

SECOND REGULAR SESSION

HOUSE BILL NO. 2007

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HAFFNER.

3684H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 302.309 and 302.341, RSMo, and to enact in lieu thereof two new sections relating to driver's licenses.

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

Section A. Sections 302.309 and 302.341, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 302.309 and 302.341, to read as follows:

302.309. 1. Whenever any license is suspended pursuant to sections 302.302 to
2 302.309, the director of revenue shall return the license to the operator immediately upon the
3 termination of the period of suspension and upon compliance with the requirements of
4 chapter 303.

5 2. Any operator whose license is revoked pursuant to ~~[these sections]~~ **sections**
6 **302.302 to 302.309**, upon the termination of the period of revocation, shall apply for a new
7 license in the manner prescribed by law.

8 3. (1) All circuit courts, the director of revenue, or a commissioner operating under
9 section 478.007 shall have jurisdiction to hear applications and make eligibility
10 determinations granting limited driving privileges, except as provided under subdivision
11 (8) of this subsection. Any application may be made in writing to the director of revenue and
12 the person's reasons for requesting the limited driving privilege shall be made therein.

13 (2) When any court of record having jurisdiction or the director of revenue finds that
14 an operator is required to operate a motor vehicle in connection with any of the following:

- 15 (a) A business, occupation, or employment;
16 (b) Seeking medical treatment for such operator;
17 (c) Attending school or other institution of higher education;

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 (d) Attending alcohol- or drug-treatment programs;
- 19 (e) Seeking the required services of a certified ignition interlock device provider; ~~[or]~~
- 20 (f) **Attending a place of worship;**
- 21 (g) **Traveling to and from essential businesses including, but not limited to,**
- 22 **grocery stores, supermarkets, hardware stores, convenience and discount stores,**
- 23 **pharmacies, post offices and other shipping outlets, and gas stations; or**
- 24 (h) Any other circumstance the court or director finds would create an undue hardship
- 25 on the operator,

26

27 the court or director may grant such limited driving privilege as the circumstances of the case

28 justify if the court or director finds undue hardship would result to the individual, and while

29 so operating a motor vehicle within the restrictions and limitations of the limited driving

30 privilege the driver shall not be guilty of operating a motor vehicle without a valid license.

31 (3) An operator may make application to the proper court in the county in which such

32 operator resides or in the county in which is located the operator's principal place of business

33 or employment. Any application for a limited driving privilege made to a circuit court shall

34 name the director as a party defendant and shall be served upon the director prior to the grant

35 of any limited privilege, and shall be accompanied by a copy of the applicant's driving record

36 as certified by the director. Any applicant for a limited driving privilege shall have on file

37 with the department of revenue proof of financial responsibility as required by chapter 303.

38 Any application by a person who transports persons or property as classified in section

39 302.015 may be accompanied by proof of financial responsibility as required by chapter 303,

40 but if proof of financial responsibility does not accompany the application, or if the applicant

41 does not have on file with the department of revenue proof of financial responsibility, the

42 court or the director has discretion to grant the limited driving privilege to the person solely

43 for the purpose of operating a vehicle whose owner has complied with chapter 303 for that

44 vehicle, and the limited driving privilege must state such restriction. When operating such

45 vehicle under such restriction the person shall carry proof that the owner has complied with

46 chapter 303 for that vehicle.

47 (4) No limited driving privilege shall be issued to any person otherwise eligible under

48 the provisions of subdivision (6) of this subsection if such person has a license denial under

49 paragraph (a) or (b) of subdivision (8) of this subsection or on a license revocation resulting

50 from a conviction under subdivision (9) of subsection 1 of section 302.302, or a license

51 revocation under subdivision (2) of subsection 2 of section 302.525, or section 302.574 or

52 577.041, until the applicant has filed proof with the department of revenue that any motor

53 vehicle operated by the person is equipped with a functioning, certified ignition interlock

54 device as a required condition of limited driving privilege. The ignition interlock device

55 required for obtaining a limited driving privilege under paragraph (a) or (b) of subdivision (8)
56 of this subsection shall have a photo identification technology feature, and a court may
57 require a global positioning system feature for such device.

