

FIRST REGULAR SESSION

HOUSE BILL NO. 740

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BROWN (16).

1706H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 302.302, RSMo, and to enact in lieu thereof three new sections relating to the offense of illegal street racing, with penalty provisions.

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

Section A. Section 302.302, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 302.302, 304.875, and 577.165, to read as follows:

302.302. 1. The director of revenue shall put into effect a point system for the suspension and revocation of licenses. Points shall be assessed only after a conviction or forfeiture of collateral. The initial point value is as follows:

(1)	Any moving violation of a state law or county or municipal or federal traffic ordinance or regulation not listed in this section, other than a violation of vehicle equipment provisions or a court-ordered supervision as provided in section 302.303	2 points
	(except any violation of municipal stop sign ordinance where no accident is involved	1 point)
(2)	Speeding	
	In violation of a state law	3 points
	In violation of a county or municipal ordinance	2 points
(3)	Leaving the scene of an accident in violation of section 577.060	12 points
	In violation of any county or municipal ordinance	6 points

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.

17	(4)	Careless and imprudent driving in violation of	
18		subsection 4 of section 304.016	4 points
19		In violation of a county or municipal ordinance	2 points
20	(5)	Operating without a valid license in violation of	
21		subdivision (1) or (2) of subsection 1 of section	
22		302.020:	
23		(a) For the first conviction	2 points
24		(b) For the second conviction	4 points
25		(c) For the third conviction	6 points
26	(6)	Operating with a suspended or revoked license prior	
27		to restoration of operating privileges	12 points
28	(7)	Obtaining a license by misrepresentation	12 points
29	(8)	For the first conviction of driving while in an	
30		intoxicated condition or under the influence of	
31		controlled substances or drugs	8 points
32	(9)	For the second or subsequent conviction of any of	
33		the following offenses however combined: driving	
34		while in an intoxicated condition, driving under the	
35		influence of controlled substances or drugs or	
36		driving with a blood alcohol content of eight-	
37		hundredths of one percent or more by weight	12 points
38	(10)	For the first conviction for driving with blood	
39		alcohol content eight-hundredths of one percent or	
40		more by weight	
41		In violation of state law	8 points
42		In violation of a county or municipal ordinance or	
43		federal law or regulation	8 points
44	(11)	Any felony involving the use of a motor vehicle	12 points
45	(12)	Knowingly permitting unlicensed operator to	
46		operate a motor vehicle	4 points
47	(13)	For a conviction for failure to maintain financial	
48		responsibility pursuant to county or municipal	
49		ordinance or pursuant to section 303.025	4 points
50	(14)	Endangerment of a highway worker in violation of	
51		section 304.585	4 points

(15)	Aggravated endangerment of a highway worker in violation of section 304.585	12 points
(16)	For a conviction of violating a municipal ordinance that prohibits tow truck operators from stopping at or proceeding to the scene of an accident unless they have been requested to stop or proceed to such scene by a party involved in such accident or by an officer of a public safety agency	4 points
(17)	Endangerment of an emergency responder in violation of section 304.894	4 points
(18)	Aggravated endangerment of an emergency responder in violation of section 304.894	12 points
(19)	Illegal street racing in violation of section 577.165	8 points

2. The director shall, as provided in subdivision (5) of subsection 1 of this section, assess an operator points for a conviction pursuant to subdivision (1) or (2) of subsection 1 of section 302.020, when the director issues such operator a license or permit pursuant to the provisions of sections 302.010 to 302.340.

3. An additional two points shall be assessed when personal injury or property damage results from any violation listed in subdivisions (1) to (13) of subsection 1 of this section and if found to be warranted and certified by the reporting court.

4. When any of the acts listed in subdivision (2), (3), (4) or (8) of subsection 1 of this section constitutes both a violation of a state law and a violation of a county or municipal ordinance, points may be assessed for either violation but not for both. Notwithstanding that an offense arising out of the same occurrence could be construed to be a violation of subdivisions (8), (9) and (10) of subsection 1 of this section, no person shall be tried or convicted for more than one offense pursuant to subdivisions (8), (9) and (10) of subsection 1 of this section for offenses arising out of the same occurrence.

