

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill Nos. 3068 & 3049, Page 7, Section 43.530,
2 Line 23, by inserting after said section and line the following:

3
4 "302.304. 1. The director shall notify by ordinary mail any operator of the point value
5 charged against the operator's record when the record shows four or more points have been
6 accumulated in a twelve-month period.

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

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

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

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

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

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

27
28 Unless proof of financial responsibility is filed with the department of revenue, a suspension
29 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
2 under the provisions of subdivision (8) of subsection 1 of section 302.302 or who has
3 accumulated sufficient points together with a conviction under subdivision (10) of subsection 1
4 of section 302.302 shall be thirty days, followed by a sixty-day period of restricted driving
5 privilege as defined in section 302.010. Upon completion of such period of restricted driving
6 privilege, upon compliance with other requirements of law and upon filing of proof of financial
7 responsibility with the department of revenue, in accordance with chapter 303, the license and
8 driving privilege shall be reinstated. If a person, otherwise subject to the provisions of this
9 subsection, files proof of installation with the department of revenue that any vehicle operated by
10 such person is equipped with a functioning, certified ignition interlock device, there shall be no
11 period of suspension. However, in lieu of a suspension the person shall instead complete a
12 ninety-day period of restricted driving privilege. If the person fails to maintain such proof of the
13 device with the director of revenue as required, the restricted driving privilege shall be
14 terminated. Upon completion of such ninety-day period of restricted driving privilege, upon
15 compliance with other requirements of law, and upon filing of proof of financial responsibility
16 with the department of revenue, in accordance with chapter 303, the license and driving privilege
17 shall be reinstated. However, if the monthly monitoring reports during such ninety-day period
18 indicate that the ignition interlock device has registered a confirmed blood alcohol concentration
19 level above the alcohol setpoint established by the department of transportation or such reports
20 indicate that the ignition interlock device has been tampered with or circumvented, then the
21 license and driving privilege of such person shall not be reinstated until the person completes an
22 additional thirty-day period of restricted driving privilege.

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

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

1 provisions of sections 302.010 to 302.540 shall, upon receipt of the notice of termination of the
2 revocation from the director, pass the complete driver examination and apply for a new license
3 before again operating a motor vehicle upon the highways of this state.

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

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

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

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

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

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

36 14. No person who has had a license to operate a motor vehicle suspended or revoked as
37 a result of an assessment of points for a violation under subdivision (8), (9) or (10) of subsection
38 1 of section 302.302 shall have that license reinstated until such person has participated in and

1 successfully completed a substance abuse traffic offender program defined in section 302.010, or
2 a program determined to be comparable by the department of mental health. Assignment
3 recommendations, based upon the needs assessment as described in subdivision (24) of section
4 302.010, shall be delivered in writing to the person with written notice that the person is entitled
5 to have such assignment recommendations reviewed by the court if the person objects to the
6 recommendations. The person may file a motion in the associate division of the circuit court of
7 the county in which such assignment was given, on a printed form provided by the state courts
8 administrator, to have the court hear and determine such motion pursuant to the provisions of
9 chapter 517. The motion shall name the person or entity making the needs assessment as the
10 respondent and a copy of the motion shall be served upon the respondent in any manner allowed
11 by law. Upon hearing the motion, the court may modify or waive any assignment
12 recommendation that the court determines to be unwarranted based upon a review of the needs
13 assessment, the person's driving record, the circumstances surrounding the offense, and the
14 likelihood of the person committing a like offense in the future, except that the court may modify
15 but may not waive the assignment to an education or rehabilitation program of a person
16 determined to be a prior or persistent offender as defined in section 577.001 or of a person
17 determined to have operated a motor vehicle with fifteen-hundredths of one percent or more by
18 weight in such person's blood. Compliance with the court determination of the motion shall
19 satisfy the provisions of this section for the purpose of reinstating such person's license to
20 operate a motor vehicle. The respondent's personal appearance at any hearing conducted
21 pursuant to this subsection shall not be necessary unless directed by the court.

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

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

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

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

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

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

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

30 302.440. In addition to any other provisions of law, a court may require that any person
 31 who is found guilty of a first intoxication-related traffic offense, as defined in section 577.001,
 32 and a court shall require that any person who is found guilty of a second or subsequent
 33 intoxication-related traffic offense, as defined in section 577.001, or any person who is found
 34 guilty of an intoxication-related traffic offense, as defined under section 577.001, in which the
 35 person's blood alcohol content was found to be fifteen-hundredths of one percent or more by
 36 weight of alcohol in such person's blood shall not operate any motor vehicle unless that vehicle
 37 is equipped with a functioning, certified ignition interlock device that the person must use for a

1 period of not less than six months from the date of reinstatement of the person's driver's license.
2 In addition, any court authorized to grant a limited driving privilege under section 302.309 to
3 any person who is found guilty of a second or subsequent intoxication-related traffic offense or
4 to any person who is found guilty of an intoxication-related traffic offense, as defined under
5 section 577.001, in which the person's blood alcohol content was found to be fifteen-hundredths
6 of one percent or more by weight of alcohol in such person's blood shall require the use of an
7 ignition interlock device on all vehicles operated by the person as a required condition of the
8 limited driving privilege, except as provided in section 302.441. These requirements shall be in
9 addition to any other provisions of this chapter or chapter 577 requiring installation and
10 maintenance of an ignition interlock device. Any person required to use an ignition interlock
11 device shall comply with such requirement subject to the penalties provided by section 577.599.

