

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 43

97TH GENERAL ASSEMBLY

2013

0198S.03T

AN ACT

To repeal sections 302.302, 302.700, 302.720, 302.735, 302.740, 302.755, 304.180, 304.820, 476.385, 577.041, RSMo, section 302.060 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402, ninety-sixth general assembly, second regular session, merged with conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, ninety-sixth general assembly, second regular session, section 302.060 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402, ninety-sixth general assembly, second regular session, section 302.304 as enacted by conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, ninety-sixth general assembly, second regular session, section 302.304 as enacted by conference committee substitute for house committee substitute for senate committee substitute for senate bills nos. 930 & 947, ninety-fourth general assembly, second regular session, section 302.309 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402, ninety-sixth general assembly, second regular session, section 302.309 as enacted by conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, ninety-sixth general assembly, second regular session, section 302.525 as enacted by conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, ninety-sixth general assembly, second regular session,

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

and section 302.525 as enacted by conference committee substitute for house committee substitute for senate committee substitute for senate bills nos. 930 & 947, ninety-fourth general assembly, second regular session, and to enact in lieu thereof nineteen new sections relating to transportation, with penalty provisions, an emergency clause for certain sections and an effective date for certain sections.

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

Section A. Sections 302.302, 302.700, 302.720, 302.735, 302.740, 302.755, 2 304.180, 304.820, 476.385, 577.041, RSMo, section 302.060 as enacted by 3 conference committee substitute for senate substitute for senate committee 4 substitute for house committee substitute for house bill no. 1402, ninety-sixth 5 general assembly, second regular session, merged with conference committee 6 substitute for house committee substitute no. 2 for senate committee substitute 7 for senate bill no. 480, ninety-sixth general assembly, second regular session, 8 section 302.060 as enacted by conference committee substitute for senate 9 substitute for senate committee substitute for house committee substitute for 10 house bill no. 1402, ninety-sixth general assembly, second regular session, section 11 302.304 as enacted by conference committee substitute for house committee 12 substitute no. 2 for senate committee substitute for senate bill no. 480, ninety- 13 sixth general assembly, second regular session, section 302.304 as enacted by 14 conference committee substitute for house committee substitute for senate 15 committee substitute for senate bills nos. 930 & 947, ninety-fourth general 16 assembly, second regular session, section 302.309 as enacted by conference 17 committee substitute for senate substitute for senate committee substitute for 18 house committee substitute for house bill no. 1402, ninety-sixth general assembly, 19 second regular session, section 302.309 as enacted by conference committee 20 substitute for house committee substitute no. 2 for senate committee substitute 21 for senate bill no. 480, ninety-sixth general assembly, second regular session, 22 section 302.525 as enacted by conference committee substitute for house 23 committee substitute no. 2 for senate committee substitute for senate bill no. 480, 24 ninety-sixth general assembly, second regular session, and section 302.525 as 25 enacted by conference committee substitute for house committee substitute for 26 senate committee substitute for senate bills nos. 930 & 947, ninety-fourth general 27 assembly, second regular session, are repealed and nineteen new sections enacted 28 in lieu thereof, to be known as sections 302.060, 302.302, 302.304, 302.309, 29 302.525, 302.700, 302.720, 302.735, 302.740, 302.755, 302.767, 304.180, 304.820,

30 476.385, 565.087, 565.088, 565.089, 577.041, and 1, to read as follows:

302.060. 1. The director shall not issue any license and shall immediately
2 deny any driving privilege:

3 (1) To any person who is under the age of eighteen years, if such person
4 operates a motor vehicle in the transportation of persons or property as classified
5 in section 302.015;

6 (2) To any person who is under the age of sixteen years, except as
7 hereinafter provided;

8 (3) To any person whose license has been suspended, during such
9 suspension, or to any person whose license has been revoked, until the expiration
10 of one year after such license was revoked;

11 (4) To any person who is an habitual drunkard or is addicted to the use
12 of narcotic drugs;

13 (5) To any person who has previously been adjudged to be incapacitated
14 and who at the time of application has not been restored to partial capacity;

15 (6) To any person who, when required by this law to take an examination,
16 has failed to pass such examination;

17 (7) To any person who has an unsatisfied judgment against such person,
18 as defined in chapter 303, until such judgment has been satisfied or the financial
19 responsibility of such person, as defined in section 303.120, has been established;

20 (8) To any person whose application shows that the person has been
21 convicted within one year prior to such application of violating the laws of this
22 state relating to failure to stop after an accident and to disclose the person's
23 identity or driving a motor vehicle without the owner's consent;

24 (9) To any person who has been convicted more than twice of violating
25 state law, or a county or municipal ordinance where the defendant was
26 represented by or waived the right to an attorney in writing, relating to driving
27 while intoxicated; except that, after the expiration of ten years from the date of
28 conviction of the last offense of violating such law or ordinance relating to driving
29 while intoxicated, a person who was so convicted may petition the circuit court
30 of the county in which such last conviction was rendered and the court shall
31 review the person's habits and conduct since such conviction, including the
32 results of a criminal history check as defined in section 302.010. If the court
33 finds that the petitioner has not been convicted, pled guilty to or been found
34 guilty of, and has no pending charges for any offense related to alcohol, controlled
35 substances or drugs and has no other alcohol-related enforcement contacts as

36 defined in section 302.525 during the preceding ten years and that the
37 petitioner's habits and conduct show such petitioner to no longer pose a threat to
38 the public safety of this state, the court [may] **shall** order the director to issue
39 a license to the petitioner if the petitioner is otherwise qualified pursuant to the
40 provisions of sections 302.010 to 302.540. No person may obtain a license
41 pursuant to the provisions of this subdivision through court action more than one
42 time;

43 (10) To any person who has pled guilty to or been convicted of the crime
44 of involuntary manslaughter while operating a motor vehicle in an intoxicated
45 condition, or to any person who has been convicted twice within a five-year period
46 of violating state law, county or municipal ordinance of driving while intoxicated,
47 or any other intoxication-related traffic offense as defined in section 577.023,
48 except that, after the expiration of five years from the date of conviction of the
49 last offense of violating such law or ordinance, a person who was so convicted may
50 petition the circuit court of the county in which such last conviction was rendered
51 and the court shall review the person's habits and conduct since such conviction,
52 including the results of a criminal history check as defined in section 302.010. If
53 the court finds that the petitioner has not been convicted, pled guilty to, or been
54 found guilty of, and has no pending charges for any offense related to alcohol,
55 controlled substances, or drugs and has no other alcohol-related enforcement
56 contacts as defined in section 302.525 during the preceding five years, and that
57 the petitioner's habits and conduct show such petitioner to no longer pose a
58 threat to the public safety of this state, the court [may] **shall** order the director
59 to issue a license to the petitioner if the petitioner is otherwise qualified pursuant
60 to the provisions of sections 302.010 to 302.540;

61 (11) To any person who is otherwise disqualified pursuant to the
62 provisions of sections 302.010 to 302.780, chapter 303, or section 544.046;

63 (12) To any person who is under the age of eighteen years, if such person's
64 parents or legal guardians file a certified document with the department of
65 revenue stating that the director shall not issue such person a driver's
66 license. Each document filed by the person's parents or legal guardians shall be
67 made upon a form furnished by the director and shall include identifying
68 information of the person for whom the parents or legal guardians are denying
69 the driver's license. The document shall also contain identifying information of
70 the person's parents or legal guardians. The document shall be certified by the
71 parents or legal guardians to be true and correct. This provision shall not apply

72 to any person who is legally emancipated. The parents or legal guardians may
73 later file an additional document with the department of revenue which
74 reinstates the person's ability to receive a driver's license.

75 2. Any person whose license is reinstated under the provisions of
76 ~~[subdivisions (9) and (10)]~~ **subdivision (9) or (10)** of subsection 1 of this section
77 shall be required to file proof with the director of revenue that any motor vehicle
78 operated by the person is equipped with a functioning, certified ignition interlock
79 device as a required condition of reinstatement. The ignition interlock device
80 required for reinstatement under this subsection and for obtaining a limited
81 driving privilege under paragraph (a) or (b) of subdivision (8) of subsection 3 of
82 section 302.309 shall have photo identification technology and global positioning
83 system features. The ignition interlock device shall further be required to be
84 maintained on all motor vehicles operated by the person for a period of not less
85 than six months immediately following the date of reinstatement. If the monthly
86 monitoring reports show that the ignition interlock device has registered any
87 confirmed blood alcohol concentration readings above the alcohol setpoint
88 established by the department of transportation or that the person has tampered
89 with or circumvented the ignition interlock device, then the period for which the
90 person must maintain the ignition interlock device following the date of
91 reinstatement shall be extended for an additional six months. If the person fails
92 to maintain such proof with the director, the license shall be suspended for the
93 remainder of the six-month period or until proof as required by this section is
94 filed with the director. Upon the completion of the six-month period, the license
95 shall be shown as reinstated, if the person is otherwise eligible.

96 3. Any person who petitions the court for reinstatement of his or her
97 license pursuant to subdivision (9) or (10) of subsection 1 of this section shall
98 make application with the Missouri state highway patrol as provided in section
99 43.540, and shall submit two sets of fingerprints collected pursuant to standards
100 as determined by the highway patrol. One set of fingerprints shall be used by the
101 highway patrol to search the criminal history repository and the second set shall
102 be forwarded to the Federal Bureau of Investigation for searching the federal
103 criminal history files. At the time of application, the applicant shall supply to the
104 highway patrol the court name and case number for the court where he or she has
105 filed his or her petition for reinstatement. The applicant shall pay the fee for the
106 state criminal history check pursuant to section 43.530 and pay the appropriate
107 fee determined by the Federal Bureau of Investigation for the federal criminal

108 history record. The Missouri highway patrol, upon receipt of the results of the
109 criminal history check, shall forward a copy of the results to the circuit court
110 designated by the applicant and to the department. Notwithstanding the
111 provisions of section 610.120, all records related to any criminal history check
112 shall be accessible and available to the director and the court.

[302.060. 1. The director shall not issue any license and
2 shall immediately deny any driving privilege:

3 (1) To any person who is under the age of eighteen years,
4 if such person operates a motor vehicle in the transportation of
5 persons or property as classified in section 302.015;

6 (2) To any person who is under the age of sixteen years,
7 except as hereinafter provided;

8 (3) To any person whose license has been suspended, during
9 such suspension, or to any person whose license has been revoked,
10 until the expiration of one year after such license was revoked;

11 (4) To any person who is an habitual drunkard or is
12 addicted to the use of narcotic drugs;

13 (5) To any person who has previously been adjudged to be
14 incapacitated and who at the time of application has not been
15 restored to partial capacity;

16 (6) To any person who, when required by this law to take
17 an examination, has failed to pass such examination;

18 (7) To any person who has an unsatisfied judgment against
19 such person, as defined in chapter 303, until such judgment has
20 been satisfied or the financial responsibility of such person, as
21 defined in section 303.120, has been established;

22 (8) To any person whose application shows that the person
23 has been convicted within one year prior to such application of
24 violating the laws of this state relating to failure to stop after an
25 accident and to disclose the person's identity or driving a motor
26 vehicle without the owner's consent;

27 (9) To any person who has been convicted more than twice
28 of violating state law, or a county or municipal ordinance where the
29 defendant was represented by or waived the right to an attorney in
30 writing, relating to driving while intoxicated; except that, after the
31 expiration of ten years from the date of conviction of the last

32 offense of violating such law or ordinance relating to driving while
33 intoxicated, a person who was so convicted may petition the circuit
34 court of the county in which such last conviction was rendered and
35 the court shall review the person's habits and conduct since such
36 conviction, including the results of a criminal history check as
37 defined in section 302.010. If the court finds that the petitioner
38 has not been convicted, pled guilty to or been found guilty of, and
39 has no pending charges for any offense related to alcohol,
40 controlled substances or drugs and has no other alcohol-related
41 enforcement contacts as defined in section 302.525 during the
42 preceding ten years and that the petitioner's habits and conduct
43 show such petitioner to no longer pose a threat to the public safety
44 of this state, the court may order the director to issue a license to
45 the petitioner if the petitioner is otherwise qualified pursuant to
46 the provisions of sections 302.010 to 302.540. No person may
47 obtain a license pursuant to the provisions of this subdivision
48 through court action more than one time;

49 (10) To any person who has pled guilty to or been convicted
50 of the crime of involuntary manslaughter while operating a motor
51 vehicle in an intoxicated condition, or to any person who has been
52 convicted twice within a five-year period of violating state law,
53 county or municipal ordinance of driving while intoxicated, or any
54 other intoxication-related traffic offense as defined in section
55 577.023, except that, after the expiration of five years from the date
56 of conviction of the last offense of violating such law or ordinance,
57 a person who was so convicted may petition the circuit court of the
58 county in which such last conviction was rendered and the court
59 shall review the person's habits and conduct since such conviction,
60 including the results of a criminal history check as defined in
61 section 302.010. If the court finds that the petitioner has not been
62 convicted, pled guilty to, or been found guilty of, and has no
63 pending charges for any offense related to alcohol, controlled
64 substances, or drugs and has no other alcohol-related enforcement
65 contacts as defined in section 302.525 during the preceding five
66 years, and that the petitioner's habits and conduct show such
67 petitioner to no longer pose a threat to the public safety of this

68 state, the court may order the director to issue a license to the
69 petitioner if the petitioner is otherwise qualified pursuant to the
70 provisions of sections 302.010 to 302.540;

71 (11) To any person who is otherwise disqualified pursuant
72 to the provisions of sections 302.010 to 302.780, chapter 303, or
73 section 544.046;

74 (12) To any person who is under the age of eighteen years,
75 if such person's parents or legal guardians file a certified document
76 with the department of revenue stating that the director shall not
77 issue such person a driver's license. Each document filed by the
78 person's parents or legal guardians shall be made upon a form
79 furnished by the director and shall include identifying information
80 of the person for whom the parents or legal guardians are denying
81 the driver's license. The document shall also contain identifying
82 information of the person's parents or legal guardians. The
83 document shall be certified by the parents or legal guardians to be
84 true and correct. This provision shall not apply to any person who
85 is legally emancipated. The parents or legal guardians may later
86 file an additional document with the department of revenue which
87 reinstates the person's ability to receive a driver's license.

88 2. Any person whose license is reinstated under the
89 provisions of subdivisions (9) and (10) of subsection 1 of this section
90 shall be required to file proof with the director of revenue that any
91 motor vehicle operated by the person is equipped with a
92 functioning, certified ignition interlock device as a required
93 condition of reinstatement. The ignition interlock device shall
94 further be required to be maintained on all motor vehicles operated
95 by the person for a period of not less than six months immediately
96 following the date of reinstatement. If the person fails to maintain
97 such proof with the director, the license shall be suspended for the
98 remainder of the six-month period or until proof as required by this
99 section is filed with the director. Upon the completion of the six-
100 month period, the license shall be shown as reinstated, if the
101 person is otherwise eligible.

102 3. Any person who petitions the court for reinstatement of
103 his or her license pursuant to subdivision (9) or (10) of subsection

104 1 of this section shall make application with the Missouri state
 105 highway patrol as provided in section 43.540, and shall submit two
 106 sets of fingerprints collected pursuant to standards as determined
 107 by the highway patrol. One set of fingerprints shall be used by the
 108 highway patrol to search the criminal history repository and the
 109 second set shall be forwarded to the Federal Bureau of
 110 Investigation for searching the federal criminal history files. At
 111 the time of application, the applicant shall supply to the highway
 112 patrol the court name and case number for the court where he or
 113 she has filed his or her petition for reinstatement. The applicant
 114 shall pay the fee for the state criminal history check pursuant to
 115 section 43.530 and pay the appropriate fee determined by the
 116 Federal Bureau of Investigation for the federal criminal history
 117 record. The Missouri highway patrol, upon receipt of the results of
 118 the criminal history check, shall forward a copy of the results to
 119 the circuit court designated by the applicant and to the
 120 department. Notwithstanding the provisions of section 610.120, all
 121 records related to any criminal history check shall be accessible
 122 and available to the director and the court.]

