

SECOND REGULAR SESSION

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1740

103RD GENERAL ASSEMBLY

5381S.05C

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 302.304, 302.440, 302.525, 302.574, and 577.010, RSMo, and to enact in lieu thereof six new sections relating to driving while intoxicated, with penalty provisions.

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

Section A. Sections 302.304, 302.440, 302.525, 302.574,
2 and 577.010, RSMo, are repealed and six new sections enacted in
3 lieu thereof, to be known as sections 302.304, 302.440, 302.525,
4 302.574, 454.1050, and 577.010, to read as follows:

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

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

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

15 4. The license and driving privilege of any person
16 whose license and driving privilege have been suspended

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

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

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

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

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

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

36 5. The period of suspension of the driver's license
37 and driving privilege of any person under the provisions of
38 subdivision (8) of subsection 1 of section 302.302 or who
39 has accumulated sufficient points together with a conviction
40 under subdivision (10) of subsection 1 of section 302.302
41 shall be thirty days, followed by a sixty-day period of
42 restricted driving privilege as defined in section 302.010.
43 Upon completion of such period of restricted driving
44 privilege, upon compliance with other requirements of law
45 and upon filing of proof of financial responsibility with
46 the department of revenue, in accordance with chapter 303,
47 the license and driving privilege shall be reinstated. If a

48 person, otherwise subject to the provisions of this
49 subsection, files proof of installation with the department
50 of revenue that any vehicle operated by such person is
51 equipped with a functioning, certified ignition interlock
52 device, there shall be no period of suspension. However, in
53 lieu of a suspension the person shall instead complete a
54 ninety-day period of restricted driving privilege. If the
55 person fails to maintain such proof of the device with the
56 director of revenue as required, the restricted driving
57 privilege shall be terminated. Upon completion of such
58 ninety-day period of restricted driving privilege, upon
59 compliance with other requirements of law, and upon filing
60 of proof of financial responsibility with the department of
61 revenue, in accordance with chapter 303, the license and
62 driving privilege shall be reinstated. However, if the
63 monthly monitoring reports during such ninety-day period
64 indicate that the ignition interlock device has registered a
65 confirmed blood alcohol concentration level above the
66 alcohol setpoint established by the department of
67 transportation or such reports indicate that the ignition
68 interlock device has been tampered with or circumvented,
69 then the license and driving privilege of such person shall
70 not be reinstated until the person completes an additional
71 thirty-day period of restricted driving privilege.

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

79 7. The director shall revoke the license and driving
80 privilege of any person when the person's driving record
81 shows such person has accumulated twelve points in twelve
82 months or eighteen points in twenty-four months or twenty-
83 four points in thirty-six months. The revocation period of
84 any person whose license and driving privilege have been
85 revoked under the provisions of sections 302.010 to 302.540
86 and who has filed proof of financial responsibility with the
87 department of revenue in accordance with chapter 303 and is
88 otherwise eligible, shall be terminated by a notice from the
89 director of revenue after one year from the effective date
90 of the revocation. Unless proof of financial responsibility
91 is filed with the department of revenue, except as provided
92 in subsection 2 of section 302.541, the revocation shall
93 remain in effect for a period of two years from its
94 effective date. If the person fails to maintain proof of
95 financial responsibility in accordance with chapter 303, the
96 person's license and driving privilege shall be rerevoked.
97 Any person whose license and driving privilege have been
98 revoked under the provisions of sections 302.010 to 302.540
99 shall, upon receipt of the notice of termination of the
100 revocation from the director, pass the complete driver
101 examination and apply for a new license before again
102 operating a motor vehicle upon the highways of this state.

103 8. If, prior to conviction for an offense that would
104 require suspension or revocation of a person's license under
105 the provisions of this section, the person's total points
106 accumulated are reduced, pursuant to the provisions of
107 section 302.306, below the number of points required for
108 suspension or revocation pursuant to the provisions of this
109 section, then the person's license shall not be suspended or

110 revoked until the necessary points are again obtained and
111 accumulated.

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

117 10. Upon the issuance of a reinstatement or
118 termination notice after a suspension or revocation of any
119 person's license and driving privilege under the provisions
120 of sections 302.010 to 302.540, the accumulated point value
121 shall be reduced to four points, except that the points of
122 any person serving as a member of the Armed Forces of the
123 United States outside the limits of the United States during
124 a period of suspension or revocation shall be reduced to
125 zero upon the date of the reinstatement or termination of
126 notice. It shall be the responsibility of such member of
127 the Armed Forces to submit copies of official orders to the
128 director of revenue to substantiate such overseas service.
129 Any other provision of sections 302.010 to 302.540 to the
130 contrary notwithstanding, the effective date of the four
131 points remaining on the record upon reinstatement or
132 termination shall be the date of the reinstatement or
133 termination notice.