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

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

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

1 responsibility with the department of revenue, in accordance with chapter 303, the license and
2 driving privilege shall be reinstated. However, if the monthly monitoring reports during such
3 ninety-day period indicate that the ignition interlock device has registered a confirmed blood
4 alcohol concentration level above the alcohol setpoint established by the department of
5 transportation or such reports indicate that the ignition interlock device has been tampered with
6 or circumvented, then the license and driving privilege of such person shall not be reinstated
7 until the person completes an additional thirty-day period of restricted driving privilege. If the
8 person fails to maintain such proof of the device with the director of revenue as required, the
9 restricted driving privilege shall be terminated;

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

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

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

27 4. Where a license is suspended or revoked under this section and the person is also
28 convicted on charges arising out of the same occurrence for a violation of section 577.010 or
29 577.012 or for a violation of any county or municipal ordinance prohibiting driving while
30 intoxicated or alcohol-related traffic offense, both the suspension or revocation under this section
31 and any other suspension or revocation arising from such convictions shall be imposed, but the
32 period of suspension or revocation under sections 302.500 to 302.540 shall be credited against
33 any other suspension or revocation arising from such convictions, and the total period of
34 suspension or revocation shall not exceed the longer of the two suspension or revocation periods.

35 5. Any person who has had a license to operate a motor vehicle revoked under this
36 section or suspended under this section with one or more prior alcohol-related enforcement
37 contacts or a conviction for an intoxication-related traffic offense, as defined under section
38 577.001, in which the person's blood alcohol content was found to be fifteen-hundredths of one

1 percent or more by weight of alcohol in such person's blood showing on their driver record shall
2 be required to file proof with the director of revenue that any motor vehicle operated by that
3 person is equipped with a functioning, certified ignition interlock device as a required condition
4 of reinstatement. The ignition interlock device shall further be required to be maintained on all
5 motor vehicles operated by the person for a period of not less than six months immediately
6 following the date of reinstatement. If the monthly monitoring reports show that the ignition
7 interlock device has registered any confirmed blood alcohol concentration readings above the
8 alcohol setpoint established by the department of transportation or that the person has tampered
9 with or circumvented the ignition interlock device within the last three months of the six-month
10 period of required installation of the ignition interlock device, then the period for which the
11 person must maintain the ignition interlock device following the date of reinstatement shall be
12 extended until the person has completed three consecutive months with no violations as
13 described in this section. If the person fails to maintain such proof with the director, the license
14 shall be suspended or revoked, until proof as required by this section is filed with the director,
15 and the person shall be guilty of a class A misdemeanor.

16 302.574. 1. If a person who was operating a vehicle refuses upon the request of the
17 officer to submit to any chemical test under section 577.041, the officer shall, on behalf of the
18 director of revenue, serve the notice of license revocation personally upon the person and shall
19 take possession of any license to operate a vehicle issued by this state which is held by that
20 person. The officer shall issue a temporary permit, on behalf of the director of revenue, which is
21 valid for fifteen days and shall also give the person notice of his or her right to file a petition for
22 review to contest the license revocation.

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

26 (1) That the officer has:

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

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

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

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

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

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

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

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

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

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

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

24 (2) Whether the officer had:

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

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

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

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

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

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

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

26 8. The fees for the substance abuse traffic offender program, or a portion thereof, to be
27 determined by the division of behavioral health of the department of mental health, shall be paid
28 by the person enrolled in the program. Any person who is enrolled in the program shall pay, in
29 addition to any fee charged for the program, a supplemental fee to be determined by the
30 department of mental health for the purposes of funding the substance abuse traffic offender
31 program defined in section 302.010. The administrator of the program shall remit to the division
32 of behavioral health of the department of mental health on or before the fifteenth day of each
33 month the supplemental fee for all persons enrolled in the program, less two percent for
34 administrative costs. Interest shall be charged on any unpaid balance of the supplemental fees
35 due to the division of behavioral health under this section, and shall accrue at a rate not to exceed
36 the annual rates established under the provisions of section 32.065, plus three percentage points.
37 The supplemental fees and any interest received by the department of mental health under this

1 section shall be deposited in the mental health earnings fund, which is created in section
2 630.053.