302.302. 1. The director of revenue shall put into effect a point system
 2 for the suspension and revocation of licenses. Points shall be assessed only after
 3 a conviction or forfeiture of collateral. The initial point value is as follows:

- 4 (1) Any moving violation of a state
 5 law or county or municipal or federal traffic
 6 ordinance or regulation not listed in this
 7 section, other than a violation of vehicle
 8 equipment provisions or a court-ordered
 9 supervision as provided in section 302.303 2 points
 10 (except any violation of municipal stop sign
 11 ordinance where no accident is involved. 1 point)
- 12 (2) Speeding
 13 In violation of a state law. 3 points
 14 In violation of a county or municipal
 15 ordinance. 2 points
- 16 (3) Leaving the scene of an accident
 17 in violation of section 577.060. 12 points

18 In violation of any county or municipal
 19 ordinance. 6 points
 20 (4) Careless and imprudent driving
 21 in violation of subsection 4 of section 304.016. 4 points
 22 In violation of a county or municipal
 23 ordinance. 2 points
 24 (5) Operating without a valid license
 25 in violation of subdivision (1) or (2) of
 26 subsection 1 of section 302.020:
 27 (a) For the first conviction. 2 points
 28 (b) For the second conviction. 4 points
 29 (c) For the third conviction. 6 points
 30 (6) Operating with a suspended or
 31 revoked license prior to restoration of
 32 operating privileges. 12 points
 33 (7) Obtaining a license by
 34 misrepresentation. 12 points
 35 (8) For the first conviction of
 36 driving while in an intoxicated condition
 37 or under the influence of controlled
 38 substances or drugs. 8 points
 39 (9) For the second or subsequent
 40 conviction of any of the following offenses
 41 however combined: driving while in an
 42 intoxicated condition, driving under the
 43 influence of controlled substances or drugs
 44 or driving with a blood alcohol content of
 45 eight-hundredths of one percent or more by
 46 weight. 12 points
 47 (10) For the first conviction for driving
 48 with blood alcohol content eight-hundredths
 49 of one percent or more by weight
 50 In violation of state law. 8 points
 51 In violation of a county or municipal
 52 ordinance or federal law or regulation. 8 points
 53 (11) Any felony involving the use

54 of a motor vehicle. 12 points
55 (12) Knowingly permitting unlicensed
56 operator to operate a motor vehicle. 4 points
57 (13) For a conviction for failure to
58 maintain financial responsibility pursuant
59 to county or municipal ordinance or pursuant
60 to section 303.025. 4 points
61 (14) Endangerment of a highway worker
62 in violation of section 304.585. 4 points
63 (15) Aggravated endangerment of a
64 highway worker in violation of section 304.585. 12 points
65 (16) For a conviction of violating a
66 municipal ordinance that prohibits tow truck
67 operators from stopping at or proceeding to
68 the scene of an accident unless they have
69 been requested to stop or proceed to such
70 scene by a party involved in such accident
71 or by an officer of a public safety agency. 4 points
72 2. The director shall, as provided in subdivision (5) of subsection 1 of this
73 section, assess an operator points for a conviction pursuant to subdivision (1) or
74 (2) of subsection 1 of section 302.020, when the director issues such operator a
75 license or permit pursuant to the provisions of sections 302.010 to 302.340.
76 3. An additional two points shall be assessed when personal injury or
77 property damage results from any violation listed in subdivisions (1) to (13) of
78 subsection 1 of this section and if found to be warranted and certified by the
79 reporting court.
80 4. When any of the acts listed in subdivision (2), (3), (4) or (8) of
81 subsection 1 of this section constitutes both a violation of a state law and a
82 violation of a county or municipal ordinance, points may be assessed for either
83 violation but not for both. Notwithstanding that an offense arising out of the
84 same occurrence could be construed to be a violation of subdivisions (8), (9) and
85 (10) of subsection 1 of this section, no person shall be tried or convicted for more
86 than one offense pursuant to subdivisions (8), (9) and (10) of subsection 1 of this
87 section for offenses arising out of the same occurrence.
88 5. The director of revenue shall put into effect a system for staying the
89 assessment of points against an operator. The system shall provide that the

90 satisfactory completion of a driver-improvement program or, in the case of
91 violations committed while operating a motorcycle, a motorcycle-rider training
92 course approved by the state highways and transportation commission, by an
93 operator, when so ordered and verified by any court having jurisdiction over any
94 law of this state or county or municipal ordinance, regulating motor vehicles,
95 other than a violation committed in a commercial motor vehicle as defined in
96 section 302.700 or a violation committed by an individual who has been issued a
97 commercial driver's license or is required to obtain a commercial driver's license
98 in this state or any other state, shall be accepted by the director in lieu of the
99 assessment of points for a violation pursuant to subdivision (1), (2) or (4) of
100 subsection 1 of this section or pursuant to subsection 3 of this section. **The**
101 **operator shall be given the option to complete the driver-improvement**
102 **program through an online or in-person course.** A court using a
103 centralized violation bureau established under section 476.385 may elect to have
104 the bureau order and verify completion of a driver-improvement program or
105 motorcycle-rider training course as prescribed by order of the court. For the
106 purposes of this subsection, the driver-improvement program shall meet or exceed
107 the standards of the National Safety Council's eight-hour "Defensive Driving
108 Course" or, in the case of a violation which occurred during the operation of a
109 motorcycle, the program shall meet the standards established by the state
110 highways and transportation commission pursuant to sections 302.133 to
111 302.137. The completion of a driver-improvement program or a motorcycle-rider
112 training course shall not be accepted in lieu of points more than one time in any
113 thirty-six-month period and shall be completed within sixty days of the date of
114 conviction in order to be accepted in lieu of the assessment of points. Every court
115 having jurisdiction pursuant to the provisions of this subsection shall, within
116 fifteen days after completion of the driver-improvement program or motorcycle-
117 rider training course by an operator, forward a record of the completion to the
118 director, all other provisions of the law to the contrary notwithstanding. The
119 director shall establish procedures for record keeping and the administration of
120 this subsection.

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

4 2. In an action to suspend or revoke a license or driving privilege under
5 this section points shall be accumulated on the date of conviction. No case file

6 of any conviction for a driving violation for which points may be assessed
7 pursuant to section 302.302 may be closed until such time as a copy of the record
8 of such conviction is forwarded to the department of revenue.

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

12 4. The license and driving privilege of any person whose license and
13 driving privilege have been suspended under the provisions of sections 302.010
14 to 302.540 except those persons whose license and driving privilege have been
15 suspended under the provisions of subdivision (8) of subsection 1 of section
16 302.302 or has accumulated sufficient points together with a conviction under
17 subdivision (10) of subsection 1 of section 302.302 and who has filed proof of
18 financial responsibility with the department of revenue, in accordance with
19 chapter 303, and is otherwise eligible, shall be reinstated as follows:

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

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

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

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

28 5. The period of suspension of the driver's license and driving privilege of
29 any person under the provisions of subdivision (8) of subsection 1 of section
30 302.302 or who has accumulated sufficient points together with a conviction
31 under subdivision (10) of subsection 1 of section 302.302 shall be thirty days,
32 followed by a sixty-day period of restricted driving privilege as defined in section
33 302.010. Upon completion of such period of restricted driving privilege, upon
34 compliance with other requirements of law and upon filing of proof of financial
35 responsibility with the department of revenue, in accordance with chapter 303,
36 the license and driving privilege shall be reinstated. If a person, otherwise subject
37 to the provisions of this subsection, files proof of installation with the department
38 of revenue that any vehicle operated by such person is equipped with a
39 functioning, certified ignition interlock device, [then the] **there shall be no**
40 period of suspension [shall be fifteen days, followed by a seventy-five
41 day]. **However, in lieu of a suspension the person shall instead**

42 **complete a ninety-day** period of restricted driving privilege. If the person fails
43 to maintain such proof of the device with the director of revenue as required, the
44 restricted driving privilege shall be terminated. Upon completion of such
45 [seventy-five day] **ninety-day** period of restricted driving privilege, upon
46 compliance with other requirements of law, and upon filing of proof of financial
47 responsibility with the department of revenue, in accordance with chapter 303,
48 the license and driving privilege shall be reinstated. However, if the monthly
49 monitoring reports during such [seventy-five day] **ninety-day** period indicate
50 that the ignition interlock device has registered a **confirmed** blood alcohol
51 concentration level above the alcohol setpoint established by the department of
52 transportation or such reports indicate that the ignition interlock device has been
53 tampered with or circumvented, then the license and driving privilege of such
54 person shall not be reinstated until the person completes an additional [seventy-
55 five day] **thirty-day** period of restricted driving privilege [without any such
56 violations].

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

62 7. The director shall revoke the license and driving privilege of any person
63 when the person's driving record shows such person has accumulated twelve
64 points in twelve months or eighteen points in twenty-four months or twenty-four
65 points in thirty-six months. The revocation period of any person whose license
66 and driving privilege have been revoked under the provisions of sections 302.010
67 to 302.540 and who has filed proof of financial responsibility with the department
68 of revenue in accordance with chapter 303 and is otherwise eligible, shall be
69 terminated by a notice from the director of revenue after one year from the
70 effective date of the revocation. Unless proof of financial responsibility is filed
71 with the department of revenue, except as provided in subsection 2 of section
72 302.541, the revocation shall remain in effect for a period of two years from its
73 effective date. If the person fails to maintain proof of financial responsibility in
74 accordance with chapter 303, the person's license and driving privilege shall be
75 rerevoked. Any person whose license and driving privilege have been revoked
76 under the provisions of sections 302.010 to 302.540 shall, upon receipt of the
77 notice of termination of the revocation from the director, pass the complete driver

78 examination and apply for a new license before again operating a motor vehicle
79 upon the highways of this state.

80 8. If, prior to conviction for an offense that would require suspension or
81 revocation of a person's license under the provisions of this section, the person's
82 total points accumulated are reduced, pursuant to the provisions of section
83 302.306, below the number of points required for suspension or revocation
84 pursuant to the provisions of this section, then the person's license shall not be
85 suspended or revoked until the necessary points are again obtained and
86 accumulated.

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

90 10. Upon the issuance of a reinstatement or termination notice after a
91 suspension or revocation of any person's license and driving privilege under the
92 provisions of sections 302.010 to 302.540, the accumulated point value shall be
93 reduced to four points, except that the points of any person serving as a member
94 of the Armed Forces of the United States outside the limits of the United States
95 during a period of suspension or revocation shall be reduced to zero upon the date
96 of the reinstatement or termination of notice. It shall be the responsibility of
97 such member of the Armed Forces to submit copies of official orders to the
98 director of revenue to substantiate such overseas service. Any other provision of
99 sections 302.010 to 302.540 to the contrary notwithstanding, the effective date of
100 the four points remaining on the record upon reinstatement or termination shall
101 be the date of the reinstatement or termination notice.

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

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

110 13. Notwithstanding any other provision of law to the contrary, if after
111 two years from the effective date of any suspension or revocation issued under
112 this chapter, the person or nonresident has not paid the reinstatement fee of
113 twenty dollars, the director shall reinstate such license or privilege to operate a

114 motor vehicle in this state.

115 14. No person who has had a license to operate a motor vehicle suspended
116 or revoked as a result of an assessment of points for a violation under subdivision
117 (8), (9) or (10) of subsection 1 of section 302.302 shall have that license reinstated
118 until such person has participated in and successfully completed a substance
119 abuse traffic offender program defined in section 302.010, or a program
120 determined to be comparable by the department of mental health. Assignment
121 recommendations, based upon the needs assessment as described in subdivision
122 [(22)] **(24)** of section 302.010, shall be delivered in writing to the person with
123 written notice that the person is entitled to have such assignment
124 recommendations reviewed by the court if the person objects to the
125 recommendations. The person may file a motion in the associate division of the
126 circuit court of the county in which such assignment was given, on a printed form
127 provided by the state courts administrator, to have the court hear and determine
128 such motion pursuant to the provisions of chapter 517. The motion shall name
129 the person or entity making the needs assessment as the respondent and a copy
130 of the motion shall be served upon the respondent in any manner allowed by
131 law. Upon hearing the motion, the court may modify or waive any assignment
132 recommendation that the court determines to be unwarranted based upon a
133 review of the needs assessment, the person's driving record, the circumstances
134 surrounding the offense, and the likelihood of the person committing a like
135 offense in the future, except that the court may modify but may not waive the
136 assignment to an education or rehabilitation program of a person determined to
137 be a prior or persistent offender as defined in section 577.023 or of a person
138 determined to have operated a motor vehicle with fifteen-hundredths of one
139 percent or more by weight in such person's blood. Compliance with the court
140 determination of the motion shall satisfy the provisions of this section for the
141 purpose of reinstating such person's license to operate a motor vehicle. The
142 respondent's personal appearance at any hearing conducted pursuant to this
143 subsection shall not be necessary unless directed by the court.

144 15. The fees for the program authorized in subsection 14 of this section,
145 or a portion thereof to be determined by the department of mental health, shall
146 be paid by the person enrolled in the program. Any person who is enrolled in the
147 program shall pay, in addition to any fee charged for the program, a supplemental
148 fee in an amount to be determined by the department of mental health for the
149 purposes of funding the substance abuse traffic offender program defined in

150 section 302.010 and section 577.001 or a program determined to be comparable
151 by the department of mental health. The administrator of the program shall
152 remit to the division of alcohol and drug abuse of the department of mental
153 health on or before the fifteenth day of each month the supplemental fee for all
154 persons enrolled in the program, less two percent for administrative
155 costs. Interest shall be charged on any unpaid balance of the supplemental fees
156 due the division of alcohol and drug abuse pursuant to this section and shall
157 accrue at a rate not to exceed the annual rate established pursuant to the
158 provisions of section 32.065, plus three percentage points. The supplemental fees
159 and any interest received by the department of mental health pursuant to this
160 section shall be deposited in the mental health earnings fund which is created in
161 section 630.053.

162 16. Any administrator who fails to remit to the division of alcohol and
163 drug abuse of the department of mental health the supplemental fees and interest
164 for all persons enrolled in the program pursuant to this section shall be subject
165 to a penalty equal to the amount of interest accrued on the supplemental fees due
166 the division pursuant to this section. If the supplemental fees, interest, and
167 penalties are not remitted to the division of alcohol and drug abuse of the
168 department of mental health within six months of the due date, the attorney
169 general of the state of Missouri shall initiate appropriate action of the collection
170 of said fees and interest accrued. The court shall assess attorney fees and court
171 costs against any delinquent program.

172 17. Any person who has had a license to operate a motor vehicle
173 suspended or revoked as a result of an assessment of points for a [violation under
174 subdivision (9) of subsection 1 of section 302.302] **conviction for an**
175 **intoxication-related traffic offense as defined under section 577.023,**
176 **and who has a prior alcohol-related enforcement contact as defined**
177 **under section 302.525,** shall be required to file proof with the director of
178 revenue that any motor vehicle operated by the person is equipped with a
179 functioning, certified ignition interlock device as a required condition of
180 reinstatement of the license. The ignition interlock device shall further be
181 required to be maintained on all motor vehicles operated by the person for a
182 period of not less than six months immediately following the date of
183 reinstatement. If the monthly monitoring reports show that the ignition interlock
184 device has registered any confirmed blood alcohol concentration readings above
185 the alcohol setpoint established by the department of transportation or that the

186 person has tampered with or circumvented the ignition interlock device, then the
187 period for which the person must maintain the ignition interlock device following
188 the date of reinstatement shall be extended for an additional six months. If the
189 person fails to maintain such proof with the director, the license shall be
190 resuspended or revoked and the person shall be guilty of a class A misdemeanor.

2 [302.304. 1. The director shall notify by ordinary mail any
3 operator of the point value charged against the operator's record
4 when the record shows four or more points have been accumulated
5 in a twelve-month period.

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

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

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

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

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

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

31 Unless proof of financial responsibility is filed with the department
of revenue, a suspension shall continue in effect for two years from

32 its effective date.

33 5. The period of suspension of the driver's license and
34 driving privilege of any person under the provisions of subdivision
35 (8) of subsection 1 of section 302.302 or who has accumulated
36 sufficient points together with a conviction under subdivision (10)
37 of subsection 1 of section 302.302 shall be thirty days, followed by
38 a sixty-day period of restricted driving privilege as defined in
39 section 302.010. Upon completion of such period of restricted
40 driving privilege, upon compliance with other requirements of law
41 and upon filing of proof of financial responsibility with the
42 department of revenue, in accordance with chapter 303, the license
43 and driving privilege shall be reinstated.

44 6. If the person fails to maintain proof of financial
45 responsibility in accordance with chapter 303, the person's driving
46 privilege and license shall be resuspended.

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

68 motor vehicle upon the highways of this state.

69 8. If, prior to conviction for an offense that would require
70 suspension or revocation of a person's license under the provisions
71 of this section, the person's total points accumulated are reduced,
72 pursuant to the provisions of section 302.306, below the number of
73 points required for suspension or revocation pursuant to the
74 provisions of this section, then the person's license shall not be
75 suspended or revoked until the necessary points are again obtained
76 and accumulated.

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

81 10. Upon the issuance of a reinstatement or termination
82 notice after a suspension or revocation of any person's license and
83 driving privilege under the provisions of sections 302.010 to
84 302.540, the accumulated point value shall be reduced to four
85 points, except that the points of any person serving as a member
86 of the Armed Forces of the United States outside the limits of the
87 United States during a period of suspension or revocation shall be
88 reduced to zero upon the date of the reinstatement or termination
89 of notice. It shall be the responsibility of such member of the
90 Armed Forces to submit copies of official orders to the director of
91 revenue to substantiate such overseas service. Any other provision
92 of sections 302.010 to 302.540 to the contrary notwithstanding, the
93 effective date of the four points remaining on the record upon
94 reinstatement or termination shall be the date of the reinstatement
95 or termination notice.

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

100 12. Any person or nonresident whose license or privilege to
101 operate a motor vehicle in this state has been suspended or revoked
102 under this or any other law shall, before having the license or
103 privilege to operate a motor vehicle reinstated, pay to the director

104 a reinstatement fee of twenty dollars which shall be in addition to
105 all other fees provided by law.

106 13. Notwithstanding any other provision of law to the
107 contrary, if after two years from the effective date of any
108 suspension or revocation issued under this chapter, the person or
109 nonresident has not paid the reinstatement fee of twenty dollars,
110 the director shall reinstate such license or privilege to operate a
111 motor vehicle in this state.

