

Journal of the Senate

FIRST REGULAR SESSION

FIFTY-NINTH DAY—TUESDAY, APRIL 28, 2015

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Train yourself in godliness, for while physical training is of some value, godliness is valuable in every way...” (I Timothy 4:8)

Almighty God, Your words are an abrupt call to us as a reminder of what is required for a disciplined, godly life. We would ask that You nurture our souls in faith and give us hearts that long for the things that You will bless. And, may we do what we can to alleviate suffering, and provide justice and peace for the people of Baltimore and Ferguson, making You the center of all our actions. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

Photographers from the KRCG-TV were given permission to take pictures in the Senate Chamber.

Senator Dempsey requested unanimous consent of the Senate to grant former Miss Missouri, Lori Bartlett and her daughter, Chloe Bartlett to ascend the dais for the purpose of singing “God Bless America”, which request was granted.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

| | | | | | | | |
|----------|-----------------|------------|---------|---------|--------|-------------|---------|
| Brown | Chappelle-Nadal | Cunningham | Curls | Dempsey | Dixon | Emery | Hegeman |
| Holsman | Keaveny | Kehoe | Kraus | LeVota | Libla | Munzlinger | Nasheed |
| Onder | Parson | Pearce | Richard | Riddle | Romine | Sater | Schaaf |
| Schaefer | Schatz | Schmitt | Schupp | Sifton | Silvey | Wallingford | Walsh |
| Wasson | Wieland—34 | | | | | | |

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Dempsey offered Senate Resolution No. 936, regarding Miles Sommer, which was adopted.

Senator Munzlinger offered Senate Resolution No. 937, regarding Harry and Judy Hall, Moberly, which was adopted.

Senator Brown offered Senate Resolution No. 938, regarding Jesse Liu, which was adopted.

Senator Schupp offered Senate Resolution No. 939, regarding Katie Jo Walkley, Grain Valley, which was adopted.

Senator Wasson offered Senate Resolution No. 940, regarding Christian County Elks Lodge 2777, Ozark, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HJR 24**, entitled:

Joint Resolution submitting to the qualified voters of Missouri an amendment repealing section 17 of article IV of the Constitution of Missouri, and adopting one new section in lieu thereof relating to term limits for statewide offices.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 322**, entitled:

An Act to repeal sections 43.535 and 43.543, RSMo, and to enact in lieu thereof two new sections relating to criminal background checks, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 867**, entitled:

An Act to amend chapters 9 and 191, RSMo, by adding thereto seven new sections relating to health care, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 694**, entitled:

An Act to repeal sections 301.010, 301.067, and 301.227, RSMo, and to enact in lieu thereof three new sections relating to the registration of motor vehicles.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1024**, entitled:

An Act to repeal sections 8.016, 8.051, 8.110, 8.172, and 8.177, RSMo, and to enact in lieu thereof six new sections relating to the commission on capitol security infrastructure.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

SENATE BILLS FOR PERFECTION

Senator Dixon moved that **SB 199**, **SB 417** and **SB 42**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 was again taken up.

At the request of Senator Chappelle-Nadal, **SA 1** was withdrawn.

Senator Chappelle-Nadal offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 199, 417 and 42, Page 1, Section A, Line 6, by inserting immediately after said line the following:

“537.570. Every person who, under color of any statute, ordinance, regulation, custom, or usage, of the state of Missouri or any political subdivision thereof subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Missouri Constitution and laws of this state, or interferes or attempts to interfere, by threats, intimidation or coercion, with the exercise or enjoyment by any other person of rights secured by article I of the Missouri Constitution, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress. A party injured by a violation of this section may bring a private civil action to enforce their rights under this section. The attorney general shall be authorized to bring a civil action on behalf of a party injured pursuant to this section.”; and

Further amend the title and enacting clause accordingly.

Senator Chappelle-Nadal moved that the above amendment be adopted, which motion prevailed.

Senator Pearce assumed the Chair.

Senator Kraus assumed the Chair.

Senator Brown offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 199, 417 and 42, Page 4, Section 563.046, Line 8, by inserting immediately after all of said line the following:

“Section 1. Notwithstanding any provision of chapter 571 to the contrary, any person, regardless of whether the person possesses a concealed carry permit, shall be authorized to carry a concealed firearm on or about his or her person or within a vehicle throughout the state.”; and

Further amend the title and enacting clause accordingly.

Senator Brown moved that the above amendment be adopted.

At the request of Senator Dixon, SS for SCS for SBs 199, 417 and 42 was withdrawn.

Senator Dixon offered SS No. 2 for SCS, entitled:

SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 199, 417 and 42

An Act to repeal section 563.046 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, and section 563.046 as enacted by senate bill no. 60, seventy-ninth general assembly, first regular session, RSMo, and to enact in lieu thereof one new section relating to the use of deadly force by law enforcement officers, with an emergency clause for a certain section and an effective date for a certain section.

Senator Dixon moved that SS No. 2 for SCS for SBs 199, 417 and 42 be adopted.

Senator Chappelle-Nadal offered SA 1:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 199, 417 and 42, Page 1, In the Title, Lines 7-8, by striking the following: “the use of deadly force by law enforcement officers” and inserting in lieu thereof the following: “actions committed by government officials”; and

Further amend said bill, page 1, section A, line 6 of said page, by inserting after all of said line the following:

“537.570. Every person who, under color of any statute, ordinance, regulation, custom, or usage, of the state of Missouri or any political subdivision thereof subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Missouri Constitution and laws of this state, or interferes or attempts to interfere, by threats, intimidation or coercion, with the exercise or enjoyment by any other person of rights secured by article I of the Missouri Constitution, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress. A party

injured by a violation of this section may bring a private civil action to enforce their rights under this section. The attorney general shall be authorized to bring a civil action on behalf of a party injured pursuant to this section.”; and

Further amend the title and enacting clause accordingly.

Senator Chappelle-Nadal moved that the above amendment be adopted, which motion prevailed.

President Pro Tem Dempsey assumed the Chair.

Senator Nasheed offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 199, 417 and 42, Page 2, Section 563.046, Lines 19-20 of said page, by striking “reasonably believes” and inserting in lieu thereof the following: “**has probable cause to believe**”; and

Further amend said bill, page 3, section 563.046, line 26 of said page, by striking “reasonably believes” and inserting in lieu thereof the following: “**has probable cause to believe**”.

Senator Nasheed moved that the above amendment be adopted, which motion failed.

Senator Dixon moved that **SS No. 2** for **SCS** for **SBs 199, 417 and 42**, as amended, be adopted, which motion prevailed.

On motion of Senator Dixon, **SS No. 2** for **SCS** for **SBs 199, 417 and 42**, as amended, was declared perfected and ordered printed.

