

HOUSE AMENDMENT NO. _____
TO
HOUSE AMENDMENT NO. _____

Offered By

AMEND House Amendment No. _____ to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 71, Page 2, Line 12, by deleting said line and inserting in lieu there of the following:

"dealer or dismantler"; "rebuilder or body shop"; or "scrap processor" license.

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

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

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

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

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

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

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

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

Action Taken _____ Date _____

1 5. The period of suspension of the driver's license and driving privilege of any person under
2 the provisions of subdivision (8) of subsection 1 of section 302.302 or who has accumulated
3 sufficient points together with a conviction under subdivision (10) of subsection 1 of section
4 302.302 shall be thirty days, followed by a sixty-day period of restricted driving privilege as defined
5 in section 302.010. Upon completion of such period of restricted driving privilege, upon
6 compliance with other requirements of law and upon filing of proof of financial responsibility with
7 the department of revenue, in accordance with chapter 303, the license and driving privilege shall be
8 reinstated. If a person, otherwise subject to the provisions of this subsection, files proof of
9 installation with the department of revenue that any vehicle operated by such person is equipped
10 with a functioning, certified ignition interlock device, there shall be no period of suspension.
11 However, in lieu of a suspension the person shall instead complete a ninety-day period of restricted
12 driving privilege. If the person fails to maintain such proof of the device with the director of
13 revenue as required, the restricted driving privilege shall be terminated. Upon completion of such
14 ninety-day period of restricted driving privilege, upon compliance with other requirements of law,
15 and upon filing of proof of financial responsibility with the department of revenue, in accordance
16 with chapter 303, the license and driving privilege shall be reinstated. However, if the monthly
17 monitoring reports during such ninety-day period indicate that the ignition interlock device has
18 registered a confirmed blood alcohol concentration level above the alcohol setpoint established by
19 the department of transportation or such reports indicate that the ignition interlock device has been
20 tampered with or circumvented, then the license and driving privilege of such person shall not be
21 reinstated until the person completes an additional thirty-day period of restricted driving privilege.

22 6. If the person fails to maintain proof of financial responsibility in accordance with chapter
23 303, or, if applicable, if the person fails to maintain proof that any vehicle operated is equipped with
24 a functioning, certified ignition interlock device installed pursuant to subsection 5 of this section,
25 the person's driving privilege and license shall be resuspended.

26 7. The director shall revoke the license and driving privilege of any person when the
27 person's driving record shows such person has accumulated twelve points in twelve months or
28 eighteen points in twenty-four months or twenty-four points in thirty-six months. The revocation
29 period of any person whose license and driving privilege have been revoked under the provisions of
30 sections 302.010 to 302.540 and who has filed proof of financial responsibility with the department
31 of revenue in accordance with chapter 303 and is otherwise eligible, shall be terminated by a notice
32 from the director of revenue after one year from the effective date of the revocation. Unless proof
33 of financial responsibility is filed with the department of revenue, except as provided in subsection 2
34 of section 302.541, the revocation shall remain in effect for a period of two years from its effective
35 date. If the person fails to maintain proof of financial responsibility in accordance with chapter 303,
36 the person's license and driving privilege shall be rerevoked. Any person whose license and driving
37 privilege have been revoked under the provisions of sections 302.010 to 302.540 shall, upon receipt
38 of the notice of termination of the revocation from the director, pass the complete driver

1 examination and apply for a new license before again operating a motor vehicle upon the highways
2 of this state.

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

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

11 10. Upon the issuance of a reinstatement or termination notice after a suspension or
12 revocation of any person's license and driving privilege under the provisions of sections 302.010 to
13 302.540, the accumulated point value shall be reduced to four points, except that the points of any
14 person serving as a member of the Armed Forces of the United States outside the limits of the
15 United States during a period of suspension or revocation shall be reduced to zero upon the date of
16 the reinstatement or termination of notice. It shall be the responsibility of such member of the
17 Armed Forces to submit copies of official orders to the director of revenue to substantiate such
18 overseas service. Any other provision of sections 302.010 to 302.540 to the contrary
19 notwithstanding, the effective date of the four points remaining on the record upon reinstatement or
20 termination shall be the date of the reinstatement or termination notice.