112 14. No person who has had a license to operate a motor
113 vehicle suspended or revoked as a result of an assessment of points
114 for a violation under subdivision (8), (9) or (10) of subsection 1 of
115 section 302.302 shall have that license reinstated until such person
116 has participated in and successfully completed a substance abuse
117 traffic offender program defined in section 302.010, or a program
118 determined to be comparable by the department of mental
119 health. Assignment recommendations, based upon the needs
120 assessment as described in subdivision (22) of section 302.010,
121 shall be delivered in writing to the person with written notice that
122 the person is entitled to have such assignment recommendations
123 reviewed by the court if the person objects to the
124 recommendations. The person may file a motion in the associate
125 division of the circuit court of the county in which such assignment
126 was given, on a printed form provided by the state courts
127 administrator, to have the court hear and determine such motion
128 pursuant to the provisions of chapter 517. The motion shall name
129 the person or entity making the needs assessment as the
130 respondent and a copy of the motion shall be served upon the
131 respondent in any manner allowed by law. Upon hearing the
132 motion, the court may modify or waive any assignment
133 recommendation that the court determines to be unwarranted
134 based upon a review of the needs assessment, the person's driving
135 record, the circumstances surrounding the offense, and the
136 likelihood of the person committing a like offense in the future,
137 except that the court may modify but may not waive the
138 assignment to an education or rehabilitation program of a person
139 determined to be a prior or persistent offender as defined in section

140 577.023 or of a person determined to have operated a motor vehicle
141 with fifteen-hundredths of one percent or more by weight in such
142 person's blood. Compliance with the court determination of the
143 motion shall satisfy the provisions of this section for the purpose
144 of reinstating such person's license to operate a motor vehicle. The
145 respondent's personal appearance at any hearing conducted
146 pursuant to this subsection shall not be necessary unless directed
147 by the court.

148 15. The fees for the program authorized in subsection 14 of
149 this section, or a portion thereof to be determined by the
150 department of mental health, shall be paid by the person enrolled
151 in the program. Any person who is enrolled in the program shall
152 pay, in addition to any fee charged for the program, a supplemental
153 fee in an amount to be determined by the department of mental
154 health for the purposes of funding the substance abuse traffic
155 offender program defined in section 302.010 and section 577.001 or
156 a program determined to be comparable by the department of
157 mental health. The administrator of the program shall remit to the
158 division of alcohol and drug abuse of the department of mental
159 health on or before the fifteenth day of each month the
160 supplemental fee for all persons enrolled in the program, less two
161 percent for administrative costs. Interest shall be charged on any
162 unpaid balance of the supplemental fees due the division of alcohol
163 and drug abuse pursuant to this section and shall accrue at a rate
164 not to exceed the annual rate established pursuant to the
165 provisions of section 32.065, plus three percentage points. The
166 supplemental fees and any interest received by the department of
167 mental health pursuant to this section shall be deposited in the
168 mental health earnings fund which is created in section 630.053.

169 16. Any administrator who fails to remit to the division of
170 alcohol and drug abuse of the department of mental health the
171 supplemental fees and interest for all persons enrolled in the
172 program pursuant to this section shall be subject to a penalty equal
173 to the amount of interest accrued on the supplemental fees due the
174 division pursuant to this section. If the supplemental fees,
175 interest, and penalties are not remitted to the division of alcohol

176 and drug abuse of the department of mental health within six
177 months of the due date, the attorney general of the state of
178 Missouri shall initiate appropriate action of the collection of said
179 fees and interest accrued. The court shall assess attorney fees and
180 court costs against any delinquent program.

181 17. Any person who has had a license to operate a motor
182 vehicle suspended or revoked as a result of an assessment of points
183 for a violation under subdivision (9) of subsection 1 of section
184 302.302 shall be required to file proof with the director of revenue
185 that any motor vehicle operated by the person is equipped with a
186 functioning, certified ignition interlock device as a required
187 condition of reinstatement of the license. The ignition interlock
188 device shall further be required to be maintained on all motor
189 vehicles operated by the person for a period of not less than six
190 months immediately following the date of reinstatement. If the
191 person fails to maintain such proof with the director, the license
192 shall be resuspended or revoked and the person shall be guilty of
193 a class A misdemeanor.]

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

7 2. Any operator whose license is revoked pursuant to these
8 sections, upon the termination of the period of revocation, shall
9 apply for a new license in the manner prescribed by law.

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

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

- 19 (a) A business, occupation, or employment;
20 (b) Seeking medical treatment for such operator;
21 (c) Attending school or other institution of higher education;
22 (d) Attending alcohol or drug treatment programs;
23 (e) Seeking the required services of a certified ignition
24 interlock device provider; or
25 (f) Any other circumstance the court or director finds would
26 create an undue hardship on the operator;
27 the court or director may grant such limited driving privilege as
28 the circumstances of the case justify if the court or director finds
29 undue hardship would result to the individual, and while so
30 operating a motor vehicle within the restrictions and limitations of
31 the limited driving privilege the driver shall not be guilty of
32 operating a motor vehicle without a valid license.

33 (3) An operator may make application to the proper court
34 in the county in which such operator resides or in the county in
35 which is located the operator's principal place of business or
36 employment. Any application for a limited driving privilege made
37 to a circuit court shall name the director as a party defendant and
38 shall be served upon the director prior to the grant of any limited
39 privilege, and shall be accompanied by a copy of the applicant's
40 driving record as certified by the director. Any applicant for a
41 limited driving privilege shall have on file with the department of
42 revenue proof of financial responsibility as required by chapter
43 303. Any application by a person who transports persons or
44 property as classified in section 302.015 may be accompanied by
45 proof of financial responsibility as required by chapter 303, but if
46 proof of financial responsibility does not accompany the application,
47 or if the applicant does not have on file with the department of
48 revenue proof of financial responsibility, the court or the director
49 has discretion to grant the limited driving privilege to the person
50 solely for the purpose of operating a vehicle whose owner has
51 complied with chapter 303 for that vehicle, and the limited driving
52 privilege must state such restriction. When operating such vehicle
53 under such restriction the person shall carry proof that the owner
54 has complied with chapter 303 for that vehicle.

55 (4) No limited driving privilege shall be issued to any
56 person otherwise eligible under the provisions of paragraph (a) of
57 subdivision (6) of this subsection on a license revocation resulting
58 from a conviction under subdivision (9) of subsection 1 of section
59 302.302, or a license denial under paragraph (a) or (b) of
60 subdivision (8) of this subsection, until the applicant has filed proof
61 with the department of revenue that any motor vehicle operated by
62 the person is equipped with a functioning, certified ignition
63 interlock device as a required condition of limited driving privilege.

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

86 (6) Except as provided in subdivision (8) of this subsection,
87 no person is eligible to receive a limited driving privilege who at
88 the time of application for a limited driving privilege has
89 previously been granted such a privilege within the immediately
90 preceding five years, or whose license has been suspended or

91 revoked for the following reasons:

92 (a) A conviction of violating the provisions of section
93 577.010 or 577.012, or any similar provision of any federal or state
94 law, or a municipal or county law where the judge in such case was
95 an attorney and the defendant was represented by or waived the
96 right to an attorney in writing, until the person has completed the
97 first thirty days of a suspension or revocation imposed pursuant to
98 this chapter;

99 (b) A conviction of any felony in the commission of which a
100 motor vehicle was used;

101 (c) Ineligibility for a license because of the provisions of
102 subdivision (1), (2), (4), (5), (6), (7), (8), (9), (10) or (11) of section
103 302.060;

104 (d) Because of operating a motor vehicle under the influence
105 of narcotic drugs, a controlled substance as defined in chapter 195,
106 or having left the scene of an accident as provided in section
107 577.060;

108 (e) Due to a revocation for the first time for failure to
109 submit to a chemical test pursuant to section 577.041 or due to a
110 refusal to submit to a chemical test in any other state, if such
111 person has not completed the first ninety days of such revocation;

112 (f) Violation more than once of the provisions of section
113 577.041 or a similar implied consent law of any other state; or

114 (g) Due to a suspension pursuant to subsection 2 of section
115 302.525 and who has not completed the first thirty days of such
116 suspension, provided the person is not otherwise ineligible for a
117 limited driving privilege; or due to a revocation pursuant to
118 subsection 2 of section 302.525 if such person has not completed
119 such revocation.

120 (7) No person who possesses a commercial driver's license
121 shall receive a limited driving privilege issued for the purpose of
122 operating a commercial motor vehicle if such person's driving
123 privilege is suspended, revoked, cancelled, denied, or
124 disqualified. Nothing in this section shall prohibit the issuance of
125 a limited driving privilege for the purpose of operating a
126 noncommercial motor vehicle provided that pursuant to the

127 provisions of this section, the applicant is not otherwise ineligible
128 for a limited driving privilege.

129 (8) (a) Provided that pursuant to the provisions of this
130 section, the applicant is not otherwise ineligible for a limited
131 driving privilege, a circuit court or the director may, in the manner
132 prescribed in this subsection, allow a person who has had such
133 person's license to operate a motor vehicle revoked where that
134 person cannot obtain a new license for a period of ten years, as
135 prescribed in subdivision (9) of subsection 1 of section 302.060, to
136 apply for a limited driving privilege pursuant to this subsection if
137 such person has served at least three years of such disqualification
138 or revocation. Such person shall present evidence satisfactory to
139 the court or the director that such person has not been convicted
140 of any offense related to alcohol, controlled substances or drugs
141 during the preceding three years and that the person's habits and
142 conduct show that the person no longer poses a threat to the public
143 safety of this state. The court or the director shall review the
144 results of a criminal history check prior to granting any limited
145 privilege under this subdivision. If the court or the director finds
146 that the petitioner has been convicted, pled guilty to, or been found
147 guilty of, or has a pending charge for any offense related to alcohol,
148 controlled substances, or drugs, or has any other alcohol-related
149 enforcement contact as defined in section 302.525 during the
150 preceding three years, the court or the director shall not grant a
151 limited driving privilege to the applicant.

152 (b) Provided that pursuant to the provisions of this section,
153 the applicant is not otherwise ineligible for a limited driving
154 privilege or convicted of involuntary manslaughter while operating
155 a motor vehicle in an intoxicated condition, a circuit court or the
156 director may, in the manner prescribed in this subsection, allow a
157 person who has had such person's license to operate a motor
158 vehicle revoked where that person cannot obtain a new license for
159 a period of five years because of two convictions of driving while
160 intoxicated, as prescribed in subdivision (10) of subsection 1 of
161 section 302.060, to apply for a limited driving privilege pursuant
162 to this subsection if such person has served at least two years of

163 such disqualification or revocation. Such person shall present
164 evidence satisfactory to the court or the director that such person
165 has not been convicted of any offense related to alcohol, controlled
166 substances or drugs during the preceding two years and that the
167 person's habits and conduct show that the person no longer poses
168 a threat to the public safety of this state. The court or the director
169 shall review the results of a criminal history check prior to
170 granting any limited privilege under this subdivision. If the court
171 or director finds that the petitioner has been convicted, pled guilty
172 to, or been found guilty of, or has a pending charge for any offense
173 related to alcohol, controlled substances, or drugs, or has any other
174 alcohol-related enforcement contact as defined in section 302.525
175 during the preceding two years, the court or the director shall not
176 grant a limited driving privilege to the applicant. Any person who
177 is denied a license permanently in this state because of an alcohol-
178 related conviction subsequent to a restoration of such person's
179 driving privileges pursuant to subdivision (9) of section 302.060
180 shall not be eligible for limited driving privilege pursuant to the
181 provisions of this subdivision.

182 (9) A DWI docket or court established under section 478.007
183 may grant a limited driving privilege to a participant in or
184 graduate of the program who would otherwise be ineligible for such
185 privilege under another provision of law. The DWI docket or court
186 shall not grant a limited driving privilege to a participant during
187 his or her initial forty-five days of participation.

188 4. Any person who has received notice of denial of a request
189 of limited driving privilege by the director of revenue may make a
190 request for a review of the director's determination in the circuit
191 court of the county in which the person resides or the county in
192 which is located the person's principal place of business or
193 employment within thirty days of the date of mailing of the notice
194 of denial. Such review shall be based upon the records of the
195 department of revenue and other competent evidence and shall be
196 limited to a review of whether the applicant was statutorily
197 entitled to the limited driving privilege.

198 5. Any person who petitions a court or makes application

199 with the director for a limited driving privilege pursuant to
200 paragraph (a) or (b) of subdivision (8) of subsection 3 of this section
201 shall make application with the Missouri state highway patrol as
202 provided in section 43.540 and shall submit two sets of fingerprints
203 collected pursuant to standards as determined by the highway
204 patrol. One set of fingerprints shall be used by the highway patrol
205 to search the criminal history repository and the second set shall
206 be forwarded to the Federal Bureau of Investigation for searching
207 the federal criminal history files. At the time of application, the
208 applicant shall supply to the highway patrol the court name and
209 case number for the court where he or she has filed his or her
210 petition for limited driving privileges. The applicant shall pay the
211 fee for the state criminal history record information pursuant to
212 section 43.530 and pay the appropriate fee determined by the
213 Federal Bureau of Investigation for the federal criminal history
214 record. The Missouri highway patrol, upon receipt of the results of
215 the criminal history check, shall forward the results to the circuit
216 court designated by the applicant and to the
217 department. Notwithstanding the provisions of section 610.120, all
218 records related to any criminal history check shall be accessible
219 and available to the director and the court.

220 6. The director of revenue shall promulgate rules and
221 regulations necessary to carry out the provisions of this
222 section. Any rule or portion of a rule, as that term is defined in
223 section 536.010, that is created under the authority delegated in
224 this section shall become effective only if it complies with and is
225 subject to all of the provisions of chapter 536 and, if applicable,
226 section 536.028. This section and chapter 536 are nonseverable
227 and if any of the powers vested with the general assembly pursuant
228 to chapter 536 to review, to delay the effective date or to
229 disapprove and annul a rule are subsequently held
230 unconstitutional, then the grant of rulemaking authority and any
231 rule proposed or adopted after August 28, 2001, shall be invalid
232 and void.]

302.309. 1. Whenever any license is suspended pursuant to sections
2 302.302 to 302.309, the director of revenue shall return the license to the operator

3 immediately upon the termination of the period of suspension and upon
4 compliance with the requirements of chapter 303.

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

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

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

17 (a) A business, occupation, or employment;

18 (b) Seeking medical treatment for such operator;

19 (c) Attending school or other institution of higher education;

20 (d) Attending alcohol or drug treatment programs;

21 (e) Seeking the required services of a certified ignition interlock device
22 provider; or

23 (f) Any other circumstance the court or director finds would create an
24 undue hardship on the operator[;],

25 the court or director may grant such limited driving privilege as the
26 circumstances of the case justify if the court or director finds undue hardship
27 would result to the individual, and while so operating a motor vehicle within the
28 restrictions and limitations of the limited driving privilege the driver shall not
29 be guilty of operating a motor vehicle without a valid license.

30 (3) An operator may make application to the proper court in the county
31 in which such operator resides or in the county in which is located the operator's
32 principal place of business or employment. Any application for a limited driving
33 privilege made to a circuit court shall name the director as a party defendant and
34 shall be served upon the director prior to the grant of any limited privilege, and
35 shall be accompanied by a copy of the applicant's driving record as certified by
36 the director. Any applicant for a limited driving privilege shall have on file with
37 the department of revenue proof of financial responsibility as required by chapter
38 303. Any application by a person who transports persons or property as classified

39 in section 302.015 may be accompanied by proof of financial responsibility as
40 required by chapter 303, but if proof of financial responsibility does not
41 accompany the application, or if the applicant does not have on file with the
42 department of revenue proof of financial responsibility, the court or the director
43 has discretion to grant the limited driving privilege to the person solely for the
44 purpose of operating a vehicle whose owner has complied with chapter 303 for
45 that vehicle, and the limited driving privilege must state such restriction. When
46 operating such vehicle under such restriction the person shall carry proof that the
47 owner has complied with chapter 303 for that vehicle.

48 (4) No limited driving privilege shall be issued to any person otherwise
49 eligible under the provisions of paragraph (a) of subdivision (6) of this subsection
50 on a license revocation resulting from a conviction under subdivision (9) of
51 subsection 1 of section 302.302, or a license denial under paragraph (a) or (b) of
52 subdivision (8) of this subsection, or a license revocation under paragraph (h) of
53 subdivision (6) of this subsection, until the applicant has filed proof with the
54 department of revenue that any motor vehicle operated by the person is equipped
55 with a functioning, certified ignition interlock device as a required condition of
56 limited driving privilege. The ignition interlock device required for obtaining a
57 limited driving privilege under paragraph (a) or (b) of subdivision (8) of this
58 subsection shall have photo identification technology and global positioning
59 system features.

60 (5) The court order or the director's grant of the limited or restricted
61 driving privilege shall indicate the termination date of the privilege, which shall
62 be not later than the end of the period of suspension or revocation. The court
63 order or the director's grant of the limited or restricted driving privilege shall
64 also indicate whether a functioning, certified ignition interlock device is required
65 as a condition of operating a motor vehicle with the limited driving privilege. A
66 copy of any court order shall be sent by the clerk of the court to the director, and
67 a copy shall be given to the driver which shall be carried by the driver whenever
68 such driver operates a motor vehicle. The director of revenue upon granting a
69 limited driving privilege shall give a copy of the limited driving privilege to the
70 applicant. The applicant shall carry a copy of the limited driving privilege while
71 operating a motor vehicle. A conviction which results in the assessment of points
72 pursuant to section 302.302, other than a violation of a municipal stop sign
73 ordinance where no accident is involved, against a driver who is operating a
74 vehicle pursuant to a limited driving privilege terminates the privilege, as of the

75 date the points are assessed to the person's driving record. If the date of arrest
76 is prior to the issuance of the limited driving privilege, the privilege shall not be
77 terminated. Failure of the driver to maintain proof of financial responsibility, as
78 required by chapter 303, or to maintain proof of installation of a functioning,
79 certified ignition interlock device, as applicable, shall terminate the
80 privilege. The director shall notify by ordinary mail the driver whose privilege
81 is so terminated.