REFERRALS

President Pro Tem Dempsey referred **SS** for **SB 373** to the Committee on Governmental Accountability and Fiscal Oversight.

President Pro Tem Dempsey referred **SCR 40** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

REPORTS OF STANDING COMMITTEES

Senator Cunningham, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **SCS** for **HB 615**; **SCS** for **HCS** for **HB 299**; **SCS** for **HCS** for **HBs 517 and 754**; **HCS** for **HB 587**; **SCS** for **HB 589**; **SCS** for **HCS** for **HB 709**; **HB 524**; **SB 377**; and **SB 200**, begs leave to report that it has considered the same and recommends that the bills do pass.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SS** for **SCS** for **SB 5**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 202**, entitled:

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to fees for optometric and ophthalmic services.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 476**, entitled:

An Act to amend chapter 163, RSMo, by adding thereto one new section relating to state funding for small school districts, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 842**, entitled:

An Act to repeal section 311.730, RSMo, and to enact in lieu thereof four new sections relating to alcohol, with a penalty provision and an emergency clause.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator Kehoe, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Kehoe.

REPORTS OF STANDING COMMITTEES

Senator Richard, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS No. 2** for **SCS** for **SBs 199, 417** and **42**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 209**, entitled:

An Act to repeal sections 595.010, 595.015, and 595.030, RSMo, and to enact in lieu thereof three new sections relating to crime victim compensation.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1023**, entitled:

An Act to amend chapter 161, RSMo, by adding thereto one new section relating to the development of school quality.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 389**, entitled:

An Act to amend chapter 32, RSMo, by adding thereto one new section relating to tax collection.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 627**, entitled:

An Act to amend chapter 620, RSMo, by adding thereto one new section relating to infrastructure investment.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 101**, entitled:

An Act to amend chapter 144, RSMo, by adding thereto one new section relating to taxation of utilities used in food preparation.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

PRIVILEGED MOTIONS

Senator Schatz moved that **SB 221**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 221**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 221

An Act to repeal sections 66.620, 72.150, and 72.401, RSMo, and to enact in lieu thereof four new sections relating to political subdivisions.

Was taken up.

Senator Schatz moved that **HCS** for **SB 221** be adopted.

Senator Walsh offered a substitute motion that the Senate refuse to concur in **HCS** for **SB 221** and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon.

Senator Pearce assumed the Chair.

Senator Kehoe assumed the Chair.

At the request of Senator Schatz, the motion to adopt **HCS** for **SB 221** was withdrawn, rendering the substitute motion moot.

On motion of Senator Richard, the Senate recessed until 8:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Dempsey.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 68**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 231**, entitled:

An Act to repeal sections 142.815, 144.030, and 306.100, RSMo, and to enact in lieu thereof three new sections relating to watercraft.

With House Amendment No. 1 to House Amendment No. 1 and House Amendment No. 1, as amended.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 1

Amend House Amendment No. 1 to House Committee Substitute for Senate Bill No. 231 Page 1, Lines 5-6, by deleting the words **“rents or provides the opportunity to the public to use any watercraft on the state’s streams or rivers”** and inserting in lieu thereof the following:

“which is a registered member of the Missouri Canoe and Floaters Association”; and

Further amend said amendment and page, Line 16, by deleting the phrase “; and” and inserting immediately after said line the following:

“5. The water patrol division shall distribute the informational brochures developed under this section to all county commissioners in this state.”; and”;

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 231, Page 15, Section 306.100, Line 95, by inserting after all of said section and line the following:

“306.910. 1. For purposes of this section, the following terms shall mean:

- (1) “Outfitter”, any individual, group, corporation, or other business entity which rents or provides the opportunity to the public to use any watercraft on the state’s streams or rivers;**
- (2) “Water patrol division”, the water patrol division of the state highway patrol;**
- (3) “Watercraft”, any canoe, kayak, raft, innertube, or other flotation device propelled by the use of paddles, oars, or other nonmotorized means of propulsion.**

2. By January 1, 2016, the water patrol division shall develop an informational brochure regarding the laws, regulations, and associated penalties relating to recreational water use as they pertain to individuals participating in the recreational use of the state’s streams or rivers.

3. The water patrol division shall distribute the informational brochures developed under this section to all campgrounds and outfitters that rent or provide watercraft for use on a stream or river.

4. No more than one hundred thousand dollars shall be expended on the development and printing of the informational brochure under this section.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SCS for SBs 34 and 105**, entitled:

An Act to repeal sections 115.135, 115.275, 115.277, 115.279, 115.283, 115.287, 115.291, 115.912, and 115.940, RSMo, and to enact in lieu thereof eight new sections relating to military and overseas voter registration, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 254**, entitled:

An Act to repeal sections 301.142 and 301.3097, RSMo, and to enact in lieu thereof two new sections relating to license plates.

With House Amendment Nos. 1, 2, 3 and 4.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 254, Page 1, In the Title, Line 3, by deleting the phrase “license plates” and inserting in lieu thereof “motor vehicles”; and

Further amend said bill, Page 7, Section 301.3142, Line 217, by inserting immediately after said section and line the following:

“301.196. 1. Beginning January 1, 2006, except as otherwise provided in this section, the transferor of an interest in a motor vehicle or trailer listed on the face of a Missouri title, excluding salvage titles and junking certificates, shall notify the department of revenue of the transfer within thirty days of the date of transfer. The notice shall be in a form determined by the department by rule and shall contain:

(1) **The name of the transferor and transferee;**

(2) A description of the motor vehicle or trailer sufficient to identify it;

[(2)] (3) The vehicle identification number of the motor vehicle or trailer;

[(3)] (4) The name and address of the transferee;

[(4)] (5) The date of birth of the transferee, unless the transferee is not a natural person;

[(5)] (6) The date of the transfer or sale;

[(6)] (7) The purchase price of the motor vehicle or trailer, if applicable;

[(7)] (8) The number of the transferee’s drivers license, unless the transferee does not have a drivers license;

[(8) The printed name and signature] (9) **The transferor’s electronic signature if transmitted electronically or the signatures of the transferee and transferor if not submitted electronically. For the purposes of this section, “transmitted electronically” shall have the same meaning as an electronic signature as defined in section 432.205;**

[(9)] (10) Any other information required by the department by rule.

2. A notice of sale substantially complying with the requirements of this section is effective even though it contains minor errors which are not materially misleading.

3. For purposes of giving notice under this section, if the transfer occurs by operation of law, the

personal representative, receiver, trustee, sheriff, or other representative or successor in interest of the person whose interest is transferred shall be considered the transferor. Repossession by a creditor shall not be considered a transfer of ownership requiring such notice.

