

SECOND REGULAR SESSION

HOUSE BILL NO. 2742

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE JONES (12).

6086H.01I

JOSEPH ENGLER, Chief Clerk

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.

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Section A. Sections 302.302 and 304.070, RSMo, are repealed and three new sections 2 enacted in lieu thereof, to be known as sections 160.3300, 302.302, and 304.070, to read as 3 follows:

160.3300. 1. School districts may install and operate automated school bus 2 safety cameras on school buses to be used for the detection of violations of section 3 304.050 if the use of the cameras is approved by a vote of the school district board of 4 directors. For purposes of this section, "automated school bus safety camera" means a 5 device that is affixed to a school bus that is synchronized to automatically record one or 6 more sequenced photographs, microphotographs, or electronic images of the rear of a 7 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 9 while a school bus stop arm is fully extended and warning lights are activated for the 10 purpose of loading or unloading students. Recorded material shall be used only to 11 provide evidence to law enforcement of vehicles passing a school bus improperly and 12 shall not be used for any other purpose, including civil or criminal investigations. 13 Camera footage unrelated to violations of section 304.050 shall not be retained by the 14 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
 2 suspension and revocation of licenses. Points shall be assessed only after a conviction or
 3 forfeiture of collateral. The initial point value is as follows:

4	(1)	Any moving violation of a state law or county or 5 municipal or federal traffic ordinance or regulation 6 not listed in this section, other than a violation of 7 vehicle equipment provisions or a court-ordered 8 supervision as provided in section 302.303	2 points
9		(except any violation of municipal stop sign 10 ordinance where no accident is involved	1 point)
11	(2)	Speeding	
12		In violation of a state law	3 points
13		In violation of a county or municipal ordinance	2 points
14	(3)	Leaving the scene of an accident in violation of 15 section 577.060	12 points
16		In violation of any county or municipal ordinance	6 points
17	(4)	Careless and imprudent driving in violation of 18 subsection 4 of section 304.016	4 points
19		In violation of a county or municipal ordinance	2 points
20	(5)	Operating without a valid license in violation of 21 subdivision (1) or (2) of subsection 1 of section 22 302.020:	
23		(a) For the first conviction	2 points
24		(b) For the second conviction	4 points
25		(c) For the third conviction	6 points
26	(6)	Operating with a suspended or revoked license prior 27 to restoration of operating privileges	12 points
28	(7)	Obtaining a license by misrepresentation	12 points
29	(8)	For the first conviction of driving while in an 30 intoxicated condition or under the influence of 31 controlled substances or drugs	8 points
32	(9)	For the second or subsequent conviction of any of 33 the following offenses however combined: driving 34 while in an intoxicated condition, driving under the 35 influence of controlled substances or drugs or	12 points

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

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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