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

138 12. Any person or nonresident whose license or
139 privilege to operate a motor vehicle in this state has been
140 suspended or revoked under this or any other law shall,
141 before having the license or privilege to operate a motor

142 vehicle reinstated, pay to the director a reinstatement fee
143 of twenty dollars which shall be in addition to all other
144 fees provided by law.

145 13. Notwithstanding any other provision of law to the
146 contrary, if after two years from the effective date of any
147 suspension or revocation issued under this chapter, except
148 any suspension or revocation issued under section 302.410,
149 302.462, or 302.574, the person or nonresident has not paid
150 the reinstatement fee of twenty dollars, the director shall
151 reinstate such license or privilege to operate a motor
152 vehicle in this state. Any person who has had his or her
153 license suspended or revoked under section 302.410, 302.462,
154 or 302.574, shall be required to pay the reinstatement fee.

155 14. No person who has had a license to operate a motor
156 vehicle suspended or revoked as a result of an assessment of
157 points for a violation under subdivision (8), (9) or (10) of
158 subsection 1 of section 302.302 shall have that license
159 reinstated until such person has participated in and
160 successfully completed a substance abuse traffic offender
161 program defined in section 302.010, or a program determined
162 to be comparable by the department of mental health.
163 Assignment recommendations, based upon the needs assessment
164 as described in subdivision (24) of section 302.010, shall
165 be delivered in writing to the person with written notice
166 that the person is entitled to have such assignment
167 recommendations reviewed by the court if the person objects
168 to the recommendations. The person may file a motion in the
169 associate division of the circuit court of the county in
170 which such assignment was given, on a printed form provided
171 by the state courts administrator, to have the court hear
172 and determine such motion pursuant to the provisions of
173 chapter 517. The motion shall name the person or entity

174 making the needs assessment as the respondent and a copy of
175 the motion shall be served upon the respondent in any manner
176 allowed by law. Upon hearing the motion, the court may
177 modify or waive any assignment recommendation that the court
178 determines to be unwarranted based upon a review of the
179 needs assessment, the person's driving record, the
180 circumstances surrounding the offense, and the likelihood of
181 the person committing a like offense in the future, except
182 that the court may modify but may not waive the assignment
183 to an education or rehabilitation program of a person
184 determined to be a prior or persistent offender as defined
185 in section 577.001 or of a person determined to have
186 operated a motor vehicle with fifteen-hundredths of one
187 percent or more by weight in such person's blood.
188 Compliance with the court determination of the motion shall
189 satisfy the provisions of this section for the purpose of
190 reinstating such person's license to operate a motor
191 vehicle. The respondent's personal appearance at any
192 hearing conducted pursuant to this subsection shall not be
193 necessary unless directed by the court.

194 15. The fees for the program authorized in subsection
195 14 of this section, or a portion thereof to be determined by
196 the department of mental health, shall be paid by the person
197 enrolled in the program. Any person who is enrolled in the
198 program shall pay, in addition to any fee charged for the
199 program, a supplemental fee in an amount to be determined by
200 the department of mental health for the purposes of funding
201 the substance abuse traffic offender program defined in
202 section 302.010 or a program determined to be comparable by
203 the department of mental health. The administrator of the
204 program shall remit to the division of alcohol and drug
205 abuse of the department of mental health on or before the

206 fifteenth day of each month the supplemental fee for all
207 persons enrolled in the program, less two percent for
208 administrative costs. Interest shall be charged on any
209 unpaid balance of the supplemental fees due the division of
210 alcohol and drug abuse pursuant to this section and shall
211 accrue at a rate not to exceed the annual rate established
212 pursuant to the provisions of section 32.065, plus three
213 percentage points. The supplemental fees and any interest
214 received by the department of mental health pursuant to this
215 section shall be deposited in the mental health earnings
216 fund which is created in section 630.053.