[3.] **4.** The requirements of this section shall not apply to transfers when there is no complete change of ownership interest or upon award of ownership of a motor vehicle or trailer made by court order, or transfers of ownership of a motor vehicle or trailer to or between vehicle dealers, or transfers of ownership of a motor vehicle or trailer to an insurance company due to a theft or casualty loss, or transfers of beneficial ownership of a motor vehicle owned by a trust.

[4.] **5.** Notification under this section is only required for transfers of ownership that would otherwise require registration and an application for certificate of title in this state under section 301.190, and is for informational purposes only and does not constitute an assignment or release of any interest in the vehicle.

[5.] **6.** Retail sales made by licensed dealers including sales of new vehicles shall be reported pursuant to the provisions of section 301.280.”; and

Further amend said bill, Page 8, Section 301.3097, Line 26, by inserting immediately after said section and line the following:

“302.010. Except where otherwise provided, when used in this chapter, the following words and phrases mean:

(1) “Circuit court”, each circuit court in the state;

(2) “Commercial motor vehicle”, a motor vehicle designed or regularly used for carrying freight and merchandise, or more than fifteen passengers;

(3) “Conviction”, any final conviction; also a forfeiture of bail or collateral deposited to secure a defendant’s appearance in court, which forfeiture has not been vacated, shall be equivalent to a conviction, except that when any conviction as a result of which points are assessed pursuant to section 302.302 is appealed, the term “conviction” means the original judgment of conviction for the purpose of determining the assessment of points, and the date of final judgment affirming the conviction shall be the date determining the beginning of any license suspension or revocation pursuant to section 302.304;

(4) “Criminal history check”, a search of criminal records, including criminal history record information as defined in section 43.500, maintained by the Missouri state highway patrol in the Missouri criminal records repository or by the Federal Bureau of Investigation as part of its criminal history records, including, but not limited to, any record of conviction, plea of guilty or nolo contendere, or finding of guilty in any state for any offense related to alcohol, controlled substances, or drugs;

(5) “Director”, the director of revenue acting directly or through the director’s authorized officers and agents;

(6) “Farm tractor”, every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines and other implements of husbandry;

(7) “Highway”, any public thoroughfare for vehicles, including state roads, county roads and public streets, avenues, boulevards, parkways, or alleys in any municipality;

(8) “Incompetent to drive a motor vehicle”, a person who has become physically incapable of meeting

the prescribed requirements of an examination for an operator's license, or who has been adjudged by a probate division of the circuit court in a capacity hearing of being incapacitated;

(9) "License", a license issued by a state to a person which authorizes a person to operate a motor vehicle;

(10) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks except motorized bicycles, as defined in section 307.180;

(11) "Motorcycle", a motor vehicle operated on two wheels; however, this definition shall not include motorized bicycles as defined in section 301.010;

(12) "Motortricycle", a motor vehicle operated on three wheels, including a motorcycle operated with any conveyance, temporary or otherwise, requiring the use of a third wheel;

(13) "Moving violation", that character of traffic violation where at the time of violation the motor vehicle involved is in motion, except that the term does not include the driving of a motor vehicle without a valid motor vehicle registration license, or violations of sections 304.170 to 304.240, inclusive, relating to sizes and weights of vehicles;

(14) "Municipal court", every division of the circuit court having original jurisdiction to try persons for violations of city ordinances;

(15) "Nonresident", every person who is not a resident of this state;

(16) "Operator", every person who is in actual physical control of a motor vehicle upon a highway;

(17) "Owner", a person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of sections 302.010 to 302.540;

(18) "Record" includes, but is not limited to, papers, documents, facsimile information, microphotographic process, electronically generated or electronically recorded information, digitized images, deposited or filed with the department of revenue;

(19) "Residence address", "residence", or "resident address" shall be the location at which a person has been physically present, and that the person regards as home. A residence address is a person's true, fixed, principal, and permanent home, to which a person intends to return and remain, even though currently residing elsewhere;

(20) "Restricted driving privilege", a **sixty-day** driving privilege issued by the director of revenue following a suspension of driving privileges for the limited purpose of driving in connection with the driver's business, occupation, employment, formal program of secondary, postsecondary or higher education, or for an alcohol education or treatment program or certified ignition interlock provider, **or a ninety-day 'interlock restricted privilege' issued by the director of revenue for the limited purpose of driving in connection with the driver's business, occupation, employment, seeking medical treatment for such driver or a dependent family member, attending school or other institution of higher education, attending alcohol or drug treatment programs, seeking the required services of a certified ignition interlock provider, fulfilling court obligations, including required appearances and**

probation and parole obligations, religious services, the care of a child or children, including scheduled visitation or custodial obligations pursuant to a court order, fueling requirements for any vehicle utilized, and seeking basic nutritional requirements;

(21) “School bus”, when used in sections 302.010 to 302.540, means any motor vehicle, either publicly or privately owned, used to transport students to and from school, or to transport pupils properly chaperoned to and from any place within the state for educational purposes. The term “school bus” shall not include a bus operated by a public utility, municipal corporation or common carrier authorized to conduct local or interstate transportation of passengers when such bus is not traveling a specific school bus route but is:

(a) On a regularly scheduled route for the transportation of fare-paying passengers; or

(b) Furnishing charter service for the transportation of persons enrolled as students on field trips or other special trips or in connection with other special events;

(22) “School bus operator”, an operator who operates a school bus as defined in subdivision (21) of this section in the transportation of any schoolchildren and who receives compensation for such service. The term “school bus operator” shall not include any person who transports schoolchildren as an incident to employment with a school or school district, such as a teacher, coach, administrator, secretary, school nurse, or janitor unless such person is under contract with or employed by a school or school district as a school bus operator;

(23) “Signature”, any method determined by the director of revenue for the signing, subscribing or verifying of a record, report, application, driver’s license, or other related document that shall have the same validity and consequences as the actual signing by the person providing the record, report, application, driver’s license or related document;

(24) “Substance abuse traffic offender program”, a program certified by the division of alcohol and drug abuse of the department of mental health to provide education or rehabilitation services pursuant to a professional assessment screening to identify the individual needs of the person who has been referred to the program as the result of an alcohol- or drug-related traffic offense. Successful completion of such a program includes participation in any education or rehabilitation program required to meet the needs identified in the assessment screening. The assignment recommendations based upon such assessment shall be subject to judicial review as provided in subsection 14 of section 302.304 and subsections 1 and 5 of section 302.540;

(25) “Vehicle”, any mechanical device on wheels, designed primarily for use, or used on highways, except motorized bicycles, vehicles propelled or drawn by horses or human power, or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized wheelchairs operated by handicapped persons.

