

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 2700, Page 16, Section 287.243, Line
2 175, by inserting after said section and line the following:

3
4 "302.309. 1. Whenever any license is suspended pursuant to sections 302.302 to 302.309,
5 the director of revenue shall return the license to the operator immediately upon the termination of
6 the period of suspension and upon compliance with the requirements of chapter 303.

7 2. Any operator whose license is revoked pursuant to ~~[these sections]~~ sections 302.302 to
8 302.309, upon the termination of the period of revocation, shall apply for a new license in the
9 manner prescribed by law.

10 3. (1) All circuit courts, the director of revenue, or a commissioner operating under section
11 478.007 shall have jurisdiction to hear applications and make eligibility determinations granting
12 limited driving privileges, except as provided under subdivision (8) of this subsection. Any
13 application may be made in writing to the director of revenue and the person's reasons for requesting
14 the limited driving privilege shall be made therein.

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

17 (a) A business, occupation, or employment;

18 (b) Seeking medical treatment for such operator;

19 (c) Attending school or other institution of higher education;

20 (d) Attending alcohol- or drug-treatment programs;

21 (e) Seeking the required services of a certified ignition interlock device provider; ~~[or]~~

22 (f) Attending a place of worship;

23 (g) Traveling to and from essential businesses including, but not limited to, grocery stores,
24 supermarkets, hardware stores, convenience and discount stores, pharmacies, post offices and other
25 shipping outlets, and gas stations; or

26 (h) Any other circumstance the court or director finds would create an undue hardship on
27 the operator,

28
29 the court or director may grant such limited driving privilege as the circumstances of the case justify
30 if the court or director finds undue hardship would result to the individual, and while so operating a

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1 motor vehicle within the restrictions and limitations of the limited driving privilege the driver shall
2 not be guilty of operating a motor vehicle without a valid license.

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

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

28 (5) The court order or the director's grant of the limited or restricted driving privilege shall
29 indicate the termination date of the privilege, which shall be not later than the end of the period of
30 suspension or revocation. The court order or the director's grant of the limited or restricted driving
31 privilege shall also indicate whether a functioning, certified ignition interlock device is required as a
32 condition of operating a motor vehicle with the limited driving privilege. A copy of any court order
33 shall be sent by the clerk of the court to the director, and a copy shall be given to the driver which
34 shall be carried by the driver whenever such driver operates a motor vehicle. The director of
35 revenue upon granting a limited driving privilege shall give a copy of the limited driving privilege
36 to the applicant. The applicant shall carry a copy of the limited driving privilege while operating a
37 motor vehicle. A conviction which results in the assessment of points pursuant to section 302.302,
38 other than a violation of a municipal stop sign ordinance where no accident is involved, against a
39 driver who is operating a vehicle pursuant to a limited driving privilege terminates the privilege, as

1 of the date the points are assessed to the person's driving record. If the date of arrest is prior to the
2 issuance of the limited driving privilege, the privilege shall not be terminated. Failure of the driver
3 to maintain proof of financial responsibility, as required by chapter 303, or to maintain proof of
4 installation of a functioning, certified ignition interlock device, as applicable, shall terminate the
5 privilege. The director shall notify by ordinary mail the driver whose privilege is so terminated.

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

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

13 (b) Ineligibility for a license because of the provisions of subdivision (1), (2), (4), (5), (6),
14 (7), (8), (9), or (10) of subsection 1 of section 302.060; or

15 (c) Due to a suspension pursuant to subdivision (8) or (10) of subsection 1 of section
16 302.302 or subsection 2 of section 302.525.

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

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

34 (b) Provided that pursuant to the provisions of this section, the applicant is not otherwise
35 ineligible for a limited driving privilege or convicted of acting with criminal negligence while
36 driving while intoxicated to cause the death of another person, a circuit court or the director may, in
37 the manner prescribed in this subsection, allow a person who has had such person's license to
38 operate a motor vehicle revoked where that person cannot obtain a new license for a period of five
39 years because of two convictions of driving while intoxicated, as prescribed in subdivision (10) of

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

11 (9) A DWI docket or court established under section 478.007 may grant a limited driving
12 privilege to a participant in or graduate of the program who would otherwise be ineligible for such
13 privilege under another provision of law.