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

11 10. Any person who has had a license to operate a motor vehicle revoked under this
12 section and who has a prior alcohol-related enforcement contact, as defined in section 302.525,
13 or who has been convicted of an intoxication-related traffic offense, as defined under section
14 577.001, in which the person's blood alcohol content was found to be fifteen-hundredths of one
15 percent or more by weight of alcohol in such person's blood shall be required to file proof with
16 the director of revenue that any motor vehicle operated by the person is equipped with a
17 functioning, certified ignition interlock device as a required condition of license reinstatement.
18 Such ignition interlock device shall further be required to be maintained on all motor vehicles
19 operated by the person for a period of not less than six months immediately following the date of
20 reinstatement. If the monthly monitoring reports show that the ignition interlock device has
21 registered any confirmed blood alcohol concentration readings above the alcohol setpoint
22 established by the department of transportation or that the person has tampered with or
23 circumvented the ignition interlock device within the last three months of the six-month period
24 of required installation of the ignition interlock device, then the period for which the person shall
25 maintain the ignition interlock device following the date of reinstatement shall be extended until
26 the person has completed three consecutive months with no violations as described in this
27 section. If the person fails to maintain such proof with the director as required by this section,
28 the license shall be rerevoked until proof as required by this section is filed with the director, and
29 the person shall be guilty of a class A misdemeanor.

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

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

7 577.010. 1. A person commits the offense of driving while intoxicated if he or she
8 operates a vehicle while in an intoxicated condition.

9 2. The offense of driving while intoxicated is:

10 (1) A class B misdemeanor;

11 (2) A class A misdemeanor if:

12 (a) The defendant is a prior offender; or

13 (b) A person less than seventeen years of age is present in the vehicle;

14 (3) A class E felony if:

15 ~~(a) the defendant is a persistent offender; [or~~

16 ~~(b) While driving while intoxicated, the defendant acts with criminal negligence to cause~~
17 ~~physical injury to another person; -]~~

18 (4) A class D felony if:

19 (a) The defendant is an aggravated offender; or

20 (b) While driving while intoxicated, the defendant acts with criminal negligence to cause
21 physical injury to ~~[a law enforcement officer or emergency personnel]~~ another person; ~~[or~~

22 ~~(c) While driving while intoxicated, the defendant acts with criminal negligence to cause~~
23 ~~serious physical injury to another person; -]~~

24 (5) A class C felony if:

25 (a) The defendant is a chronic offender; or

26 (b) While driving while intoxicated, the defendant acts with criminal negligence to cause
27 serious physical injury to ~~[a law enforcement officer or emergency personnel]~~ another person;

28 ~~[or~~

29 ~~(c) While driving while intoxicated, the defendant acts with criminal negligence to cause~~
30 ~~the death of another person; -]~~

31 (6) A class B felony if:

32 (a) The defendant is a habitual offender; or

33 (b) While driving while intoxicated, the defendant acts with criminal negligence to cause
34 the death of ~~[a law enforcement officer or emergency personnel]~~ another person;

35 ~~[(c) While driving while intoxicated, the defendant acts with criminal negligence to cause~~
36 ~~the death of any person not a passenger in the vehicle operated by the defendant, including the~~
37 ~~death of an individual that results from the defendant's vehicle leaving a highway, as defined in~~
38 ~~section 301.010, or the highway's right-of-way;~~

1 ~~(d) While driving while intoxicated, the defendant acts with criminal negligence to cause~~
 2 ~~the death of two or more persons; or~~

3 ~~(e) While driving while intoxicated, the defendant acts with criminal negligence to cause~~
 4 ~~the death of any person while he or she has a blood alcohol content of at least eighteen-~~
 5 ~~hundredths of one percent by weight of alcohol in such person's blood; -]~~

6 (7) A class A felony if:

7 (a) While driving while intoxicated, the defendant acts with criminal negligence to cause
 8 the death of two or more persons;

9 (b) While driving while intoxicated, the defendant acts with criminal negligence to cause
 10 the death of any person while the defendant has a blood alcohol content of at least fifteen-
 11 hundredths of one percent by weight of alcohol; or

12 (c) The defendant has previously been found guilty of an offense under [paragraphs]
 13 paragraph (a) [to (e)] or (b) of subdivision (6) of this subsection and is found guilty of a
 14 subsequent violation of [such paragraphs] this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 ~~[(6)]~~ 7. Any probation or parole granted under [this] subsection 6 of this section may
 27 include a period of continuous alcohol monitoring or verifiable breath alcohol testing performed
 28 a minimum of four times per day.

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

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

35
 36 Further amend said bill by amending the title, enacting clause, and intersectional references
 37 accordingly.