

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Bill No. 640, Page 1, In the Title, Line 3, by
2 inserting immediately after the word "vehicles" the phrase "and watercrafts"; and
3

4 Further amend said bill, Section 301.564, Page 9, Line 22, by inserting after all of said section and
5 line the following:
6

7 "302.440. In addition to any other provisions of law, a court may require that any person
8 who is found guilty of a first intoxication-related traffic offense, as defined in section 577.001, and a
9 court shall require that any person who is found guilty of a second or subsequent intoxication-
10 related traffic offense, as defined in section 577.001, shall not operate any motor vehicle unless that
11 vehicle is equipped with a functioning, certified ignition interlock device for a period of not less
12 than six months from the date of reinstatement of the person's driver's license. In addition, any
13 court authorized to grant a limited driving privilege under section 302.309 to any person who is
14 found guilty of a second or subsequent intoxication-related traffic offense shall require the use of an
15 ignition interlock device on all vehicles operated by the person as a required condition of the limited
16 driving privilege, except as provided in section 302.441, and the court may order the person to
17 submit to continuous alcohol monitoring as defined in section 577.023, and beginning January 1,
18 2017, section 577.001, or random alcohol monitoring. These requirements shall be in addition to
19 any other provisions of this chapter or chapter 577 requiring installation and maintenance of an
20 ignition interlock device. Any person required to use an ignition interlock device shall comply with
21 such requirement subject to the penalties provided by section 577.599.

22 302.441. 1. If a person is required to have an ignition interlock device installed on such
23 person's vehicle, he or she may apply to the court for an employment exemption variance to allow
24 him or her to drive an employer-owned vehicle not equipped with an ignition interlock device for
25 employment purposes only. Such exemption shall not be granted to a person who is self-employed
26 or who wholly or partially owns an entity that owns an employer-owned vehicle, except as provided
27 in section 302.441, and the court may order the person to submit to continuous alcohol monitoring
28 as defined in section 577.023, and beginning January 1, 2017, section 577.001, or random alcohol
29 monitoring.

30 2. A person who is granted an employment exemption variance under subsection 1 of this
31 section shall not drive, operate, or be in physical control of an employer-owned vehicle used for
32 transporting children under eighteen years of age or vulnerable persons, as defined in section
33 630.005, or an employer-owned vehicle for personal use, except as provided in section 302.441, and
34 the court may order the person to submit to continuous alcohol monitoring as defined in section
35 577.023, and beginning January 1, 2017, section 577.001, or random alcohol monitoring."; and

36 302.535. 1. Any person aggrieved by a decision of the department may file a petition for
Standing Action Taken _____ Date _____

Select Action Taken _____ Date _____

1 trial de novo by the circuit court. The burden of proof shall be on the state to adduce the evidence.
 2 Such trial shall be conducted pursuant to the Missouri rules of civil procedure and not as an appeal
 3 of an administrative decision pursuant to chapter 536. The petition shall be filed in the circuit court
 4 of the county where the arrest occurred. The case shall be decided by the judge sitting without a
 5 jury. Until January 1, 2002, the presiding judge of the circuit court may assign a traffic judge,
 6 pursuant to section 479.500, RSMo 1994, a circuit judge or an associate circuit judge to hear such
 7 petition. After January 1, 2002, pursuant to local court rule pursuant to article V, section 15 of the
 8 Missouri Constitution, the case may be assigned to a circuit judge or an associate circuit judge, or to
 9 a traffic judge pursuant to section 479.500.

10 2. The filing of a petition for trial de novo shall [not] result in a stay of the suspension or
 11 revocation order and, beginning June 1, 2017, the department shall issue a temporary driving permit
 12 which shall be valid until a final order is issued following the date of the disposition of the petition
 13 for a trial de novo. [A restricted driving privilege as defined in section 302.010 shall be issued in
 14 accordance with subsection 2 of section 302.525, if the person's driving record shows no prior
 15 alcohol-related enforcement contact during the immediately preceding five years. Such restricted
 16 driving privilege shall terminate on the date of the disposition of the petition for trial de novo.

17 3. In addition to the restricted driving privilege as permitted in subsection 2 of this section,
 18 the department may upon the filing of a petition for trial de novo issue a restricted driving privilege
 19 as defined in section 302.010. In determining whether to issue such a restrictive driving privilege,
 20 the department shall consider the number and the seriousness of prior convictions and the entire
 21 driving record of the driver.

