

FIRST REGULAR SESSION

# HOUSE BILL NO. 1141

## 100TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE BLACK (137).

2356H.011

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To repeal sections 302.304, 302.420, 302.540, 302.574, and 302.580, RSMo, and to enact in lieu thereof five new sections relating to the Substance Abuse Traffic Offender Program.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 302.304, 302.420, 302.540, 302.574, and 302.580, RSMo, are  
2 repealed and five new sections enacted in lieu thereof, to be known as sections 302.304, 302.420,  
3 302.540, 302.574, and 302.580, to read as follows:

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

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

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

11 4. The license and driving privilege of any person whose license and driving privilege  
12 have been suspended under the provisions of sections 302.010 to 302.540 except those persons  
13 whose license and driving privilege have been suspended under the provisions of subdivision (8)  
14 of subsection 1 of section 302.302 or has accumulated sufficient points together with a  
15 conviction under subdivision (10) of subsection 1 of section 302.302 and who has filed proof of

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 financial responsibility with the department of revenue, in accordance with chapter 303, and is  
17 otherwise eligible, shall be reinstated as follows:

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

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

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

24

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

27 5. The period of suspension of the driver's license and driving privilege of any person  
28 under the provisions of subdivision (8) of subsection 1 of section 302.302 or who has  
29 accumulated sufficient points together with a conviction under subdivision (10) of subsection  
30 1 of section 302.302 shall be thirty days, followed by a sixty-day period of restricted driving  
31 privilege as defined in section 302.010. Upon completion of such period of restricted driving  
32 privilege, upon compliance with other requirements of law and upon filing of proof of financial  
33 responsibility with the department of revenue, in accordance with chapter 303, the license and  
34 driving privilege shall be reinstated. If a person, otherwise subject to the provisions of this  
35 subsection, files proof of installation with the department of revenue that any vehicle operated  
36 by such person is equipped with a functioning, certified ignition interlock device, there shall be  
37 no period of suspension. However, in lieu of a suspension the person shall instead complete a  
38 ninety-day period of restricted driving privilege. If the person fails to maintain such proof of the  
39 device with the director of revenue as required, the restricted driving privilege shall be  
40 terminated. Upon completion of such ninety-day period of restricted driving privilege, upon  
41 compliance with other requirements of law, and upon filing of proof of financial responsibility  
42 with the department of revenue, in accordance with chapter 303, the license and driving privilege  
43 shall be reinstated. However, if the monthly monitoring reports during such ninety-day period  
44 indicate that the ignition interlock device has registered a confirmed blood alcohol concentration  
45 level above the alcohol setpoint established by the department of transportation or such reports  
46 indicate that the ignition interlock device has been tampered with or circumvented, then the  
47 license and driving privilege of such person shall not be reinstated until the person completes an  
48 additional thirty-day period of restricted driving privilege.

49 6. If the person fails to maintain proof of financial responsibility in accordance with  
50 chapter 303, or, if applicable, if the person fails to maintain proof that any vehicle operated is

51 equipped with a functioning, certified ignition interlock device installed pursuant to subsection  
52 5 of this section, the person's driving privilege and license shall be resuspended.

53         7. The director shall revoke the license and driving privilege of any person when the  
54 person's driving record shows such person has accumulated twelve points in twelve months or  
55 eighteen points in twenty-four months or twenty-four points in thirty-six months. The revocation  
56 period of any person whose license and driving privilege have been revoked under the provisions  
57 of sections 302.010 to 302.540 and who has filed proof of financial responsibility with the  
58 department of revenue in accordance with chapter 303 and is otherwise eligible, shall be  
59 terminated by a notice from the director of revenue after one year from the effective date of the  
60 revocation. Unless proof of financial responsibility is filed with the department of revenue,  
61 except as provided in subsection 2 of section 302.541, the revocation shall remain in effect for  
62 a period of two years from its effective date. If the person fails to maintain proof of financial  
63 responsibility in accordance with chapter 303, the person's license and driving privilege shall be  
64 rerevoked. Any person whose license and driving privilege have been revoked under the  
65 provisions of sections 302.010 to 302.540 shall, upon receipt of the notice of termination of the  
66 revocation from the director, pass the complete driver examination and apply for a new license  
67 before again operating a motor vehicle upon the highways of this state.