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

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

29 302.341. 1. If a Missouri resident charged with a moving traffic violation of this state or
30 any county or municipality of this state fails to dispose of the charges of which the resident is
31 accused through authorized prepayment of fine and court costs and fails to appear on the return date
32 or at any subsequent date to which the case has been continued, or without good cause fails to pay
33 any fine or court costs assessed against the resident for any such violation within the period of time
34 specified or in such installments as approved by the court or as otherwise provided by law, any court
35 having jurisdiction over the charges shall within ten days of the failure to comply inform the
36 defendant by ordinary mail at the last address shown on the court records that the court ~~[will]~~ may
37 order the director of revenue to suspend the defendant's driving privileges if the charges are not
38 disposed of and fully paid within thirty days from the date of mailing. Thereafter, if the defendant
39 fails to timely act to dispose of the charges and fully pay any applicable fines and court costs, the

1 court ~~shall~~ may notify the director of revenue of such failure and of the pending charges against
2 the defendant. Upon receipt of this notification, the director shall suspend the license of the driver,
3 effective immediately, and provide notice of the suspension to the driver at the last address for the
4 driver shown on the records of the department of revenue. Such suspension shall remain in effect
5 until the court with the subject pending charge requests setting aside the noncompliance suspension
6 pending final disposition, or satisfactory evidence of disposition of pending charges and payment of
7 fine and court costs, if applicable, is furnished to the director by the individual. The filing of
8 financial responsibility with the ~~[bureau of safety responsibility,]~~ department of revenue~~[-]~~ shall not
9 be required as a condition of reinstatement of a driver's license suspended solely under the
10 provisions of this ~~[section]~~ subsection.

11 2. The provisions of subsection 1 of this section shall not apply to minor traffic violations as
12 defined in section 479.350; however, minor traffic violations shall be subject to subsection 3 of this
13 section.

14 3. If a Missouri resident charged with a minor traffic violation of this state or any county or
15 municipality of this state fails to dispose of the charges of which the resident is accused through
16 authorized prepayment of fine and court costs and fails to appear on two return dates, or without
17 good cause fails to pay any fine or court costs assessed against the resident for any such violation
18 within the period of time specified or in such installments as approved by the court or as otherwise
19 provided by law, any court having jurisdiction over the charges shall, within ten days of the failure
20 to comply, inform the defendant by ordinary mail at the last address shown on the court records that
21 the court may order the director of revenue to suspend the defendant's driving privileges if the
22 charges are not disposed of and fully paid within thirty days from the date of mailing. Thereafter, if
23 the defendant fails to timely act to dispose of the charges and fully pay any applicable fines and
24 court costs, the court may notify the director of revenue of such failure and of the pending charges
25 against the defendant. Upon receipt of this notification, the director shall suspend the license of the
26 driver, effective immediately, and provide notice of the suspension to the driver at the last address
27 for the driver shown on the records of the department of revenue. Such suspension shall remain in
28 effect until the court with the subject pending charge requests setting aside the noncompliance
29 suspension pending final disposition, or satisfactory evidence of disposition of pending charges and
30 payment of fine and court costs, if applicable, is furnished to the director by the individual. The
31 filing of financial responsibility with the department of revenue shall not be required as a condition
32 of reinstatement of a driver's license suspended solely under the provisions of this subsection.

33 4. Where a defendant is charged exclusively with minor traffic violations, as such term is
34 defined in section 479.350, any suspension under this section shall be accompanied by issuance
35 from the director of revenue of a temporary driving permit for thirty days for all purposes identified
36 under subdivision (2) of subsection 3 of section 302.309, unless the director finds the defendant is
37 ineligible for such privileges under the provisions of section 302.309.

38 5. Subsections 3 and 4 of this section shall not be retroactive."; and
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1 Further amend said bill, Page 64, Section 600.042, Line 87, by inserting after said section and line
2 the following:

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4 "Section B. The repeal and reenactment of sections 302.309 and 302.341 of this act shall
5 become effective on January 1, 2025."; and

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