

SECOND REGULAR SESSION

[REPERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 2742

103RD GENERAL ASSEMBLY

6086H.03R

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 302.302, 304.070, and 304.822, RSMo, and to enact in lieu thereof six new sections relating to the careless operation of a motor vehicle, with penalty provisions.

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

Section A. Sections 302.302, 304.070, and 304.822, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 160.3300, 302.302, 304.070, 304.822, 304.1020, and 304.1023, to read as follows:

160.3300. 1. 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.

2. No image or video captured by a school bus safety camera authorized under this section shall be used by a political subdivision for violation detection or enforcement as part of any automated camera system designed to detect traffic violations and issue citations. Nothing in this section shall prohibit a prosecutor from introducing any image or video captured by a school bus safety camera as evidence in a judicial proceeding.

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:

4	(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
5		(except any violation of municipal stop sign ordinance where no accident is involved	1 point)
6	(2)	Speeding	
7		In violation of a state law	3 points
8		In violation of a county or municipal ordinance	2 points
9	(3)	Leaving the scene of an accident in violation of section 577.060	12 points
10		In violation of any county or municipal ordinance	6 points
11	(4)	Careless and imprudent driving in violation of subsection 4 of section 304.016	4 points
12		In violation of a county or municipal ordinance	2 points
13	(5)	Operating without a valid license in violation of subdivision (1) or (2) of subsection 1 of section 302.020:	
14		(a) For the first conviction	2 points
15		(b) For the second conviction	4 points
16		(c) For the third conviction	6 points
17	(6)	Operating with a suspended or revoked license prior to restoration of operating privileges	12 points
18	(7)	Obtaining a license by misrepresentation	12 points
19	(8)	For the first conviction of driving while in an intoxicated condition or under the influence of controlled substances or drugs	8 points
20	(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
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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	
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41		In violation of state law	8 points
42		In violation of a county or municipal ordinance or federal law or regulation	8 points
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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
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49			
50	(14)	Endangerment of a highway worker in violation of section 304.585	4 points
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52	(15)	Aggravated endangerment of a highway worker in violation of section 304.585	12 points
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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
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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	(20)	Endangerment of a pedestrian in a hospital zone in violation of section 304.1023	4 points
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69	(21)	Aggravated endangerment of a pedestrian in a hospital zone in violation of section 304.1023	12 points
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71 2. The director shall, as provided in subdivision (5) of subsection 1 of this section,
72 assess an operator points for a conviction pursuant to subdivision (1) or (2) of subsection 1 of
73 section 302.020, when the director issues such operator a license or permit pursuant to the
74 provisions of sections 302.010 to 302.340.

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

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

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

108 Every court having jurisdiction pursuant to the provisions of this subsection shall, within
109 fifteen days after completion of the driver-improvement program or motorcycle-rider training
110 course by an operator, forward a record of the completion to the director, all other provisions
111 of the law to the contrary notwithstanding. The director shall establish procedures for record
112 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 **physical** injury of any
8 child shall be guilty of a class E felony. Any person who violates subsection 1 of section
9 304.050 where such violation causes the **serious physical injury** or death of any child shall
10 be guilty of a class D felony. **For the purposes of this subsection, "physical injury" means**
11 **physical pain, illness, or any impairment of physical condition including, but not limited**
12 **to, bruising, lacerations, hematomas, welts, or permanent or temporary disfigurement**
13 **and impairment of any bodily function or organ. The term "serious physical injury"**
14 **means a physical injury that creates a substantial risk of death or that causes serious**
15 **disfigurement or protracted loss or impairment of the function of any part of the body.**

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

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

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

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

31

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

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

36 **4. The driver's license of any person found guilty of a first violation of subsection**
37 **1 of section 304.050 may be suspended by the director of revenue, with such suspension**
38 **at the discretion of the court. The director of revenue shall suspend the driver's license**
39 **of any person found guilty of a violation of subsection 1 of section 304.050, as follows:**

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

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

43

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

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

304.822. 1. This section shall be known as the "Siddens Bening Hands Free Law".