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

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

76         10. Upon the issuance of a reinstatement or termination notice after a suspension or  
77 revocation of any person's license and driving privilege under the provisions of sections 302.010  
78 to 302.540, the accumulated point value shall be reduced to four points, except that the points  
79 of any person serving as a member of the Armed Forces of the United States outside the limits  
80 of the United States during a period of suspension or revocation shall be reduced to zero upon  
81 the date of the reinstatement or termination of notice. It shall be the responsibility of such  
82 member of the Armed Forces to submit copies of official orders to the director of revenue to  
83 substantiate such overseas service. Any other provision of sections 302.010 to 302.540 to the  
84 contrary notwithstanding, the effective date of the four points remaining on the record upon  
85 reinstatement or termination shall be the date of the reinstatement or termination notice.

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

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

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

100           14. No person who has had a license to operate a motor vehicle suspended or revoked  
101 as a result of an assessment of points for a violation under subdivision (8), (9) or (10) of  
102 subsection 1 of section 302.302 shall have that license reinstated until such person has  
103 participated in and successfully completed a substance abuse traffic offender program defined  
104 in section 302.010, or a program determined to be comparable by the department of mental  
105 health. Assignment recommendations, based upon the needs assessment as described in  
106 subdivision (24) of section 302.010, shall be delivered in writing to the person with written  
107 notice that the person is entitled to have such assignment recommendations reviewed by the court  
108 if the person objects to the recommendations. The person may file a motion in the associate  
109 division of the circuit court of the county in which such assignment was given, on a printed form  
110 provided by the state courts administrator, to have the court hear and determine such motion  
111 pursuant to the provisions of chapter 517. The motion shall name the person or entity making  
112 the needs assessment as the respondent and a copy of the motion shall be served upon the  
113 respondent in any manner allowed by law. Upon hearing the motion, the court may modify or  
114 waive any assignment recommendation that the court determines to be unwarranted based upon  
115 a review of the needs assessment, the person's driving record, the circumstances surrounding the  
116 offense, and the likelihood of the person committing a like offense in the future, except that the  
117 court may modify but may not waive the assignment to an education or rehabilitation program  
118 of a person determined to be a prior or persistent offender as defined in section 577.001 or of a  
119 person determined to have operated a motor vehicle with fifteen-hundredths of one percent or  
120 more by weight in such person's blood. Compliance with the court determination of the motion  
121 shall satisfy the provisions of this section for the purpose of reinstating such person's license to

122 operate a motor vehicle. The respondent's personal appearance at any hearing conducted  
123 pursuant to this subsection shall not be necessary unless directed by the court.

124 15. The fees for the program authorized in subsection 14 of this section, or a portion  
125 thereof to be determined by the department of mental health, shall be paid by the person enrolled  
126 in the program. Any person who is enrolled in the program shall pay, in addition to any fee  
127 charged for the program, a supplemental fee in an amount to be determined by the department  
128 of mental health for the purposes of funding the substance abuse traffic offender program defined  
129 in section 302.010 or a program determined to be comparable by the department of mental  
130 health. **The fee charged by the program and any supplemental fees may be paid by the**  
131 **offender in four equal installments, approximately equally spaced over the course of the**  
132 **program, at the option of the offender. The administrator of the program shall notify the**  
133 **offender of this option at the time of enrollment.** The administrator of the program shall remit  
134 to the division of alcohol and drug abuse of the department of mental health on or before the  
135 fifteenth day of each month the supplemental fee for all persons enrolled in the program, less two  
136 percent for administrative costs. **Upon completion of the program or withdrawal from the**  
137 **program by the offender,** interest shall be charged on any unpaid balance of the supplemental  
138 fees due the division of alcohol and drug abuse pursuant to this section and shall accrue at a rate  
139 not to exceed the annual rate established pursuant to the provisions of section 32.065, plus three  
140 percentage points. The supplemental fees and any interest received by the department of mental  
141 health pursuant to this section shall be deposited in the mental health earnings fund which is  
142 created in section 630.053.