217 16. Any administrator who fails to remit to the
218 division of alcohol and drug abuse of the department of
219 mental health the supplemental fees and interest for all
220 persons enrolled in the program pursuant to this section
221 shall be subject to a penalty equal to the amount of
222 interest accrued on the supplemental fees due the division
223 pursuant to this section. If the supplemental fees,
224 interest, and penalties are not remitted to the division of
225 alcohol and drug abuse of the department of mental health
226 within six months of the due date, the attorney general of
227 the state of Missouri shall initiate appropriate action of
228 the collection of said fees and interest accrued. The court
229 shall assess attorney fees and court costs against any
230 delinquent program.

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

233 (1) An assessment of points for a conviction for an
234 intoxication-related traffic offense, as defined under
235 section 577.001, **in which the person's blood alcohol content**
236 **was found to be at least eight-hundredths of one percent but**
237 **less than fifteen-hundredths of one percent by weight of**

238 **alcohol in such person's blood** and who has a prior alcohol-
239 related enforcement contact as defined under section
240 302.525[,]; **or**

241 **(2) An assessment of points for a conviction for an**
242 **intoxication-related traffic offense, as defined under**
243 **section 577.001, in which the person's blood alcohol content**
244 **was found to be fifteen-hundredths of one percent or more by**
245 **weight of alcohol in such person's blood, or in which the**
246 **person caused any property damage or personal injury** shall
247 be required to file proof with the director of revenue that
248 any motor vehicle operated by the person is equipped with a
249 functioning, certified ignition interlock device as a
250 required condition of reinstatement of the license. The
251 ignition interlock device shall further be required to be
252 maintained on all motor vehicles operated by the person for
253 a period of not less than six months immediately following
254 the date of reinstatement. If the monthly monitoring
255 reports show that the ignition interlock device has
256 registered any confirmed blood alcohol concentration
257 readings above the alcohol setpoint established by the
258 department of transportation or that the person has tampered
259 with or circumvented the ignition interlock device within
260 the last three months of the six-month period of required
261 installation of the ignition interlock device, then the
262 period for which the person must maintain the ignition
263 interlock device following the date of reinstatement shall
264 be extended until the person has completed three consecutive
265 months with no violations as described in this section. If
266 the person fails to maintain such proof with the director,
267 the license shall be resuspended or revoked and the person
268 shall be guilty of a class A misdemeanor.

302.440. In addition to any other provisions of law, a
2 court may require that any person who is found guilty of a
3 first intoxication-related traffic offense, as defined in
4 section 577.001, and a court shall require that any person
5 who is found guilty of a second or subsequent intoxication-
6 related traffic offense, as defined in section 577.001, **or**
7 **any person who is found guilty of an intoxication-related**
8 **traffic offense, as defined under section 577.001, in which**
9 **the person's blood alcohol content was found to be fifteen-**
10 **hundredths of one percent or more by weight of alcohol in**
11 **such person's blood, or in which the person caused any**
12 **property damage or personal injury** shall not operate any
13 motor vehicle unless that vehicle is equipped with a
14 functioning, certified ignition interlock device **that the**
15 **person must use** for a period of not less than six months
16 from the date of reinstatement of the person's driver's
17 license. In addition, any court authorized to grant a
18 limited driving privilege under section 302.309 to any
19 person who is found guilty of a second or subsequent
20 intoxication-related traffic offense **or to any person who is**
21 **found guilty of an intoxication-related traffic offense, as**
22 **defined under section 577.001, in which the person's blood**
23 **alcohol content was found to be fifteen-hundredths of one**
24 **percent or more by weight of alcohol in such person's blood,**
25 **or in which the person caused any property damage or**
26 **personal injury** shall require the use of an ignition
27 interlock device on all vehicles operated by the person as a
28 required condition of the limited driving privilege, except
29 as provided in section 302.441. These requirements shall be
30 in addition to any other provisions of this chapter or
31 chapter 577 requiring installation and maintenance of an
32 ignition interlock device. Any person required to use an

33 ignition interlock device shall comply with such requirement
34 subject to the penalties provided by section 577.599.

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

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

17 (1) If the person's driving record shows no prior
18 alcohol-related enforcement contacts during the immediately
19 preceding five years, the period of suspension shall be
20 thirty days after the effective date of suspension, followed
21 by a sixty-day period of restricted driving privilege as
22 defined in section 302.010 and issued by the director of
23 revenue. The restricted driving privilege shall not be
24 issued until he or she has filed proof of financial
25 responsibility with the department of revenue, in accordance
26 with chapter 303, and is otherwise eligible. The restricted
27 driving privilege shall indicate [whether] that a
28 functioning, certified ignition interlock device is required
29 as a condition of operating a motor vehicle. A copy of the
30 restricted driving privilege shall be given to the person