2 2. As used in this section, the following terms shall mean:

3 (1) "Commercial motor vehicle", the same meaning as is ascribed to such term in
4 section 302.700;

5 (2) "Electronic communication device", a portable device that is used to initiate,
6 receive, store, or view communication, information, images, or data electronically.

7 (a) Such term shall include but not be limited to: cellular telephones; portable
8 telephones; text-messaging devices; personal digital assistants; pagers; broadband personal
9 communication devices; electronic devices with mobile data access; computers, including but
10 not limited to tablets, laptops, notebook computers, and electronic or video game systems;
11 devices capable of transmitting, retrieving, or displaying a video, movie, broadcast television
12 image, or visual image; and any substantially similar device that is used to initiate or receive
13 communication or store and review information, videos, images, or data.

14 (b) Such term shall not include: radios; citizens band radios; commercial two-way
15 radio communication devices or their functional equivalent; subscription-based emergency
16 communication devices; prescribed medical devices; amateur or ham radio devices; or global
17 positioning system receivers, security, navigation, communication, or remote diagnostics
18 systems permanently affixed to the vehicle;

19 (3) "Highway", the same meaning as is ascribed to such term in section 302.010;

20 (4) "Noncommercial motor vehicle", the same meaning as is ascribed to such term in
21 section 302.700;

22 (5) "Operating", the actual physical control of a vehicle;

23 (6) "Operator", a person who is in actual physical control;

24 (7) "School bus", the same meaning as is ascribed to such term in section 302.700;

25 (8) "Voice-operated or hands-free feature or function", a feature or function, whether
26 internally installed or externally attached or connected to an electronic communication
27 device, that allows a person to use an electronic communication device without the use of
28 either hand, except to activate, deactivate, or initiate the feature or function with a single
29 touch or single swipe.

30 3. Except as otherwise provided in this section, while operating a noncommercial
31 motor vehicle or commercial motor vehicle on any highway or property open to the public for
32 vehicular traffic in this state, no operator shall:

33 (1) Physically hold or support, with any part of his or her body, an electronic
34 communication device;

35 (2) Write, send, or read any text-based communication, including but not limited to a
36 text message, instant message, email, or social media interaction on an electronic
37 communication device. This subdivision shall not apply to operators of a noncommercial
38 motor vehicle using a voice-operated or hands-free feature or function that converts the
39 message to be sent as a message in a written form, provided that the operator does not divert
40 his or her attention from lawful operation of the vehicle;

41 (3) Make any communication on an electronic communication device, including a
42 phone call, voice message, or one-way voice communication; provided however, that this
43 prohibition shall not apply to use of a voice-operated or hands-free feature or function;

44 (4) Engage in any form of electronic data retrieval or electronic data communication
45 on an electronic communication device;

46 (5) Manually enter letters, numbers, or symbols into any website, search engine, or
47 application on an electronic communication device;

48 (6) Watch a video or movie on an electronic communication device, other than
49 watching data related to the navigation of the vehicle; or

50 (7) Record, post, send, or broadcast video, including a video conference, on an
51 electronic communication device, provided that this prohibition shall not apply to electronic
52 devices used for the sole purpose of continually monitoring operator behavior by recording or
53 broadcasting video within or outside the vehicle.

54 4. The operator of a school bus shall not use or operate an electronic communication
55 device while the school bus is in motion unless the device is being used in a similar manner as
56 a two-way radio to allow live communication between the operator and school officials or

57 public safety officials. The operator of a school bus shall not use or operate an electronic
58 communication device or a two-way radio while loading or unloading passengers.