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

151 17. Any person who has had a license to operate a motor vehicle suspended or revoked  
152 as a result of an assessment of points for a conviction for an intoxication-related traffic offense  
153 as defined under section 577.001, and who has a prior alcohol-related enforcement contact as  
154 defined under section 302.525, shall be required to file proof with the director of revenue that  
155 any motor vehicle operated by the person is equipped with a functioning, certified ignition  
156 interlock device as a required condition of reinstatement of the license. The ignition interlock  
157 device shall further be required to be maintained on all motor vehicles operated by the person

158 for a period of not less than six months immediately following the date of reinstatement. If the  
159 monthly monitoring reports show that the ignition interlock device has registered any confirmed  
160 blood alcohol concentration readings above the alcohol setpoint established by the department  
161 of transportation or that the person has tampered with or circumvented the ignition interlock  
162 device within the last three months of the six-month period of required installation of the ignition  
163 interlock device, then the period for which the person must maintain the ignition interlock device  
164 following the date of reinstatement shall be extended until the person has completed three  
165 consecutive months with no violations as described in this section. If the person fails to maintain  
166 such proof with the director, the license shall be resuspended or revoked and the person shall be  
167 guilty of a class A misdemeanor.

302.420. 1. No person who has had his or her license suspended or revoked under the  
2 provisions of sections 302.400 and 302.405 shall have that license reinstated until he or she has  
3 paid a twenty-dollar reinstatement fee and has successfully completed a substance abuse traffic  
4 offender program as defined in section 302.010.

5 2. The fees for the substance abuse traffic offender program, or a portion thereof to be  
6 determined by the division of alcohol and drug abuse of the department of mental health, shall  
7 be paid by the person enrolled in the program. Any person who is enrolled in the program shall  
8 pay, in addition to any fee charged for the program, a supplemental fee to be determined by the  
9 department of mental health for the purposes of funding the substance abuse traffic offender  
10 program defined in section 302.010, or a program determined to be comparable by the  
11 department of mental health. **The fee charged by the program and any supplemental fees**  
12 **may be paid by the offender in four equal installments, approximately equally spaced over**  
13 **the course of the program, at the option of the offender. The administrator of the program**  
14 **shall notify the offender of this option at the time of enrollment.** The administrator of the  
15 program shall remit to the division of alcohol and drug abuse of the department of mental health  
16 on or before the fifteenth of each month the supplemental fees for all persons enrolled in the  
17 program, less two percent for administrative costs. **Upon completion of the program or**  
18 **withdrawal from the program by the offender,** interest shall be charged on any unpaid balance  
19 of the supplemental fees due the division of alcohol and drug abuse pursuant to this section and  
20 shall accrue at a rate not to exceed the annual rates established pursuant to the provisions of  
21 section 32.065 plus three percentage points. The supplemental fees and any interest received by  
22 the department of mental health pursuant to this section shall be deposited in the mental health  
23 earnings fund which is created in section 630.053.

24 3. Any administrator who fails to remit to the division of alcohol and drug abuse of the  
25 department of mental health the supplemental fees and interest for all persons enrolled in the  
26 program pursuant to this section shall be subject to a penalty equal to the amount of interest

27 accrued on the supplemental fees due the division pursuant to this section. If the supplemental  
28 fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the  
29 department of mental health within six months of the due date, the attorney general of the state  
30 of Missouri shall initiate appropriate action to collect said fees and any accrued interest. The  
31 court shall assess attorney fees and court costs against any delinquent program.

302.540. 1. No person who has had a license to operate a motor vehicle suspended or  
2 revoked under the provisions of sections 302.500 to 302.540 shall have that license reinstated  
3 until such person has participated in and successfully completed a substance abuse traffic  
4 offender program defined in section 302.010, or a program determined to be comparable by the  
5 department of mental health. Assignment recommendations, based upon the needs assessment  
6 as described in subdivision (24) of section 302.010, shall be delivered in writing to the person  
7 with written notice that the person is entitled to have such assignment recommendations  
8 reviewed by the court if the person objects to the recommendations. The person may file a  
9 motion in the associate division of the circuit court of the county in which such assignment was  
10 given, on a printed form provided by the state courts administrator, to have the court hear and  
11 determine such motion pursuant to the provisions of chapter 517. The motion shall name the  
12 person or entity making the needs assessment as the respondent and a copy of the motion shall  
13 be served upon the respondent in any manner allowed by law. Upon hearing the motion, the  
14 court may modify or waive any assignment recommendation that the court determines to be  
15 unwarranted based upon a review of the needs assessment, the person's driving record, the  
16 circumstances surrounding the offense, and the likelihood of the person committing a like  
17 offense in the future, except that the court may modify but may not waive the assignment to an  
18 education or rehabilitation program of a person determined to be a prior or persistent offender  
19 as defined in section 577.001 or of a person determined to have operated a motor vehicle with  
20 fifteen-hundredths of one percent or more by weight in such person's blood. Compliance with  
21 the court determination of the motion shall satisfy the provisions of this section for the purpose  
22 of reinstating such person's license to operate a motor vehicle. The respondent's personal  
23 appearance at any hearing conducted pursuant to this subsection shall not be necessary unless  
24 directed by the court.

