

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

SENATE BILL NO. 73

97TH GENERAL ASSEMBLY
2013

0445H.02T

AN ACT

To repeal sections 307.075, 478.007, and 488.2250, RSMo, and to enact in lieu thereof four new sections relating to judicial procedures.

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

Section A. Sections 307.075, 478.007 and 488.2250, RSMo, are repealed
2 and four new sections enacted in lieu thereof, to be known as sections 307.075,
3 478.007, 488.2250, and 304.152, to read as follows:

478.007. 1. Any circuit court, or any county with a charter form of
2 government and with more than six hundred thousand but fewer than seven
3 hundred thousand inhabitants with a county municipal court established under
4 section 66.010, may establish a docket or court to provide an alternative for the
5 judicial system to dispose of cases in which a person has pleaded guilty to driving
6 while intoxicated or driving with excessive blood alcohol content and:

7 (1) The person was operating a motor vehicle with at least
8 fifteen-hundredths of one percent or more by weight of alcohol in such person's
9 blood; or

10 (2) The person has previously pleaded guilty to or has been found guilty
11 of one or more intoxication-related traffic offenses as defined by section 577.023;
12 or

13 (3) The person has two or more previous alcohol-related enforcement
14 contacts as defined in section 302.525.

15 2. This docket or court shall combine judicial supervision, drug testing,
16 continuous alcohol monitoring, substance abuse traffic offender program
17 compliance, and treatment of DWI court participants. The court may assess any
18 and all necessary costs for participation in DWI court against the
19 participant. Any money received from such assessed costs by a court from a

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

20 defendant shall not be considered court costs, charges, or fines. This docket or
21 court may operate in conjunction with a drug court established pursuant to
22 sections 478.001 to 478.006.

23 **3. If the department of probation and parole is otherwise**
24 **unavailable to assist in the judicial supervision of any person who**
25 **wishes to enter a DWI court, a court-approved private probation service**
26 **may be utilized by the DWI court to fill the department's role. In such**
27 **case, any and all necessary additional costs may be assessed against the**
28 **participant. In no case shall any person be rejected from participating**
29 **in DWI court for the reason that the person does not reside in the city**
30 **or county where the applicable DWI court is located.**

304.152. 1. Notwithstanding any provision of the law to the
2 contrary, no law enforcement agency may establish a roadside
3 checkpoint or roadblock pattern based upon a particular vehicle type,
4 including the establishment of motorcycle-only checkpoints, or
5 compliance with any seatbelt law or ordinance.

6 2. Notwithstanding subsection 1 of this section, a law
7 enforcement agency may establish a roadside checkpoint pattern that
8 only stops and checks commercial motor vehicles, as defined in section
9 301.010.

10 3. The provisions of this section shall not be construed to restrict
11 any other type of checkpoint or roadblock which is lawful and is
12 established and operated in accordance with the provisions of the
13 United States Constitution and the Constitution of Missouri.

488.2250. [For all transcripts of testimony given or proceedings had in
2 any circuit court, the court reporter shall receive the sum of two dollars per
3 twenty-five-line page for the original of the transcript, and the sum of thirty-five
4 cents per twenty-five-line page for each carbon copy thereof; the page to be
5 approximately eight and one-half inches by eleven inches in size, with left-hand
6 margin of approximately one and one-half inches and the right-hand margin of
7 approximately one-half inch; answer to follow question on same line when
8 feasible; such page to be designated as a legal page. Any judge, in his or her
9 discretion, may order a transcript of all or any part of the evidence or oral
10 proceedings, and the court reporter's fees for making the same shall be paid by
11 the state upon a voucher approved by the court, and taxed against the state. In
12 criminal cases where an appeal is taken by the defendant, and it appears to the
13 satisfaction of the court that the defendant is unable to pay the costs of the
14 transcript for the purpose of perfecting the appeal, the court shall order the court