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

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

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

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

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

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

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

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

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

(9) To any person who has been convicted more than twice of violating state law, or a county or municipal ordinance where the defendant was represented by or waived the right to an attorney in writing, relating to driving while intoxicated; except that, after the expiration of ten years from the date of conviction of the last offense of violating such law or ordinance relating to driving while intoxicated, a person who was so convicted may petition the circuit court of the county in which such last conviction was rendered and the court shall review the person's habits and conduct since such conviction, including the results of a criminal history check as defined in section 302.010. If the court finds that the petitioner has not been found guilty of, and has no pending charges for any offense related to alcohol, controlled substances or drugs and has no other alcohol-related enforcement contacts as defined in section 302.525 during the preceding ten years and that the petitioner's habits and conduct show such petitioner to no longer pose a threat to the public safety of this state, the court shall order the director to issue a license to the petitioner if the petitioner is otherwise qualified pursuant to the provisions of sections 302.010 to 302.540. No person may obtain a license pursuant to the provisions of this subdivision through court action more than one time;

(10) To any person who has been found guilty of acting with criminal negligence while driving while intoxicated to cause the death of another person, or to any person who has been convicted twice within a five-year period of violating state law, county or municipal ordinance of driving while intoxicated, or any other intoxication-related traffic offense as defined in section 577.001, except that, after the expiration of five years from the date of conviction of the last offense of violating such law or ordinance, a person who was so convicted may petition the circuit court of the county in which such last conviction was rendered and the court shall review the person's habits and conduct since such conviction, including the results of a criminal history check as defined in section 302.010. If the court finds that the petitioner has not been found guilty of, and has no pending charges for any offense related to alcohol, controlled substances, or drugs and has no other alcohol-related enforcement contacts as defined in section 302.525 during the preceding five years, and that the petitioner's habits and conduct show such petitioner to no longer pose a threat to the public safety of this state, the court shall order the director to issue a license to the petitioner if the petitioner is otherwise qualified pursuant to the provisions of sections 302.010 to 302.540;

(11) To any person who is otherwise disqualified pursuant to the provisions of chapter 302, chapter 303, or section 544.046;

(12) To any person who is under the age of eighteen years, if such person's parents or legal guardians

file a certified document with the department of revenue stating that the director shall not issue such person a driver's license. Each document filed by the person's parents or legal guardians shall be made upon a form furnished by the director and shall include identifying information of the person for whom the parents or legal guardians are denying the driver's license. The document shall also contain identifying information of the person's parents or legal guardians. The document shall be certified by the parents or legal guardians to be true and correct. This provision shall not apply to any person who is legally emancipated. The parents or legal guardians may later file an additional document with the department of revenue which reinstates the person's ability to receive a driver's license.

2. Any person whose license is reinstated under the provisions of subdivision (9) or (10) of subsection 1 of this section shall be required to file proof with the director of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of reinstatement. The ignition interlock device required for reinstatement under this subsection and for obtaining a limited driving privilege under paragraph (a) or (b) of subdivision (8) of subsection 3 of section 302.309 shall have a photo identification technology feature, and a court may require a global positioning system feature for such device. The ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. If the monthly monitoring reports show that the ignition interlock device has registered any confirmed blood alcohol concentration readings above the alcohol setpoint established by the department of transportation or that the person has tampered with or circumvented the ignition interlock device **within the last three months of the six-month period of required installation of the ignition interlock device**, then the period for which the person must maintain the ignition interlock device following the date of reinstatement shall be extended [for an additional six months] **until the person has completed three consecutive months with no violations as described in this section**. If the person fails to maintain such proof with the director, the license shall be suspended [for the remainder of the six-month period or] until proof as required by this section is filed with the director. [Upon the completion of the six-month period, the license shall be shown as reinstated, if the person is otherwise eligible.]

3. Any person who petitions the court for reinstatement of his or her license pursuant to subdivision (9) or (10) of subsection 1 of this section shall make application with the Missouri state highway patrol as provided in section 43.540, and shall submit two sets of fingerprints collected pursuant to standards as determined by the highway patrol. One set of fingerprints shall be used by the highway patrol to search the criminal history repository and the second set shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal history files. At the time of application, the applicant shall supply to the highway patrol the court name and case number for the court where he or she has filed his or her petition for reinstatement. The applicant shall pay the fee for the state criminal history check pursuant to section 43.530 and pay the appropriate fee determined by the Federal Bureau of Investigation for the federal criminal history record. The Missouri highway patrol, upon receipt of the results of the criminal history check, shall forward a copy of the results to the circuit court designated by the applicant and to the department. Notwithstanding the provisions of section 610.120, all records related to any criminal history check shall be accessible and available to the director and the court.

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

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

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

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

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

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

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

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

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

6. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, or, if applicable, if the person fails to maintain proof that any vehicle operated is equipped with a functioning,

certified ignition interlock device installed pursuant to subsection 5 of this section, the person's driving privilege and license shall be resuspended.

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

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

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

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

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

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

13. Notwithstanding any other provision of law to the contrary, if after two years from the effective date of any suspension or revocation issued under this chapter, except any suspension or revocation issued under

section 302.410, 302.462, or 302.574, the person or nonresident has not paid the reinstatement fee of twenty dollars, the director shall reinstate such license or privilege to operate a motor vehicle in this state. Any person who has had his or her license suspended or revoked under section 302.410, 302.462, or 302.574, shall be required to pay the reinstatement fee.

14. No person who has had a license to operate a motor vehicle suspended or revoked as a result of an assessment of points for a violation under subdivision (8), (9) or (10) of subsection 1 of section 302.302 shall have that license reinstated until such person has participated in and successfully completed a substance abuse traffic offender program defined in section 302.010, or a program determined to be comparable by the department of mental health. Assignment recommendations, based upon the needs assessment as described in subdivision (24) of section 302.010, shall be delivered in writing to the person with written notice that the person is entitled to have such assignment recommendations reviewed by the court if the person objects to the recommendations. The person may file a motion in the associate division of the circuit court of the county in which such assignment was given, on a printed form provided by the state courts administrator, to have the court hear and determine such motion pursuant to the provisions of chapter 517. The motion shall name the person or entity making the needs assessment as the respondent and a copy of the motion shall be served upon the respondent in any manner allowed by law. Upon hearing the motion, the court may modify or waive any assignment recommendation that the court determines to be unwarranted based upon a review of the needs assessment, the person's driving record, the circumstances surrounding the offense, and the likelihood of the person committing a like offense in the future, except that the court may modify but may not waive the assignment to an education or rehabilitation program of a person determined to be a prior or persistent offender as defined in section 577.001 or of a person determined to have operated a motor vehicle with fifteen-hundredths of one percent or more by weight in such person's blood. Compliance with the court determination of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at any hearing conducted pursuant to this subsection shall not be necessary unless directed by the court.