31 and such person shall carry a copy of the restricted driving
32 privilege while operating a motor vehicle. In no case shall
33 restricted driving privileges be issued pursuant to this
34 section or section 302.535 until the person has completed
35 the first thirty days of a suspension under this section.
36 If a person otherwise subject to the provisions of this
37 subdivision files proof of installation with the department
38 of revenue that any vehicle that he or she operates is
39 equipped with a functioning, certified ignition interlock
40 device, there shall be no period of suspension. However, in
41 lieu of a suspension the person shall instead complete a
42 ninety-day period of restricted driving privilege. Upon
43 completion of such ninety-day period of restricted driving
44 privilege, compliance with other requirements of law, and
45 filing of proof of financial responsibility with the
46 department of revenue, in accordance with chapter 303, the
47 license and driving privilege shall be reinstated. However,
48 if the monthly monitoring reports during such ninety-day
49 period indicate that the ignition interlock device has
50 registered a confirmed blood alcohol concentration level
51 above the alcohol setpoint established by the department of
52 transportation or such reports indicate that the ignition
53 interlock device has been tampered with or circumvented,
54 then the license and driving privilege of such person shall
55 not be reinstated until the person completes an additional
56 thirty-day period of restricted driving privilege. If the
57 person fails to maintain such proof of the device with the
58 director of revenue as required, the restricted driving
59 privilege shall be terminated;

60 (2) The period of revocation shall be one year if the
61 person's driving record shows one or more prior alcohol-

62 related enforcement contacts during the immediately
63 preceding five years;

64 (3) In no case shall restricted driving privileges be
65 issued under this section to any person whose driving record
66 shows one or more prior alcohol-related enforcement contacts
67 **or to any person whose driving record shows a conviction of**
68 **an intoxication-related traffic offense, as defined under**
69 **section 577.001, in which the person's blood alcohol content**
70 **was found to be fifteen-hundredths of one percent or more by**
71 **weight of alcohol in such person's blood, or in which the**
72 **person caused any property damage or personal injury** until
73 the person has filed proof with the department of revenue
74 that any motor vehicle operated by the person is equipped
75 with a functioning, certified ignition interlock device as a
76 required condition of the restricted driving privilege. If
77 the person fails to maintain such proof the restricted
78 driving privilege shall be terminated.

79 3. For purposes of this section, "alcohol-related
80 enforcement contacts" shall include any suspension or
81 revocation under sections 302.500 to 302.540, any suspension
82 or revocation entered in this or any other state for a
83 refusal to submit to chemical testing under an implied
84 consent law, and any conviction in this or any other state
85 for a violation which involves driving while intoxicated,
86 driving while under the influence of drugs or alcohol, or
87 driving a vehicle while having an unlawful alcohol
88 concentration.

89 4. Where a license is suspended or revoked under this
90 section and the person is also convicted on charges arising
91 out of the same occurrence for a violation of section
92 577.010 or 577.012 or for a violation of any county or
93 municipal ordinance prohibiting driving while intoxicated or

94 alcohol-related traffic offense, both the suspension or
95 revocation under this section and any other suspension or
96 revocation arising from such convictions shall be imposed,
97 but the period of suspension or revocation under sections
98 302.500 to 302.540 shall be credited against any other
99 suspension or revocation arising from such convictions, and
100 the total period of suspension or revocation shall not
101 exceed the longer of the two suspension or revocation
102 periods.

103 5. Any person who has had a license to operate a motor
104 vehicle revoked under this section or suspended under this
105 section with one or more prior alcohol-related enforcement
106 contacts **or a conviction for an intoxication-related traffic**
107 **offense, as defined under section 577.001, in which the**
108 **person's blood alcohol content was found to be fifteen-**
109 **hundredths of one percent or more by weight of alcohol in**
110 **such person's blood, or in which the person caused any**
111 **property damage or personal injury** showing on their driver
112 record shall be required to file proof with the director of
113 revenue that any motor vehicle operated by that person is
114 equipped with a functioning, certified ignition interlock
115 device as a required condition of reinstatement. The
116 ignition interlock device shall further be required to be
117 maintained on all motor vehicles operated by the person for
118 a period of not less than six months immediately following
119 the date of reinstatement. If the monthly monitoring
120 reports show that the ignition interlock device has
121 registered any confirmed blood alcohol concentration
122 readings above the alcohol setpoint established by the
123 department of transportation or that the person has tampered
124 with or circumvented the ignition interlock device within
125 the last three months of the six-month period of required

126 installation of the ignition interlock device, then the
127 period for which the person must maintain the ignition
128 interlock device following the date of reinstatement shall
129 be extended until the person has completed three consecutive
130 months with no violations as described in this section. If
131 the person fails to maintain such proof with the director,
132 the license shall be suspended or revoked, until proof as
133 required by this section is filed with the director, and the
134 person shall be guilty of a class A misdemeanor.

