

SECOND REGULAR SESSION

# HOUSE BILL NO. 2742

## 103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE JONES (12).

6086H.01I

JOSEPH ENGLER, Chief Clerk

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### AN ACT

To repeal sections 302.302 and 304.070, RSMo, and to enact in lieu thereof three new sections relating to the offense of failing to stop for a school bus, with penalty provisions.

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

Section A. Sections 302.302 and 304.070, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 160.3300, 302.302, and 304.070, to read as follows:

**160.3300. 1. School districts may install and operate automated school bus safety cameras on school buses to be used for the detection of violations of section 304.050 if the use of the cameras is approved by a vote of the school district board of directors. For purposes of this section, "automated school bus safety camera" means a device that is affixed to a school bus that is synchronized to automatically record one or more sequenced photographs, microphotographs, or electronic images of the rear of a vehicle at the time the vehicle is detected for an infraction identified in section 304.050.**

**2. Any camera installed under subsection 1 of this section shall function only while a school bus stop arm is fully extended and warning lights are activated for the purpose of loading or unloading students. Recorded material shall be used only to provide evidence to law enforcement of vehicles passing a school bus improperly and shall not be used for any other purpose, including civil or criminal investigations. Camera footage unrelated to violations of section 304.050 shall not be retained by the school district for any purpose.**

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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

(1)	Any moving violation of a state law or county or municipal or federal traffic ordinance or regulation not listed in this section, other than a violation of vehicle equipment provisions or a court-ordered supervision as provided in section 302.303	2 points
	(except any violation of municipal stop sign ordinance where no accident is involved)	1 point)
(2)	Speeding	
	In violation of a state law	3 points
	In violation of a county or municipal ordinance	2 points
(3)	Leaving the scene of an accident in violation of section 577.060	12 points
	In violation of any county or municipal ordinance	6 points
(4)	Careless and imprudent driving in violation of subsection 4 of section 304.016	4 points
	In violation of a county or municipal ordinance	2 points
(5)	Operating without a valid license in violation of subdivision (1) or (2) of subsection 1 of section 302.020:	
	(a) For the first conviction	2 points
	(b) For the second conviction	4 points
	(c) For the third conviction	6 points
(6)	Operating with a suspended or revoked license prior to restoration of operating privileges	12 points
(7)	Obtaining a license by misrepresentation	12 points
(8)	For the first conviction of driving while in an intoxicated condition or under the influence of controlled substances or drugs	8 points
(9)	For the second or subsequent conviction of any of the following offenses however combined: driving while in an intoxicated condition, driving under the influence of controlled substances or drugs or	12 points

36		driving with a blood alcohol content of eight-	
37		hundredths of one percent or more by weight	
38	(10)	For the first conviction for driving with blood	
39		alcohol content eight-hundredths of one percent or	
40		more by weight	
41		In violation of state law	8 points
42		In violation of a county or municipal ordinance or	
43		federal law or regulation	8 points
44	(11)	Any felony involving the use of a motor vehicle	12 points
45	(12)	Knowingly permitting unlicensed operator to	
46		operate a motor vehicle	4 points
47	(13)	For a conviction for failure to maintain financial	
48		responsibility pursuant to county or municipal	
49		ordinance or pursuant to section 303.025	4 points
50	(14)	Endangerment of a highway worker in violation of	
51		section 304.585	4 points
52	(15)	Aggravated endangerment of a highway worker in	
53		violation of section 304.585	12 points
54	(16)	For a conviction of violating a municipal ordinance	
55		that prohibits tow truck operators from stopping at	
56		or proceeding to the scene of an accident unless they	
57		have been requested to stop or proceed to such	
58		scene by a party involved in such accident or by an	
59		officer of a public safety agency	4 points
60	(17)	Endangerment of an emergency responder in	
61		violation of section 304.894	4 points
62	(18)	Aggravated endangerment of an emergency	
63		responder in violation of section 304.894	12 points
64	(19)	<b>Failure to stop for a school bus that is receiving</b>	
65		<b>or discharging students, in violation of</b>	
66		<b>subsection 1 of section 304.050</b>	<b>5 points</b>