59 5. This section shall not apply to:

60 (1) Law enforcement officers or operators of emergency vehicles, as such term is
61 defined in section 304.022, who are both using the electronic communication device and
62 operating the emergency vehicle in the performance of their official duties;

63 (2) Operators using an electronic communication device for the sole purpose of
64 reporting an emergency situation and continuing communication with emergency personnel
65 during the emergency situation;

66 (3) Operators of noncommercial motor vehicles using an electronic communication
67 device solely through a voice-operated or hands-free feature or function;

68 (4) Operators of commercial motor vehicles using a voice-operated or hands-free
69 feature or function, as long as the operator remains seated and is restrained by a seat belt as
70 required by law;

71 (5) Operators of commercial motor vehicles reading a message displayed on a
72 permanently installed communication device designed for a commercial motor vehicle with a
73 screen that does not exceed ten inches tall by ten inches wide in size;

74 (6) Operators using electronic communication devices while the vehicle is lawfully
75 stopped or parked;

76 (7) Commercial motor vehicles that are responding to a request for roadside
77 assistance, when such response is conducted by a motor club as defined in section 385.450 or
78 a towing company as defined in section 304.001;

79 (8) The use of an electronic communication device to relay information between a
80 transit or for-hire vehicle operator and that operator's dispatcher, provided the device is
81 mounted or affixed to the vehicle;

82 (9) The use of an electronic communication device to access or view a map for
83 navigational purposes;

84 (10) The use of an electronic communication device to access or listen to an audio
85 broadcast or digital audio recording; or

86 (11) The use of an electronic communication device to relay information through a
87 transportation network company's digital network to a transportation network company
88 driver, provided the device is mounted or affixed to the vehicle.

89 6. (1) Except as otherwise provided in this subsection, violation of this section shall
90 be an infraction. Penalties for violations of this section shall be as provided in this
91 subsection. Prior convictions shall be pleaded and proven in the same manner as required
92 under section 558.021.

93 (2) For a conviction under this section where there is no prior conviction under this
94 section within the preceding twenty-four months, the court shall impose a fine of up to one
95 hundred fifty dollars.

96 (3) For a conviction under this section where there is one prior conviction under this
97 section within the preceding twenty-four months, the court shall impose a fine of up to two
98 hundred fifty dollars.

99 (4) For a conviction under this section where there are two or more prior convictions
100 under this section in the preceding twenty-four months, the court shall impose a fine of up to
101 five hundred dollars.

102 (5) For a conviction under this section where the violation occurred in a work zone
103 when workers are present, as such terms are defined in section 304.580, or for a conviction
104 under this section where the violation occurred in an area designated as a school zone and
105 marked in any way that would alert a reasonably prudent operator to the presence of the
106 school zone, the court shall impose a fine of up to five hundred dollars.

107 (6) A violation of this section that is the proximate cause of damage to property in
108 excess of five thousand dollars shall be a class D misdemeanor.

109 (7) A violation of this section that is the proximate cause of serious physical injury to
110 another person shall be a class B misdemeanor.

111 (8) A violation of this section that is the proximate cause of the death of another
112 person shall be a class D felony.

113 (9) A violation of this section while operating a commercial motor vehicle shall be
114 deemed a serious traffic violation, as such term is defined in section 302.700, for purposes of
115 commercial driver's license disqualification under section 302.755.

116 7. A law enforcement officer who stops a noncommercial motor vehicle for a
117 violation of this section shall inform the operator of the operator's right to decline a search of
118 their electronic communication device. No warrant shall be issued to confiscate or access an
119 electronic communication device based on a violation of this section unless the violation
120 results in serious bodily injury or death.

121 8. A violation of this section shall not be used to establish probable cause for any
122 other violation.

123 9. The provisions of this section shall be subject to the reporting requirements set
124 forth in section 590.650.

125 10. ~~[The state preempts the field of regulating the use of electronic communication~~
126 ~~devices by the operators of commercial and noncommercial motor vehicles. The provisions~~
127 ~~of this section shall supersede any local laws, ordinances, orders, rules, or regulations enacted~~
128 ~~by a county, municipality, or other political subdivision to regulate the use of electronic~~
129 ~~communication devices by the operator of a commercial or noncommercial motor vehicle]~~

130 **The provisions of this section preempt any local law, ordinance, or regulation that**
131 **conflicts with this section. Notwithstanding any other provision of law, political**
132 **subdivisions of this state shall not enact or enforce any ordinance or other local law or**
133 **regulation that conflicts with or is preempted by this section.**

134 11. Prior to January 1, 2025, a law enforcement officer who stops a noncommercial
135 motor vehicle for a violation of this section shall not issue a citation for a violation of this
136 section and shall only issue a warning.