58 (5) The court order or the director's grant of the limited or restricted driving privilege
59 shall indicate the termination date of the privilege, which shall be not later than the end of the
60 period of suspension or revocation. The court order or the director's grant of the limited or
61 restricted driving privilege shall also indicate whether a functioning, certified ignition
62 interlock device is required as a condition of operating a motor vehicle with the limited
63 driving privilege. A copy of any court order shall be sent by the clerk of the court to the
64 director, and a copy shall be given to the driver which shall be carried by the driver whenever
65 such driver operates a motor vehicle. The director of revenue upon granting a limited driving
66 privilege shall give a copy of the limited driving privilege to the applicant. The applicant
67 shall carry a copy of the limited driving privilege while operating a motor vehicle. A
68 conviction which results in the assessment of points pursuant to section 302.302, other than a
69 violation of a municipal stop sign ordinance where no accident is involved, against a driver
70 who is operating a vehicle pursuant to a limited driving privilege terminates the privilege, as
71 of the date the points are assessed to the person's driving record. If the date of arrest is prior
72 to the issuance of the limited driving privilege, the privilege shall not be terminated. Failure
73 of the driver to maintain proof of financial responsibility, as required by chapter 303, or to
74 maintain proof of installation of a functioning, certified ignition interlock device, as
75 applicable, shall terminate the privilege. The director shall notify by ordinary mail the driver
76 whose privilege is so terminated.

77 (6) Except as provided in subdivision (8) of this subsection, no person is eligible to
78 receive a limited driving privilege whose license at the time of application has been
79 suspended or revoked for the following reasons:

80 (a) A conviction of any felony in the commission of which a motor vehicle was used
81 and such conviction occurred within the five-year period prior to the date of application.
82 However, any felony conviction for leaving the scene of an accident under section 577.060
83 shall not render the applicant ineligible for a limited driving privilege under this section;

84 (b) Ineligibility for a license because of the provisions of subdivision (1), (2), (4), (5),
85 (6), (7), (8), (9), or (10) of subsection 1 of section 302.060; or

86 (c) Due to a suspension pursuant to subdivision (8) or (10) of subsection 1 of section
87 302.302 or subsection 2 of section 302.525.

88 (7) No person who possesses a commercial driver's license shall receive a limited
89 driving privilege issued for the purpose of operating a commercial motor vehicle if such
90 person's driving privilege is suspended, revoked, cancelled, denied, or disqualified. Nothing
91 in this section shall prohibit the issuance of a limited driving privilege for the purpose of

92 operating a noncommercial motor vehicle provided that pursuant to the provisions of this
93 section, the applicant is not otherwise ineligible for a limited driving privilege.

94 (8) (a) Provided that pursuant to the provisions of this section, the applicant is not
95 otherwise ineligible for a limited driving privilege, a circuit court or the director may, in the
96 manner prescribed in this subsection, allow a person who has had such person's license to
97 operate a motor vehicle revoked where that person cannot obtain a new license for a period of
98 ten years, as prescribed in subdivision (9) of subsection 1 of section 302.060, to apply for a
99 limited driving privilege pursuant to this subsection. Such person shall present evidence
100 satisfactory to the court or the director that such person's habits and conduct show that the
101 person no longer poses a threat to the public safety of this state. A circuit court shall grant a
102 limited driving privilege to any individual who otherwise is eligible to receive a limited
103 driving privilege, has filed proof of installation of a certified ignition interlock device, and has
104 had no alcohol-related enforcement contacts since the alcohol-related enforcement contact
105 that resulted in the person's license denial.

106 (b) Provided that pursuant to the provisions of this section, the applicant is not
107 otherwise ineligible for a limited driving privilege or convicted of acting with criminal
108 negligence while driving while intoxicated to cause the death of another person, a circuit
109 court or the director may, in the manner prescribed in this subsection, allow a person who has
110 had such person's license to operate a motor vehicle revoked where that person cannot obtain
111 a new license for a period of five years because of two convictions of driving while
112 intoxicated, as prescribed in subdivision (10) of subsection 1 of section 302.060, to apply for
113 a limited driving privilege pursuant to this subsection. Such person shall present evidence
114 satisfactory to the court or the director that such person's habits and conduct show that the
115 person no longer poses a threat to the public safety of this state. Any person who is denied a
116 license permanently in this state because of an alcohol-related conviction subsequent to a
117 restoration of such person's driving privileges pursuant to subdivision (9) **of subsection 1** of
118 section 302.060 shall not be eligible for limited driving privilege pursuant to the provisions of
119 this subdivision. A circuit court shall grant a limited driving privilege to any individual who
120 otherwise is eligible to receive a limited driving privilege, has filed proof of installation of a
121 certified ignition interlock device, and has had no alcohol-related enforcement contacts since
122 the alcohol-related enforcement contact that resulted in the person's license denial.

123 (9) A DWI docket or court established under section 478.007 may grant a limited
124 driving privilege to a participant in or graduate of the program who would otherwise be
125 ineligible for such privilege under another provision of law.