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

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

16 (1) That the officer has:

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

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

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

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

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

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

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

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

43 3. Upon receipt of the officer's report, the director
44 shall revoke the license of the person refusing to take the
45 test for a period of one year; or if the person is a
46 nonresident, such person's operating permit or privilege
47 shall be revoked for one year; or if the person is a
48 resident without a license or permit to operate a motor
49 vehicle in this state, an order shall be issued denying the
50 person the issuance of a license or permit for a period of
51 one year.

52 4. If a person's license has been revoked because of
53 the person's refusal to submit to a chemical test, such
54 person may petition for a hearing before a circuit division
55 or associate division of the court in the county in which

56 the arrest or stop occurred. Pursuant to local court rule
57 promulgated pursuant to Section 15 of Article V of the
58 Missouri Constitution, the case may also be assigned to a
59 traffic judge pursuant to section 479.500. The person may
60 request such court to issue an order staying the revocation
61 until such time as the petition for review can be heard. If
62 the court, in its discretion, grants such stay, it shall
63 enter the order upon a form prescribed by the director of
64 revenue and shall send a copy of such order to the
65 director. Such order shall serve as proof of the privilege
66 to operate a motor vehicle in this state and the director
67 shall maintain possession of the person's license to operate
68 a motor vehicle until termination of any revocation under
69 this section. Upon the person's request, the clerk of the
70 court shall notify the prosecuting attorney of the county
71 and the prosecutor shall appear at the hearing on behalf of
72 the director of revenue. At the hearing, the court shall
73 determine only:

- 74 (1) Whether the person was arrested or stopped;
- 75 (2) Whether the officer had:
- 76 (a) Reasonable grounds to believe that the person was
77 driving a motor vehicle while in an intoxicated or drugged
78 condition; or
- 79 (b) Reasonable grounds to believe that the person
80 stopped, being under the age of twenty-one years, was
81 driving a motor vehicle with a blood alcohol content of two-
82 hundredths of one percent or more by weight; or
- 83 (c) Reasonable grounds to believe that the person
84 stopped, being under the age of twenty-one years, was
85 committing a violation of the traffic laws of the state, or
86 political subdivision of the state, and such officer had
87 reasonable grounds to believe, after making such stop, that

88 the person had a blood alcohol content of two-hundredths of
89 one percent or greater; and

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

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

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

97 7. No person who has had a license to operate a motor
98 vehicle suspended or revoked under the provisions of this
99 section shall have that license reinstated until such person
100 has participated in and successfully completed a substance
101 abuse traffic offender program defined in section 302.010,
102 or a program determined to be comparable by the department
103 of mental health. Assignment recommendations, based upon
104 the needs assessment as described in subdivision (24) of
105 section 302.010, shall be delivered in writing to the person
106 with written notice that the person is entitled to have such
107 assignment recommendations reviewed by the court if the
108 person objects to the recommendations. The person may file
109 a motion in the associate division of the circuit court of
110 the county in which such assignment was given, on a printed
111 form provided by the state courts administrator, to have the
112 court hear and determine such motion under the provisions of
113 chapter 517. The motion shall name the person or entity
114 making the needs assessment as the respondent and a copy of
115 the motion shall be served upon the respondent in any manner
116 allowed by law. Upon hearing the motion, the court may
117 modify or waive any assignment recommendation that the court
118 determines to be unwarranted based upon a review of the
119 needs assessment, the person's driving record, the

120 circumstances surrounding the offense, and the likelihood of
121 the person committing a similar offense in the future,
122 except that the court may modify but shall not waive the
123 assignment to an education or rehabilitation program of a
124 person determined to be a prior or persistent offender as
125 defined in section 577.001, or of a person determined to
126 have operated a motor vehicle with a blood alcohol content
127 of fifteen-hundredths of one percent or more by weight.
128 Compliance with the court determination of the motion shall
129 satisfy the provisions of this section for the purpose of
130 reinstating such person's license to operate a motor
131 vehicle. The respondent's personal appearance at any
132 hearing conducted under this subsection shall not be
133 necessary unless directed by the court.