82 (6) Except as provided in subdivision (8) of this subsection, no person is
83 eligible to receive a limited driving privilege [who] **whose license** at the time
84 of application [for a limited driving privilege has previously been granted such
85 a privilege within the immediately preceding five years, or whose license] has
86 been suspended or revoked for the following reasons:

87 (a) A conviction of violating the provisions of section 577.010 or 577.012,
88 or any similar provision of any federal or state law, or a municipal or county law
89 where the judge in such case was an attorney and the defendant was represented
90 by or waived the right to an attorney in writing, until the person has completed
91 the first thirty days of a suspension or revocation imposed pursuant to this
92 chapter;

93 (b) A conviction of any felony in the commission of which a motor vehicle
94 was used;

95 (c) Ineligibility for a license because of the provisions of subdivision (1),
96 (2), (4), (5), (6), (7), (8), (9), (10) or (11) of **subsection 1 of** section 302.060;

97 (d) Because of operating a motor vehicle under the influence of narcotic
98 drugs, a controlled substance as defined in chapter 195, or having left the scene
99 of an accident as provided in section 577.060;

100 (e) Due to a revocation for [the first time for] failure to submit to a
101 chemical test pursuant to section 577.041 or due to a refusal to submit to a
102 chemical test in any other state, [if] **unless** such person has [not] completed the
103 first ninety days of such revocation[;

104 (f) Violation more than once of the provisions of section 577.041 or a
105 similar implied consent law of any other state] **and files proof of installation**
106 **with the department of revenue that any vehicle operated by such**
107 **person is equipped with a functioning, certified ignition interlock**
108 **device, provided the person is not otherwise ineligible for a limited**
109 **driving privilege;**

110 [(g)] (f) Due to a suspension pursuant to subsection 2 of section 302.525

111 and who has not completed the first thirty days of such suspension, provided the
112 person is not otherwise ineligible for a limited driving privilege; or

113 [(h)] (g) Due to a revocation pursuant to subsection 2 of section 302.525
114 if such person has not completed the first forty-five days of such revocation,
115 provided the person is not otherwise ineligible for a limited driving privilege.

116 (7) No person who possesses a commercial driver's license shall receive a
117 limited driving privilege issued for the purpose of operating a commercial motor
118 vehicle if such person's driving privilege is suspended, revoked, cancelled, denied,
119 or disqualified. Nothing in this section shall prohibit the issuance of a limited
120 driving privilege for the purpose of operating a noncommercial motor vehicle
121 provided that pursuant to the provisions of this section, the applicant is not
122 otherwise ineligible for a limited driving privilege.

123 (8) (a) Provided that pursuant to the provisions of this section, the
124 applicant is not otherwise ineligible for a limited driving privilege, a circuit court
125 or the director may, in the manner prescribed in this subsection, allow a person
126 who has had such person's license to operate a motor vehicle revoked where that
127 person cannot obtain a new license for a period of ten years, as prescribed in
128 subdivision (9) of **subsection 1 of section 302.060**, to apply for a limited driving
129 privilege pursuant to this subsection [if such person has served at least forty-five
130 days of such disqualification or revocation]. Such person shall present evidence
131 satisfactory to the court or the director that such [person has not been convicted
132 of any offense related to alcohol, controlled substances or drugs during the
133 preceding forty-five days and that the] person's habits and conduct show that the
134 person no longer poses a threat to the public safety of this state. **A circuit
135 court shall grant a limited driving privilege to any individual who
136 otherwise is eligible to receive a limited driving privilege, has filed
137 proof of installation of a certified ignition interlock device, and has had
138 no alcohol-related enforcement contacts since the alcohol-related
139 enforcement contact that resulted in the person's license denial.**

140 (b) Provided that pursuant to the provisions of this section, the applicant
141 is not otherwise ineligible for a limited driving privilege or convicted of
142 involuntary manslaughter while operating a motor vehicle in an intoxicated
143 condition, a circuit court or the director may, in the manner prescribed in this
144 subsection, allow a person who has had such person's license to operate a motor
145 vehicle revoked where that person cannot obtain a new license for a period of five
146 years because of two convictions of driving while intoxicated, as prescribed in

147 subdivision (10) of **subsection 1** of section 302.060, to apply for a limited driving
148 privilege pursuant to this subsection [if such person has served at least forty-five
149 days of such disqualification or revocation]. Such person shall present evidence
150 satisfactory to the court or the director that such [person has not been convicted
151 of any offense related to alcohol, controlled substances or drugs during the
152 preceding forty-five days and that the] person's habits and conduct show that the
153 person no longer poses a threat to the public safety of this state. Any person who
154 is denied a license permanently in this state because of an alcohol-related
155 conviction subsequent to a restoration of such person's driving privileges
156 pursuant to subdivision (9) of section 302.060 shall not be eligible for limited
157 driving privilege pursuant to the provisions of this subdivision. **A circuit court**
158 **shall grant a limited driving privilege to any individual who otherwise**
159 **is eligible to receive a limited driving privilege, has filed proof of**
160 **installation of a certified ignition interlock device, and has had no**
161 **alcohol-related enforcement contacts since the alcohol-related**
162 **enforcement contact that resulted in the person's license denial.**

163 (9) A DWI docket or court established under section 478.007 may grant
164 a limited driving privilege to a participant in or graduate of the program who
165 would otherwise be ineligible for such privilege under another provision of
166 law. The DWI docket or court shall not grant a limited driving privilege to a
167 participant during his or her initial forty-five days of participation.

168 4. Any person who has received notice of denial of a request of limited
169 driving privilege by the director of revenue may make a request for a review of
170 the director's determination in the circuit court of the county in which the person
171 resides or the county in which is located the person's principal place of business
172 or employment within thirty days of the date of mailing of the notice of
173 denial. Such review shall be based upon the records of the department of revenue
174 and other competent evidence and shall be limited to a review of whether the
175 applicant was statutorily entitled to the limited driving privilege.

176 5. The director of revenue shall promulgate rules and regulations
177 necessary to carry out the provisions of this section. Any rule or portion of a rule,
178 as that term is defined in section 536.010, that is created under the authority
179 delegated in this section shall become effective only if it complies with and is
180 subject to all of the provisions of chapter 536 and, if applicable, section
181 536.028. This section and chapter 536 are nonseverable and if any of the powers
182 vested with the general assembly pursuant to chapter 536 to review, to delay the

183 effective date or to disapprove and annul a rule are subsequently held
184 unconstitutional, then the grant of rulemaking authority and any rule proposed
185 or adopted after August 28, 2001, shall be invalid and void.

302.525. 1. The license suspension or revocation shall become effective
2 fifteen days after the subject person has received the notice of suspension or
3 revocation as provided in section 302.520, or is deemed to have received the notice
4 of suspension or revocation by mail as provided in section 302.515. If a request
5 for a hearing is received by or postmarked to the department within that fifteen-
6 day period, the effective date of the suspension or revocation shall be stayed until
7 a final order is issued following the hearing; provided, that any delay in the
8 hearing which is caused or requested by the subject person or counsel
9 representing that person without good cause shown shall not result in a stay of
10 the suspension or revocation during the period of delay.

11 2. The period of license suspension or revocation under this section shall
12 be as follows:

13 (1) If the person's driving record shows no prior alcohol-related
14 enforcement contacts during the immediately preceding five years, the period of
15 suspension shall be thirty days after the effective date of suspension, followed by
16 a sixty-day period of restricted driving privilege as defined in section 302.010 and
17 issued by the director of revenue. The restricted driving privilege shall not be
18 issued until he or she has filed proof of financial responsibility with the
19 department of revenue, in accordance with chapter 303, and is otherwise
20 eligible. The restricted driving privilege shall indicate whether a functioning,
21 certified ignition interlock device is required as a condition of operating a motor
22 vehicle. A copy of the restricted driving privilege shall be given to the person and
23 such person shall carry a copy of the restricted driving privilege while operating
24 a motor vehicle. In no case shall restricted driving privileges be issued pursuant
25 to this section or section 302.535 until the person has completed the first thirty
26 days of a suspension under this section. If a person otherwise subject to the
27 provisions of this subdivision files proof of installation with the department of
28 revenue that any vehicle [operated] **that he or she operates** is equipped with
29 a functioning, certified ignition interlock device, [then the] **there shall be no**
30 period of suspension [shall be fifteen days, followed by a seventy-five
31 day]. **However, in lieu of a suspension the person shall instead**
32 **complete a ninety-day** period of restricted driving privilege. Upon completion
33 of such [seventy-five day] **ninety-day** period of restricted driving privilege,

34 [upon] compliance with other requirements of law, and [upon] filing of proof of
35 financial responsibility with the department of revenue, in accordance with
36 chapter 303, the license and driving privilege shall be reinstated. However, if the
37 monthly monitoring reports during such [seventy-five day] **ninety-day** period
38 indicate that the ignition interlock device has registered a **confirmed** blood
39 alcohol concentration level above the alcohol setpoint established by the
40 department of transportation or such reports indicate that the ignition interlock
41 device has been tampered with or circumvented, then the license and driving
42 privilege of such person shall not be reinstated until the person completes an
43 additional [seventy-five day] **thirty-day** period of restricted driving privilege
44 [without any such violations]. If the person fails to maintain such proof of the
45 device with the director of revenue as required, the restricted driving privilege
46 shall be terminated;

47 (2) The period of revocation shall be one year if the person's driving record
48 shows one or more prior alcohol-related enforcement contacts during the
49 immediately preceding five years;

50 (3) In no case shall restricted driving privileges be issued under this
51 section to any person whose driving record shows one or more prior alcohol-
52 related enforcement contacts until the person has completed the first thirty days
53 of a suspension under this section and has filed proof with the department of
54 revenue that any motor vehicle operated by the person is equipped with a
55 functioning, certified ignition interlock device as a required condition of the
56 restricted driving privilege. If the person fails to maintain such proof the
57 restricted driving privilege shall be terminated.

58 3. For purposes of this section, "alcohol-related enforcement contacts"
59 shall include any suspension or revocation under sections 302.500 to 302.540, any
60 suspension or revocation entered in this or any other state for a refusal to submit
61 to chemical testing under an implied consent law, and any conviction in this or
62 any other state for a violation which involves driving while intoxicated, driving
63 while under the influence of drugs or alcohol, or driving a vehicle while having
64 an unlawful alcohol concentration.

65 4. Where a license is suspended or revoked under this section and the
66 person is also convicted on charges arising out of the same occurrence for a
67 violation of section 577.010 or 577.012 or for a violation of any county or
68 municipal ordinance prohibiting driving while intoxicated or alcohol-related
69 traffic offense, both the suspension or revocation under this section and any other

70 suspension or revocation arising from such convictions shall be imposed, but the
71 period of suspension or revocation under sections 302.500 to 302.540 shall be
72 credited against any other suspension or revocation arising from such convictions,
73 and the total period of suspension or revocation shall not exceed the longer of the
74 two suspension or revocation periods.

75 5. Any person who has had a license to operate a motor vehicle revoked
76 under this section or suspended under this section with one or more prior alcohol-
77 related enforcement contacts showing on their driver record shall be required to
78 file proof with the director of revenue that any motor vehicle operated by that
79 person is equipped with a functioning, certified ignition interlock device as a
80 required condition of reinstatement. The ignition interlock device shall further
81 be required to be maintained on all motor vehicles operated by the person for a
82 period of not less than six months immediately following the date of
83 reinstatement. If the monthly monitoring reports show that the ignition interlock
84 device has registered any confirmed blood alcohol concentration readings above
85 the alcohol setpoint established by the department of transportation or that the
86 person has tampered with or circumvented the ignition interlock device, then the
87 period for which the person must maintain the ignition interlock device following
88 the date of reinstatement shall be extended for an additional six months. If the
89 person fails to maintain such proof with the director, the license shall be
90 resuspended or revoked, as applicable.

2 [302.525. 1. The license suspension or revocation shall
3 become effective fifteen days after the subject person has received
4 the notice of suspension or revocation as provided in section
5 302.520, or is deemed to have received the notice of suspension or
6 revocation by mail as provided in section 302.515. If a request for
7 a hearing is received by or postmarked to the department within
8 that fifteen-day period, the effective date of the suspension or
9 revocation shall be stayed until a final order is issued following the
10 hearing; provided, that any delay in the hearing which is caused or
11 requested by the subject person or counsel representing that person
12 without good cause shown shall not result in a stay of the
13 suspension or revocation during the period of delay.

14 2. The period of license suspension or revocation under this
15 section shall be as follows:

(1) If the person's driving record shows no prior alcohol-

16 related enforcement contacts during the immediately preceding five
17 years, the period of suspension shall be thirty days after the
18 effective date of suspension, followed by a sixty-day period of
19 restricted driving privilege as defined in section 302.010 and issued
20 by the director of revenue. The restricted driving privilege shall not
21 be issued until he or she has filed proof of financial responsibility
22 with the department of revenue, in accordance with chapter 303,
23 and is otherwise eligible. In no case shall restricted driving
24 privileges be issued pursuant to this section or section 302.535
25 until the person has completed the first thirty days of a suspension
26 under this section;

27 (2) The period of revocation shall be one year if the person's
28 driving record shows one or more prior alcohol-related enforcement
29 contacts during the immediately preceding five years;

30 (3) In no case shall restricted driving privileges be issued
31 under this section to any person whose driving record shows one or
32 more prior alcohol-related enforcement contacts until the person
33 has completed the first thirty days of a suspension under this
34 section and has filed proof with the department of revenue that any
35 motor vehicle operated by the person is equipped with a
36 functioning, certified ignition interlock device as a required
37 condition of the restricted driving privilege. If the person fails to
38 maintain such proof the restricted driving privilege shall be
39 terminated.

40 3. For purposes of this section, "alcohol-related enforcement
41 contacts" shall include any suspension or revocation under sections
42 302.500 to 302.540, any suspension or revocation entered in this or
43 any other state for a refusal to submit to chemical testing under an
44 implied consent law, and any conviction in this or any other state
45 for a violation which involves driving while intoxicated, driving
46 while under the influence of drugs or alcohol, or driving a vehicle
47 while having an unlawful alcohol concentration.

48 4. Where a license is suspended or revoked under this
49 section and the person is also convicted on charges arising out of
50 the same occurrence for a violation of section 577.010 or 577.012 or
51 for a violation of any county or municipal ordinance prohibiting

52 driving while intoxicated or alcohol-related traffic offense, both the
53 suspension or revocation under this section and any other
54 suspension or revocation arising from such convictions shall be
55 imposed, but the period of suspension or revocation under sections
56 302.500 to 302.540 shall be credited against any other suspension
57 or revocation arising from such convictions, and the total period of
58 suspension or revocation shall not exceed the longer of the two
59 suspension or revocation periods.

60 5. Any person who has had a license to operate a motor
61 vehicle revoked under this section or suspended under this section
62 with one or more prior alcohol-related enforcement contacts
63 showing on their driver record shall be required to file proof with
64 the director of revenue that any motor vehicle operated by that
65 person is equipped with a functioning, certified ignition interlock
66 device as a required condition of reinstatement. The ignition
67 interlock device shall further be required to be maintained on all
68 motor vehicles operated by the person for a period of not less than
69 six months immediately following the date of reinstatement. If the
70 person fails to maintain such proof with the director, the license
71 shall be resuspended or revoked, as applicable.]

302.700. 1. Sections 302.700 to 302.780 may be cited as the "Uniform
2 Commercial Driver's License Act".