22 4. Such time of restricted driving privilege pending disposition of trial de novo shall be
 23 counted toward any time of restricted driving privilege imposed pursuant to section 302.525.
 24 Nothing in this subsection shall be construed to prevent a person from maintaining his restricted
 25 driving privilege for an additional sixty days in order to meet the conditions imposed by section
 26 302.540 for reinstating a person's driver's license.]; and

27
 28 Further amend said bill, Page 15, Section 304.170, Line 114, by inserting after all of said section
 29 and line the following:

30
 31 "304.190. 1. No motor vehicle, unladen or with load, operating exclusively within the
 32 corporate limits of cities containing seventy-five thousand inhabitants or more or within two miles
 33 of the corporate limits of the city or within the commercial zone of the city shall exceed fifteen feet
 34 in height.

35 2. No motor vehicle operating exclusively within any said area shall have a greater weight
 36 than twenty-two thousand four hundred pounds on one axle.

37 3. The "commercial zone" of the city is defined to mean that area within the city together
 38 with the territory extending one mile beyond the corporate limits of the city and one mile additional
 39 for each fifty thousand population or portion thereof provided, however:

40 (1) The commercial zone surrounding a city not within a county shall extend twenty-five
 41 miles beyond the corporate limits of any such city not located within a county and shall also extend
 42 throughout any county with a charter form of government which adjoins that city and throughout
 43 any county with a charter form of government and with more than two hundred fifty thousand but
 44 fewer than three hundred fifty thousand inhabitants that is adjacent to such county adjoining such
 45 city;

(2) The commercial zone of a city with a population of at least four hundred thousand inhabitants but not more than four hundred fifty thousand inhabitants shall extend twelve miles beyond the corporate limits of any such city; except that this zone shall extend from the southern border of such city's limits, beginning with the western-most freeway, following said freeway south to the first intersection with a multilane undivided highway, where the zone shall extend south along said freeway to include a city of the fourth classification with more than eight thousand nine hundred but less than nine thousand inhabitants, and shall extend north from the intersection of said freeway and multilane undivided highway along the multilane undivided highway to the city limits of a city with a population of at least four hundred thousand inhabitants but not more than four hundred fifty thousand inhabitants, and shall extend east from the city limits of a special charter city with more than two hundred seventy-five but fewer than three hundred seventy-five inhabitants along State Route 210 and northwest from the intersection of State Route 210 and State Route 10 to include the boundaries of any city of the third classification with more than ten thousand eight hundred but fewer than ten thousand nine hundred inhabitants and located in more than one county. The commercial zone shall continue east along State Route 10 from the intersection of State Route 10 and State Route 210 to the eastern city limit of a city of the fourth classification with more than five hundred fifty but fewer than six hundred twenty-five inhabitants and located in any county of the third classification without a township form of government and with more than twenty-three thousand but fewer than twenty-six thousand inhabitants and with a city of the third classification with more than five thousand but fewer than six thousand inhabitants as the county seat. The commercial zone described in this subdivision shall be extended to also include the stretch of State Route 45 from its intersection with Interstate 29 extending northwest to the city limits of any village with more than forty but fewer than fifty inhabitants and located in any county of the first classification with more than eighty-three thousand but fewer than ninety-two thousand inhabitants and with a city of the fourth classification with more than four thousand five hundred but fewer than five thousand inhabitants as the county seat. The commercial zone described in this subdivision shall be extended east from the intersection of State Route 7 and U.S. Highway 50 to include the city limits of a city of the fourth classification with more than one thousand fifty but fewer than one thousand two hundred inhabitants and located in any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, and from the eastern limits of said city east along U.S. Highway 50 up to and including the intersection of U.S. Highway 50 and State Route AA, then south along State Route AA up to and including the intersection of State Route AA and State Route 58, then west along State Route 58 to include the city limits of a city of the fourth classification with more than one hundred forty but fewer than one hundred sixty inhabitants and located in any county of the first classification with more than ninety-two thousand but fewer than one hundred one thousand inhabitants, and from the western limits of said city along State Route 58 to where State Route 58 intersects with State Route 7;

(3) The commercial zone of a city of the third classification with more than nine thousand six hundred fifty but fewer than nine thousand eight hundred inhabitants shall extend south from the city limits along U.S. Highway 61 to the intersection of State Route OO in a county of the third classification without a township form of government and with more than seventeen thousand eight