25 2. The fees for the program authorized in subsection 1 of this section, or a portion thereof  
26 to be determined by the division of alcohol and drug abuse of the department of mental health,  
27 shall be paid by the person enrolled in the program. Any person who is enrolled in the program  
28 shall pay, in addition to any fee charged for the program, a supplemental fee to be determined  
29 by the department of mental health for the purposes of funding the substance abuse traffic  
30 offender program defined in section 302.010 or a program determined to be comparable by the  
31 department of mental health. **The fee charged by the program and any supplemental fees**

32 **may be paid by the offender in four equal installments, approximately equally spaced over**  
33 **the course of the program, at the option of the offender. The administrator of the program**  
34 **shall notify the offender of this option at the time of enrollment.** The administrator of the  
35 program shall remit to the division of alcohol and drug abuse of the department of mental health  
36 on or before the fifteenth day of each month the supplemental fee for all persons enrolled in the  
37 program, less two percent for administrative costs. **Upon completion of the program or**  
38 **withdrawal from the program by the offender,** interest shall be charged on any unpaid balance  
39 of the supplemental fees due the division of alcohol and drug abuse pursuant to this section and  
40 shall accrue at a rate not to exceed the annual rate established pursuant to the provision of section  
41 32.065 plus three percentage points. The supplemental fees and any interest received by the  
42 department of mental health pursuant to this section shall be deposited in the mental health  
43 earnings fund which is created in section 630.053.

44 3. Any administrator who fails to remit to the division of alcohol and drug abuse of the  
45 department of mental health the supplemental fees and interest for all persons enrolled in the  
46 program pursuant to this section shall be subject to a penalty equal to the amount of interest  
47 accrued on the supplemental fees due the division pursuant to this section. If the supplemental  
48 fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the  
49 department of mental health within six months of the due date, the attorney general of the state  
50 of Missouri shall initiate appropriate action of the collection of said fees and interest accrued.  
51 The court shall assess attorney fees and court costs against any delinquent program.

52 4. Court-ordered participation in a substance abuse traffic offender program, pursuant  
53 to section 302.580, shall satisfy the requirements of this section if the court action arose out of  
54 the same occurrence that resulted in a person's license being administratively suspended or  
55 revoked.

56 5. The division of alcohol and drug abuse of the department of mental health may create  
57 a treatment demonstration project within existing appropriations and shall develop and certify  
58 a program to provide education or rehabilitation services for individuals determined by the  
59 division to be serious or repeat offenders. The program shall qualify as a substance abuse traffic  
60 offender program. As used in this subsection, a "serious or repeat offender" is one who was  
61 determined to have a blood alcohol content of fifteen-hundredths of one percent or more by  
62 weight while operating a motor vehicle or a prior or persistent offender as defined in section  
63 577.001.

302.574. 1. If a person who was operating a vehicle refuses upon the request of the  
2 officer to submit to any chemical test under section 577.041, the officer shall, on behalf of the  
3 director of revenue, serve the notice of license revocation personally upon the person and shall  
4 take possession of any license to operate a vehicle issued by this state which is held by that

5 person. The officer shall issue a temporary permit, on behalf of the director of revenue, which  
6 is valid for fifteen days and shall also give the person notice of his or her right to file a petition  
7 for review to contest the license revocation.