3 2. When used in sections 302.700 to 302.780, the following words and
4 phrases mean:

5 (1) "Alcohol", any substance containing any form of alcohol, including, but
6 not limited to, ethanol, methanol, propanol and isopropanol;

7 (2) "Alcohol concentration", the number of grams of alcohol per one
8 hundred milliliters of blood or the number of grams of alcohol per two hundred
9 ten liters of breath or the number of grams of alcohol per sixty-seven milliliters
10 of urine;

11 (3) "**CDL driver**", a person holding or required to hold a
12 **commercial driver's license (CDL)**;

13 (4) "CDLIS driver record", the electronic record of the individual
14 commercial driver's status and history stored by the state of record as part of the
15 Commercial Driver's License Information System (CDLIS) established under 49
16 U.S.C. Section 31309, et seq.;

17 [(4)] **(5)** "CDLIS motor vehicle record (CDLIS MVR)", a report generated
18 from the CDLIS driver record which meets the requirements for access to CDLIS
19 information and is provided by states to users authorized in 49 CFR [Part] 384,
20 subject to the provisions of the Driver Privacy Protection Act, 18 U.S.C. Sections
21 2721 to 2725, et seq.;

22 [(5)] **(6)** "Commercial driver's instruction permit", a **commercial**
23 **learner's** permit issued [pursuant to section 302.720] **to an individual by a**
24 **state or other jurisdiction of domicile in accordance with the standards**
25 **contained in 49 CFR 383, which, when carried with a valid driver's**
26 **license issued by the same state or jurisdiction, authorizes the**
27 **individual to operate a class of commercial motor vehicle when**
28 **accompanied by a holder of a valid commercial driver's license for**
29 **purposes of behind-the-wheel training. When issued to a commercial**
30 **driver's license holder, a commercial learner's permit serves as**
31 **authorization for accompanied behind-the-wheel training in a**
32 **commercial motor vehicle for which the holder's current commercial**
33 **driver's license is not valid;**

34 [(6)] **(7)** "Commercial driver's license (CDL)", a license issued by this
35 state **or other jurisdiction of domicile in accordance with 49 CFR 383** [to
36 an individual] which authorizes the individual to operate a **class of** commercial
37 motor vehicle;

38 [(7)] **(8)** "Commercial driver's license downgrade", occurs when:

39 (a) A driver changes the self-certification to interstate, but operates
40 exclusively in transportation or operation excepted from 49 CFR [Part] 391, as
41 provided in 49 CFR [Part] 390.3(f), 391.2, 391.68, or 398.3;

42 (b) A driver changes the self-certification to intrastate only, if the driver
43 qualifies under the state's physical qualification requirements for intrastate only;

44 (c) A driver changes the self-certification to intrastate, but operating
45 exclusively in transportation or operations excepted from all or part of the state
46 driver qualification requirements; or

47 (d) The state removes the commercial driver's license privilege from the
48 driver's license;

49 [(8)] **(9)** "Commercial driver's license information system (CDLIS)", the
50 information system established pursuant to the Commercial Motor Vehicle Safety
51 Act of 1986 (Title XII of Pub. Law 99-570) to serve as a clearinghouse for locating
52 information related to the licensing and identification of commercial motor vehicle

53 drivers;

54 [(9)] (10) "Commercial motor vehicle", a motor vehicle [designed or used
55 to] **or combination of motor vehicles used in commerce to** transport
56 passengers or property:

57 (a) If the vehicle has a gross combination weight rating **or gross**
58 **combination weight** of twenty-six thousand one or more pounds inclusive of a
59 towed unit which has a gross vehicle weight rating [of] **or gross vehicle weight**
60 **of more than** ten thousand one pounds or more, **whichever is greater**;

61 (b) If the vehicle has a gross vehicle weight rating **or gross vehicle**
62 **weight** of twenty-six thousand one or more pounds [or such lesser rating as
63 determined by federal regulation], **whichever is greater**;

64 (c) If the vehicle is designed to transport sixteen or more passengers,
65 including the driver; or

66 (d) If the vehicle is transporting hazardous materials and is required to
67 be placarded under the Hazardous Materials Transportation Act (46 U.S.C.
68 **Section** 1801, et seq.);

69 [(10)] (11) "Controlled substance", any substance so classified under
70 Section 102(6) of the Controlled Substances Act (21 U.S.C. **Section** 802(6)), and
71 includes all substances listed in schedules I through V of 21 CFR [Part] 1308, as
72 they may be revised from time to time;

73 [(11)] (12) "Conviction", an unvacated adjudication of guilt, including
74 pleas of guilt and nolo contendere, or a determination that a person has violated
75 or failed to comply with the law in a court of original jurisdiction or an authorized
76 administrative proceeding, an unvacated forfeiture of bail or collateral deposited
77 to secure the person's appearance in court, the payment of a fine or court cost, or
78 violation of a condition of release without bail, regardless of whether the penalty
79 is rebated, suspended or prorated, including an offense for failure to appear or
80 pay;

81 [(12)] (13) "Director", the director of revenue or his authorized
82 representative;

83 [(13)] (14) "Disqualification", any of the following three actions:

84 (a) The suspension, revocation, or cancellation of a commercial driver's
85 license **or commercial driver's instruction permit**;

86 (b) Any withdrawal of a person's privileges to drive a commercial motor
87 vehicle by a state, Canada, or Mexico as the result of a violation of federal, state,
88 county, municipal, or local law relating to motor vehicle traffic control or

89 violations committed through the operation of motor vehicles, other than parking,
90 vehicle weight, or vehicle defect violations;

91 (c) A determination by the Federal Motor Carrier Safety Administration
92 that a person is not qualified to operate a commercial motor vehicle under 49
93 CFR [Part] 383.52 or [Part] 391;

94 [(14)] (15) "Drive", to drive, operate or be in physical control of a
95 commercial motor vehicle;

96 [(15)] (16) "Driver", any person who drives, operates, or is in physical
97 control of a motor vehicle, or who is required to hold a commercial driver's
98 license;

99 [(16)] (17) "Driver applicant", an individual who applies to obtain,
100 transfer, upgrade, or renew a commercial driver's license **or commercial**
101 **driver's instruction permit** in this state;

102 [(17)] (18) "Driving under the influence of alcohol", the commission of
103 any one or more of the following acts:

104 (a) Driving a commercial motor vehicle with the alcohol concentration of
105 four one-hundredths of a percent or more as prescribed by the [secretary]
106 **Secretary** or such other alcohol concentration as may be later determined by the
107 [secretary] **Secretary** by regulation;

108 (b) Driving a commercial or noncommercial motor vehicle while
109 intoxicated in violation of any federal or state law, or in violation of a county or
110 municipal ordinance;

111 (c) Driving a commercial or noncommercial motor vehicle with excessive
112 blood alcohol content in violation of any federal or state law, or in violation of a
113 county or municipal ordinance;

114 (d) Refusing to submit to a chemical test in violation of section 577.041,
115 section 302.750, any federal or state law, or a county or municipal ordinance; or

116 (e) Having any state, county or municipal alcohol-related enforcement
117 contact, as defined in subsection 3 of section 302.525; provided that any
118 suspension or revocation pursuant to section 302.505, committed in a
119 noncommercial motor vehicle by an individual twenty-one years of age or older
120 shall have been committed by the person with an alcohol concentration of at least
121 eight-hundredths of one percent or more, or in the case of an individual who is
122 less than twenty-one years of age, shall have been committed by the person with
123 an alcohol concentration of at least two-hundredths of one percent or more, and
124 if committed in a commercial motor vehicle, a concentration of four-hundredths

125 of one percent or more;

126 [(18)] (19) "Driving under the influence of a controlled substance", the
127 commission of any one or more of the following acts in a commercial or
128 noncommercial motor vehicle:

129 (a) Driving a commercial or noncommercial motor vehicle while under the
130 influence of any substance so classified under Section 102(6) of the Controlled
131 Substances Act (21 U.S.C. **Section 802(6)**), including any substance listed in
132 schedules I through V of 21 CFR [Part] 1308, as they may be revised from time
133 to time;

134 (b) Driving a commercial or noncommercial motor vehicle while in a
135 drugged condition in violation of any federal or state law or in violation of a
136 county or municipal ordinance; or

137 (c) Refusing to submit to a chemical test in violation of section 577.041,
138 section 302.750, any federal or state law, or a county or municipal ordinance;

139 [(19)] (20) "**Electronic device**", includes but is not limited to a
140 **cellular telephone, personal digital assistant, pager, computer, or any**
141 **other device used to input, write, send, receive, or read text;**

142 (21) "Employer", any person, including the United States, a state, or a
143 political subdivision of a state, who owns or leases a commercial motor vehicle or
144 assigns a driver to operate such a vehicle;

145 [(20)] (22) "Endorsement", an authorization on an individual's
146 commercial driver's license [permitting] **or commercial learner's permit**
147 **required to permit** the individual to operate certain types of commercial motor
148 vehicles;

149 [(21)] (23) "Farm vehicle", a commercial motor vehicle controlled and
150 operated by a farmer used exclusively for the transportation of agricultural
151 products, farm machinery, farm supplies, or a combination of these, within one
152 hundred fifty miles of the farm, other than one which requires placarding for
153 hazardous materials as defined in this section, or used in the operation of a
154 common or contract motor carrier, except that a farm vehicle shall not be a
155 commercial motor vehicle when the total combined gross weight rating does not
156 exceed twenty-six thousand one pounds when transporting fertilizers as defined
157 in subdivision [(27)] (29) of this subsection;

158 [(22)] (24) "Fatality", the death of a person as a result of a motor vehicle
159 accident;

160 [(23)] (25) "Felony", any offense under state or federal law that is

161 punishable by death or imprisonment for a term exceeding one year;

162 [(24)] **(26)** "Foreign", outside the fifty states of the United States and the
163 District of Columbia;

164 [(25)] **(27)** "Gross combination weight rating" or "GCWR", the value
165 specified by the manufacturer as the loaded weight of a combination (articulated)
166 vehicle. In the absence of a value specified by the manufacturer, GCWR will be
167 determined by adding the GVWR of the power unit and the total weight of the
168 towed unit and any load thereon;

169 [(26)] **(28)** "Gross vehicle weight rating" or "GVWR", the value specified
170 by the manufacturer as the loaded weight of a single vehicle;

171 [(27)] **(29)** "Hazardous materials", any material that has been designated
172 as hazardous under 49 U.S.C. **Section** 5103 and is required to be placarded
173 under subpart F of CFR [Part] 172 or any quantity of a material listed as a select
174 agent or toxin in 42 CFR [Part] 73. Fertilizers, including but not limited to
175 ammonium nitrate, phosphate, nitrogen, anhydrous ammonia, lime, potash, motor
176 fuel or special fuel, shall not be considered hazardous materials when transported
177 by a farm vehicle provided all other provisions of this definition are followed;

178 [(28)] **(30)** "Imminent hazard", the existence of a condition that presents
179 a substantial likelihood that death, serious illness, severe personal injury, or a
180 substantial endangerment to health, property, or the environment may occur
181 before the reasonably foreseeable completion date of a formal proceeding begins
182 to lessen the risk of that death, illness, injury, or endangerment;

183 [(29)] **(31)** "Issuance", the initial licensure, license transfers, license
184 renewals, and license upgrades;

185 [(30)] **(32)** "Manual transmission" (also known as a stick shift,
186 stick, straight drive, or standard transmission), a transmission utilizing
187 a driver-operated clutch that is activated by a pedal or lever and a
188 gear-shift mechanism operated by either hand or foot. All other
189 transmissions, whether semi-automatic or automatic, will be considered
190 automatic for the purposes of the standardized restriction code;

191 **(33)** "Medical examiner", a person who is licensed, certified, or registered,
192 in accordance with applicable state laws and regulations, to perform physical
193 examinations. The term includes, but is not limited to, doctors of medicine,
194 doctors of osteopathy, physician assistants, advanced practice nurses, and doctors
195 of chiropractic;

196 [(31)] **(34)** "Medical variance", when a driver has received one of the

197 following that allows the driver to be issued a medical certificate:

198 (a) An exemption letter permitting operation of a commercial motor
199 vehicle under 49 CFR [Part] 381, Subpart C or 49 CFR [Part] 391.64;

200 (b) A skill performance evaluation certificate permitting operation of a
201 commercial motor vehicle under 49 CFR [Part] 391.49;

202 [(32)] **(35) "Mobile telephone", a mobile communication device**
203 **that is classified as or uses any commercial mobile radio service, as**
204 **defined in the regulations of the Federal Communications Commission,**
205 **47 CFR 20.3, but does not include two-way or citizens band radio**
206 **services;**

207 **(36) "Motor vehicle", any self-propelled vehicle not operated exclusively**
208 **upon tracks;**

209 [(33)] **(37) "Noncommercial motor vehicle", a motor vehicle or**
210 **combination of motor vehicles not defined by the term "commercial motor vehicle"**
211 **in this section;**

212 [(34)] **(38) "Out of service", a temporary prohibition against the operation**
213 **of a commercial motor vehicle by a particular driver, or the operation of a**
214 **particular commercial motor vehicle, or the operation of a particular motor**
215 **carrier;**

216 [(35)] **(39) "Out-of-service order", a declaration by an authorized**
217 **enforcement officer of a federal, state, Canadian, Mexican or any local**
218 **jurisdiction, that a driver, or a commercial motor vehicle, or a motor carrier**
219 **operation, is out of service under 49 CFR [Part] 386.72, 392.5, 392.9a, 395.13, or**
220 **396.9, or comparable laws, or the North American Standard Out-of-Service**
221 **Criteria;**

222 [(36)] **(40) "School bus", a commercial motor vehicle used to transport**
223 **preprimary, primary, or secondary school students from home to school, from**
224 **school to home, or to and from school-sponsored events. School bus does not**
225 **include a bus used as a common carrier as defined by the Secretary;**

226 [(37)] **(41) "Secretary", the Secretary of Transportation of the United**
227 **States;**

228 [(38)] **(42) "Serious traffic violation", driving a commercial motor vehicle**
229 **in such a manner that the driver receives a conviction for the following offenses**
230 **or driving a noncommercial motor vehicle when the driver receives a conviction**
231 **for the following offenses and the conviction results in the suspension or**
232 **revocation of the driver's license or noncommercial motor vehicle driving**

233 privilege:

234 (a) Excessive speeding, as defined by the Secretary by regulation;

235 (b) Careless, reckless or imprudent driving which includes, but shall not
236 be limited to, any violation of section 304.016, any violation of section 304.010,
237 or any other violation of federal or state law, or any county or municipal
238 ordinance while driving a commercial motor vehicle in a willful or wanton
239 disregard for the safety of persons or property, or improper or erratic traffic lane
240 changes, or following the vehicle ahead too closely, but shall not include careless
241 and imprudent driving by excessive speed;

242 (c) A violation of any federal or state law or county or municipal ordinance
243 regulating the operation of motor vehicles arising out of an accident or collision
244 which resulted in death to any person, other than a parking violation;

245 (d) Driving a commercial motor vehicle without obtaining a commercial
246 driver's license in violation of any federal or state or county or municipal
247 ordinance;

248 (e) Driving a commercial motor vehicle without a commercial driver's
249 license in the driver's possession in violation of any federal or state or county or
250 municipal ordinance. Any individual who provides proof to the court which has
251 jurisdiction over the issued citation that the individual held a valid commercial
252 driver's license on the date that the citation was issued shall not be guilty of this
253 offense;

254 (f) Driving a commercial motor vehicle without the proper commercial
255 driver's license class or endorsement for the specific vehicle group being operated
256 or for the passengers or type of cargo being transported in violation of any federal
257 or state law or county or municipal ordinance; [or]

258 (g) **Violating a state or local law or ordinance on motor vehicle**
259 **traffic control prohibiting texting while driving a commercial motor**
260 **vehicle;**

261 (h) **Violating a state or local law or ordinance on motor vehicle**
262 **traffic control restricting or prohibiting the use of a hand-held mobile**
263 **telephone while driving a commercial motor vehicle; or**

264 (i) Any other violation of a federal or state law or county or municipal
265 ordinance regulating the operation of motor vehicles, other than a parking
266 violation, as prescribed by the [secretary] **Secretary** by regulation;

267 [(39)] **(43)** "State", a state of the United States, **including the District**
268 **of Columbia;**

269 [(40)] (44) "Tank vehicle", any commercial motor vehicle that is
270 designed to transport any liquid or gaseous materials within a tank or
271 tanks having an individual rated capacity of more than one hundred
272 nineteen gallons and an aggregate rated capacity of one thousand
273 gallons or more that is either permanently or temporarily attached to
274 the vehicle or the chassis. A commercial motor vehicle transporting an
275 empty storage container tank, not designed for transportation, with a
276 rated capacity of one thousand gallons or more, that is temporarily
277 attached to a flatbed trailer is not considered a tank vehicle;

278 (45) "Texting", manually entering alphanumeric text into, or
279 reading text from, an electronic device. This action includes but is not
280 limited to short message service, e-mailing, instant messaging,
281 commanding or requesting access to a website, pressing more than a
282 single button to initiate or terminate a voice communication using a
283 mobile telephone, or engaging in any other form of electronic text
284 retrieval or entry, for present or future communication. Texting does
285 not include:

286 (a) Inputting, selecting, or reading information on a global
287 positioning system or navigation system;

288 (b) Pressing a single button to initiate or terminate a voice
289 communication using a mobile telephone; or

290 (c) Using a device capable of performing multiple functions (e.g.,
291 fleet management systems, dispatching devices, smart phones, citizens
292 band radios, music players) for a purpose that is not otherwise
293 prohibited in this part;

294 (46) "United States", the fifty states and the District of Columbia.

302.720. 1. Except when operating under an instruction permit as
2 described in this section, no person may drive a commercial motor vehicle unless
3 the person has been issued a commercial driver's license with applicable
4 endorsements valid for the type of vehicle being operated as specified in sections
5 302.700 to 302.780. A commercial driver's instruction permit shall allow the
6 holder of a valid license to operate a commercial motor vehicle when accompanied
7 by the holder of a commercial driver's license valid for the vehicle being operated
8 and who occupies a seat beside the individual, or reasonably near the individual
9 in the case of buses, for the purpose of giving instruction in driving the
10 commercial motor vehicle. **No person may be issued a commercial driver's**
11 **instruction permit until he or she has passed written tests which**

12 **comply with the minimum federal standards.** A commercial driver's
13 instruction permit shall be valid for the vehicle being operated for a period of not
14 more than six months, and shall not be issued until the permit holder has met all
15 other requirements of sections 302.700 to 302.780, except for the driving test. A
16 permit holder, unless otherwise disqualified, may be granted one six-month
17 renewal within a one-year period. The fee for such permit or renewal shall be
18 five dollars. In the alternative, a commercial driver's instruction permit shall be
19 issued for a thirty-day period to allow the holder of a valid driver's license to
20 operate a commercial motor vehicle if the applicant has completed all other
21 requirements except the driving test. The permit may be renewed for one
22 additional thirty-day period and the fee for the permit and for renewal shall be
23 five dollars.