1 hundred but fewer than seventeen thousand nine hundred inhabitants;

2 (4) The commercial zone of a home rule city with more than one hundred eight thousand
3 but fewer than one hundred sixteen thousand inhabitants and located in a county of the first
4 classification with more than one hundred fifty thousand but fewer than two hundred thousand
5 inhabitants shall extend north from the city limits along U.S. Highway 63, a state highway, to the
6 intersection of State Route NN, and shall continue west and south along State Route NN to the
7 intersection of State Route 124, and shall extend east from the intersection along State Route 124 to
8 U.S. Highway 63. The commercial zone described in this subdivision shall also extend east from
9 the city limits along State Route WW to the intersection of State Route J and continue south on
10 State Route J for four miles.

11 4. In no case shall the commercial zone of a city be reduced due to a loss of population.
12 The provisions of this section shall not apply to motor vehicles operating on the interstate highways
13 in the area beyond two miles of a corporate limit of the city unless the United States Department of
14 Transportation increases the allowable weight limits on the interstate highway system within
15 commercial zones. In such case, the mileage limits established in this section shall be automatically
16 increased only in the commercial zones to conform with those authorized by the United States
17 Department of Transportation.

18 5. Nothing in this section shall prevent a city, county, or municipality, by ordinance, from
19 designating the routes over which such vehicles may be operated.

20 6. No motor vehicle engaged in interstate commerce, whether unladen or with load,
21 whose operations in the state of Missouri are limited exclusively to the commercial zone of a first
22 class home rule municipality located in a county with a population between eighty thousand and
23 ninety-five thousand inhabitants which has a portion of its corporate limits contiguous with a
24 portion of the boundary between the states of Missouri and Kansas, shall have a greater weight than
25 twenty-two thousand four hundred pounds on one axle, nor shall exceed fifteen feet in height.

26 311.328. 1. A valid and unexpired operator's or chauffeur's license issued under the
27 provisions of section 302.177, or a valid and unexpired operator's or chauffeur's license issued under
28 the laws of any state or territory of the United States to residents of those states or territories, or a
29 valid and unexpired identification card or nondriver's license as provided for under section 302.181,
30 or a valid and unexpired nondriver's license issued under the laws of any state or territory of the
31 United States to residents of those states or territories, or a valid and unexpired identification card
32 issued by any uniformed service of the United States, or a valid and unexpired passport shall be
33 presented by the holder thereof upon request of any agent of the division of alcohol and tobacco
34 control or any licensee or the servant, agent or employee thereof for the purpose of aiding the
35 licensee or the servant, agent or employee to determine whether or not the person is at least twenty-
36 one years of age when such person desires to purchase or consume alcoholic beverages procured
37 from a licensee. Upon such presentation the licensee or the servant, agent or employee thereof shall
38 compare the photograph and physical characteristics noted on the license, identification card or
39 passport with the physical characteristics of the person presenting the license, identification card or
40 passport.

41 2. Upon proof by the licensee of full compliance with the provisions of this section, no
42 penalty shall be imposed if the supervisor of the division of alcohol and tobacco control or the
43 courts are satisfied that the licensee acted in good faith.

44 3. Any person who shall, without authorization from the department of revenue, reproduce,
45 alter, modify, or misrepresent any chauffeur's license, motor vehicle operator's license or

1 identification card shall be deemed guilty of a misdemeanor and upon conviction shall be subject to
2 a fine of not more than one thousand dollars, and confinement for not more than one year, or by
3 both such fine and imprisonment.

4 Section 1. Beginning September 15, 2016, and every five years thereafter, the permit issuing
5 entity shall mail to every dock permit holder a notice of the following:

6 (1) All dock permit holders who have electricity on their docks shall have, at a minimum, a
7 proper electrical grounding and bonding system pursuant to the National Electrical Code NFPA 70
8 Art. 250, and a functioning shoreline to dock ground fault circuit interrupter; and

9 (2) Dock permit holders shall be liable for injury or death caused as a result of electrical
10 current originating from their dock.

11 3. Nothing in this section shall give rise to any liability on the part of the dock permitting
12 entity.

13 Section B. The repeal and reenactment of section 302.535 of this act shall become effective
14 on March 1, 2017."; and

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