

SECOND REGULAR SESSION

HOUSE BILL NO. 3317

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE GALLICK.

6965H.02I

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 302.304, RSMo, and to enact in lieu thereof three new sections relating to intelligent speed assistance devices, with penalty provisions.

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

Section A. Section 302.304, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 302.304, 302.475, and 302.477, to read as follows:

302.304. 1. The director shall notify by ordinary mail any operator of the point value charged against the operator's record when the record shows four or more points have been accumulated in a twelve-month period.

2. In an action to suspend or revoke a license or driving privilege under this section points shall be accumulated on the date of conviction. No case file of any conviction for a driving violation for which points may be assessed pursuant to section 302.302 may be closed until such time as a copy of the record of such conviction is forwarded to the department of revenue.

3. The director shall suspend the license and driving privileges of any person whose driving record shows the driver has accumulated eight points in eighteen months.

4. The license and driving privilege of any person whose license and driving privilege have been suspended under the provisions of sections 302.010 to 302.540 except those persons whose license and driving privilege have been suspended under the provisions of subdivision (8) of subsection 1 of section 302.302 or has accumulated sufficient points together with a conviction under subdivision (10) of subsection 1 of section 302.302 and who has filed proof of financial responsibility with the department of revenue, in accordance with chapter 303, and is otherwise eligible, shall be reinstated as follows:

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.

18 (1) In the case of an initial suspension, thirty days after the effective date of the
19 suspension;

20 (2) In the case of a second suspension, sixty days after the effective date of the
21 suspension;

22 (3) In the case of the third and subsequent suspensions, ninety days after the effective
23 date of the suspension.

24

25 Unless proof of financial responsibility is filed with the department of revenue, a suspension
26 shall continue in effect for two years from its effective date.

27 5. The period of suspension of the driver's license and driving privilege of any person
28 under the provisions of subdivision (8) of subsection 1 of section 302.302 or who has
29 accumulated sufficient points together with a conviction under subdivision (10) of subsection
30 1 of section 302.302 shall be thirty days, followed by a sixty-day period of restricted driving
31 privilege as defined in section 302.010. Upon completion of such period of restricted driving
32 privilege, upon compliance with other requirements of law and upon filing of proof of
33 financial responsibility with the department of revenue, in accordance with chapter 303, the
34 license and driving privilege shall be reinstated. If a person, otherwise subject to the
35 provisions of this subsection, files proof of installation with the department of revenue that
36 any vehicle operated by such person is equipped with a functioning, certified ignition
37 interlock device, there shall be no period of suspension. However, in lieu of a suspension the
38 person shall instead complete a ninety-day period of restricted driving privilege. If the person
39 fails to maintain such proof of the device with the director of revenue as required, the
40 restricted driving privilege shall be terminated. Upon completion of such ninety-day period
41 of restricted driving privilege, upon compliance with other requirements of law, and upon
42 filing of proof of financial responsibility with the department of revenue, in accordance with
43 chapter 303, the license and driving privilege shall be reinstated. However, if the monthly
44 monitoring reports during such ninety-day period indicate that the ignition interlock device
45 has registered a confirmed blood alcohol concentration level above the alcohol setpoint
46 established by the department of transportation or such reports indicate that the ignition
47 interlock device has been tampered with or circumvented, then the license and driving
48 privilege of such person shall not be reinstated until the person completes an additional thirty-
49 day period of restricted driving privilege.

50 6. If the person fails to maintain proof of financial responsibility in accordance with
51 chapter 303, or, if applicable, if the person fails to maintain proof that any vehicle operated is
52 equipped with a functioning, certified ignition interlock device installed pursuant to
53 subsection 5 of this section, the person's driving privilege and license shall be resuspended.