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

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

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

34 14. No person who has had a license to operate a motor vehicle suspended or revoked as a
35 result of an assessment of points for a violation under subdivision (8), (9) or (10) of subsection 1 of
36 section 302.302 shall have that license reinstated until such person has participated in and
37 successfully completed a substance abuse traffic offender program defined in section 302.010, or a
38 program determined to be comparable by the department of mental health. Assignment
39 recommendations, based upon the needs assessment as described in subdivision (24) of section

1 302.010, shall be delivered in writing to the person with written notice that the person is entitled to
2 have such assignment recommendations reviewed by the court if the person objects to the
3 recommendations. The person may file a motion in the associate division of the circuit court of the
4 county in which such assignment was given, on a printed form provided by the state courts
5 administrator, to have the court hear and determine such motion pursuant to the provisions of
6 chapter 517. The motion shall name the person or entity making the needs assessment as the
7 respondent and a copy of the motion shall be served upon the respondent in any manner allowed by
8 law. Upon hearing the motion, the court may modify or waive any assignment recommendation that
9 the court determines to be unwarranted based upon a review of the needs assessment, the person's
10 driving record, the circumstances surrounding the offense, and the likelihood of the person
11 committing a like offense in the future, except that the court may modify but may not waive the
12 assignment to an education or rehabilitation program of a person determined to be a prior or
13 persistent offender as defined in section 577.001 or of a person determined to have operated a motor
14 vehicle with fifteen-hundredths of one percent or more by weight in such person's blood.
15 Compliance with the court determination of the motion shall satisfy the provisions of this section for
16 the purpose of reinstating such person's license to operate a motor vehicle. The respondent's
17 personal appearance at any hearing conducted pursuant to this subsection shall not be necessary
18 unless directed by the court.

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

33 16. Any administrator who fails to remit to the division of alcohol and drug abuse of the
34 department of mental health the supplemental fees and interest for all persons enrolled in the
35 program pursuant to this section shall be subject to a penalty equal to the amount of interest accrued
36 on the supplemental fees due the division pursuant to this section. If the supplemental fees, interest,
37 and penalties are not remitted to the division of alcohol and drug abuse of the department of mental
38 health within six months of the due date, the attorney general of the state of Missouri shall initiate

1 appropriate action of the collection of said fees and interest accrued. The court shall assess attorney
2 fees and court costs against any delinquent program.

3 17. Any person who has had a license to operate a motor vehicle suspended or revoked as a
4 result of:

5 (1) An assessment of points for a conviction for an intoxication-related traffic offense, as
6 defined under section 577.001, in which the person's blood alcohol content was found to be at least
7 eight-hundredths of one percent but less than fifteen-hundredths of one percent by weight of alcohol
8 in such person's blood and who has a prior alcohol-related enforcement contact as defined under
9 section 302.525[~~7~~]; or

10 (2) An assessment of points for a conviction for an intoxication-related traffic offense, as
11 defined under section 577.001, in which the person's blood alcohol content was found to be fifteen-
12 hundredths of one percent or more by weight of alcohol in such person's blood

13
14 shall be required to file proof with the director of revenue that any motor vehicle operated by the
15 person is equipped with a functioning, certified ignition interlock device as a required condition of
16 reinstatement of the license. The ignition interlock device shall further be required to be maintained
17 on all motor vehicles operated by the person for a period of not less than six months immediately
18 following the date of reinstatement. If the monthly monitoring reports show that the ignition
19 interlock device has registered any confirmed blood alcohol concentration readings above the
20 alcohol setpoint established by the department of transportation or that the person has tampered with
21 or circumvented the ignition interlock device within the last three months of the six-month period of
22 required installation of the ignition interlock device, then the period for which the person must
23 maintain the ignition interlock device following the date of reinstatement shall be extended until the
24 person has completed three consecutive months with no violations as described in this section. If
25 the person fails to maintain such proof with the director, the license shall be resuspended or revoked
26 and the person shall be guilty of a class A misdemeanor.