134 8. The fees for the substance abuse traffic offender
135 program, or a portion thereof, to be determined by the
136 division of behavioral health of the department of mental
137 health, shall be paid by the person enrolled in the
138 program. Any person who is enrolled in the program shall
139 pay, in addition to any fee charged for the program, a
140 supplemental fee to be determined by the department of
141 mental health for the purposes of funding the substance
142 abuse traffic offender program defined in section 302.010.
143 The administrator of the program shall remit to the division
144 of behavioral health of the department of mental health on
145 or before the fifteenth day of each month the supplemental
146 fee for all persons enrolled in the program, less two
147 percent for administrative costs. Interest shall be charged
148 on any unpaid balance of the supplemental fees due to the
149 division of behavioral health under this section, and shall
150 accrue at a rate not to exceed the annual rates established
151 under the provisions of section 32.065, plus three

152 percentage points. The supplemental fees and any interest
153 received by the department of mental health under this
154 section shall be deposited in the mental health earnings
155 fund, which is created in section 630.053.

156 9. Any administrator who fails to remit to the
157 division of behavioral health of the department of mental
158 health the supplemental fees and interest for all persons
159 enrolled in the program under this section shall be subject
160 to a penalty equal to the amount of interest accrued on the
161 supplemental fees due to the division under this section.
162 If the supplemental fees, interest, and penalties are not
163 remitted to the division of behavioral health of the
164 department of mental health within six months of the due
165 date, the attorney general of the state of Missouri shall
166 initiate appropriate action for the collection of said fees
167 and accrued interest. The court shall assess attorneys'
168 fees and court costs against any delinquent program.

169 10. Any person who has had a license to operate a
170 motor vehicle revoked under this section and who has a prior
171 alcohol-related enforcement contact, as defined in section
172 302.525, **or who has been convicted of an intoxication-**
173 **related traffic offense, as defined under section 577.001,**
174 **in which the person's blood alcohol content was found to be**
175 **fifteen-hundredths of one percent or more by weight of**
176 **alcohol in such person's blood, or in which the person**
177 **caused any property damage or personal injury** shall be
178 required to file proof with the director of revenue that any
179 motor vehicle operated by the person is equipped with a
180 functioning, certified ignition interlock device as a
181 required condition of license reinstatement. Such ignition
182 interlock device shall further be required to be maintained
183 on all motor vehicles operated by the person for a period of

184 not less than six months immediately following the date of
185 reinstatement. If the monthly monitoring reports show that
186 the ignition interlock device has registered any confirmed
187 blood alcohol concentration readings above the alcohol
188 setpoint established by the department of transportation or
189 that the person has tampered with or circumvented the
190 ignition interlock device within the last three months of
191 the six-month period of required installation of the
192 ignition interlock device, then the period for which the
193 person shall maintain the ignition interlock device
194 following the date of reinstatement shall be extended until
195 the person has completed three consecutive months with no
196 violations as described in this section. If the person
197 fails to maintain such proof with the director as required
198 by this section, the license shall be rerevoked until proof
199 as required by this section is filed with the director, and
200 the person shall be guilty of a class A misdemeanor.

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

213 12. A person commits the offense of failure to
214 maintain proof with the Missouri department of revenue if,
215 when required to do so, he or she fails to file proof with

216 the director of revenue that any vehicle operated by the
217 person is equipped with a functioning, certified ignition
218 interlock device or fails to file proof of financial
219 responsibility with the department of revenue in accordance
220 with chapter 303. The offense of failure to maintain proof
221 with the Missouri department of revenue is a class A
222 misdemeanor.

454.1050. 1. This section shall be known and may be
2 cited as "Bentley and Mason's Law".

3 2. If a person has been convicted of, pled guilty to,
4 or entered a plea of nolo contendere to an offense under
5 sections 577.010 or 577.012, such offense caused the death
6 of a parent or parents of a child or children, and a
7 surviving parent or guardian files a petition to receive
8 child maintenance from the person, such person shall be
9 ordered by the court to pay child maintenance to the child
10 or children until the child or children:

11 (1) Die;

12 (2) Marry;

13 (3) Enter active military duty;

14 (4) Reach eighteen years of age unless the provisions
15 of subsection 3 of this section apply; or

16 (5) Reach twenty-one years of age unless the
17 provisions of the maintenance order specifically extend
18 beyond the child's or children's twenty-first birthdays for
19 reasons provided under subdivision (1) of subsection 3 of
20 this section.