24 2. No person may be issued a commercial driver's license until he has
25 passed written and driving tests for the operation of a commercial motor vehicle
26 which complies with the minimum federal standards established by the Secretary
27 and has satisfied all other requirements of the Commercial Motor Vehicle Safety
28 Act of 1986 (Title XII of Pub. Law 99-570), as well as any other requirements
29 imposed by state law. **All applicants for a commercial driver's license**
30 **shall have maintained the appropriate class of commercial driver's**
31 **instruction permit issued by this state or any other state for a**
32 **minimum of fourteen calendar days prior to the date of taking the**
33 **skills test.** Applicants for a hazardous materials endorsement must also meet
34 the requirements of the U.S. Patriot Act of 2001 (Title X of Public Law 107-56)
35 as specified and required by regulations promulgated by the Secretary. Nothing
36 contained in this subsection shall be construed as prohibiting the director from
37 establishing alternate testing formats for those who are functionally illiterate;
38 provided, however, that any such alternate test must comply with the minimum
39 requirements of the Commercial Motor Vehicle Safety Act of 1986 (Title XII of
40 Pub. Law 99-570) as established by the Secretary.

41 (1) The written and driving tests shall be held at such times and in such
42 places as the superintendent may designate. A twenty-five dollar examination
43 fee shall be paid by the applicant upon completion of any written or driving test,
44 except the examination fee shall be waived for applicants seventy years of age or
45 older renewing a license with a school bus endorsement. The director shall
46 delegate the power to conduct the examinations required under sections 302.700
47 to 302.780 to any member of the highway patrol or any person employed by the

48 highway patrol qualified to give driving examinations. The written test shall only
49 be administered in the English language. No translators shall be allowed for
50 applicants taking the test.

51 (2) The director shall adopt and promulgate rules and regulations
52 governing the certification of third-party testers by the department of
53 revenue. Such rules and regulations shall substantially comply with the
54 requirements of 49 CFR [Part] 383, Section 383.75. A certification to conduct
55 third-party testing shall be valid for one year, and the department shall charge
56 a fee of one hundred dollars to issue or renew the certification of any third-party
57 tester.

58 (3) Beginning August 28, 2006, the director shall only issue or renew
59 third-party tester certification to community colleges established under chapter
60 178 or to private companies who own, lease, or maintain their own fleet and
61 administer in-house testing to their employees, or to school districts and their
62 agents that administer in-house testing to the school district's or agent's
63 employees. Any third-party tester who violates any of the rules and regulations
64 adopted and promulgated pursuant to this section shall be subject to having his
65 certification revoked by the department. The department shall provide written
66 notice and an opportunity for the third-party tester to be heard in substantially
67 the same manner as provided in chapter 536. If any applicant submits evidence
68 that he has successfully completed a test administered by a third-party tester, the
69 actual driving test for a commercial driver's license may then be waived.

70 (4) Every applicant for renewal of a commercial driver's license shall
71 provide such certifications and information as required by the [secretary]
72 **Secretary** and if such person transports a hazardous material must also meet
73 the requirements of the U.S. Patriot Act of 2001 (Title X of Public Law 107-56)
74 as specified and required by regulations promulgated by the Secretary. Such
75 person shall be required to take the written test for such endorsement. A
76 twenty-five dollar examination fee shall be paid upon completion of such tests.

77 (5) The director shall have the authority to waive the driving skills test
78 for any qualified military applicant for a commercial driver's license who is
79 currently licensed at the time of application for a commercial driver's
80 license. The director shall impose conditions and limitations to restrict the
81 applicants from whom the department may accept alternative requirements for
82 the skills test described in federal regulation 49 [C.F.R.] **CFR** 383.77. An
83 applicant must certify that, during the two-year period immediately preceding

84 application for a commercial driver's license, all of the following apply:

85 (a) The applicant has not had more than one license;

86 (b) The applicant has not had any license suspended, revoked, or
87 cancelled;

88 (c) The applicant has not had any convictions for any type of motor vehicle
89 for the disqualifying offenses contained in this chapter or federal rule 49 [C.F.R.]
90 **CFR** 383.51(b);

91 (d) The applicant has not had more than one conviction for any type of
92 motor vehicle for serious traffic violations;

93 (e) The applicant has not had any conviction for a violation of state or
94 local law relating to motor vehicle traffic control, but not including any parking
95 violation, arising in connection with any traffic accident, and has no record of an
96 accident in which he or she was at fault;

97 (f) The applicant [is] **has been** regularly employed [in a job] **within the**
98 **last ninety days in a military position** requiring operation of a commercial
99 motor vehicle and has operated the vehicle for at least sixty days during the two
100 years immediately preceding application for a commercial driver's license. The
101 vehicle must be representative of the commercial motor vehicle the driver
102 applicant operates or expects to operate;

103 (g) The applicant, if on active duty, must provide a notarized affidavit
104 signed by a commanding officer as proof of driving experience as indicated in
105 paragraph (f) of this subdivision;

106 (h) The applicant, if honorably discharged from military service, must
107 provide a form-DD214 or other proof of military occupational specialty;

108 (i) The applicant must meet all federal and state qualifications to operate
109 a commercial vehicle; and

110 (j) The applicant will be required to complete all applicable knowledge
111 tests.

112 3. A commercial driver's license **or commercial driver's instruction**
113 **permit** may not be issued to a person while the person is disqualified from
114 driving a commercial motor vehicle, when a disqualification is pending in any
115 state or while the person's driver's license is suspended, revoked, or [cancelled]
116 **canceled** in any state; nor may a commercial driver's license be issued unless the
117 person first surrenders in a manner prescribed by the director any commercial
118 driver's license issued by another state, which license shall be returned to the
119 issuing state for cancellation.

120 4. Beginning July 1, 2005, the director shall not issue an instruction
121 permit under this section unless the director verifies that the applicant is
122 lawfully present in the United States before accepting the application. The
123 director may, by rule or regulation, establish procedures to verify the lawful
124 presence of the applicant under this section. No rule or portion of a rule
125 promulgated pursuant to the authority of this section shall become effective
126 unless it has been promulgated pursuant to chapter 536.

127 5. Notwithstanding the provisions of this section or any other law to the
128 contrary, beginning August 28, 2008, the director of the department of revenue
129 shall certify as a third-party tester any municipality that owns, leases, or
130 maintains its own fleet that requires certain employees as a condition of
131 employment to hold a valid commercial driver's license; and that administered
132 in-house testing to such employees prior to August 28, 2006.

302.735. 1. An application shall not be taken from a nonresident after
2 September 30, 2005. The application for a commercial driver's license shall
3 include, but not be limited to, the applicant's legal name, mailing and residence
4 address, if different, a physical description of the person, including sex, height,
5 weight and eye color, the person's Social Security number, date of birth and any
6 other information deemed appropriate by the director. The application shall also
7 require, beginning September 30, 2005, the applicant to provide the names of all
8 states where the applicant has been previously licensed to drive any type of motor
9 vehicle during the preceding ten years.

10 2. A commercial driver's license shall expire on the applicant's birthday
11 in the sixth year after issuance, unless the license must be issued for a shorter
12 period due to other requirements of law or for transition or staggering of work as
13 determined by the director, and must be renewed on or before the date of
14 expiration. When a person changes such person's name an application for a
15 duplicate license shall be made to the director of revenue. When a person
16 changes such person's mailing address or residence the applicant shall notify the
17 director of revenue of said change, however, no application for a duplicate license
18 is required. A commercial license issued pursuant to this section to an applicant
19 less than twenty-one years of age and seventy years of age and older shall expire
20 on the applicant's birthday in the third year after issuance, unless the license
21 must be issued for a shorter period as determined by the director.

22 3. A commercial driver's license containing a hazardous materials
23 endorsement issued to an applicant who is between the age of twenty-one and

24 sixty-nine shall not be issued for a period exceeding five years from the approval
25 date of the security threat assessment as determined by the Transportation
26 Security Administration.

27 4. The director shall issue an annual commercial driver's license
28 containing a school bus endorsement to an applicant who is seventy years of age
29 or older. The fee for such license shall be seven dollars and fifty cents.

30 5. A commercial driver's license containing a hazardous materials
31 endorsement issued to an applicant who is seventy years of age or older shall not
32 be issued for a period exceeding three years. The director shall not require such
33 drivers to obtain a security threat assessment more frequently than such
34 assessment is required by the Transportation Security Administration under the
35 Uniting and Strengthening America by Providing Appropriate Tools Required to
36 Intercept and Obstruct Terrorism Act (USA PATRIOT ACT) of 2001.

37 (1) The state shall immediately revoke a hazardous materials
38 endorsement upon receipt of an initial determination of threat assessment and
39 immediate revocation from the Transportation Security Administration as defined
40 by 49 CFR 1572.13(a).

41 (2) The state shall revoke or deny a hazardous materials endorsement
42 within fifteen days of receipt of a final determination of threat assessment from
43 the Transportation Security Administration as required by CFR 1572.13(a).

44 6. The fee for a commercial driver's license or renewal commercial driver's
45 license issued for a period greater than three years shall be forty dollars.

46 7. The fee for a commercial driver's license or renewal commercial driver's
47 license issued for a period of three years or less shall be twenty dollars.

48 8. The fee for a duplicate commercial driver's license shall be twenty
49 dollars.

50 9. In order for the director to properly transition driver's license
51 requirements under the Motor Carrier Safety Improvement Act of 1999 and the
52 Uniting and Strengthening America by Providing Appropriate Tools Required to
53 Intercept and Obstruct Terrorism Act (USA PATRIOT ACT) of 2001, the director
54 is authorized to stagger expiration dates and make adjustments for any fees,
55 including driver examination fees that are incurred by the driver as a result of
56 the initial issuance of a transitional license required to comply with such acts.

57 10. Within thirty days after moving to this state, the holder of a
58 commercial driver's license shall apply for a commercial driver's license in this
59 state. The applicant shall meet all other requirements of sections 302.700 to

60 302.780, except that the director may waive the driving test for a commercial
61 driver's license as required in section 302.720 if the applicant for a commercial
62 driver's license has a valid commercial driver's license from a state which has
63 requirements for issuance of such license comparable to those in this state.

64 11. Any person who falsifies any information in an application or test for
65 a commercial driver's license shall not be licensed to operate a commercial motor
66 vehicle, or the person's commercial driver's license shall be ~~cancelled~~ **canceled**,
67 for a period of one year after the director discovers such falsification.

68 12. Beginning July 1, 2005, the director shall not issue a commercial
69 driver's license under this section unless the director verifies that the applicant
70 is lawfully present in the United States before accepting the application. If
71 lawful presence is granted for a temporary period, no commercial driver's license
72 shall be issued. The director may, by rule or regulation, establish procedures to
73 verify the lawful presence of the applicant and establish the duration of any
74 commercial driver's license issued under this section. No rule or portion of a rule
75 promulgated pursuant to the authority of this section shall become effective
76 unless it has been promulgated pursuant to chapter 536.

77 13. (1) Effective December 19, 2005, notwithstanding any provisions of
78 subsections 1 and 5 of this section to the contrary, the director may issue a
79 ~~nonresident~~ **nondomiciled** commercial driver's license **or commercial**
80 **driver's instruction permit** to a resident of a foreign jurisdiction if the United
81 States Secretary of Transportation has determined that the commercial motor
82 vehicle testing and licensing standards in the foreign jurisdiction do not meet the
83 testing standards established in 49 [C.F.R. Part] **CFR 383**.

84 (2) Any applicant for a ~~nonresident~~ **nondomiciled** commercial driver's
85 license **or commercial driver's instruction permit** must present evidence
86 satisfactory to the director that the applicant currently has employment with an
87 employer in this state. The ~~nonresident~~ **nondomiciled** applicant must meet
88 the same testing, driver record requirements, conditions, and is subject to the
89 same disqualification and conviction reporting requirements applicable to
90 resident commercial drivers.

91 (3) The ~~nonresident~~ **nondomiciled** commercial driver's license will
92 expire on the same date that the documents establishing lawful presence for
93 employment expire. The word [~~nonresident~~] "**nondomiciled**" shall appear on
94 the face of the ~~nonresident~~ **nondomiciled** commercial driver's license. Any
95 applicant for a Missouri ~~nonresident~~ **nondomiciled** commercial driver's license

96 **or commercial driver's instruction permit** must first surrender any
97 [nonresident] **nondomiciled** commercial driver's license issued by another state.

98 (4) The [nonresident] **nondomiciled** commercial driver's license
99 applicant must pay the same fees as required for the issuance of a resident
100 commercial driver's license **or commercial driver's instruction permit**.

101 14. Foreign jurisdiction for purposes of issuing a [nonresident]
102 **nondomiciled** commercial driver's license **or commercial driver's**
103 **instruction permit** under this section shall not include any of the fifty states
104 of the United States or Canada or Mexico.

302.740. 1. The commercial driver's license shall be manufactured of
2 materials and processes that will prohibit as nearly as possible the ability to
3 reproduce, alter, counterfeit, forge, or duplicate any license without ready
4 detection. Such license shall include, but not be limited to, the following
5 information: a colored photograph of the person, the legal name and address of
6 the person, a physical description of the person, including sex, height, weight and
7 eye color, the person's [Social Security number] **driver's license number** or
8 such other number or identifier deemed appropriate by the director or the
9 [secretary] **Secretary**, the date of birth, class or type of commercial motor
10 vehicle or vehicles which the person is authorized to drive, the name of this state,
11 and the words "COMMERCIAL DRIVER'S LICENSE" or "CDL", the dates of
12 issuance and expiration, the person's signature and such other information as the
13 director prescribes.

14 2. Before issuing a commercial driver's license, the director shall obtain
15 driving record information from sources including, but not limited to, the national
16 driver's register, the commercial driver's license information system, and any
17 state driver's licensing system in which the person has been licensed; except that
18 the director shall only be required to obtain the complete driving record from each
19 state the person has ever been licensed in when such person is issued an initial
20 commercial driver's license or renews his or her commercial driver's license for
21 the first time. The director shall maintain a notation in the driving record
22 system of the date when he or she has obtained the driving records from all other
23 states which the person has been licensed.

24 3. Within ten days after issuing a commercial driver's license, the director
25 shall notify the commercial driver's license information system of such fact,
26 providing all information required to ensure identification of the person. For the
27 purpose of this subsection, the date of issuance shall be the date the commercial

28 driver's license is mailed to the applicant.

29 4. The commercial driver's license shall indicate the class of vehicle the
30 person may drive and any applicable endorsements or restrictions. Commercial
31 driver's license classifications, endorsements and restrictions shall be in
32 compliance with the Commercial Motor Vehicle Safety Act of 1986 (Title XII of
33 Pub. Law 99-570) and those prescribed by the director. The commercial driver's
34 license driving record shall contain a complete history of the driver, including
35 information and convictions from previous states of licensure.

36 **5. The commercial driver's instruction permit shall include but**
37 **not be limited to the same data elements as a commercial driver's**
38 **license and the words "CDL PERMIT" or "COMMERCIAL LEARNER**
39 **PERMIT" and such other information as the director or Secretary**
40 **prescribes.**

 302.755. 1. A person is disqualified from driving a commercial motor
2 vehicle for a period of not less than one year if convicted of a first violation of:

3 (1) Driving a motor vehicle under the influence of alcohol or a controlled
4 substance, or of an alcohol-related enforcement contact as defined in subsection
5 3 of section 302.525;

6 (2) Driving a commercial motor vehicle which causes a fatality through
7 the negligent operation of the commercial motor vehicle, including but not limited
8 to the crimes of vehicular manslaughter, homicide by motor vehicle, and negligent
9 homicide;

10 (3) Driving a commercial motor vehicle while revoked pursuant to section
11 302.727;

12 (4) Leaving the scene of an accident involving a commercial or
13 noncommercial motor vehicle operated by the person;

14 (5) Using a commercial or noncommercial motor vehicle in the commission
15 of any felony, as defined in section 302.700, except a felony as provided in
16 subsection 4 of this section.

17 2. If any of the violations described in subsection 1 of this section occur
18 while transporting a hazardous material the person is disqualified for a period
19 of not less than three years.

20 3. Any person is disqualified from operating a commercial motor vehicle
21 for life if convicted of two or more violations of any of the offenses specified in
22 subsection 1 of this section, or any combination of those offenses, arising from two
23 or more separate incidents. The director may issue rules and regulations, in

24 accordance with guidelines established by the [secretary] **Secretary**, under
25 which a disqualification for life under this section may be reduced to a period of
26 not less than ten years.

27 4. Any person is disqualified from driving a commercial motor vehicle for
28 life who uses a commercial or noncommercial motor vehicle in the commission of
29 any felony involving the manufacture, distribution, or dispensing of a controlled
30 substance, or possession with intent to manufacture, distribute, or dispense a
31 controlled substance.

32 5. Any person is disqualified from operating a commercial motor vehicle
33 for a period of not less than sixty days if convicted of two serious traffic violations
34 or one hundred twenty days if convicted of three serious traffic violations, arising
35 from separate incidents occurring within a three-year period.

36 6. Any person found to be operating a commercial motor vehicle while
37 having any measurable alcohol concentration shall immediately be issued a
38 continuous twenty-four-hour out-of-service order by a law enforcement officer in
39 this state.