27 302.440. In addition to any other provisions of law, a court may require that any person who
28 is found guilty of a first intoxication-related traffic offense, as defined in section 577.001, and a
29 court shall require that any person who is found guilty of a second or subsequent intoxication-
30 related traffic offense, as defined in section 577.001, or any person who is found guilty of an
31 intoxication-related traffic offense, as defined under section 577.001, in which the person's blood
32 alcohol content was found to be fifteen-hundredths of one percent or more by weight of alcohol in
33 such person's blood shall not operate any motor vehicle unless that vehicle is equipped with a
34 functioning, certified ignition interlock device that the person must use for a period of not less than
35 six months from the date of reinstatement of the person's driver's license. In addition, any court
36 authorized to grant a limited driving privilege under section 302.309 to any person who is found
37 guilty of a second or subsequent intoxication-related traffic offense or to any person who is found
38 guilty of an intoxication-related traffic offense, as defined under section 577.001, in which the
39 person's blood alcohol content was found to be fifteen-hundredths of one percent or more by weight

1 of alcohol in such person's blood shall require the use of an ignition interlock device on all vehicles
2 operated by the person as a required condition of the limited driving privilege, except as provided in
3 section 302.441. These requirements shall be in addition to any other provisions of this chapter or
4 chapter 577 requiring installation and maintenance of an ignition interlock device. Any person
5 required to use an ignition interlock device shall comply with such requirement subject to the
6 penalties provided by section 577.599.

7 302.525. 1. The license suspension or revocation shall become effective fifteen days after
8 the subject person has received the notice of suspension or revocation as provided in section
9 302.520, or is deemed to have received the notice of suspension or revocation by mail as provided in
10 section 302.515. If a request for a hearing is received by or postmarked to the department within
11 that fifteen-day period, the effective date of the suspension or revocation shall be stayed until a final
12 order is issued following the hearing; provided, that any delay in the hearing which is caused or
13 requested by the subject person or counsel representing that person without good cause shown shall
14 not result in a stay of the suspension or revocation during the period of delay.

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

16 (1) If the person's driving record shows no prior alcohol-related enforcement contacts during
17 the immediately preceding five years, the period of suspension shall be thirty days after the effective
18 date of suspension, followed by a sixty-day period of restricted driving privilege as defined in
19 section 302.010 and issued by the director of revenue. The restricted driving privilege shall not be
20 issued until he or she has filed proof of financial responsibility with the department of revenue, in
21 accordance with chapter 303, and is otherwise eligible. The restricted driving privilege shall
22 indicate ~~[whether]~~ that a functioning, certified ignition interlock device is required as a condition of
23 operating a motor vehicle. A copy of the restricted driving privilege shall be given to the person and
24 such person shall carry a copy of the restricted driving privilege while operating a motor vehicle. In
25 no case shall restricted driving privileges be issued pursuant to this section or section 302.535 until
26 the person has completed the first thirty days of a suspension under this section. If a person
27 otherwise subject to the provisions of this subdivision files proof of installation with the department
28 of revenue that any vehicle that he or she operates is equipped with a functioning, certified ignition
29 interlock device, there shall be no period of suspension. However, in lieu of a suspension the person
30 shall instead complete a ninety-day period of restricted driving privilege. Upon completion of such
31 ninety-day period of restricted driving privilege, compliance with other requirements of law, and
32 filing of proof of financial responsibility with the department of revenue, in accordance with chapter
33 303, the license and driving privilege shall be reinstated. However, if the monthly monitoring
34 reports during such ninety-day period indicate that the ignition interlock device has registered a
35 confirmed blood alcohol concentration level above the alcohol setpoint established by the
36 department of transportation or such reports indicate that the ignition interlock device has been
37 tampered with or circumvented, then the license and driving privilege of such person shall not be
38 reinstated until the person completes an additional thirty-day period of restricted driving privilege.