21 3. (1) If the child or children are physically or
22 mentally incapacitated from supporting themselves and
23 insolvent and unmarried, the court may extend the
24 maintenance obligation past the child's or children's
25 eighteenth birthday.

26 (2) (a) If the child or children reach eighteen years
27 of age and are enrolled in and attending a secondary school
28 program of instruction, maintenance shall continue, if the
29 child or children continue to attend and progress toward
30 completion of such program, until the child or children
31 complete such program or reach twenty-one years of age,
32 whichever first occurs.

33 (b) If the child or children are enrolled in an
34 institution of vocational or higher education no later than
35 October first following graduation from a secondary school
36 or completion of a graduation equivalence degree program and
37 so long as the child or children enroll for and complete at
38 least twelve hours of credit each semester, not including
39 the summer semester, at an institution of vocational or
40 higher education and achieve grades sufficient to reenroll
41 at such institution, maintenance shall continue until the
42 child or children complete their education or until the
43 child or children reach twenty-one years of age, whichever
44 first occurs. To remain eligible for such continued
45 maintenance, at the beginning of each semester the child or
46 children shall submit to the court a transcript or similar
47 official document provided by the institution of vocational
48 or higher education that includes the courses the child or
49 children are enrolled in and have completed for each term,
50 the grades and credits received for each such course, and an
51 official document from the institution listing the courses
52 that the child or children are enrolled in for the upcoming
53 term and the number of credits for each such course. When
54 enrolled in at least twelve credit hours, if the child or
55 children receive failing grades in half or more of the
56 child's or children's courseload in any one semester,
57 payment of maintenance for the child or children receiving

58 the failing grades may be terminated and shall not be
59 eligible for reinstatement. Upon request for notification
60 of the child's or children's grades by the court, the child
61 or children shall produce the required documents to the
62 court within thirty days of receipt of grades from the
63 education institution. If the child or children fail to
64 produce the required documents, payment of maintenance may
65 terminate without the accrual of any maintenance arrearage
66 and shall not be eligible for reinstatement. If the
67 circumstances of the child or children manifestly dictate,
68 the court may waive the October first deadline for
69 enrollment required by this subdivision. As used in this
70 subdivision, "institution of vocational education" means any
71 postsecondary training or schooling for which the child is
72 assessed a fee and attends classes regularly. "Higher
73 education" means any community college, college, or
74 university at which the child attends classes regularly. A
75 child or children who have been diagnosed with a
76 developmental disability, as defined under section 630.005,
77 or whose physical disability or diagnosed health problem
78 limits the child's or children's ability to carry the number
79 of credit hours prescribed in this subdivision, shall remain
80 eligible for maintenance so long as such child or children
81 are enrolled in and attending an institution of vocational
82 or higher education and the child or children continue to
83 meet the other requirements of this subdivision. A child or
84 children who are employed at least fifteen hours per week
85 during the semester may take as few as nine credit hours per
86 semester and remain eligible for maintenance so long as all
87 other requirements of this subdivision are complied with.

88 4. The court shall order the person who was convicted,
89 pled guilty to, or entered a plea of nolo contendere to an

90 offense under sections 577.010 or 577.012 as provided under
91 subsection 2 of this section to pay maintenance in an amount
92 that is reasonable or necessary for the maintenance of the
93 child or children after considering all relevant factors,
94 including:

95 (1) The financial needs and resources of the child or
96 children;

97 (2) The financial resources and needs of the surviving
98 parent or, if no other parent is alive or capable of caring
99 for the child or children, the guardian of the child or
100 children, including the state if the state is the guardian;

101 (3) The standard of living the child or children would
102 have enjoyed;

103 (4) The physical and emotional condition of the child
104 or children and the child's or children's educational needs;

105 (5) The child's or children's physical and legal
106 custody arrangements; and

107 (6) The reasonable work-related child care expenses of
108 the surviving parent or guardian.

109 5. In addition to the relevant factors listed under
110 subsection 4 of this section, the court shall consider the
111 guidelines set out under subsection 8 of section 452.340 and
112 Missouri supreme court civil procedure rule form 14 in
113 determining the amount reasonable or necessary for the
114 maintenance of the child or children.

115 6. (1) The court shall order that child maintenance
116 payments be made to the circuit clerk as trustee for
117 remittance to the surviving parent or guardian entitled to
118 receive the payments. The circuit clerk shall remit such
119 payments to the surviving parent or guardian within three
120 working days of receipt by the circuit clerk. Circuit

121 clerks shall deposit all receipts no later than the next
122 working day after receipt.