5. The director of revenue shall put into effect a system for staying the assessment of points against an operator. The system shall provide that the satisfactory completion of a driver-improvement program or, in the case of violations committed while operating a motorcycle, a motorcycle-rider training course approved by the state highways and transportation commission, by an operator, when so ordered and verified by any court having jurisdiction over any law of this state or county or municipal ordinance, regulating motor vehicles, other than a violation committed in a commercial motor vehicle as defined in section 302.700 or a violation committed by an individual who has been issued a commercial

88 driver's license or is required to obtain a commercial driver's license in this state or any other
89 state, shall be accepted by the director in lieu of the assessment of points for a violation
90 pursuant to subdivision (1), (2) or (4) of subsection 1 of this section or pursuant to subsection
91 3 of this section. The operator shall be given the option to complete the driver-improvement
92 program through an online or in-person course. A court using a centralized violation bureau
93 established under section 476.385 may elect to have the bureau order and verify completion
94 of a driver-improvement program or motorcycle-rider training course as prescribed by order
95 of the court. For the purposes of this subsection, the driver-improvement program shall meet
96 or exceed the standards of the National Safety Council's eight-hour "Defensive Driving
97 Course" or, in the case of a violation which occurred during the operation of a motorcycle, the
98 program shall meet the standards established by the state highways and transportation
99 commission pursuant to sections 302.133 to 302.137. The completion of a driver-
100 improvement program or a motorcycle-rider training course shall not be accepted in lieu of
101 points more than one time in any thirty-six-month period and shall be completed within sixty
102 days of the date of conviction in order to be accepted in lieu of the assessment of points.
103 Every court having jurisdiction pursuant to the provisions of this subsection shall, within
104 fifteen days after completion of the driver-improvement program or motorcycle-rider training
105 course by an operator, forward a record of the completion to the director, all other provisions
106 of the law to the contrary notwithstanding. The director shall establish procedures for record
107 keeping and the administration of this subsection.

304.875. 1. As used in this section, the following terms mean:

2 (1) "Illegal street racing", street racing activity in violation of section 577.165;

3 (2) "Law enforcement officer", as defined under section 556.061.

4 2. Any law enforcement officer within the officer's jurisdiction may authorize
5 the towing of a vehicle that the officer has probable cause to believe is involved in illegal
6 street racing.

7 3. Political subdivisions may enact ordinances regarding the towing,
8 impoundment, and recovery of vehicles towed under this section, including setting
9 applicable administrative fees.

577.165. 1. As used in this section, the following terms mean:

2 (1) "Automotive stunt", includes, but is not limited to, operating a vehicle in
3 ways such as causing it to slide or spin, driving near a group of people, showcasing its
4 performance capability, or maneuvering the vehicle to provoke a reaction from
5 onlookers;

6 (2) "Burnouts", includes, but is not limited to, keeping a vehicle stationary and
7 spinning its wheels and causing the vehicle's tires to heat up and smoke;

8 (3) "Drag racing", the operation of motor vehicles side-by-side in a competitive
9 manner on a public road or highway;

10 (4) "Sideshow", includes, but is not limited to, an unsanctioned demonstration of
11 automotive stunts that obstructs the orderly flow of traffic;

12 (5) "Street racing activity", the operation of motor vehicles in a competitive
13 manner, including drag racing, automotive stunts, sideshows, and burnouts.

14 2. A person commits the offense of illegal street racing if he or she:

15 (1) Engages in street racing activity on any public road or highway;

16 (2) Obstructs a street or highway or places any barricade or obstruction upon
17 any street or highway, to include other vehicles, for the purpose of facilitating or aiding
18 or as an incident to street racing activity in any manner;

19 (3) Consents to their vehicle being used by another person for the purpose of
20 street racing activity; or

21 (4) Interferes with or causes the movement of traffic to slow or stop for the
22 purpose of street racing activity.

23 3. The offense of illegal street racing is:

24 (1) A class A misdemeanor upon the first conviction;

25 (2) A class E felony upon the second or subsequent conviction; or

26 (3) A class C felony if resulting in serious physical injury of another.

27 4. In addition to any criminal penalty, the driver's license of any person
28 convicted of illegal street racing under subdivision (1) of subsection 2 of this section shall
29 be revoked as provided under section 302.304.

30 5. A court may enter an order of impoundment or immobilization of any vehicle
31 involved in illegal street racing activity as a condition of incarceration or probation.
32 Within seven business days after the date the court issues the order of impoundment or
33 immobilization, the clerk of the court shall send notice by certified mail, return receipt
34 requested, to the registered owner of the motor vehicle, if the registered owner is a
35 person other than the defendant, and to each person of record claiming a lien against
36 the motor vehicle.

37 6. Participation in activity on public roads or highways for which all necessary
38 permits have been obtained, or on private property with the authorization or permission
39 of the owner or the owner's representative, is not an offense under this section.

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