137 12. No person shall be stopped, inspected, or detained solely for a violation of this
138 section.

304.1020. 1. As used in this section, "hospital zone" means any area upon or
2 **around any highway as defined in section 302.010 that is visibly marked by a sign**
3 **erected by a county or municipality as an area where hospital-related activities are**
4 **occurring. The term "hospital" shall be as defined in section 190.100.**

5 2. Any county or municipality that elects to establish a hospital zone designation
6 for streets surrounding a hospital may erect signs upon or around the hospital zone that
7 are clearly visible from the highway and clearly identify the boundaries of the hospital
8 zone. Prior to establishing a hospital zone, the county or municipality shall be
9 responsible for determining the boundaries of the zone and shall assume responsibility
10 for all costs associated with establishing the hospital zone. Notwithstanding any
11 provision of law to the contrary, the maximum speed limit within any designated
12 hospital zone shall be thirty miles per hour.

13 3. Upon a conviction or a plea of guilty by any person for a moving violation as
14 defined in section 302.010, or any offense listed in section 302.302, the court may double
15 the amount of fine authorized to be imposed by law if the offense occurred within a
16 hospital zone.

17 4. Upon a conviction or a plea of guilty by any person for a speeding violation
18 under section 304.009 or 304.010, the court may double the amount of fine authorized to
19 be imposed by law if the offense occurred within a hospital zone. However, no person
20 assessed an additional fine under this subsection shall also be assessed an additional fine
21 under subsection 3 of this section.

22 5. The penalty authorized under subsections 3 and 4 of this section shall be
23 assessed by the court only if the county or municipality has erected signs upon or
24 around a hospital zone that are clearly visible from the highway and state substantially
25 the following message: "Hospital Zone – Fines Doubled".

26 6. The provisions of this section shall not be construed to enhance the assessment
27 of court costs or the assessment of points under section 302.302.

2 **304.1023. 1. A person shall be deemed to commit the offense of endangerment of**
3 **a pedestrian in a hospital zone upon conviction for any of the following when the offense**
4 **occurs within a hospital zone, as defined in section 304.1020:**

5 **(1) Exceeding the posted speed limit by fifteen miles per hour or more; or**

6 **(2) Committing any of the following offenses for which points may be assessed**
7 **under section 302.302:**

8 **(a) Leaving the scene of an accident in violation of section 577.060;**

9 **(b) Careless and imprudent driving in violation of subsection 4 of section**
10 **304.016;**

11 **(c) Operating without a valid license in violation of subdivision (1) or (2) of**
12 **subsection 1 of section 302.020;**

13 **(d) Operating with a suspended or revoked license;**

14 **(e) Driving while in an intoxicated condition or under the influence of controlled**
15 **substances or drugs or driving with an excessive blood alcohol content; or**

16 **(f) Any felony involving the use of a motor vehicle.**

17 **2. Upon conviction or a plea of guilty for committing the offense of**
18 **endangerment of a pedestrian in a hospital zone under subsection 1 of this section, if**
19 **no injury or death to a pedestrian resulted from the offense, the person shall be subject**
20 **to a fine of not more than five hundred dollars and shall have four points assessed to his**
21 **or her driver's license under section 302.302 in addition to any other penalty authorized**
22 **by law.**

23 **3. A person shall be deemed to commit the offense of aggravated endangerment**
24 **of a pedestrian in a hospital zone upon conviction or a plea of guilty for any offense**
25 **under subsection 1 of this section when such offense occurs in a hospital zone as defined**
26 **in section 304.1020 and results in the injury or death of a pedestrian. Upon conviction**
27 **or a plea of guilty for committing the offense of aggravated endangerment of a**
28 **pedestrian in a hospital zone, in addition to any other penalty authorized by law, the**
29 **person shall be subject to a fine of not more than five thousand dollars if the offense**
30 **resulted in an injury to a pedestrian and ten thousand dollars if the offense resulted in**
31 **death of a pedestrian. In addition, such person shall have twelve points assessed to their**
32 **driver's license under section 302.302 and shall be subject to the provisions of section**
33 **302.304 regarding the revocation of the person's license and driving privileges.**