40 7. Any person who is convicted of operating a commercial motor vehicle
41 beginning at the time of issuance of the out-of-service order until its expiration
42 is guilty of a class A misdemeanor.

43 8. Any person convicted for the first time of driving while out of service
44 shall be disqualified from driving a commercial motor vehicle in the manner
45 prescribed in 49 CFR [Part] 383, or as amended by the Secretary.

46 9. Any person convicted of driving while out of service on a second
47 occasion during any ten-year period, involving separate incidents, shall be
48 disqualified in the manner prescribed in 49 CFR [Part] 383, or as amended by the
49 Secretary.

50 10. Any person convicted of driving while out of service on a third or
51 subsequent occasion during any ten-year period, involving separate incidents,
52 shall be disqualified for a period of three years.

53 11. Any person convicted of a first violation of an out-of-service order
54 while transporting hazardous materials or while operating a motor vehicle
55 designed to transport sixteen or more passengers, including the driver, is
56 disqualified for a period of one hundred eighty days.

57 12. Any person convicted of any subsequent violation of an out-of-service
58 order in a separate incident within ten years after a previous violation, while
59 transporting hazardous materials or while operating a motor vehicle designed to

60 transport fifteen passengers, including the driver, is disqualified for a period of
61 three years.

62 13. Any person convicted of any other offense as specified by regulations
63 promulgated by the Secretary of Transportation shall be disqualified in
64 accordance with such regulations.

65 14. After suspending, revoking, [~~cancelling~~] **canceling** or disqualifying
66 a driver, the director shall update records to reflect such action and notify a
67 nonresident's licensing authority and the commercial driver's license information
68 system within ten days in the manner prescribed in 49 CFR [Part] 384, or as
69 amended by the Secretary.

70 15. Any person disqualified from operating a commercial motor vehicle
71 pursuant to subsection 1, 2, 3 or 4 of this section shall have such commercial
72 driver's license [~~cancelled~~] **canceled**, and upon conclusion of the period of
73 disqualification shall take the written and driving tests and meet all other
74 requirements of sections 302.700 to 302.780. Such disqualification and
75 cancellation shall not be withdrawn by the director until such person reapplies
76 for a commercial driver's license in this or any other state after meeting all
77 requirements of sections 302.700 to 302.780.

78 16. The director shall disqualify a driver upon receipt of notification that
79 the Secretary has determined a driver to be an imminent hazard pursuant to 49
80 CFR[, Part] 383.52. Due process of a disqualification determined by the
81 Secretary pursuant to this section shall be held in accordance with regulations
82 promulgated by the Secretary. The period of disqualification determined by the
83 Secretary pursuant to this section shall be served concurrently to any other
84 period of disqualification which may be imposed by the director pursuant to this
85 section. Both disqualifications shall appear on the driving record of the driver.

86 17. The director shall disqualify a commercial license holder or operator
87 of a commercial **motor** vehicle from operation of any commercial motor vehicle
88 upon receipt of a conviction for an offense of failure to appear or pay, and such
89 disqualification shall remain in effect until the director receives notice that the
90 person has complied with the requirement to appear or pay.

91 **18. The disqualification period must be in addition to any other**
92 **previous periods of disqualification in the manner prescribed in 49**
93 **CFR 383, or as amended by the Secretary, except when the major or**
94 **serious violations are a result of the same incident.**

302.767. Notwithstanding sections 302.700, 302.720, 302.735,

2 **302.740, and 302.755 to the contrary, the department of revenue shall**
 3 **have until July 8, 2015, to comply with the provisions of 49 CFR 383,**
 4 **384, and 385 pertaining to the commercial driver's license testing and**
 5 **commercial learner's permit standards rule issued by the Federal Motor**
 6 **Carrier Safety Administration.**

304.180. 1. No vehicle or combination of vehicles shall be moved or
 2 operated on any highway in this state having a greater weight than twenty
 3 thousand pounds on one axle, no combination of vehicles operated by transporters
 4 of general freight over regular routes as defined in section 390.020 shall be moved
 5 or operated on any highway of this state having a greater weight than the vehicle
 6 manufacturer's rating on a steering axle with the maximum weight not to exceed
 7 twelve thousand pounds on a steering axle, and no vehicle shall be moved or
 8 operated on any state highway of this state having a greater weight than
 9 thirty-four thousand pounds on any tandem axle; the term "tandem axle" shall
 10 mean a group of two or more axles, arranged one behind another, the distance
 11 between the extremes of which is more than forty inches and not more than
 12 ninety-six inches apart.

13 2. An "axle load" is defined as the total load transmitted to the road by
 14 all wheels whose centers are included between two parallel transverse vertical
 15 planes forty inches apart, extending across the full width of the vehicle.

16 3. Subject to the limit upon the weight imposed upon a highway of this
 17 state through any one axle or on any tandem axle, the total gross weight with
 18 load imposed by any group of two or more consecutive axles of any vehicle or
 19 combination of vehicles shall not exceed the maximum load in pounds as set forth
 20 in the following table:

21 Distance in feet between the extremes
 22 of any group of two or more consecutive
 23 axles, measured to the nearest foot,
 24 except where indicated otherwise

	Maximum load in pounds					
25 feet	2 axles	3 axles	4 axles	5 axles	6 axles	
26 4	34,000					
27 5	34,000					
28 6	34,000					
29 7	34,000					

31	8	34,000	34,000			
32	More than 8	38,000	42,000			
33	9	39,000	42,500			
34	10	40,000	43,500			
35	11	40,000	44,000			
36	12	40,000	45,000	50,000		
37	13	40,000	45,500	50,500		
38	14	40,000	46,500	51,500		
39	15	40,000	47,000	52,000		
40	16	40,000	48,000	52,500	58,000	
41	17	40,000	48,500	53,500	58,500	
42	18	40,000	49,500	54,000	59,000	
43	19	40,000	50,000	54,500	60,000	
44	20	40,000	51,000	55,500	60,500	66,000
45	21	40,000	51,500	56,000	61,000	66,500
46	22	40,000	52,500	56,500	61,500	67,000
47	23	40,000	53,000	57,500	62,500	68,000
48	24	40,000	54,000	58,000	63,000	68,500
49	25	40,000	54,500	58,500	63,500	69,000
50	26	40,000	55,500	59,500	64,000	69,500
51	27	40,000	56,000	60,000	65,000	70,000
52	28	40,000	57,000	60,500	65,500	71,000
53	29	40,000	57,500	61,500	66,000	71,500
54	30	40,000	58,500	62,000	66,500	72,000
55	31	40,000	59,000	62,500	67,500	72,500
56	32	40,000	60,000	63,500	68,000	73,000
57	33	40,000	60,000	64,000	68,500	74,000
58	34	40,000	60,000	64,500	69,000	74,500
59	35	40,000	60,000	65,500	70,000	75,000
60	36		60,000	66,000	70,500	75,500
61	37		60,000	66,500	71,000	76,000
62	38		60,000	67,500	72,000	77,000

63	39	60,000	68,000	72,500	77,500
64	40	60,000	68,500	73,000	78,000
65	41	60,000	69,500	73,500	78,500
66	42	60,000	70,000	74,000	79,000
67	43	60,000	70,500	75,000	80,000
68	44	60,000	71,500	75,500	80,000
69	45	60,000	72,000	76,000	80,000
70	46	60,000	72,500	76,500	80,000
71	47	60,000	73,500	77,500	80,000
72	48	60,000	74,000	78,000	80,000
73	49	60,000	74,500	78,500	80,000
74	50	60,000	75,500	79,000	80,000
75	51	60,000	76,000	80,000	80,000
76	52	60,000	76,500	80,000	80,000
77	53	60,000	77,500	80,000	80,000
78	54	60,000	78,000	80,000	80,000
79	55	60,000	78,500	80,000	80,000
80	56	60,000	79,500	80,000	80,000
81	57	60,000	80,000	80,000	80,000

82 Notwithstanding the above table, two consecutive sets of tandem axles may carry
83 a gross load of thirty-four thousand pounds each if the overall distance between
84 the first and last axles of such consecutive sets of tandem axles is thirty-six feet
85 or more.

86 4. Whenever the state highways and transportation commission finds that
87 any state highway bridge in the state is in such a condition that use of such
88 bridge by vehicles of the weights specified in subsection 3 of this section will
89 endanger the bridge, or the users of the bridge, the commission may establish
90 maximum weight limits and speed limits for vehicles using such bridge. The
91 governing body of any city or county may grant authority by act or ordinance to
92 the state highways and transportation commission to enact the limitations
93 established in this section on those roadways within the purview of such city or
94 county. Notice of the weight limits and speed limits established by the
95 commission shall be given by posting signs at a conspicuous place at each end of

96 any such bridge.

97 5. Nothing in this section shall be construed as permitting lawful axle
98 loads, tandem axle loads or gross loads in excess of those permitted under the
99 provisions of Section 127 of Title 23 of the United States Code.

100 6. Notwithstanding the weight limitations contained in this section, any
101 vehicle or combination of vehicles operating on highways other than the interstate
102 highway system may exceed single axle, tandem axle and gross weight limitations
103 in an amount not to exceed two thousand pounds. However, total gross weight
104 shall not exceed eighty thousand pounds, except as provided in subsections 9 and
105 10 of this section.

106 7. Notwithstanding any provision of this section to the contrary, the
107 department of transportation shall issue a single-use special permit, or upon
108 request of the owner of the truck or equipment, shall issue an annual permit, for
109 the transporting of any concrete pump truck or well-drillers' equipment. The
110 department of transportation shall set fees for the issuance of permits pursuant
111 to this subsection. Notwithstanding the provisions of section 301.133, concrete
112 pump trucks or well-drillers' equipment may be operated on state-maintained
113 roads and highways at any time on any day.

114 8. Notwithstanding the provision of this section to the contrary, the
115 maximum gross vehicle limit and axle weight limit for any vehicle or combination
116 of vehicles equipped with an idle reduction technology may be increased by a
117 quantity necessary to compensate for the additional weight of the idle reduction
118 system as provided for in 23 U.S.C. Section 127, as amended. In no case shall the
119 additional weight increase allowed by this subsection be greater than **[four] five**
120 **hundred fifty** pounds. Upon request by an appropriate law enforcement officer,
121 the vehicle operator shall provide proof that the idle reduction technology is fully
122 functional at all times and that the gross weight increase is not used for any
123 purpose other than for the use of idle reduction technology.

124 9. Notwithstanding subsection 3 of this section or any other provision of
125 law to the contrary, the total gross weight of any vehicle or combination of
126 vehicles hauling livestock may be as much as, but shall not exceed, eighty-five
127 thousand five hundred pounds while operating on U.S. Highway 36 from St.
128 Joseph to U.S. Highway 63, on U.S. Highway 65 from the Iowa state line to U.S.
129 Highway 36, and on U.S. Highway 63 from the Iowa state line to U.S. Highway
130 36, and on U.S. Highway 63 from U.S. Highway 36 to Missouri Route 17. The
131 provisions of this subsection shall not apply to vehicles operated on the Dwight

132 D. Eisenhower System of Interstate and Defense Highways.

133 10. Notwithstanding any provision of this section or any other law to the
134 contrary, the total gross weight of any vehicle or combination of vehicles hauling
135 milk from a farm to a processing facility may be as much as, but shall not exceed,
136 eighty-five thousand five hundred pounds while operating on highways other than
137 the interstate highway system. The provisions of this subsection shall not apply
138 to vehicles operated and operating on the Dwight D. Eisenhower System of
139 Interstate and Defense Highways.

304.820. 1. Except as otherwise provided in this section, no person
2 twenty-one years of age or younger operating a moving **noncommercial** motor
3 vehicle upon the highways of this state shall, by means of a hand-held electronic
4 wireless communications device, send, read, or write a text message or electronic
5 message.

6 2. **No person, regardless of age, shall operate a commercial motor**
7 **vehicle while using a hand-held mobile telephone in a manner**
8 **proscribed by the federal motor carrier safety regulations, as**
9 **periodically amended.**

10 3. **No person, regardless of age, shall engage in texting while**
11 **operating a commercial motor vehicle in a manner proscribed by the**
12 **federal motor carrier safety regulations, as periodically amended.**

13 4. The provisions of subsection 1 of this section shall not apply to a person
14 operating:

15 (1) An authorized emergency vehicle; or

16 (2) A moving motor vehicle while using a hand-held electronic wireless
17 communications device to:

18 (a) Report illegal activity;

19 (b) Summon medical or other emergency help;

20 (c) Prevent injury to a person or property; or

21 (d) Relay information between a transit or for-hire operator and that
22 operator's dispatcher, in which the device is permanently affixed to the vehicle.

23 [3.] 5. Nothing in this section shall be construed or interpreted as
24 prohibiting a person from making or taking part in a telephone call, by means of
25 a hand-held electronic wireless communications device, while operating a
26 **noncommercial** motor vehicle upon the highways of this state.

27 [4.] 6. As used in this section, "electronic message" means a
28 self-contained piece of digital communication that is designed or intended to be

29 transmitted between hand-held electronic wireless communication
30 devices. "Electronic message" includes, but is not limited to, electronic mail, a
31 text message, an instant message, or a command or request to access an internet
32 site.

33 [5.] 7. As used in this section, "hand-held electronic wireless
34 communications device" includes any hand-held cellular phone, palm pilot,
35 blackberry, or other mobile electronic device used to communicate verbally or by
36 text or electronic messaging, but shall not apply to any device that is
37 permanently embedded into the architecture and design of the motor vehicle.

38 [6.] 8. As used in this section, "making or taking part in a telephone call"
39 means listening to or engaging in verbal communication through a hand-held
40 electronic wireless communication device.

41 [7.] 9. As used in this section, "send, read, or write a text message or
42 electronic message" means using a hand-held electronic wireless
43 telecommunications device to manually communicate with any person by using
44 an electronic message. Sending, reading, or writing a text message or electronic
45 message does not include reading, selecting, or entering a phone number or name
46 into a hand-held electronic wireless communications device for the purpose of
47 making a telephone call.

48 [8.] 10. As used in subsections 2 and 3 of this section, the terms
49 "texting" and "mobile telephone" shall have the same meaning ascribed
50 to them in section 302.700.

51 11. A violation of this section shall be deemed an infraction and shall be
52 deemed a moving violation for purposes of point assessment under section
53 302.302.

54 [9.] 12. The state preempts the field of regulating the use of hand-held
55 electronic wireless communications devices in motor vehicles, and the provisions
56 of this section shall supercede any local laws, ordinances, orders, rules, or
57 regulations enacted by a county, municipality, or other political subdivision to
58 regulate the use of hand-held electronic wireless communication devices by the
59 operator of a motor vehicle.

60 [10.] 13. The provisions of **subsection 1 of** this section shall not apply
61 to:

- 62 (1) The operator of a vehicle that is lawfully parked or stopped;
63 (2) Any of the following while in the performance of their official duties:
64 a law enforcement officer; a member of a fire department; or the operator of a

65 public or private ambulance;

66 (3) The use of factory-installed or aftermarket global positioning systems
67 (GPS) or wireless communications devices used to transmit or receive data as part
68 of a digital dispatch system;

69 (4) The use of voice-operated technology;

70 (5) The use of two-way radio transmitters or receivers by a licensee of the
71 Federal Communications Commission in the Amateur Radio Service.

476.385. 1. The judges of the supreme court may appoint a committee
2 consisting of at least seven associate circuit judges, who shall meet en banc and
3 establish and maintain a schedule of fines to be paid for violations of sections
4 210.104, 577.070, and 577.073, and chapters 252, 301, 302, 304, 306, 307 and 390,
5 with such fines increasing in proportion to the severity of the violation. The
6 associate circuit judges of each county may meet en banc and adopt the schedule
7 of fines and participation in the centralized bureau pursuant to this
8 section. Notice of such adoption and participation shall be given in the manner
9 provided by supreme court rule. Upon order of the supreme court, the associate
10 circuit judges of each county may meet en banc and establish and maintain a
11 schedule of fines to be paid for violations of municipal ordinances for cities, towns
12 and villages electing to have violations of its municipal ordinances heard by
13 associate circuit judges, pursuant to section 479.040; and for traffic court
14 divisions established pursuant to section 479.500. The schedule of fines adopted
15 for violations of municipal ordinances may be modified from time to time as the
16 associate circuit judges of each county en banc deem advisable. No fine
17 established pursuant to this subsection may exceed the maximum amount
18 specified by statute or ordinance for such violation.

19 2. In no event shall any schedule of fines adopted pursuant to this section
20 include offenses involving the following:

21 (1) Any violation resulting in personal injury or property damage to
22 another person;

23 (2) Operating a motor vehicle while intoxicated or under the influence of
24 intoxicants or drugs;

25 (3) Operating a vehicle with a counterfeited, altered, suspended or
26 revoked license;

27 (4) Fleeing or attempting to elude an officer.

28 3. There shall be a centralized bureau to be established by supreme court
29 rule in order to accept pleas of not guilty or guilty and payments of fines and

30 court costs for violations of the laws and ordinances described in subsection 1 of
31 this section, made pursuant to a schedule of fines established pursuant to this
32 section. The centralized bureau shall collect, with any plea of guilty and payment
33 of a fine, all court costs which would have been collected by the court of the
34 jurisdiction from which the violation originated.