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

11           (1) That the officer has:

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

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

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

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

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

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

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

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

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

33           4. If a person's license has been revoked because of the person's refusal to submit to a  
34 chemical test, such person may petition for a hearing before a circuit division or associate  
35 division of the court in the county in which the arrest or stop occurred. The person may request  
36 such court to issue an order staying the revocation until such time as the petition for review can  
37 be heard. If the court, in its discretion, grants such stay, it shall enter the order upon a form  
38 prescribed by the director of revenue and shall send a copy of such order to the director. Such  
39 order shall serve as proof of the privilege to operate a motor vehicle in this state and the director  
40 shall maintain possession of the person's license to operate a motor vehicle until termination of

41 any revocation under this section. Upon the person's request, the clerk of the court shall notify  
42 the prosecuting attorney of the county and the prosecutor shall appear at the hearing on behalf  
43 of the director of revenue. At the hearing, the court shall determine only:

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

45 (2) Whether the officer had:

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

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

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

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

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

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

60 7. No person who has had a license to operate a motor vehicle suspended or revoked  
61 under the provisions of this section shall have that license reinstated until such person has  
62 participated in and successfully completed a substance abuse traffic offender program defined  
63 in section 302.010, or a program determined to be comparable by the department of mental  
64 health. Assignment recommendations, based upon the needs assessment as described in  
65 subdivision (24) of section 302.010, shall be delivered in writing to the person with written  
66 notice that the person is entitled to have such assignment recommendations reviewed by the court  
67 if the person objects to the recommendations. The person may file a motion in the associate  
68 division of the circuit court of the county in which such assignment was given, on a printed form  
69 provided by the state courts administrator, to have the court hear and determine such motion  
70 under the provisions of chapter 517. The motion shall name the person or entity making the  
71 needs assessment as the respondent and a copy of the motion shall be served upon the respondent  
72 in any manner allowed by law. Upon hearing the motion, the court may modify or waive any  
73 assignment recommendation that the court determines to be unwarranted based upon a review  
74 of the needs assessment, the person's driving record, the circumstances surrounding the offense,  
75 and the likelihood of the person committing a similar offense in the future, except that the court  
76 may modify but may not waive the assignment to an education or rehabilitation program of a

77 person determined to be a prior or persistent offender as defined in section 577.001, or of a  
78 person determined to have operated a motor vehicle with a blood alcohol content of  
79 fifteen-hundredths of one percent or more by weight. Compliance with the court determination  
80 of the motion shall satisfy the provisions of this section for the purpose of reinstating such  
81 person's license to operate a motor vehicle. The respondent's personal appearance at any hearing  
82 conducted under this subsection shall not be necessary unless directed by the court.

83         8. The fees for the substance abuse traffic offender program, or a portion thereof, to be  
84 determined by the division of alcohol and drug abuse of the department of mental health, shall  
85 be paid by the person enrolled in the program. Any person who is enrolled in the program shall  
86 pay, in addition to any fee charged for the program, a supplemental fee to be determined by the  
87 department of mental health for the purposes of funding the substance abuse traffic offender  
88 program defined in section 302.010. **The fee charged by the program and any supplemental**  
89 **fees may be paid by the offender in four equal installments, approximately equally spaced**  
90 **over the course of the program, at the option of the offender. The administrator of the**  
91 **program shall notify the offender of this option at the time of enrollment.** The administrator  
92 of the program shall remit to the division of alcohol and drug abuse of the department of mental  
93 health on or before the fifteenth day of each month the supplemental fee for all persons enrolled  
94 in the program, less two percent for administrative costs. **Upon completion of the program or**  
95 **withdrawal from the program by the offender,** interest shall be charged on any unpaid balance  
96 of the supplemental fees due to the division of alcohol and drug abuse under this section, and  
97 shall accrue at a rate not to exceed the annual rates established under the provisions of section  
98 32.065, plus three percentage points. The supplemental fees and any interest received by the  
99 department of mental health under this section shall be deposited in the mental health earnings  
100 fund, which is created in section 630.053.

101         9. Any administrator who fails to remit to the division of alcohol and drug abuse of the  
102 department of mental health the supplemental fees and interest for all persons enrolled in the  
103 program under this section shall be subject to a penalty equal to the amount of interest accrued  
104 on the supplemental fees due to the division under this section. If the supplemental fees, interest,  
105 and penalties are not remitted to the division of alcohol and drug abuse of the department of  
106 mental health within six months of the due date, the attorney general of the state of Missouri  
107 shall initiate appropriate action for the collection of said fees and accrued interest. The court  
108 shall assess attorneys' fees and court costs against any delinquent program.

