation such person performs at least four  
42 hundred eighty hours of community service under the supervision of the court in those jurisdictions  
43 which have a recognized program for community service; or

44 (b) The offender participates in and successfully completes a program established under  
45 section 478.007 or other court-ordered treatment program, if available;

46 (4) As an aggravated boating offender shall not be eligible for parole or probation until he or  
47 she has served a minimum of sixty days imprisonment;

48 (5) As a chronic boating offender shall not be eligible for parole or probation until he or she

1 has served a minimum of two years imprisonment; and

2 (6) Any probation or parole granted under this subsection may include a period of continuous  
3 alcohol monitoring.

4 577.014. 1. A person commits the offense of boating with excessive blood alcohol content if  
5 he or she operates a vessel while having eight-hundredths of one percent or more by weight of  
6 alcohol in his or her blood.

7 2. As used in this section, percent by weight of alcohol in the blood shall be based upon  
8 grams of alcohol per one hundred milliliters of blood or two hundred ten liters of breath and may be  
9 shown by chemical analysis of the person's blood, breath, saliva or urine. For the purposes of  
10 determining the alcoholic content of a person's blood under this section, the test shall be conducted in  
11 accordance with the provisions of sections 577.020 to 577.041.

12 3. The offense of boating with excessive blood alcohol content is:

13 (1) A class B misdemeanor;

14 (2) A class A misdemeanor if the defendant is alleged and proved to be a prior boating  
15 offender;

16 (3) A class E felony if the defendant is alleged and proved to be a persistent boating offender;

17 (4) A class D felony if the defendant is alleged and proved to be an aggravated boating  
18 offender;

19 (5) A class C felony if the defendant is alleged and proved to be a chronic boating offender;

20 (6) A class B felony if the defendant is alleged and proved to be a habitual boating offender.

21 4. A person found guilty of the offense of boating with excessive blood alcohol content as a  
22 first offense shall not be granted a suspended imposition of sentence:

23 (1) Unless such person shall be placed on probation for a minimum of two years; or

24 (2) In a circuit where a DWI court or docket created under section 478.007 or other  
25 court-ordered treatment program is available, and where the offense was committed with  
26 fifteen-hundredths of one percent or more by weight of alcohol in such person's blood unless the  
27 individual participates in and successfully completes a program under such DWI court or docket or  
28 other court-ordered treatment program.

29 5. When a person is not granted a suspended imposition of sentence for the reasons described  
30 in subsection 4 of this section:

31 (1) If the individual operated the vessel with fifteen-hundredths to twenty-hundredths of one  
32 percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not  
33 less than forty-eight hours;

34 (2) If the individual operated the vessel with greater than twenty-hundredths of one percent  
35 by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than  
36 five days.

37 6. If a person is found guilty of a second or subsequent offense of boating with an excessive  
38 blood alcohol content, the court may order the person to submit to a period of continuous alcohol  
39 monitoring as a condition of probation.

40 7. A person found guilty of the offense of boating with excessive blood alcohol content:

41 (1) As a prior boating offender, persistent boating offender, aggravated boating offender,  
42 chronic boating offender or habitual boating offender shall not be granted a suspended imposition of  
43 sentence or be sentenced to pay a fine in lieu of a term of imprisonment, section 557.011 to the  
44 contrary notwithstanding;

45 (2) As a prior boating offender, shall not be granted parole or probation until he or she has  
46 served a minimum of ten days imprisonment:

47 (a) Unless as a condition of such parole or probation such person performs at least two  
48 hundred forty hours of community service under the supervision of the court in those jurisdictions



1 which have a recognized program for community service; or

2 (b) The offender participates in and successfully completes a program established under  
3 section 478.007 or other court-ordered treatment program, if available;

4 (3) As a persistent boating offender, shall not be granted parole or probation until he or she  
5 has served a minimum of thirty days imprisonment:

6 (a) Unless as a condition of such parole or probation such person performs at least four  
7 hundred eighty hours of community service under the supervision of the court in those jurisdictions  
8 which have a recognized program for community service; or

9 (b) The offender participates in and successfully completes a program established under  
10 section 478.007 or other court-ordered treatment program, if available;

11 (4) As an aggravated boating offender, shall not be eligible for parole or probation until he or  
12 she has served a minimum of sixty days imprisonment;

13 (5) As a chronic boating offender, shall not be eligible for parole or probation until he or she  
14 has served a minimum of two years imprisonment; and

15 (6) Any probation or parole granted under this subsection may include a period of continuous  
16 alcohol monitoring.

17  
18 Section B. Sections 302.010, 302.060, 302.302, 302.304, 302.309, 302.525, 302.574,  
19 478.007, 577.001, 577.010, 577.012, 577.013, and 577.014 of Section A of this act shall become  
20 effective on January 1, 2017."; and

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