34 **4. No person shall be cited or convicted for endangerment of a pedestrian in a**
35 **hospital zone or aggravated endangerment of a pedestrian in a hospital zone for any act**
36 **or omission otherwise constituting an offense under subsection 1 of this section if such**
37 **act or omission resulted in whole or in part from mechanical failure of the person's**
38 **vehicle or from the negligence of the pedestrian.**

38 **5. (1) Notwithstanding any provision of this section or any other law to the**
39 **contrary, the director of the department of revenue or his or her agent shall order the**
40 **revocation of a driver's license upon the director's determination that an individual**
41 **holding such license was involved in a physical accident where his or her negligent acts**
42 **or omissions contributed to his or her vehicle striking a pedestrian within a designated**
43 **hospital zone where notice and signage were properly implemented. The department**
44 **shall make its determination of these facts on the basis of the report of a law**
45 **enforcement officer investigating the incident and this determination shall be final**
46 **unless a hearing is requested and held as provided under subdivision (2) of this**
47 **subsection. Upon its determination that the facts support a license revocation, the**
48 **department shall issue a notice of revocation, which shall be mailed to the person at the**
49 **last known address shown on the department's records. The notice is deemed received**
50 **three days after mailing unless returned by postal authorities. The notice of revocation**
51 **shall clearly specify the reason and statutory grounds for the revocation, the effective**
52 **date of the revocation, which shall be at least fifteen days from the date the department**
53 **issued its order, the right of the person to request a hearing, and the date by which the**
54 **request for a hearing must be made.**

55 **(2) An individual who received notice of revocation from the department under**
56 **this section may seek reinstatement by either:**

57 **(a) Taking and passing the written and driving portions of the driver's license**
58 **examination, in which case the individual's driver's license shall be immediately**
59 **reinstated; or**

60 **(b) Petitioning for a hearing before a circuit division or associate division of the**
61 **court in the county in which the hospital zone accident occurred. The individual may**
62 **request such court to issue an order staying the revocation until such time as the petition**
63 **for review can be heard. If the court, in its discretion, grants such stay, it shall enter the**
64 **order upon a form prescribed by the director of revenue and shall send a copy of such**
65 **order to the director. Such order shall serve as proof of the privilege to operate a motor**
66 **vehicle in this state, and the director shall maintain possession of the person's license to**
67 **operate a motor vehicle until the termination of any suspension under this subsection.**
68 **The clerk of the court shall notify the prosecuting attorney of the county, and the**
69 **prosecutor shall appear at the hearing on behalf of the director of revenue. At the**
70 **hearing, the court shall determine only:**

71 **a. Whether the person was involved in a physical accident where his or her**
72 **vehicle struck a pedestrian within a designated hospital zone;**

73 **b. Whether guidelines involving notice and signage were properly implemented**
74 **in such hospital zone; and**

75 **c. Whether the investigating officer had probable cause to believe the person's**
76 **negligent acts or omissions contributed to his or her vehicle striking a pedestrian.**

77

78 **If the court determines subparagraph a., b., or c. of this paragraph not to be in the**
79 **affirmative, the court shall order the director to reinstate the license or permit to drive.**

80 **(3) The department of revenue administrative adjudication to reinstate a**
81 **driver's license that was revoked under this subsection, and any evidence provided to**
82 **the department related to such adjudication, shall not be produced by subpoena or any**
83 **other means and made available as evidence in any other administrative action, civil**
84 **case, or criminal prosecution. The court's determinations issued under this section, and**
85 **the evidence provided to the court relating to such determinations, shall not be**
86 **produced by subpoena or any other means and made available in any other**
87 **administrative action, civil case, or criminal prosecution. Nothing in this subdivision**
88 **shall be construed to prevent the department from providing information to the system**
89 **authorized under 49 U.S.C. Section 31309, or any successor federal law, pertaining to**
90 **the licensure, identification, and disqualification of operators of commercial motor**
91 **vehicles.**

✓