54 7. (1) The director shall revoke the license and driving privilege of any person when
55 the person's driving record shows such person has accumulated twelve points in twelve
56 months or eighteen points in twenty-four months or twenty-four points in thirty-six months.
57 The revocation period of any person whose license and driving privilege have been revoked
58 under the provisions of sections 302.010 to 302.540 and who has filed proof of financial
59 responsibility with the department of revenue in accordance with chapter 303 and is otherwise
60 eligible, shall be terminated by a notice from the director of revenue after one year from the
61 effective date of the revocation. Unless proof of financial responsibility is filed with the
62 department of revenue, except as provided in subsection 2 of section 302.541, the revocation
63 shall remain in effect for a period of two years from its effective date. If the person fails to
64 maintain proof of financial responsibility in accordance with chapter 303, the person's license
65 and driving privilege shall be rerevoked. Any person whose license and driving privilege
66 have been revoked under the provisions of sections 302.010 to 302.540 shall, upon receipt of
67 the notice of termination of the revocation from the director, pass the complete driver
68 examination and apply for a new license before again operating a motor vehicle upon the
69 highways of this state.

70 (2) **Notwithstanding any provision of law to the contrary, any person whose**
71 **license is revoked as a result of an assessment of points under subdivision (1) of this**
72 **subsection wherein at least forty percent of the accumulated points were for a speeding**
73 **offense may apply to the department to have driving privileges reinstated upon the**
74 **installation of a certified intelligent speed assistance device as provided under section**
75 **302.475. Such device shall be maintained on all motor vehicles operated by the person**
76 **for a period of not less than twelve months following the date of reinstatement.**

77 8. If, prior to conviction for an offense that would require suspension or revocation of
78 a person's license under the provisions of this section, the person's total points accumulated
79 are reduced, pursuant to the provisions of section 302.306, below the number of points
80 required for suspension or revocation pursuant to the provisions of this section, then the
81 person's license shall not be suspended or revoked until the necessary points are again
82 obtained and accumulated.

83 9. If any person shall neglect or refuse to surrender the person's license, as provided
84 herein, the director shall direct the state highway patrol or any peace or police officer to
85 secure possession thereof and return it to the director.

86 10. Upon the issuance of a reinstatement or termination notice after a suspension or
87 revocation of any person's license and driving privilege under the provisions of sections
88 302.010 to 302.540, the accumulated point value shall be reduced to four points, except that
89 the points of any person serving as a member of the Armed Forces of the United States
90 outside the limits of the United States during a period of suspension or revocation shall be

91 reduced to zero upon the date of the reinstatement or termination of notice. It shall be the
92 responsibility of such member of the Armed Forces to submit copies of official orders to the
93 director of revenue to substantiate such overseas service. Any other provision of sections
94 302.010 to 302.540 to the contrary notwithstanding, the effective date of the four points
95 remaining on the record upon reinstatement or termination shall be the date of the
96 reinstatement or termination notice.

97 11. No credit toward reduction of points shall be given during periods of suspension
98 or revocation or any period of driving under a limited driving privilege granted by a court or
99 the director of revenue.

100 12. Any person or nonresident whose license or privilege to operate a motor vehicle
101 in this state has been suspended or revoked under this or any other law shall, before having
102 the license or privilege to operate a motor vehicle reinstated, pay to the director a
103 reinstatement fee of twenty dollars which shall be in addition to all other fees provided by
104 law.

105 13. Notwithstanding any other provision of law to the contrary, if after two years from
106 the effective date of any suspension or revocation issued under this chapter, except any
107 suspension or revocation issued under section 302.410, 302.462, or 302.574, the person or
108 nonresident has not paid the reinstatement fee of twenty dollars, the director shall reinstate
109 such license or privilege to operate a motor vehicle in this state. Any person who has had his
110 or her license suspended or revoked under section 302.410, 302.462, or 302.574, shall be
111 required to pay the reinstatement fee.