1 If the person fails to maintain such proof of the device with the director of revenue as required, the
2 restricted driving privilege shall be terminated;

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

5 (3) In no case shall restricted driving privileges be issued under this section to any person
6 whose driving record shows one or more prior alcohol-related enforcement contacts or to any person
7 whose driving record shows a conviction of an intoxication-related traffic offense, as defined under
8 section 577.001, in which the person's blood alcohol content was found to be fifteen-hundredths of
9 one percent or more by weight of alcohol in such person's blood until the person has filed proof with
10 the department of revenue that any motor vehicle operated by the person is equipped with a
11 functioning, certified ignition interlock device as a required condition of the restricted driving
12 privilege. If the person fails to maintain such proof the restricted driving privilege shall be
13 terminated.

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

20 4. Where a license is suspended or revoked under this section and the person is also
21 convicted on charges arising out of the same occurrence for a violation of section 577.010 or
22 577.012 or for a violation of any county or municipal ordinance prohibiting driving while
23 intoxicated or alcohol-related traffic offense, both the suspension or revocation under this section
24 and any other suspension or revocation arising from such convictions shall be imposed, but the
25 period of suspension or revocation under sections 302.500 to 302.540 shall be credited against any
26 other suspension or revocation arising from such convictions, and the total period of suspension or
27 revocation shall not exceed the longer of the two suspension or revocation periods.

28 5. Any person who has had a license to operate a motor vehicle revoked under this section
29 or suspended under this section with one or more prior alcohol-related enforcement contacts or a
30 conviction for an intoxication-related traffic offense, as defined under section 577.001, in which the
31 person's blood alcohol content was found to be fifteen-hundredths of one percent or more by weight
32 of alcohol in such person's blood showing on their driver record shall be required to file proof with
33 the director of revenue that any motor vehicle operated by that person is equipped with a
34 functioning, certified ignition interlock device as a required condition of reinstatement. The ignition
35 interlock device shall further be required to be maintained on all motor vehicles operated by the
36 person for a period of not less than six months immediately following the date of reinstatement. If
37 the monthly monitoring reports show that the ignition interlock device has registered any confirmed
38 blood alcohol concentration readings above the alcohol setpoint established by the department of
39 transportation or that the person has tampered with or circumvented the ignition interlock device

1 within the last three months of the six-month period of required installation of the ignition interlock
2 device, then the period for which the person must maintain the ignition interlock device following
3 the date of reinstatement shall be extended until the person has completed three consecutive months
4 with no violations as described in this section. If the person fails to maintain such proof with the
5 director, the license shall be suspended or revoked, until proof as required by this section is filed
6 with the director, and the person shall be guilty of a class A misdemeanor.

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

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

17 (1) That the officer has:

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

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

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

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

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

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

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

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

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

1 4. If a person's license has been revoked because of the person's refusal to submit to a
2 chemical test, such person may petition for a hearing before a circuit division or associate division
3 of the court in the county in which the arrest or stop occurred. Pursuant to local court rule
4 promulgated pursuant to Section 15 of Article V of the Missouri Constitution, the case may also be
5 assigned to a traffic judge pursuant to section 479.500. The person may request such court to issue
6 an order staying the revocation until such time as the petition for review can be heard. If the court,
7 in its discretion, grants such stay, it shall enter the order upon a form prescribed by the director of
8 revenue and shall send a copy of such order to the director. Such order shall serve as proof of the
9 privilege to operate a motor vehicle in this state and the director shall maintain possession of the
10 person's license to operate a motor vehicle until termination of any revocation under this section.
11 Upon the person's request, the clerk of the court shall notify the prosecuting attorney of the county
12 and the prosecutor shall appear at the hearing on behalf of the director of revenue. At the hearing,
13 the court shall determine only:

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

15 (2) Whether the officer had:

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

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

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

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

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

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

30 7. No person who has had a license to operate a motor vehicle suspended or revoked under
31 the provisions of this section shall have that license reinstated until such person has participated in
32 and successfully completed a substance abuse traffic offender program defined in section 302.010,
33 or a program determined to be comparable by the department of mental health. Assignment
34 recommendations, based upon the needs assessment as described in subdivision (24) of section
35 302.010, shall be delivered in writing to the person with written notice that the person is entitled to
36 have such assignment recommendations reviewed by the court if the person objects to the
37 recommendations. The person may file a motion in the associate division of the circuit court of the
38 county in which such assignment was given, on a printed form provided by the state courts
39 administrator, to have the court hear and determine such motion under the provisions of chapter 517.

1 The motion shall name the person or entity making the needs assessment as the respondent and a
2 copy of the motion shall be served upon the respondent in any manner allowed by law. Upon
3 hearing the motion, the court may modify or waive any assignment recommendation that the court
4 determines to be unwarranted based upon a review of the needs assessment, the person's driving
5 record, the circumstances surrounding the offense, and the likelihood of the person committing a
6 similar offense in the future, except that the court may modify but shall not waive the assignment to
7 an education or rehabilitation program of a person determined to be a prior or persistent offender as
8 defined in section 577.001, or of a person determined to have operated a motor vehicle with a blood
9 alcohol content of fifteen-hundredths of one percent or more by weight. Compliance with the court
10 determination of the motion shall satisfy the provisions of this section for the purpose of reinstating
11 such person's license to operate a motor vehicle. The respondent's personal appearance at any
12 hearing conducted under this subsection shall not be necessary unless directed by the court.

13 8. The fees for the substance abuse traffic offender program, or a portion thereof, to be
14 determined by the division of behavioral health of the department of mental health, shall be paid by
15 the person enrolled in the program. Any person who is enrolled in the program shall pay, in addition
16 to any fee charged for the program, a supplemental fee to be determined by the department of
17 mental health for the purposes of funding the substance abuse traffic offender program defined in
18 section 302.010. The administrator of the program shall remit to the division of behavioral health of
19 the department of mental health on or before the fifteenth day of each month the supplemental fee
20 for all persons enrolled in the program, less two percent for administrative costs. Interest shall be
21 charged on any unpaid balance of the supplemental fees due to the division of behavioral health
22 under this section, and shall accrue at a rate not to exceed the annual rates established under the
23 provisions of section 32.065, plus three percentage points. The supplemental fees and any interest
24 received by the department of mental health under this section shall be deposited in the mental
25 health earnings fund, which is created in section 630.053.

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

34 10. Any person who has had a license to operate a motor vehicle revoked under this section
35 and who has a prior alcohol-related enforcement contact, as defined in section 302.525, or who has
36 been convicted of an intoxication-related traffic offense, as defined under section 577.001, in which
37 the person's blood alcohol content was found to be fifteen-hundredths of one percent or more by
38 weight of alcohol in such person's blood shall be required to file proof with the director of revenue
39 that any motor vehicle operated by the person is equipped with a functioning, certified ignition

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

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

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

Further amend said amendment, Page 6, Line 31, by inserting after all of said section and line the following:

"Further amend said bill, Page 44, Section 574.207, Line 25, by inserting after all of said section and line the following:

"577.010. 1. A person commits the offense of driving while intoxicated if he or she operates a vehicle while in an intoxicated condition.