15 reporter to furnish three transcripts in duplication of the notes of the evidence,
16 for the original of which the court reporter shall receive two dollars per legal page
17 and for the copies twenty cents per page. The payment of court reporter's fees
18 provided in this section shall be made by the state upon a voucher approved by
19 the court] **1. For all appeal transcripts of testimony given or**
20 **proceedings had in any circuit court, the court reporter shall receive**
21 **the sum of three dollars and fifty cents per legal page for the**
22 **preparation of a paper and an electronic version of the transcript.**

23 **2. In criminal cases where an appeal is taken by the defendant**
24 **and it appears to the satisfaction of the court that the defendant is**
25 **unable to pay the costs of the transcript for the purpose of perfecting**
26 **the appeal, the court reporter shall receive a fee of two dollars and**
27 **sixty cents per legal page for the preparation of a paper and an**
28 **electronic version of the transcript.**

29 **3. Any judge, in his or her discretion, may order a transcript of**
30 **all or any part of the evidence or oral proceedings and the court**
31 **reporter shall receive the sum of two dollars and sixty cents per legal**
32 **page for the preparation of a paper and an electronic version of the**
33 **transcript.**

34 **4. For purposes of this section, a legal page, other than the first**
35 **page and the final page of the transcript, shall be twenty-five lines,**
36 **approximately eight and one-half inches by eleven inches in size, with**
37 **the left-hand margin of approximately one and one-half inches, and**
38 **with the right-hand margin of approximately one-half inch.**

39 **5. Notwithstanding any law to the contrary, the payment of court**
40 **reporter's fees provided in subsections 2 and 3 of this section shall be**
41 **made by the state upon a voucher approved by the court. The cost to**
42 **prepare all other transcripts of testimony or proceedings shall be borne**
43 **by the party requesting their preparation and production who shall**
44 **reimburse the court reporter the sum provided in subsection 1 of this**
45 **section.**

307.075. 1. Every motor vehicle and every motor-drawn vehicle shall be
2 equipped with at least two rear lamps, not less than fifteen inches or more than
3 seventy-two inches above the ground upon which the vehicle stands, which when
4 lighted will exhibit a red light plainly visible from a distance of five hundred feet
5 to the rear. Either such rear lamp or a separate lamp shall be so constructed and
6 placed as to illuminate with a white light the rear registration marker and render
7 it clearly legible from a distance of fifty feet to the rear. When the rear

8 registration marker is illuminated by an electric lamp other than the required
9 rear lamps, all such lamps shall be turned on or off only by the same control
10 switch at all times.

11 2. Every motorcycle registered in this state, when operated on a highway,
12 shall also carry at the rear, either as part of the rear lamp or separately, at least
13 one approved red reflector, which shall be of such size and characteristics and so
14 maintained as to be visible during the times when lighted lamps are required
15 from all distances within three hundred feet to fifty feet from such vehicle when
16 directly in front of a motor vehicle displaying lawful undimmed headlamps. **A**
17 **motorcycle may be equipped with a means of varying the brightness of**
18 **the vehicle's brake light for a duration of not more than five seconds**
19 **upon application of the vehicle's brakes.**

20 3. Every new passenger car, new commercial motor vehicle, motor-drawn
21 vehicle and omnibus with a capacity of more than six passengers registered in
22 this state after January 1, 1966, when operated on a highway, shall also carry at
23 the rear at least two approved red reflectors, at least one at each side, so
24 designed, mounted on the vehicle and maintained as to be visible during the
25 times when lighted lamps are required from all distances within five hundred to
26 fifty feet from such vehicle when directly in front of a motor vehicle displaying
27 lawful undimmed headlamps. Every such reflector shall meet the requirements
28 of this chapter and shall be mounted upon the vehicle at a height not to exceed
29 sixty inches nor less than fifteen inches above the surface upon which the vehicle
30 stands.

31 4. Any person who knowingly operates a motor vehicle without the lamps
32 required in this section in operable condition is guilty of an infraction.

Copy ✓