HCS SS SCS SB 1087 -- Driving Privileges

SPONSOR: Nicola

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Special Committee on Intergovernmental Affairs by a vote of 9 to 2. Voted "Do Pass" by the Standing Committee on Rules-Administrative by a vote of 7 to 2.

The following is a summary of the House Committee Substitute for SB 1087.

Currently, an application for a limited driving privilege must include a person's reasons for requesting the privilege. A court or the Department of Revenue (DOR) may grant the privilege after finding an operator is required to operate a motor vehicle in connection with specified activities.

The bill specifies that the application must include a person's specific and necessary reasons, including the times, routes, and purposes of the proposed travel. The bill specifies that the burden of demonstrating that the driving privilege is necessary for a required activity is on the operator. The bill also adds two new activities which may be considered required by the court or DOR:

(1) Attending a place of worship; and

(2) Traveling to and from essential businesses including, but not limited to, grocery stores, supermarkets, hardware stores, convenience and discount stores, pharmacies, post offices and other shipping outlets, and gas stations.

This bill provides that the court or DOR has the authority to grant the request for limited driving privileges under restrictions they deem necessary, including restrictions as to routes, schedules, geographic limitations, or other conditions deemed necessary to ensure the operator's safe and limited operation of a motor vehicle. The court or DOR will retain authority to revoke or modify any grant of a limited driving privilege upon a showing that continued operation of a motor vehicle by the operator would endanger other motorists or violate any term or condition imposed by the court or DOR.

Currently, a Missouri resident who has been charged with a moving traffic violation that fails to pay the associated fine and court costs or appear in court is notified by the court within ten days

that the court will order DOR to suspend their driver's license if the charges are not disposed of and fully paid within thirty days from the date of mailing. If the resident fails to dispose of the charges and fully pay any applicable fines and court costs within 30 days, the court must notify DOR and DOR must immediately suspend the license of the resident and provide notice to the resident that they have done so. The driving privileges of the resident are restored either upon request of the court or proof by the resident that their charges have been resolved and any fines and court costs have been disposed of. This process does not apply to minor traffic violations.

This bill provides a similar process that minor traffic violations, which do not include parking, standing, or stopping violations.

The bill requires that if a Missouri resident charged with a minor traffic violation of the State or any county or municipality fails to dispose of the charges through authorized prepayment of fine and court costs and fails to appear on two return dates, or without good cause fails to pay any fine or court costs assessed against the resident for any such violation within the time specified or in installments approved by the court, any court having jurisdiction over the charges must, within ten days of the failure to comply, inform the defendant by mail that the court can order DOR to suspend their driving privileges if the charges are not disposed of and fully paid within 30 days from the date of mailing. If the resident fails to dispose of the charges and fully pay applicable fines and court costs, the court may notify DOR of the failure and of pending charges against the resident. Upon receiving this notification, DOR must provide notice to the resident, and, 33 days after mailing notice to the resident, DOR must suspend the driving privileges of the resident. The suspension will remain in effect until the court requests setting aside the noncompliance suspension pending final disposition or satisfactory evidence of disposition of pending charges and payment of fine and court costs, if applicable, is furnished to DOR. The filing of financial responsibility with DOR must not be required as a condition of reinstatement of a driver's license suspended solely under the provisions of this subsection.

The provisions of the preceding paragraph must not be applied retroactively.

The bill contains a delayed effective date of January 1, 2027.

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

PROPONENTS: Supporters say that public safety and supporting law enforcement are important. Monetary penalties being used to impose fear is wrong. This bill does not undo court reform or institute new fines. It respects the rights of the public and respects law enforcement. This bill updates limited driving privileges in common sense ways to allow access to religious institutions and important businesses. The bill maintains accountability and gives courts necessary discretion. We don't have a compliance mechanism in place, and we need a better path forward. People have stopped appearing for many hearings. Warrants are only effective if there's an opportunity to have a police interaction. People comply more often when issued a license suspension, and that tool has been removed from the court's toolbox. This cleans up unintended consequences of prior reform legislation. Police do not have the staffing, and therefore don't have the time, to knock on doors and execute all of the warrants that exist for failing to appear in court on traffic tickets.

Testifying in person for the bill were Senator Nicola; City of Springfield; Municipal League of Metro St. Louis; Missouri Municipal League; Michelle Sumstad, City of Independence Police; Jeff Chapple, O'fallon Municipal Courts; and John Mayfield, City of Independence.

OPPONENTS: Those who oppose the bill say that this brings back issues addressed by previous legislation where municipalities were deriving large portions of their revenue from traffic fines. Online church services can be attended by those with limited driving privileges. It's ludicrous to remove consequences, accountability, and responsibility for people on limited driving privileges. We should draw the line at driving under the influence. This is overreaching and a cash cow bill. The court system can be cruel and unforgiving, and this bill exacerbates the problem.

Testifying in person against the bill was Arnie Dienoff.

Written testimony has been submitted for this bill. The full written testimony and witnesses testifying online can be found under Testimony on the bill page on the House website.