112 14. No person who has had a license to operate a motor vehicle suspended or revoked
113 as a result of an assessment of points for a violation under subdivision (8), (9) or (10) of
114 subsection 1 of section 302.302 shall have that license reinstated until such person has
115 participated in and successfully completed a substance abuse traffic offender program defined
116 in section 302.010, or a program determined to be comparable by the department of mental
117 health. Assignment recommendations, based upon the needs assessment as described in
118 subdivision (24) of section 302.010, shall be delivered in writing to the person with written
119 notice that the person is entitled to have such assignment recommendations reviewed by the
120 court if the person objects to the recommendations. The person may file a motion in the
121 associate division of the circuit court of the county in which such assignment was given, on a
122 printed form provided by the state courts administrator, to have the court hear and determine
123 such motion pursuant to the provisions of chapter 517. The motion shall name the person or
124 entity making the needs assessment as the respondent and a copy of the motion shall be
125 served upon the respondent in any manner allowed by law. Upon hearing the motion, the
126 court may modify or waive any assignment recommendation that the court determines to be
127 unwarranted based upon a review of the needs assessment, the person's driving record, the

128 circumstances surrounding the offense, and the likelihood of the person committing a like
129 offense in the future, except that the court may modify but may not waive the assignment to
130 an education or rehabilitation program of a person determined to be a prior or persistent
131 offender as defined in section 577.001 or of a person determined to have operated a motor
132 vehicle with fifteen-hundredths of one percent or more by weight in such person's blood.
133 Compliance with the court determination of the motion shall satisfy the provisions of this
134 section for the purpose of reinstating such person's license to operate a motor vehicle. The
135 respondent's personal appearance at any hearing conducted pursuant to this subsection shall
136 not be necessary unless directed by the court.

137 15. The fees for the program authorized in subsection 14 of this section, or a portion
138 thereof to be determined by the department of mental health, shall be paid by the person
139 enrolled in the program. Any person who is enrolled in the program shall pay, in addition to
140 any fee charged for the program, a supplemental fee in an amount to be determined by the
141 department of mental health for the purposes of funding the substance abuse traffic offender
142 program defined in section 302.010 or a program determined to be comparable by the
143 department of mental health. The administrator of the program shall remit to the division of
144 alcohol and drug abuse of the department of mental health on or before the fifteenth day of
145 each month the supplemental fee for all persons enrolled in the program, less two percent for
146 administrative costs. Interest shall be charged on any unpaid balance of the supplemental fees
147 due the division of alcohol and drug abuse pursuant to this section and shall accrue at a rate
148 not to exceed the annual rate established pursuant to the provisions of section 32.065, plus
149 three percentage points. The supplemental fees and any interest received by the department
150 of mental health pursuant to this section shall be deposited in the mental health earnings fund
151 which is created in section 630.053.

152 16. Any administrator who fails to remit to the division of alcohol and drug abuse of
153 the department of mental health the supplemental fees and interest for all persons enrolled in
154 the program pursuant to this section shall be subject to a penalty equal to the amount of
155 interest accrued on the supplemental fees due the division pursuant to this section. If the
156 supplemental fees, interest, and penalties are not remitted to the division of alcohol and drug
157 abuse of the department of mental health within six months of the due date, the attorney
158 general of the state of Missouri shall initiate appropriate action of the collection of said fees
159 and interest accrued. The court shall assess attorney fees and court costs against any
160 delinquent program.

161 17. Any person who has had a license to operate a motor vehicle suspended or
162 revoked as a result of an assessment of points for a conviction for an intoxication-related
163 traffic offense as defined under section 577.001, and who has a prior alcohol-related
164 enforcement contact as defined under section 302.525, shall be required to file proof with the

165 director of revenue that any motor vehicle operated by the person is equipped with a
166 functioning, certified ignition interlock device as a required condition of reinstatement of the
167 license. The ignition interlock device shall further be required to be maintained on all motor
168 vehicles operated by the person for a period of not less than six months immediately
169 following the date of reinstatement. If the monthly monitoring reports show that the ignition
170 interlock device has registered any confirmed blood alcohol concentration readings above the
171 alcohol setpoint established by the department of transportation or that the person has
172 tampered with or circumvented the ignition interlock device within the last three months of
173 the six-month period of required installation of the ignition interlock device, then the period
174 for which the person must maintain the ignition interlock device following the date of
175 reinstatement shall be extended until the person has completed three consecutive months with
176 no violations as described in this section. If the person fails to maintain such proof with the
177 director, the license shall be resuspended or revoked and the person shall be guilty of a class
178 A misdemeanor.