123 (2) As an alternative to subdivision (1) of this
124 subsection, the court may, upon its own motion, order that
125 maintenance payments be made to the family support payment
126 center established under section 454.530 as trustee for
127 remittance to the surviving parent or guardian. However,
128 the court shall not order payments to be made to the payment
129 center if the family support division notifies the court
130 that such payments shall not be made to the center. In such
131 cases, payments shall be made to the clerk as trustee until
132 the division notifies the court that payments shall be
133 directed to the payment center.

134 7. In addition to any other remedy provided by law for
135 the enforcement of child maintenance, if a maintenance order
136 has been entered, the director of the family support
137 division or the director's designee shall issue an order
138 directing any employer or other payer of the person required
139 to pay child maintenance under this section to withhold and
140 pay over to the family support division or the clerk of the
141 circuit court in the county in which a trusteeship is or
142 will be established moneys due or to become due to the
143 surviving parent or guardian for the child or children in an
144 amount not to exceed federal wage garnishment limitations.

145 8. If a person ordered to pay child maintenance under
146 this section is incarcerated and unable to pay the required
147 maintenance, the person shall have up to one year after the
148 release from incarceration to begin payment, including any
149 arrearage. If any obligation under this section is to
150 terminate as provided under subsection 2 of this section but
151 the person's obligation is not paid in full, payments shall
152 continue until the entire arrearage is paid.

153 9. (1) If the surviving parent or guardian of the
154 child or children brings a civil action on behalf of such
155 child or children against the person who was convicted of,
156 pled guilty to, or entered a plea of nolo contendere to an
157 offense under sections 577.010 or 577.012 prior to any child
158 maintenance order under this section and the surviving
159 parent or guardian obtains a judgment in his or her favor in
160 the civil suit, no maintenance shall be ordered under this
161 section.

162 (2) If the court orders child maintenance under this
163 section but the surviving parent or guardian brings a civil
164 action and obtains a judgment on behalf of such child or
165 children in his or her favor, the child maintenance order
166 shall offset the judgment awarded in the civil action.

167 (3) No funds received under section 595.045 shall
168 result in a reduction of an amount provided by a child
169 maintenance order under this section.

170 10. The provisions of any order respecting maintenance
171 under this section may be modified only upon a showing of
172 changed circumstances so substantial and continuing as to
173 make the terms unreasonable.

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

4 2. The offense of driving while intoxicated is:

5 (1) A class B misdemeanor;

6 (2) A class A misdemeanor if:

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

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

10 (3) A class E felony if [:

11 (a)] the defendant is a persistent offender; [or

12 (b) While driving while intoxicated, the defendant
13 acts with criminal negligence to cause physical injury to
14 another person;]

15 (4) A class D felony if:

16 (a) The defendant is an aggravated offender; **or**

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

21 (c) While driving while intoxicated, the defendant
22 acts with criminal negligence to cause serious physical
23 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
27 acts with criminal negligence to cause serious physical
28 injury to [a law enforcement officer or emergency personnel]
29 **another person; [or**

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

33 (6) A class B felony if:

34 (a) The defendant is a habitual offender; **or**

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

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

44 (d) While driving while intoxicated, the defendant
45 acts with criminal negligence to cause the death of two or
46 more persons; or

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

52 (7) A class A felony if:

53 (a) **While driving while intoxicated, the defendant**
54 **acts with criminal negligence to cause the death of any**
55 **person;**

56 (b) The defendant has previously been found guilty of
57 an offense under [paragraphs] **paragraph (a) [to (e)] or (b)**
58 of subdivision (6) of this subsection and is found guilty of
59 a subsequent violation of [such paragraphs] **this section.**

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

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

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

73 4. If a person is found guilty of a second or
74 subsequent offense of driving while intoxicated, the court
75 may order the person to submit to a period of continuous

76 alcohol monitoring or verifiable breath alcohol testing
77 performed a minimum of four times per day as a condition of
78 probation.

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

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

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

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

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

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

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

106 (b) The offender participates in and successfully
107 completes a program established under section 478.007 or

108 other court-ordered treatment program, if available, and as
109 part of either program, the offender performs at least
110 thirty days of community service under the supervision of
111 the court;

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

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

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

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

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

131 [(6)] 7. Any probation or parole granted under [this]
132 subsection 6 of this section may include a period of
133 continuous alcohol monitoring or verifiable breath alcohol
134 testing performed a minimum of four times per day.

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

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

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