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

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

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

17. Any person who has had a license to operate a motor vehicle suspended or revoked as a result of an assessment of points for a conviction for an intoxication-related traffic offense as defined under section 577.001, and who has a prior alcohol-related enforcement contact as defined under section 302.525, shall be required to file proof with the director of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of reinstatement of the license. The ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. If the monthly monitoring reports show that the ignition interlock device has registered any confirmed blood alcohol concentration readings above the alcohol setpoint established by the department of transportation or that the person has tampered with or circumvented the ignition interlock device **within the last three months of the six-month period of required installation of the ignition interlock device**, then the period for which the person must maintain the ignition interlock device following the date of reinstatement shall be extended [for an additional six months] **until the person has completed three consecutive months with no violations as described in this section**. If the person fails to maintain such proof with the director, the license shall be resuspended or revoked and the person shall be guilty of a class A misdemeanor.

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

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

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

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

- (a) A business, occupation, or employment;
- (b) Seeking medical treatment for such operator;
- (c) Attending school or other institution of higher education;
- (d) Attending alcohol or drug treatment programs;
- (e) Seeking the required services of a certified ignition interlock device provider; or
- (f) Any other circumstance the court or director finds would create an undue hardship on the operator,

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

court or director finds undue hardship would result to the individual, and while so operating a motor vehicle within the restrictions and limitations of the limited driving privilege the driver shall not be guilty of operating a motor vehicle without a valid license.

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

(4) No limited driving privilege shall be issued to any person otherwise eligible under the provisions of [paragraph (a) of] subdivision (6) of this subsection [on a license revocation resulting from a conviction under subdivision (9) of subsection 1 of section 302.302, or] **if such person has a license denial under paragraph (a) or (b) of subdivision (8) of this subsection[, or a license revocation under paragraph (g) of subdivision (6) of this subsection,] or on a license revocation resulting from a conviction under subdivision (9) of subsection 1 of section 302.302, or a license revocation under subdivision (2) of subsection 2 of section 302.525, or sections 302.574 or 577.041**, until the applicant has filed proof with the department of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of limited driving privilege. The ignition interlock device required for obtaining a limited driving privilege under paragraph (a) or (b) of subdivision (8) of this subsection shall have a photo identification technology feature, and a court may require a global positioning system feature for such device.

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

of a functioning, certified ignition interlock device, as applicable, shall terminate the privilege. The director shall notify by ordinary mail the driver whose privilege is so terminated.

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

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

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

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

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

[(e) Due to a revocation for failure to submit to a chemical test pursuant to section 302.574 or due to a refusal to submit to a chemical test in any other state, unless such person has completed the first ninety days of such revocation and files proof of installation with the department of revenue that any vehicle operated by such person is equipped with a functioning, certified ignition interlock device, provided the person is not otherwise ineligible for a limited driving privilege;

[(f)] **(c)** Due to a suspension pursuant to **subdivision (8) or (10) of subsection 1 of section 302.302 or** subsection 2 of section 302.525 [and who has not completed the first thirty days of such suspension, provided the person is not otherwise ineligible for a limited driving privilege; or

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

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

(8) (a) Provided that pursuant to the provisions of this section, the applicant is not otherwise ineligible for a limited driving privilege, a circuit court or the director may, in the manner prescribed in this subsection, allow a person who has had such person's license to operate a motor vehicle revoked where that person cannot obtain a new license for a period of ten years, as prescribed in subdivision (9) of subsection 1 of section 302.060, to apply for a limited driving privilege pursuant to this subsection. Such person shall

present evidence satisfactory to the court or the director that such person's habits and conduct show that the person no longer poses a threat to the public safety of this state. A circuit court shall grant a limited driving privilege to any individual who otherwise is eligible to receive a limited driving privilege, has filed proof of installation of a certified ignition interlock device, and has had no alcohol-related enforcement contacts since the alcohol-related enforcement contact that resulted in the person's license denial.

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

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

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

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

302.525. 1. The license suspension or revocation shall become effective fifteen days after the subject person has received the notice of suspension or revocation as provided in section 302.520, or is deemed to have received the notice of suspension or revocation by mail as provided in section 302.515. If a request for a hearing is received by or postmarked to the department within that fifteen-day period, the effective date

of the suspension or revocation shall be stayed until a final order is issued following the hearing; provided, that any delay in the hearing which is caused or requested by the subject person or counsel representing that person without good cause shown shall not result in a stay of the suspension or revocation during the period of delay.

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

(1) If the person's driving record shows no prior alcohol-related enforcement contacts during the immediately preceding five years, the period of suspension shall be thirty days after the effective date of suspension, followed by a sixty-day period of restricted driving privilege as defined in section 302.010 and issued by the director of revenue. The restricted driving privilege shall not be issued until he or she has filed proof of financial responsibility with the department of revenue, in accordance with chapter 303, and is otherwise eligible. The restricted driving privilege shall indicate whether a functioning, certified ignition interlock device is required as a condition of operating a motor vehicle. A copy of the restricted driving privilege shall be given to the person and such person shall carry a copy of the restricted driving privilege while operating a motor vehicle. In no case shall restricted driving privileges be issued pursuant to this section or section 302.535 until the person has completed the first thirty days of a suspension under this section. If a person otherwise subject to the provisions of this subdivision files proof of installation with the department of revenue that any vehicle that he or she operates is equipped with a functioning, certified ignition interlock device, there shall be no period of suspension. However, in lieu of a suspension the person shall instead complete a ninety-day period of restricted driving privilege. Upon completion of such ninety-day period of restricted driving privilege, compliance with other requirements of law, and filing of proof of financial responsibility with the department of revenue, in accordance with chapter 303, the license and driving privilege shall be reinstated. However, if the monthly monitoring reports during such ninety-day period indicate that the ignition interlock device has registered a confirmed blood alcohol concentration level above the alcohol setpoint established by the department of transportation or such reports indicate that the ignition interlock device has been tampered with or circumvented, then the license and driving privilege of such person shall not be reinstated until the person completes an additional thirty-day period of restricted driving privilege. If the person fails to maintain such proof of the device with the director of revenue as required, the restricted driving privilege shall be terminated;

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

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

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

4. Where a license is suspended or revoked under this section and the person is also convicted on charges arising out of the same occurrence for a violation of section 577.010 or 577.012 or for a violation of any county or municipal ordinance prohibiting driving while intoxicated or alcohol-related traffic offense, both the suspension or revocation under this section and any other suspension or revocation arising from such convictions shall be imposed, but the period of suspension or revocation under sections 302.500 to 302.540 shall be credited against any other suspension or revocation arising from such convictions, and the total period of suspension or revocation shall not exceed the longer of the two suspension or revocation periods.