126 4. Any person who has received notice of denial of a request of limited driving
127 privilege by the director of revenue may make a request for a review of the director's
128 determination in the circuit court of the county in which the person resides or the county in

129 which is located the person's principal place of business or employment within thirty days of
130 the date of mailing of the notice of denial. Such review shall be based upon the records of the
131 department of revenue and other competent evidence and shall be limited to a review of
132 whether the applicant was statutorily entitled to the limited driving privilege.

133 5. The director of revenue shall promulgate rules and regulations necessary to carry
134 out the provisions of this section. Any rule or portion of a rule, as that term is defined in
135 section 536.010, that is created under the authority delegated in this section shall become
136 effective only if it complies with and is subject to all of the provisions of chapter 536 and, if
137 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the
138 powers vested with the general assembly pursuant to chapter 536 to review, to delay the
139 effective date or to disapprove and annul a rule are subsequently held unconstitutional, then
140 the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001,
141 shall be invalid and void.

302.341. 1. If a Missouri resident charged with a moving traffic violation of this state
2 or any county or municipality of this state fails to dispose of the charges of which the resident
3 is accused through authorized prepayment of fine and court costs and fails to appear on the
4 return date or at any subsequent date to which the case has been continued, or without good
5 cause fails to pay any fine or court costs assessed against the resident for any such violation
6 within the period of time specified or in such installments as approved by the court or as
7 otherwise provided by law, any court having jurisdiction over the charges shall within ten
8 days of the failure to comply inform the defendant by ordinary mail at the last address shown
9 on the court records that the court ~~will~~ **may** order the director of revenue to suspend the
10 defendant's driving privileges if the charges are not disposed of and fully paid within thirty
11 days from the date of mailing. Thereafter, if the defendant fails to timely act to dispose of the
12 charges and fully pay any applicable fines and court costs, the court ~~shall~~ **may** notify the
13 director of revenue of such failure and of the pending charges against the defendant. Upon
14 receipt of this notification, the director shall suspend the license of the driver, effective
15 immediately, and provide notice of the suspension to the driver at the last address for the
16 driver shown on the records of the department of revenue. Such suspension shall remain in
17 effect until the court with the subject pending charge requests setting aside the noncompliance
18 suspension pending final disposition, or satisfactory evidence of disposition of pending
19 charges and payment of fine and court costs, if applicable, is furnished to the director by the
20 individual. The filing of financial responsibility with the ~~bureau of safety responsibility,~~
21 department of revenue~~;~~ shall not be required as a condition of reinstatement of a driver's
22 license suspended solely under the provisions of this ~~section~~ **subsection**.

23 2. The provisions of subsection 1 of this section shall not apply to minor traffic
24 violations as defined in section 479.350; **however, minor traffic violations shall be subject**
25 **to subsection 3 of this section.**

26 3. **If a Missouri resident charged with a minor traffic violation of this state or**
27 **any county or municipality of this state fails to dispose of the charges of which the**
28 **resident is accused through authorized prepayment of fine and court costs and fails to**
29 **appear on two return dates, or without good cause fails to pay any fine or court costs**
30 **assessed against the resident for any such violation within the period of time specified or**
31 **in such installments as approved by the court or as otherwise provided by law, any court**
32 **having jurisdiction over the charges shall, within ten days of the failure to comply,**
33 **inform the defendant by ordinary mail at the last address shown on the court records**
34 **that the court may order the director of revenue to suspend the defendant's driving**
35 **privileges if the charges are not disposed of and fully paid within thirty days from the**
36 **date of mailing. Thereafter, if the defendant fails to timely act to dispose of the charges**
37 **and fully pay any applicable fines and court costs, the court may notify the director of**
38 **revenue of such failure and of the pending charges against the defendant. Upon receipt**
39 **of this notification, the director shall suspend the license of the driver, effective**
40 **immediately, and provide notice of the suspension to the driver at the last address for**
41 **the driver shown on the records of the department of revenue. Such suspension shall**
42 **remain in effect until the court with the subject pending charge requests setting aside**
43 **the noncompliance suspension pending final disposition, or satisfactory evidence of**
44 **disposition of pending charges and payment of fine and court costs, if applicable, is**
45 **furnished to the director by the individual. The filing of financial responsibility with the**
46 **department of revenue shall not be required as a condition of reinstatement of a driver's**
47 **license suspended solely under the provisions of this subsection.**

48 4. **Where a defendant is charged exclusively with minor traffic violations, as**
49 **such term is defined in section 479.350, any suspension under this section shall be**
50 **accompanied by issuance from the director of revenue of limited driving privileges for**
51 **all purposes identified under subdivision (2) of subsection 3 of section 302.309, unless**
52 **the director finds the defendant is ineligible for such privileges under the provisions of**
53 **section 302.309.**

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