109         10. Any person who has had a license to operate a motor vehicle revoked under this  
110 section and who has a prior alcohol-related enforcement contact, as defined in section 302.525,  
111 shall be required to file proof with the director of revenue that any motor vehicle operated by the  
112 person is equipped with a functioning, certified ignition interlock device as a required condition

113 of license reinstatement. Such ignition interlock device shall further be required to be  
114 maintained on all motor vehicles operated by the person for a period of not less than six months  
115 immediately following the date of reinstatement. If the monthly monitoring reports show that  
116 the ignition interlock device has registered any confirmed blood alcohol concentration readings  
117 above the alcohol setpoint established by the department of transportation or that the person has  
118 tampered with or circumvented the ignition interlock device within the last three months of the  
119 six-month period of required installation of the ignition interlock device, then the period for  
120 which the person must maintain the ignition interlock device following the date of reinstatement  
121 shall be extended until the person has completed three consecutive months with no violations  
122 as described in this section. If the person fails to maintain such proof with the director as  
123 required by this section, the license shall be rerevoked until proof as required by this section is  
124 filed with the director, and the person shall be guilty of a class A misdemeanor.

125 11. The revocation period of any person whose license and driving privilege has been  
126 revoked under this section and who has filed proof of financial responsibility with the  
127 department of revenue in accordance with chapter 303 and is otherwise eligible shall be  
128 terminated by a notice from the director of revenue after one year from the effective date of the  
129 revocation. Unless proof of financial responsibility is filed with the department of revenue, the  
130 revocation shall remain in effect for a period of two years from its effective date. If the person  
131 fails to maintain proof of financial responsibility in accordance with chapter 303, the person's  
132 license and driving privilege shall be rerevoked.

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

302.580. 1. Upon a finding of guilt for an offense of violating the provisions of section  
2 577.010 or 577.012 or violations of county or municipal ordinances involving alcohol- or  
3 drug-related traffic offenses, the court shall order the person to participate in and successfully  
4 complete a substance abuse traffic offender program defined in section 302.010.

5 2. The fees for the substance abuse traffic offender program, or a portion thereof, to be  
6 determined by the division of alcohol and drug abuse of the department of mental health, shall  
7 be paid by the person enrolling in the program. Any person who is enrolled in the program shall  
8 pay, in addition to any fee charged for the program, a supplemental fee to be determined by the  
9 department of mental health for the purposes of funding the substance abuse traffic offender  
10 program defined in section 302.010. **The fee charged by the program and any supplemental**

11 **fees may be paid by the offender in four equal installments, approximately equally spaced**  
12 **over the course of the program, at the option of the offender. The administrator of the**  
13 **program shall notify the offender of this option at the time of enrollment.** The administrator  
14 of the program shall remit to the division of alcohol and drug abuse of the department of mental  
15 health on or before the fifteenth day of each month the supplemental fees for all persons enrolled  
16 in the program, less two percent for administrative costs. **Upon completion of the program or**  
17 **withdrawal from the program by the offender,** interest shall be charged on any unpaid balance  
18 of the supplemental fees due to the division of alcohol and drug abuse pursuant to this section  
19 and shall accrue at a rate not to exceed the annual rates established pursuant to the provisions of  
20 section 32.065, plus three percentage points. The supplemental fees and any interest received  
21 by the department of mental health pursuant to this section shall be deposited in the mental  
22 health earnings fund, which is created in section 630.053.

23 3. Any administrator who fails to remit to the division of alcohol and drug abuse of the  
24 department of mental health the supplemental fees and interest for all persons enrolled in the  
25 program pursuant to this section shall be subject to a penalty equal to the amount of interest  
26 accrued on the supplemental fees due to the division pursuant to this section. If the supplemental  
27 fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the  
28 department of mental health within six months of the due date, the attorney general of the state  
29 of Missouri shall initiate appropriate action of the collection of said fees and accrued interest.  
30 The court shall assess attorney fees and court costs against any delinquent program.

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