5. Any person who has had a license to operate a motor vehicle revoked under this section or suspended under this section with one or more prior alcohol-related enforcement contacts showing on their driver record shall be required to file proof with the director of revenue that any motor vehicle operated by that person is equipped with a functioning, certified ignition interlock device as a required condition of reinstatement. The ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. If the monthly monitoring reports show that the ignition interlock device has registered any confirmed blood alcohol concentration readings above the alcohol setpoint established by the department of transportation or that the person has tampered with or circumvented the ignition interlock device **within the last three months of the six-month period of required installation of the ignition interlock device**, then the period for which the person must maintain the ignition interlock device following the date of reinstatement shall be extended [for an additional six months] **until the person has completed three consecutive months with no violations as described in this section**. If the person fails to maintain such proof with the director, the license shall be suspended or revoked, [as applicable] **until proof as required by this section is filed with the director, and the person shall be guilty of a class A misdemeanor**.

302.574. 1. If a person who was operating a vehicle refuses upon the request of the officer to submit to any chemical test under section 577.041, the officer shall, on behalf of the director of revenue, serve the notice of license revocation personally upon the person and shall take possession of any license to operate a vehicle issued by this state which is held by that person. The officer shall issue a temporary permit, on behalf of the director of revenue, which is valid for fifteen days and shall also give the person notice of his or her right to file a petition for review to contest the license revocation.

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

(1) That the officer has:

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

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

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

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

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

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

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

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

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

4. If a person's license has been revoked because of the person's refusal to submit to a chemical test, such person may petition for a hearing before a circuit division or associate division of the court in the county in which the arrest or stop occurred. The person may request such court to issue an order staying the revocation until such time as the petition for review can be heard. If the court, in its discretion, grants such stay, it shall enter the order upon a form prescribed by the director of revenue and shall send a copy of such order to the director. Such order shall serve as proof of the privilege to operate a motor vehicle in this state and the director shall maintain possession of the person's license to operate a motor vehicle until termination of any revocation under this section. Upon the person's request, the clerk of the court shall notify the prosecuting attorney of the county and the prosecutor shall appear at the hearing on behalf of the director of revenue. At the hearing, the court shall determine only:

(1) Whether the person was arrested or stopped;

(2) Whether the officer had:

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

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

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

(3) Whether the person refused to submit to the test.

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

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

7. No person who has had a license to operate a motor vehicle suspended or revoked under the provisions of this section shall have that license reinstated until such person has participated in and successfully completed a substance abuse traffic offender program defined in section 302.010, or a program determined to be comparable by the department of mental health. Assignment recommendations, based upon the needs assessment as described in subdivision (24) of section 302.010, shall be delivered in writing to the person with written notice that the person is entitled to have such assignment recommendations reviewed by the court if the person objects to the recommendations. The person may file a motion in the associate division of the circuit court of the county in which such assignment was given, on a printed form provided by the state courts administrator, to have the court hear and determine such motion under the provisions of chapter 517. The motion shall name the person or entity making the needs assessment as the respondent and a copy of the motion shall be served upon the respondent in any manner allowed by law. Upon hearing the motion, the court may modify or waive any assignment recommendation that the court determines to be unwarranted based upon a review of the needs assessment, the person's driving record, the circumstances surrounding the offense, and the likelihood of the person committing a similar offense in the future, except that the court may modify but may not waive the assignment to an education or rehabilitation program of a person determined to be a prior or persistent offender as defined in section 577.001, or of a person determined to have operated a motor vehicle with a blood alcohol content of fifteen-hundredths of one percent or more by weight. Compliance with the court determination of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at any hearing conducted under this subsection shall not be necessary unless directed by the court.

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

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

10. Any person who has had a license to operate a motor vehicle revoked under this section and who has a prior alcohol-related enforcement contact, as defined in section 302.525, shall be required to file proof with the director of revenue that any motor vehicle operated by the person is equipped with a functioning,

certified ignition interlock device as a required condition of license reinstatement. Such ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. If the monthly monitoring reports show that the ignition interlock device has registered any confirmed blood alcohol concentration readings above the alcohol setpoint established by the department of transportation or that the person has tampered with or circumvented the ignition interlock device **within the last three months of the six-month period of required installation of the ignition interlock device**, then the period for which the person must maintain the ignition interlock device following the date of reinstatement shall be extended [for an additional six months] **until the person has completed three consecutive months with no violations as described in this section**. If the person fails to maintain such proof with the director as required by this section, the license shall be rerevoked **until proof as required by this section is filed with the director**, and the person shall be guilty of a class A misdemeanor.

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

12. A person commits the offense of failure to maintain proof with the Missouri department of revenue if, when required to do so, he or she fails to file proof with the director of revenue that any vehicle operated by the person is equipped with a functioning, certified ignition interlock device or fails to file proof of financial responsibility with the department of revenue in accordance with chapter 303. The offense of failure to maintain proof with the Missouri department of revenue is a class A misdemeanor.

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

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

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

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

2. This docket or court shall combine judicial supervision, drug testing, continuous alcohol monitoring, **as defined in section 577.001**, substance abuse traffic offender program compliance, and treatment of DWI court participants. The court may assess any and all necessary costs for participation in DWI court against the participant. Any money received from such assessed costs by a court from a defendant shall not be considered court costs, charges, or fines. This docket or court may operate in conjunction with a drug court established pursuant to sections 478.001 to 478.006.

3. If the division of probation and parole is otherwise unavailable to assist in the judicial supervision of any person who wishes to enter a DWI court, a court-approved private probation service may be utilized by the DWI court to fill the division's role. In such case, any and all necessary additional costs may be assessed against the participant. No person shall be rejected from participating in DWI court solely for the reason that the person does not reside in the city or county where the applicable DWI court is located but the DWI court can base acceptance into a treatment court program on its ability to adequately provide services for the person or handle the additional caseload.

577.001. As used in this chapter, the following terms mean:

(1) "Aggravated offender", a person who has been found guilty of:

(a) Three or more intoxication-related traffic offenses committed on separate occasions; or

(b) Two or more intoxication-related traffic offenses committed on separate occasions where at least one of the intoxication-related traffic offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed;

(2) "Aggravated boating offender", a person who has been found guilty of:

(a) Three or more intoxication-related boating offenses; or

(b) Has been found guilty of one or more intoxication-related boating offenses committed on separate occasions where at least one of the intoxication-related traffic offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed;

(3) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for off-highway use which is fifty inches or less in width, with an unladen dry weight of one thousand pounds or less, traveling on three, four or more low pressure tires, with a seat designed to be straddled by the operator, or with a seat designed to carry more than one person, and handlebars for steering control;

(4) "Court", any circuit, associate circuit, or municipal court, including traffic court, but not any juvenile court or drug court;

(5) "Chronic offender", a person who has been found guilty of:

(a) Four or more intoxication-related traffic offenses committed on separate occasions; or

(b) Three or more intoxication-related traffic offenses committed on separate occasions where at least one of the intoxication-related traffic offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed; or