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

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

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

81           5. The director of revenue shall put into effect a system for staying the assessment of  
82 points against an operator. The system shall provide that the satisfactory completion of a  
83 driver-improvement program or, in the case of violations committed while operating a  
84 motorcycle, a motorcycle-rider training course approved by the state highways and  
85 transportation commission, by an operator, when so ordered and verified by any court  
86 having jurisdiction over any law of this state or county or municipal ordinance, regulating  
87 motor vehicles, other than a violation committed in a commercial motor vehicle as defined in  
88 section 302.700 or a violation committed by an individual who has been issued a commercial  
89 driver's license or is required to obtain a commercial driver's license in this state or any other  
90 state, shall be accepted by the director in lieu of the assessment of points for a violation  
91 pursuant to subdivision (1), (2) or (4) of subsection 1 of this section or pursuant to subsection  
92 3 of this section. The operator shall be given the option to complete the driver-improvement  
93 program through an online or in-person course. A court using a centralized violation bureau  
94 established under section 476.385 may elect to have the bureau order and verify completion  
95 of a driver-improvement program or motorcycle-rider training course as prescribed by order  
96 of the court. For the purposes of this subsection, the driver-improvement program shall meet  
97 or exceed the standards of the National Safety Council's eight-hour "Defensive Driving  
98 Course" or, in the case of a violation which occurred during the operation of a motorcycle, the  
99 program shall meet the standards established by the state highways and transportation  
100 commission pursuant to sections 302.133 to 302.137. The completion of a driver-  
101 improvement program or a motorcycle-rider training course shall not be accepted in lieu of  
102 points more than one time in any thirty-six-month period and shall be completed within sixty  
103 days of the date of conviction in order to be accepted in lieu of the assessment of points.  
104 Every court having jurisdiction pursuant to the provisions of this subsection shall, within  
105 fifteen days after completion of the driver-improvement program or motorcycle-rider training  
106 course by an operator, forward a record of the completion to the director, all other provisions

107 of the law to the contrary notwithstanding. The director shall establish procedures for record  
108 keeping and the administration of this subsection.

304.070. 1. Any person who violates any of the provisions of subsections 1, 3, and 7  
2 of section 304.050 is guilty of a class A misdemeanor. ~~[In addition, the court may suspend~~  
3 ~~the driver's license of any person who violates the provision of subsection 1 of section~~  
4 ~~304.050. If ordered by the court, the director shall suspend the driver's license for ninety days~~  
5 ~~for a first offense of subsection 1 of section 304.050, and one hundred twenty days for a~~  
6 ~~second or subsequent offense of subsection 1 of section 304.050.]~~ Any person who violates  
7 subsection 1 of section 304.050 where such violation results in the injury of any child shall be  
8 guilty of a class E felony. Any person who violates subsection 1 of section 304.050 where  
9 such violation causes the death of any child shall be guilty of a class D felony.

10 2. ~~[Any appeal of a suspension imposed under subsection 1 of this section shall be a~~  
11 ~~direct appeal of the court order and subject to review by the presiding judge of the circuit~~  
12 ~~court or another judge within the circuit other than the judge who issued the original order to~~  
13 ~~suspend the driver's license. The director of revenue's entry of the court ordered suspension~~  
14 ~~on the driving record is not a decision subject to review pursuant to section 302.311. Any~~  
15 ~~suspension of the driver's license ordered by the court under this section shall be in addition to~~  
16 ~~any other suspension that may occur as a result of the conviction pursuant to other provisions~~  
17 ~~of law]~~ **Notwithstanding any other provision of law, any person found guilty of a**  
18 **violation of subsection 1 of section 304.050 shall be subject to the following fines:**

19 **(1) For a first offense, a fine of at least five hundred dollars but not more than**  
20 **one thousand dollars;**

21 **(2) For a second offense within a five-year period, a fine of at least one thousand**  
22 **dollars but not more than two thousand dollars; and**

23 **(3) For a third or subsequent offense within a five-year period, a fine of at least**  
24 **one thousand five hundred dollars but not more than three thousand dollars.**

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26 **No court shall suspend any portion of the fines established under this subsection.**

27 **3. No violation of subsection 1 of section 304.050 shall be disposed of through the**  
28 **state fine collection center or by payment of a fine without an appearance in open court.**  
29 **The defendant shall appear in person or by attorney for disposition.**

30 **4. The driver's license of any person found guilty of a first violation of subsection**  
31 **1 of section 304.050 may be suspended by the director of revenue, with such suspension**  
32 **at the discretion of the court. The director of revenue shall suspend the driver's license**  
33 **of any person found guilty of a violation of subsection 1 of section 304.050, as follows:**

34 **(1) For a second offense with a five-year period, ninety days; and**

35           **(2) For a third or subsequent offense within a five-year period, one-hundred-**  
36 **eighty days.**

37

38 **Such suspensions shall be mandatory and shall be in addition to any other driver's**  
39 **license suspension or revocation required or authorized under chapter 302.**

40           **5. The fines and suspensions required under subsections 2 and 4 of this section**  
41 **shall apply to all violations of subsection 1 of section 304.050, including violations**  
42 **resulting in injury or death of a child, and shall be in addition to the penalties listed**  
43 **under subsection 1 of this section.**

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