2. The offense of driving while intoxicated is:

(1) A class B misdemeanor;

(2) A class A misdemeanor if:

(a) The defendant is a prior offender; or

1 (b) A person less than seventeen years of age is present in the vehicle;
 2 (3) A class E felony if:
 3 ~~(a)] the defendant is a persistent offender; [or~~
 4 ~~(b)While driving while intoxicated, the defendant acts with criminal negligence to cause~~
 5 ~~physical injury to another person;—]~~
 6 (4) A class D felony if:
 7 (a) The defendant is an aggravated offender; or
 8 (b) While driving while intoxicated, the defendant acts with criminal negligence to cause
 9 physical injury to ~~[a law enforcement officer or emergency personnel]~~ another person; ~~[or~~
 10 ~~(c)While driving while intoxicated, the defendant acts with criminal negligence to cause~~
 11 ~~serious physical injury to another person;]~~
 12 (5) A class C felony if:
 13 (a) The defendant is a chronic offender; or
 14 (b) While driving while intoxicated, the defendant acts with criminal negligence to cause
 15 serious physical injury to ~~[a law enforcement officer or emergency personnel]~~ another person; ~~[or~~
 16 ~~(c)While driving while intoxicated, the defendant acts with criminal negligence to cause the~~
 17 ~~death of another person;—]~~
 18 (6) A class B felony if:
 19 (a) The defendant is a habitual offender; or
 20 (b) While driving while intoxicated, the defendant acts with criminal negligence to cause the
 21 death of ~~[a law enforcement officer or emergency personnel]~~ another person;
 22 ~~[(c)While driving while intoxicated, the defendant acts with criminal negligence to cause the~~
 23 ~~death of any person not a passenger in the vehicle operated by the defendant, including the death of~~
 24 ~~an individual that results from the defendant's vehicle leaving a highway, as defined in section~~
 25 ~~301.010, or the highway's right-of-way;~~
 26 ~~(d)While driving while intoxicated, the defendant acts with criminal negligence to cause the~~
 27 ~~death of two or more persons; or~~
 28 ~~(e)While driving while intoxicated, the defendant acts with criminal negligence to cause the~~
 29 ~~death of any person while he or she has a blood alcohol content of at least eighteen-hundredths of~~
 30 ~~one percent by weight of alcohol in such person's blood;—]~~
 31 (7) A class A felony if:
 32 (a) While driving while intoxicated, the defendant acts with criminal negligence to cause the
 33 death of two or more persons;
 34 (b) While driving while intoxicated, the defendant acts with criminal negligence to cause the
 35 death of any person while the defendant has a blood alcohol content of at least fifteen-hundredths of
 36 one percent by weight of alcohol; or
 37 (c) The defendant has previously been found guilty of an offense under [paragraphs]
 38 paragraph (a) [to (e)] or (b) of subdivision (6) of this subsection and is found guilty of a subsequent
 39 violation of [such paragraphs] this section.

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

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

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

10 4. If a person is found guilty of a second or subsequent offense of driving while intoxicated,
11 the court may order the person to submit to a period of continuous alcohol monitoring or verifiable
12 breath alcohol testing performed a minimum of four times per day as a condition of probation.

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

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

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

21 6. A person found guilty of the offense of driving while intoxicated:

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

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

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

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

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

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

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

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

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

~~[(6)]~~ 7. Any probation or parole granted under ~~[this]~~ subsection 6 of this section may include a period of continuous alcohol monitoring or verifiable breath alcohol testing performed a minimum of four times per day.

8. Notwithstanding any other provision of law, an offender found guilty under paragraph (b) of subdivision (6) of subsection 2 of this section shall not be eligible for parole or probation until he or she has served a minimum of five years' imprisonment.

9. Notwithstanding any other provision of law, an offender found guilty under subdivision (7) of subsection 2 of this section shall not be eligible for parole or probation until he or she has served a minimum of ten years' imprisonment."; and"; and

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

THIS AMENDS 1178H08.21H.