(c) Two or more intoxication-related traffic offenses committed on separate occasions where both intoxication-related traffic offenses were offenses committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed;

(6) "Chronic boating offender", a person who has been found guilty of:

(a) Four or more intoxication-related boating offenses; or

(b) Three or more intoxication-related boating offenses committed on separate occasions where at least one of the intoxication-related boating offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed; or

(c) Two or more intoxication-related boating offenses committed on separate occasions where both intoxication-related boating offenses were offenses committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed;

(7) **“Continuous alcohol monitoring”, automatically testing breath, blood, or transdermal alcohol concentration levels and tampering attempts at least once every hour, regardless of the location of the person who is being monitored, and regularly transmitting the data. Continuous alcohol monitoring shall be considered an electronic monitoring service under subsection 3 of section 217.690;**

(8) “Controlled substance”, a drug, substance, or immediate precursor in schedules I to V listed in section 195.017;

[(8)] (9) “Drive”, “driving”, “operates” or “operating”, means physically driving or operating a vehicle or vessel;

[(9)] (10) “Flight crew member”, the pilot in command, copilots, flight engineers, and flight navigators;

[(10)] (11) “Habitual offender”, a person who has been found guilty of:

(a) Five or more intoxication-related traffic offenses committed on separate occasions; or

(b) Four or more intoxication-related traffic offenses committed on separate occasions where at least one of the intoxication-related traffic offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed; or

(c) Three or more intoxication-related traffic offenses committed on separate occasions where at least two of the intoxication-related traffic offenses were offenses committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed; or

(d) While driving while intoxicated, the defendant acted with criminal negligence to:

a. Cause the death of any person not a passenger in the vehicle operated by the defendant, including the death of an individual that results from the defendant’s vehicle leaving a highway, as defined by section 301.010, or the highway’s right-of-way; or

b. Cause the death of two or more persons; or

c. Cause the death of any person while he or she has a blood alcohol content of at least eighteen-hundredths of one percent by weight of alcohol in such person’s blood;

[(11)] (12) “Habitual boating offender”, a person who has been found guilty of:

(a) Five or more intoxication-related boating offenses; or

(b) Four or more intoxication-related boating offenses committed on separate occasions where at least one of the intoxication-related boating offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed; or

(c) Three or more intoxication-related boating offenses committed on separate occasions where at least two of the intoxication-related boating offenses were offenses committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed; or

(d) While boating while intoxicated, the defendant acted with criminal negligence to:

a. Cause the death of any person not a passenger in the vessel operated by the defendant, including the death of an individual that results from the defendant's vessel leaving the water; or

b. Cause the death of two or more persons; or

c. Cause the death of any person while he or she has a blood alcohol content of at least eighteen-hundredths of one percent by weight of alcohol in such person's blood;

[(12)] (13) "Intoxicated" or "intoxicated condition", when a person is under the influence of alcohol, a controlled substance, or drug, or any combination thereof;

[(13)] (14) "Intoxication-related boating offense", operating a vessel while intoxicated; boating while intoxicated; operating a vessel with excessive blood alcohol content or an offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense;

[(14)] (15) "Intoxication-related traffic offense", driving while intoxicated, driving with excessive blood alcohol content or an offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense;

[(15)] (16) "Law enforcement officer" or "arresting officer", includes the definition of law enforcement officer in section 556.061 and military policemen conducting traffic enforcement operations on a federal military installation under military jurisdiction in the state of Missouri;

[(16)] (17) "Operate a vessel", to physically control the movement of a vessel in motion under mechanical or sail power in water;

[(17)] (18) "Persistent offender", a person who has been found guilty of two or more intoxication-related traffic offenses committed on separate occasions;

[(18)] (19) "Persistent boating offender", a person who has been found guilty of two or more intoxication-related boating offenses committed on separate occasions;

[(19)] (20) "Prior offender", a person who has been found guilty of one intoxication-related traffic offense, where such prior offense occurred within five years of the occurrence of the intoxication-related traffic offense for which the person is charged;

[(20)] **(21)** “Prior boating offender”, a person who has been found guilty of one intoxication-related boating offense, where such prior offense occurred within five years of the occurrence of the intoxication-related boating offense for which the person is charged.

577.010. 1. A person commits the offense of driving while intoxicated if he or she operates a vehicle while in an intoxicated condition.

2. The offense of driving while intoxicated is:

(1) A class B misdemeanor;

(2) A class A misdemeanor if:

(a) The defendant is a prior offender; or

(b) A person less than seventeen years of age is present in the vehicle;

(3) A class E felony if:

(a) The defendant is a persistent offender; or

(b) While driving while intoxicated, the defendant acts with criminal negligence to cause physical injury to another person;

(4) A class D felony if:

(a) The defendant is an aggravated offender;

(b) While driving while intoxicated, the defendant acts with criminal negligence to cause physical injury to a law enforcement officer or emergency personnel; or

(c) While driving while intoxicated, the defendant acts with criminal negligence to cause serious physical injury to another person;

(5) A class C felony if:

(a) The defendant is a chronic offender;

(b) While driving while intoxicated, the defendant acts with criminal negligence to cause serious physical injury to a law enforcement officer or emergency personnel; or

(c) While driving while intoxicated, the defendant acts with criminal negligence to cause the death of another person;

(6) A class B felony if:

(a) The defendant is a habitual offender; or

(b) While driving while intoxicated, the defendant acts with criminal negligence to cause the death of a law enforcement officer or emergency personnel;

(7) A class A felony if the defendant is a habitual offender as a result of being found guilty of an act described under paragraph (d) of subdivision [(10)] **(11)** of section 577.001 and is found guilty of a subsequent violation of such paragraph.

3. Notwithstanding the provisions of subsection 2 of this section, a person found guilty of the offense

of driving while intoxicated as a first offense shall not be granted a suspended imposition of sentence:

(1) Unless such person shall be placed on probation for a minimum of two years; or

(2) In a circuit where a DWI court or docket created under section 478.007 or other court-ordered treatment program is available, and where the offense was committed with fifteen-hundredths of one percent or more by weight of alcohol in such person's blood, unless the individual participates and successfully completes a program under such DWI court or docket or other court-ordered treatment program.

4. If a person is found guilty of a second or subsequent offense of driving while intoxicated, the court may order the person to submit to a period of continuous alcohol monitoring as a condition of probation.

5. If a person is not granted a suspended imposition of sentence for the reasons described in subsection 3 of this section:

(1) If the individual operated the vehicle with fifteen-hundredths to twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than forty-eight hours;

(2) If the individual operated the vehicle with greater than twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than five days.

