

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2742
103RD GENERAL ASSEMBLY

6086H.03C

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Section A. Sections 302.302 and 304.070, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 160.3300, 302.302, and 304.070, to read as follows:

160.3300. School districts may install and operate school bus safety cameras on school buses to be used for the detection of violations of section 304.050, provided that such use is approved by a vote of the school district board of directors. Any image or video recorded by a school bus safety camera that is not used for the purpose of enforcing violations of section 304.050 shall be permanently deleted no later than one-hundred-eighty days from the date of capture. For purposes of this section, "school bus safety camera" means a device that is affixed to a school bus that records photographs, microphotographs, or electronic images of the front or rear of a vehicle at the time the vehicle is detected for an infraction identified in section 304.050.

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:

4 5 6	(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	2 points
-------------	---	----------

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

7		vehicle equipment provisions or a court-ordered supervision as provided in section 302.303	
8		(except any violation of municipal stop sign ordinance where no accident is involved	
9			1 point)
10			
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 section 577.060	12 points
15			
16		In violation of any county or municipal ordinance	6 points
17	(4)	Careless and imprudent driving in violation of subsection 4 of section 304.016	4 points
18			
19		In violation of a county or municipal ordinance	2 points
20	(5)	Operating without a valid license in violation of subdivision (1) or (2) of subsection 1 of section 302.020:	
21			
22			
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 to restoration of operating privileges	12 points
27			
28	(7)	Obtaining a license by misrepresentation	12 points
29	(8)	For the first conviction of driving while in an intoxicated condition or under the influence of controlled substances or drugs	8 points
30			
31			
32	(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 driving with a blood alcohol content of eight-hundredths of one percent or more by weight	12 points
33			
34			
35			
36			
37			
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		In violation of a county or municipal ordinance or federal law or regulation	8 points
43			
44	(11)	Any felony involving the use of a motor vehicle	12 points
45	(12)	Knowingly permitting unlicensed operator to operate a motor vehicle	4 points
46			
47	(13)	For a conviction for failure to maintain financial responsibility pursuant to county or municipal ordinance or pursuant to section 303.025	4 points
48			
49			
50	(14)	Endangerment of a highway worker in violation of section 304.585	4 points
51			
52	(15)	Aggravated endangerment of a highway worker in violation of section 304.585	12 points
53			
54	(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
55			
56			
57			
58			
59			
60	(17)	Endangerment of an emergency responder in violation of section 304.894	4 points
61			
62	(18)	Aggravated endangerment of an emergency responder in violation of section 304.894	12 points
63			
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.**

25

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.**

✓