35 4. If a person elects not to contest the alleged violation, the person shall
36 send payment in the amount of the fine and any court costs established for the
37 violation to the centralized bureau. Such payment shall be payable to the central
38 violations bureau, shall be made by mail or in any other manner established by
39 the centralized bureau, and shall constitute a plea of guilty, waiver of trial and
40 a conviction for purposes of section 302.302, and for purposes of imposing any
41 collateral consequence of a criminal conviction provided by law. By paying the
42 fine and costs, the person also consents to attendance **either online or in**
43 **person** at any driver-improvement program or motorcycle-rider training course
44 ordered by the court and consents to verification of such attendance as directed
45 by the bureau. Notwithstanding any provision of law to the contrary, the
46 prosecutor shall not be required to sign any information, ticket or indictment if
47 disposition is made pursuant to this subsection. In the event that any payment
48 is made pursuant to this section by credit card or similar method, the centralized
49 bureau may charge an additional fee in order to reflect any transaction cost,
50 surcharge or fee imposed on the recipient of the credit card payment by the credit
51 card company.

52 5. If a person elects to plead not guilty, such person shall send the plea
53 of not guilty to the centralized bureau. The bureau shall send such plea and
54 request for trial to the prosecutor having original jurisdiction over the
55 offense. Any trial shall be conducted at the location designated by the court. The
56 clerk of the court in which the case is to be heard shall notify in writing such
57 person of the date certain for the disposition of such charges. The prosecutor
58 shall not be required to sign any information, ticket or indictment until the
59 commencement of any proceeding by the prosecutor with respect to the notice of
60 violation.

61 6. In courts adopting a schedule of fines pursuant to this section, any
62 person receiving a notice of violation pursuant to this section shall also receive
63 written notification of the following:

64 (1) The fine and court costs established pursuant to this section for the
65 violation or information regarding how the person may obtain the amount of the

66 fine and court costs for the violation;

67 (2) That the person must respond to the notice of violation by paying the
68 prescribed fine and court costs, or pleading not guilty and appearing at trial, and
69 that other legal penalties prescribed by law may attach for failure to appear and
70 dispose of the violation. The supreme court may modify the suggested forms for
71 uniform complaint and summons for use in courts adopting the procedures
72 provided by this section, in order to accommodate such required written
73 notifications.

74 7. Any moneys received in payment of fines and court costs pursuant to
75 this section shall not be considered to be state funds, but shall be held in trust
76 by the centralized bureau for benefit of those persons or entities entitled to
77 receive such funds pursuant to this subsection. All amounts paid to the
78 centralized bureau shall be maintained by the centralized bureau, invested in the
79 manner required of the state treasurer for state funds by sections 30.240, 30.250,
80 30.260 and 30.270, and disbursed as provided by the constitution and laws of this
81 state. Any interest earned on such fund shall be payable to the director of the
82 department of revenue for deposit into a revolving fund to be established
83 pursuant to this subsection. The state treasurer shall be the custodian of the
84 revolving fund, and shall make disbursements, as allowed by lawful
85 appropriations, only to the judicial branch of state government for goods and
86 services related to the administration of the judicial system.

87 8. Any person who receives a notice of violation subject to this section who
88 fails to dispose of such violation as provided by this section shall be guilty of
89 failure to appear provided by section 544.665; and may be subject to suspension
90 of driving privileges in the manner provided by section 302.341. The centralized
91 bureau shall notify the appropriate prosecutor of any person who fails to either
92 pay the prescribed fine and court costs, or plead not guilty and request a trial
93 within the time allotted by this section, for purposes of application of section
94 544.665. The centralized bureau shall also notify the department of revenue of
95 any failure to appear subject to section 302.341, and the department shall
96 thereupon suspend the license of the driver in the manner provided by section
97 302.341, as if notified by the court.

98 9. In addition to the remedies provided by subsection 8 of this section, the
99 centralized bureau and the courts may use the remedies provided by sections
100 488.010 to 488.020 for the collection of court costs payable to courts, in order to
101 collect fines and court costs for violations subject to this section.

565.087. 1. A person commits the crime of assault of an employee
2 of a mass transit system while in the scope of his or her duties in the
3 first degree if such person attempts to kill or knowingly causes or
4 attempts to cause serious physical injury to an employee of a mass
5 transit system while in the scope of his or her duties.

6 2. As used in this section, "mass transit system" includes
7 employees of public bus and light rail companies.

8 3. Assault of an employee of a mass transit system in the first
9 degree is a class B felony.

565.088. 1. A person commits the crime of assault of an employee
2 of a mass transit system while in the scope of his or her duties in the
3 second degree if such person:

4 (1) Knowingly causes or attempts to cause physical injury to an
5 employee of a mass transit system while in the scope of his or her
6 duties by means of a deadly weapon or dangerous instrument;

7 (2) Knowingly causes or attempts to cause physical injury to an
8 employee of a mass transit system while in the scope of his or her
9 duties by means other than a deadly weapon or dangerous instrument;

10 (3) Recklessly causes serious physical injury to an employee of
11 a mass transit system while in the scope of his or her duties;

12 (4) While in an intoxicated condition or under the influence of
13 controlled substances or drugs, operates a motor vehicle in this state
14 and when so operating, acts with criminal negligence to cause physical
15 injury to an employee of a mass transit system while in the scope of his
16 or her duties;

17 (5) Acts with criminal negligence to cause physical injury to an
18 employee of a mass transit system while in the scope of his or her
19 duties by means of a deadly weapon or dangerous instrument;

20 (6) Purposely or recklessly places an employee of a mass transit
21 system while in the scope of his or her duties in apprehension of
22 immediate serious physical injury; or

23 (7) Acts with criminal negligence to create a substantial risk of
24 death or serious physical injury to an employee of a mass transit
25 system while in the scope of his or her duties.

26 2. As used in this section, "mass transit system" includes
27 employees of public bus and light rail companies.

28 3. Assault of an employee of a mass transit system while in the

29 scope of his or her duties in the second degree is a class C felony,
30 unless committed under subdivision (2), (5), (6), or (7) of subsection 1
31 of this section, in which case it is a class D felony.

565.089. 1. A person commits the crime of assault of an employee
2 of a mass transit system while in the scope of his or her duties in the
3 third degree if:

4 (1) Such person recklessly causes physical injury to an employee
5 of a mass transit system while in the scope of his or her duties;

6 (2) Such person purposely places an employee of a mass transit
7 system while in the scope of his or her duties in apprehension of
8 immediate physical injury;

9 (3) Such person knowingly causes or attempts to cause physical
10 contact with an employee of a mass transit system while in the scope
11 of his or her duties without the consent of the employee of the mass
12 transit system.

13 2. As used in this section, "mass transit system" includes
14 employees of public bus and light rail companies.

15 3. Assault of an employee of a mass transit system while in the
16 scope of his or her duties in the third degree is a class B misdemeanor.

577.041. 1. If a person under arrest, or who has been stopped pursuant
2 to subdivision (2) or (3) of subsection 1 of section 577.020, refuses upon the
3 request of the officer to submit to any test allowed pursuant to section 577.020,
4 then evidence of the refusal shall be admissible in a proceeding pursuant to
5 section 565.024, 565.060, or 565.082, or section 577.010 or 577.012. The request
6 of the officer shall include the reasons of the officer for requesting the person to
7 submit to a test and also shall inform the person that evidence of refusal to take
8 the test may be used against such person and that the person's license shall be
9 immediately revoked upon refusal to take the test. If a person when requested
10 to submit to any test allowed pursuant to section 577.020 requests to speak to an
11 attorney, the person shall be granted twenty minutes in which to attempt to
12 contact an attorney. If upon the completion of the twenty-minute period the
13 person continues to refuse to submit to any test, it shall be deemed a refusal. In
14 this event, the officer shall, on behalf of the director of revenue, serve the notice
15 of license revocation personally upon the person and shall take possession of any
16 license to operate a motor vehicle issued by this state which is held by that
17 person. The officer shall issue a temporary permit, on behalf of the director of

18 revenue, which is valid for fifteen days and shall also give the person a notice of
19 such person's right to file a petition for review to contest the license revocation.

20 2. The officer shall make a certified report under penalties of perjury for
21 making a false statement to a public official. The report shall be forwarded to the
22 director of revenue and shall include the following:

23 (1) That the officer has:

24 (a) Reasonable grounds to believe that the arrested person was driving a
25 motor vehicle while in an intoxicated or drugged condition; or

26 (b) Reasonable grounds to believe that the person stopped, being under
27 the age of twenty-one years, was driving a motor vehicle with a blood alcohol
28 content of two-hundredths of one percent or more by weight; or

29 (c) Reasonable grounds to believe that the person stopped, being under the
30 age of twenty-one years, was committing a violation of the traffic laws of the
31 state, or political subdivision of the state, and such officer has reasonable grounds
32 to believe, after making such stop, that the person had a blood alcohol content of
33 two-hundredths of one percent or greater;

34 (2) That the person refused to submit to a chemical test;

35 (3) Whether the officer secured the license to operate a motor vehicle of
36 the person;

37 (4) Whether the officer issued a fifteen-day temporary permit;

38 (5) Copies of the notice of revocation, the fifteen-day temporary permit
39 and the notice of the right to file a petition for review, which notices and permit
40 may be combined in one document; and

41 (6) Any license to operate a motor vehicle which the officer has taken into
42 possession.

43 3. Upon receipt of the officer's report, the director shall revoke the license
44 of the person refusing to take the test for a period of one year; or if the person is
45 a nonresident, such person's operating permit or privilege shall be revoked for one
46 year; or if the person is a resident without a license or permit to operate a motor
47 vehicle in this state, an order shall be issued denying the person the issuance of
48 a license or permit for a period of one year.

49 4. If a person's license has been revoked because of the person's refusal
50 to submit to a chemical test, such person may petition for a hearing before a
51 circuit division or associate division of the court in the county in which the arrest
52 or stop occurred. The person may request such court to issue an order staying
53 the revocation until such time as the petition for review can be heard. If the

54 court, in its discretion, grants such stay, it shall enter the order upon a form
55 prescribed by the director of revenue and shall send a copy of such order to the
56 director. Such order shall serve as proof of the privilege to operate a motor
57 vehicle in this state and the director shall maintain possession of the person's
58 license to operate a motor vehicle until termination of any revocation pursuant
59 to this section. Upon the person's request the clerk of the court shall notify the
60 prosecuting attorney of the county and the prosecutor shall appear at the hearing
61 on behalf of the director of revenue. At the hearing the court shall determine
62 only:

63 (1) Whether or not the person was arrested or stopped;

64 (2) Whether or not the officer had:

65 (a) Reasonable grounds to believe that the person was driving a motor
66 vehicle while in an intoxicated or drugged condition; or

67 (b) Reasonable grounds to believe that the person stopped, being under
68 the age of twenty-one years, was driving a motor vehicle with a blood alcohol
69 content of two-hundredths of one percent or more by weight; or

70 (c) Reasonable grounds to believe that the person stopped, being under the
71 age of twenty-one years, was committing a violation of the traffic laws of the
72 state, or political subdivision of the state, and such officer had reasonable
73 grounds to believe, after making such stop, that the person had a blood alcohol
74 content of two-hundredths of one percent or greater; and

75 (3) Whether or not the person refused to submit to the test.

76 5. If the court determines any issue not to be in the affirmative, the court
77 shall order the director to reinstate the license or permit to drive.

78 6. Requests for review as provided in this section shall go to the head of
79 the docket of the court wherein filed.

80 7. No person who has had a license to operate a motor vehicle suspended
81 or revoked pursuant to the provisions of this section shall have that license
82 reinstated until such person has participated in and successfully completed a
83 substance abuse traffic offender program defined in section 577.001, or a program
84 determined to be comparable by the department of mental health or the
85 court. Assignment recommendations, based upon the needs assessment as
86 described in subdivision [(23)] (24) of section 302.010, shall be delivered in
87 writing to the person with written notice that the person is entitled to have such
88 assignment recommendations reviewed by the court if the person objects to the
89 recommendations. The person may file a motion in the associate division of the

90 circuit court of the county in which such assignment was given, on a printed form
91 provided by the state courts administrator, to have the court hear and determine
92 such motion pursuant to the provisions of chapter 517. The motion shall name
93 the person or entity making the needs assessment as the respondent and a copy
94 of the motion shall be served upon the respondent in any manner allowed by
95 law. Upon hearing the motion, the court may modify or waive any assignment
96 recommendation that the court determines to be unwarranted based upon a
97 review of the needs assessment, the person's driving record, the circumstances
98 surrounding the offense, and the likelihood of the person committing a like
99 offense in the future, except that the court may modify but may not waive the
100 assignment to an education or rehabilitation program of a person determined to
101 be a prior or persistent offender as defined in section 577.023, or of a person
102 determined to have operated a motor vehicle with fifteen-hundredths of one
103 percent or more by weight in such person's blood. Compliance with the court
104 determination of the motion shall satisfy the provisions of this section for the
105 purpose of reinstating such person's license to operate a motor vehicle. The
106 respondent's personal appearance at any hearing conducted pursuant to this
107 subsection shall not be necessary unless directed by the court.

108 8. The fees for the substance abuse traffic offender program, or a portion
109 thereof to be determined by the division of alcohol and drug abuse of the
110 department of mental health, shall be paid by the person enrolled in the
111 program. Any person who is enrolled in the program shall pay, in addition to any
112 fee charged for the program, a supplemental fee to be determined by the
113 department of mental health for the purposes of funding the substance abuse
114 traffic offender program defined in section 302.010 and section 577.001. The
115 administrator of the program shall remit to the division of alcohol and drug abuse
116 of the department of mental health on or before the fifteenth day of each month
117 the supplemental fee for all persons enrolled in the program, less two percent for
118 administrative costs. Interest shall be charged on any unpaid balance of the
119 supplemental fees due the division of alcohol and drug abuse pursuant to this
120 section and shall accrue at a rate not to exceed the annual rates established
121 pursuant to the provisions of section 32.065, plus three percentage points. The
122 supplemental fees and any interest received by the department of mental health
123 pursuant to this section shall be deposited in the mental health earnings fund
124 which is created in section 630.053.

125 9. Any administrator who fails to remit to the division of alcohol and drug

126 abuse of the department of mental health the supplemental fees and interest for
127 all persons enrolled in the program pursuant to this section shall be subject to a
128 penalty equal to the amount of interest accrued on the supplemental fees due the
129 division pursuant to this section. If the supplemental fees, interest, and penalties
130 are not remitted to the division of alcohol and drug abuse of the department of
131 mental health within six months of the due date, the attorney general of the state
132 of Missouri shall initiate appropriate action of the collection of said fees and
133 interest accrued. The court shall assess attorney fees and court costs against any
134 delinquent program.

135 10. Any person who has had a license to operate a motor vehicle revoked
136 [more than once for violation of the provisions of this section] **under this**
137 **section and who has a prior alcohol-related enforcement contact, as**
138 **defined in section 302.525**, shall be required to file proof with the director of
139 revenue that any motor vehicle operated by the person is equipped with a
140 functioning, certified ignition interlock device as a required condition of license
141 reinstatement. Such ignition interlock device shall further be required to be
142 maintained on all motor vehicles operated by the person for a period of not less
143 than six months immediately following the date of reinstatement. **If the**
144 **monthly monitoring reports show that the ignition interlock device has**
145 **registered any confirmed blood alcohol concentration readings above**
146 **the alcohol setpoint established by the department of transportation or**
147 **that the person has tampered with or circumvented the ignition**
148 **interlock device, then the period for which the person must maintain**
149 **the ignition interlock device following the date of reinstatement shall**
150 **be extended for an additional six months.** If the person fails to maintain
151 such proof with the director as required by this section, the license shall be
152 rerevoked and the person shall be guilty of a class A misdemeanor.

153 11. The revocation period of any person whose license and driving
154 privilege has been revoked under this section and who has filed proof of financial
155 responsibility with the department of revenue in accordance with chapter 303 and
156 is otherwise eligible, shall be terminated by a notice from the director of revenue
157 after one year from the effective date of the revocation. Unless proof of financial
158 responsibility is filed with the department of revenue, the revocation shall remain
159 in effect for a period of two years from its effective date. If the person fails to
160 maintain proof of financial responsibility in accordance with chapter 303, the
161 person's license and driving privilege shall be rerevoked and the person shall be

162 guilty of a class A misdemeanor.

**Section 1. The portion of Interstate Highway 70 in Montgomery
2 County between mile marker 165.0 and 166.0 shall be designated the
3 "Graham's Picnic Rock Highway". The department of transportation
4 shall erect and maintain appropriate signs designating such
5 highway. The signs shall not be erected until the next lane widening
6 or pavement replacement project within that portion of the highway.**

Section B. Because immediate action is necessary to ensure the safety of
2 the citizens of this state, the repeal and reenactment of section 302.309 of this
3 act, and the repeal of section 302.309 of this act, is deemed necessary for the
4 immediate preservation of the public health, welfare, peace, and safety, and is
5 hereby declared to be an emergency act within the meaning of the constitution,
6 and the repeal and reenactment of section 302.309 of this act, and the repeal of
7 section 302.309 of this act, shall be in full force and effect July 1, 2013, or upon
8 its passage and approval, whichever later occurs.

Section C. The repeal and reenactment of sections 302.060, 302.302,
2 302.304, 302.525, 476.385, and 577.041, and the repeal of sections 302.060,
3 302.304, and 302.525 of this act shall become effective on March 3, 2014.

Bill
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