

SECOND REGULAR SESSION

HOUSE BILL NO. 2753

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WARWICK.

6344H.01I

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 302.302, RSMo, and to enact in lieu thereof three new sections relating to hospital zones, with penalty provisions.

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

Section A. Section 302.302, RSMo, is repealed and three new sections enacted in lieu 2 thereof, to be known as sections 302.302, 304.1020, and 304.1023, to read as follows:

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

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.

17	(4)	Careless and imprudent driving in violation of subsection 4 of section 304.016	4 points
18		In violation of a county or municipal ordinance	2 points
19	(5)	Operating without a valid license in violation of subdivision (1) or (2) of subsection 1 of section 302.020:	
20		(a) For the first conviction	2 points
21		(b) For the second conviction	4 points
22		(c) For the third conviction	6 points
23	(6)	Operating with a suspended or revoked license prior to restoration of operating privileges	12 points
24	(7)	Obtaining a license by misrepresentation	12 points
25	(8)	For the first conviction of driving while in an intoxicated condition or under the influence of controlled substances or drugs	8 points
26	(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
27	(10)	For the first conviction for driving with blood alcohol content eight-hundredths of one percent or more by weight	
28		In violation of state law	8 points
29		In violation of a county or municipal ordinance or federal law or regulation	8 points
30	(11)	Any felony involving the use of a motor vehicle	12 points
31	(12)	Knowingly permitting unlicensed operator to operate a motor vehicle	4 points
32	(13)	For a conviction for failure to maintain financial responsibility pursuant to county or municipal ordinance or pursuant to section 303.025	4 points
33	(14)	Endangerment of a highway worker in violation of section 304.585	4 points

52	(15)	Aggravated endangerment of a highway worker in violation of section 304.585	12 points
53	(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
54	(17)	Endangerment of an emergency responder in violation of section 304.894	4 points
55	(18)	Aggravated endangerment of an emergency responder in violation of section 304.894	12 points
56	(19)	Endangerment of a pedestrian in a hospital zone in violation of section 304.1023	4 points
57	(20)	Aggravated endangerment of a pedestrian in a hospital zone in violation of section 304.1023	12 points

68 2. The director shall, as provided in subdivision (5) of subsection 1 of this section, 69 assess an operator points for a conviction pursuant to subdivision (1) or (2) of subsection 1 of 70 section 302.020, when the director issues such operator a license or permit pursuant to the 71 provisions of sections 302.010 to 302.340.

72 3. An additional two points shall be assessed when personal injury or property 73 damage results from any violation listed in subdivisions (1) to (13) of subsection 1 of this 74 section and if found to be warranted and certified by the reporting court.

75 4. When any of the acts listed in subdivision (2), (3), (4) or (8) of subsection 1 of this 76 section constitutes both a violation of a state law and a violation of a county or municipal 77 ordinance, points may be assessed for either violation but not for both. Notwithstanding that 78 an offense arising out of the same occurrence could be construed to be a violation of 79 subdivisions (8), (9) and (10) of subsection 1 of this section, no person shall be tried or 80 convicted for more than one offense pursuant to subdivisions (8), (9) and (10) of subsection 1 81 of this section for offenses arising out of the same occurrence.

82 5. The director of revenue shall put into effect a system for staying the assessment of 83 points against an operator. The system shall provide that the satisfactory completion of a 84 driver-improvement program or, in the case of violations committed while operating a 85 motorcycle, a motorcycle-rider training course approved by the state highways and 86 transportation commission, by an operator, when so ordered and verified by any court 87 having jurisdiction over any law of this state or county or municipal ordinance, regulating

88 motor vehicles, other than a violation committed in a commercial motor vehicle as defined in
89 section 302.700 or a violation committed by an individual who has been issued a commercial
90 driver's license or is required to obtain a commercial driver's license in this state or any other
91 state, shall be accepted by the director in lieu of the assessment of points for a violation
92 pursuant to subdivision (1), (2) or (4) of subsection 1 of this section or pursuant to subsection
93 3 of this section. The operator shall be given the option to complete the driver-improvement
94 program through an online or in-person course. A court using a centralized violation bureau
95 established under section 476.385 may elect to have the bureau order and verify completion
96 of a driver-improvement program or motorcycle-rider training course as prescribed by order
97 of the court. For the purposes of this subsection, the driver-improvement program shall meet
98 or exceed the standards of the National Safety Council's eight-hour "Defensive Driving
99 Course" or, in the case of a violation which occurred during the operation of a motorcycle, the
100 program shall meet the standards established by the state highways and transportation
101 commission pursuant to sections 302.133 to 302.137. The completion of a driver-
102 improvement program or a motorcycle-rider training course shall not be accepted in lieu of
103 points more than one time in any thirty-six-month period and shall be completed within sixty
104 days of the date of conviction in order to be accepted in lieu of the assessment of points.
105 Every court having jurisdiction pursuant to the provisions of this subsection shall, within
106 fifteen days after completion of the driver-improvement program or motorcycle-rider training
107 course by an operator, forward a record of the completion to the director, all other provisions
108 of the law to the contrary notwithstanding. The director shall establish procedures for record
109 keeping and the administration of this subsection.

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.

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

4 (1) Exceeding the posted speed limit by fifteen miles per hour or more; or
5 (2) Committing any of the following offenses for which points may be assessed
6 under section 302.302:

7 (a) Leaving the scene of an accident in violation of section 577.060;
8 (b) Careless and imprudent driving in violation of subsection 4 of section
9 304.016;

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

12 (d) Operating with a suspended or revoked license;

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

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

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

22 3. A person shall be deemed to commit the offense of aggravated endangerment
23 of a pedestrian in a hospital zone upon conviction or a plea of guilty for any offense
24 under subsection 1 of this section when such offense occurs in a hospital zone as defined

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

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