302.475. 1. For purposes of this section, the following terms mean:

2 (1) "Department", the department of revenue;

3 (2) "Eligible offender", a person whose driver's license was revoked for an
4 accumulation of points as provided under subsection 7 of section 302.304 wherein at
5 least forty percent of such points were for a speeding offense;

6 (3) "Intelligent speed assistance device", an aftermarket device that uses a global
7 positioning system to actively limit a motor vehicle's speed to posted speed limits.
8 Intelligent speed assistance devices shall be tamper resistant and capable of reporting
9 attempts to disable or circumvent functionality. The term does not include any
10 technology that is provided by a motor vehicle manufacturer as a component of a new
11 motor vehicle and that controls or affects the speed of a motor vehicle.

12 2. An eligible offender may apply to the department for reinstatement of his or
13 her driver's license conditioned upon the installation of a certified functioning
14 intelligent speed assistance device in each motor vehicle operated by such person.
15 Upon approval by the department and conditional reinstatement of the eligible
16 offender's driver's license, the intelligent speed assistance device shall be maintained on
17 all motor vehicles operated by such person for a period not less than twelve months
18 immediately following the date of license reinstatement. A person's driving privileges
19 shall be revoked for a period of one year if:

20 (1) The monthly monitoring reports show that the person has tampered with or
21 circumvented the intelligent speed assistance device;

22 (2) The person fails to maintain proof with the director that such device is in use
23 on all motor vehicles operated by such person; or

24 **(3) The person is convicted of speeding while operating a vehicle that is not**
25 **equipped with an intelligent speed assistance device.**

26 **3. If a person's driver's license is revoked a second time under the provisions of**
27 **subsection 7 of section 302.304 for point accumulation based on any offense committed**
28 **during the time frame that he or she is utilizing an intelligent speed assistance device**
29 **under this section, any reinstatement of driving privileges shall be contingent upon the**
30 **person utilizing an intelligent speed assistance device for an additional year after the**
31 **end of the initial one-year revocation period.**

32 **4. A motor vehicle manufacturer, distributor, or retailer shall not be held liable**
33 **for any loss, injury, or damages caused by the design, manufacture, installation,**
34 **improper installation, use, or misuse of an aftermarket intelligent speed assistance**
35 **device. However, liability shall exist if the motor vehicle manufacturer, distributor, or**
36 **retailer knowingly engages in a repair of or an update to the intelligent speed assistance**
37 **device and such repair or update proximately causes loss, injury, or damage.**

38 **5. The department may promulgate all necessary rules and regulations for the**
39 **administration of this section. Any rule or portion of a rule, as that term is defined in**
40 **section 536.010, that is created under the authority delegated in this section shall**
41 **become effective only if it complies with and is subject to all of the provisions of chapter**
42 **536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable**
43 **and if any of the powers vested with the general assembly pursuant to chapter 536 to**
44 **review, to delay the effective date, or to disapprove and annul a rule are subsequently**
45 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
46 **adopted after August 28, 2026, shall be invalid and void.**

302.477. 1. The state highways and transportation commission shall certify or
2 **cause to be certified intelligent speed assistance devices qualifying under the provisions**
3 **of section 302.475 and publish a list of approved devices.**

4 **2. The commission shall adopt guidelines for the proper use of the intelligent**
5 **speed assistance devices in full compliance with section 302.475.**

6 **3. The commission shall use information from an independent agency to certify**
7 **intelligent speed assistance devices on or off the premises of the manufacturer in**
8 **accordance with the guidelines. The cost of certification shall be borne by the**
9 **manufacturers of intelligent speed assistance devices. In certifying the devices, those**
10 **which do not impede the safe operation of the vehicle and which have the fewest**
11 **opportunities to be bypassed so as to render section 302.475 ineffective shall be certified.**

12 **4. No model of intelligent speed assistance device shall be certified unless it meets**
13 **the accuracy requirements specified by the guidelines of the commission.**

14 **5. Before certifying any device, the commission shall consult with the National**
15 **Highway Traffic Safety Administration regarding the use of intelligent speed assistance**
16 **devices.**

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