[5.] **6.** A person found guilty of the offense of driving while intoxicated:

(1) As a prior offender, persistent offender, aggravated offender, chronic offender, or habitual offender shall not be granted a suspended imposition of sentence or be sentenced to pay a fine in lieu of a term of imprisonment, section 557.011 to the contrary notwithstanding;

(2) As a prior offender shall not be granted parole or probation until he or she has served a minimum of ten days imprisonment:

(a) Unless as a condition of such parole or probation such person performs at least thirty days of community service under the supervision of the court in those jurisdictions which have a recognized program for community service; or

(b) The offender participates in and successfully completes a program established under section 478.007 or other court-ordered treatment program, if available, and as part of either program, the offender performs at least thirty days of community service under the supervision of the court;

(3) As a persistent offender shall not be eligible for parole or probation until he or she has served a minimum of thirty days imprisonment:

(a) Unless as a condition of such parole or probation such person performs at least sixty days of community service under the supervision of the court in those jurisdictions which have a recognized program for community service; or

(b) The offender participates in and successfully completes a program established under section 478.007 or other court-ordered treatment program, if available, and as part of either program, the offender performs at least sixty days of community service under the supervision of the court;

(4) As an aggravated offender shall not be eligible for parole or probation until he or she has served a

minimum of sixty days imprisonment;

(5) As a chronic offender shall not be eligible for parole or probation until he or she has served a minimum of two years imprisonment; **and**

(6) Any probation or parole granted under this subsection may include a period of continuous alcohol monitoring.

577.012. 1. A person commits the offense of driving with excessive blood alcohol content if such person operates:

(1) A vehicle while having eight-hundredths of one percent or more by weight of alcohol in his or her blood; or

(2) A commercial motor vehicle while having four one-hundredths of one percent or more by weight of alcohol in his or her blood.

2. As used in this section, percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred milliliters of blood or two hundred ten liters of breath and may be shown by chemical analysis of the person's blood, breath, saliva or urine. For the purposes of determining the alcoholic content of a person's blood under this section, the test shall be conducted in accordance with the provisions of sections 577.020 to 577.041.

3. The offense of driving with excessive blood alcohol content is:

(1) A class B misdemeanor;

(2) A class A misdemeanor if the defendant is alleged and proved to be a prior offender;

(3) A class E felony if the defendant is alleged and proved to be a persistent offender;

(4) A class D felony if the defendant is alleged and proved to be an aggravated offender;

(5) A class C felony if the defendant is alleged and proved to be a chronic offender;

(6) A class B felony if the defendant is alleged and proved to be a habitual offender.

4. A person found guilty of the offense of driving with an excessive blood alcohol content as a first offense shall not be granted a suspended imposition of sentence:

(1) Unless such person shall be placed on probation for a minimum of two years; or

(2) In a circuit where a DWI court or docket created under section 478.007 or other court-ordered treatment program is available, and where the offense was committed with fifteen-hundredths of one percent or more by weight of alcohol in such person's blood, unless the individual participates in and successfully completes a program under such DWI court or docket or other court-ordered treatment program.

5. If a person is not granted a suspended imposition of sentence for the reasons described in subsection 4 of this section:

(1) If the individual operated the vehicle with fifteen-hundredths to twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than forty-eight hours;

(2) If the individual operated the vehicle with greater than twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than five days.

6. If a person is found guilty of a second or subsequent offense of driving with an excessive blood alcohol content, the court may order the person to submit to a period of continuous alcohol monitoring as a condition of probation.

7. A person found guilty of driving with excessive blood alcohol content:

(1) As a prior offender, persistent offender, aggravated offender, chronic offender or habitual offender shall not be granted a suspended imposition of sentence or be sentenced to pay a fine in lieu of a term of imprisonment, section 557.011 to the contrary notwithstanding;

(2) As a prior offender shall not be granted parole or probation until he or she has served a minimum of ten days imprisonment:

(a) Unless as a condition of such parole or probation such person performs at least thirty days of community service under the supervision of the court in those jurisdictions which have a recognized program for community service; or

(b) The offender participates in and successfully completes a program established under section 478.007 or other court-ordered treatment program, if available, and as part of either program, the offender performs at least thirty days of community service under the supervision of the court;

(3) As a persistent offender shall not be granted parole or probation until he or she has served a minimum of thirty days imprisonment:

(a) Unless as a condition of such parole or probation such person performs at least sixty days of community service under the supervision of the court in those jurisdictions which have a recognized program for community service; or

(b) The offender participates in and successfully completes a program established under section 478.007 or other court-ordered treatment program, if available, and as part of either program, the offender performs at least sixty days of community service under the supervision of the court;

(4) As an aggravated offender shall not be eligible for parole or probation until he or she has served a minimum of sixty days imprisonment;

(5) As a chronic offender shall not be eligible for parole or probation until he or she has served a minimum of two years imprisonment; **and**

(6) Any probation or parole granted under this subsection may include a period of continuous alcohol monitoring.

577.013. 1. A person commits the offense of boating while intoxicated if he or she operates a vessel while in an intoxicated condition.

2. The offense of boating while intoxicated is:

(1) A class B misdemeanor;

(2) A class A misdemeanor if:

(a) The defendant is a prior boating offender; or

(b) A person less than seventeen years of age is present in the vessel;

(3) A class E felony if:

(a) The defendant is a persistent boating offender; or

(b) While boating while intoxicated, the defendant acts with criminal negligence to cause physical injury to another person;

(4) A class D felony if:

(a) The defendant is an aggravated boating offender;

(b) While boating while intoxicated, the defendant acts with criminal negligence to cause physical injury to a law enforcement officer or emergency personnel; or

(c) While boating while intoxicated, the defendant acts with criminal negligence to cause serious physical injury to another person;

(5) A class C felony if:

(a) The defendant is a chronic boating offender;

(b) While boating while intoxicated, the defendant acts with criminal negligence to cause serious physical injury to a law enforcement officer or emergency personnel; or

(c) While boating while intoxicated, the defendant acts with criminal negligence to cause the death of another person;

(6) A class B felony if:

(a) The defendant is a habitual boating offender; or

(b) While boating while intoxicated, the defendant acts with criminal negligence to cause the death of a law enforcement officer or emergency personnel;

(7) A class A felony if the defendant is a habitual offender as a result of being found guilty of an act described under paragraph (d) of subdivision [(11)] (12) of section 577.001 and is found guilty of a subsequent violation of such paragraph.

3. Notwithstanding the provisions of subsection 2 of this section, a person found guilty of the offense of boating while intoxicated as a first offense shall not be granted a suspended imposition of sentence:

(1) Unless such person shall be placed on probation for a minimum of two years; or

(2) In a circuit where a DWI court or docket created under section 478.007 or other court-ordered treatment program is available, and where the offense was committed with fifteen-hundredths of one percent or more by weight of alcohol in such person's blood, unless the individual participates in and successfully completes a program under such DWI court or docket or other court-ordered treatment program.

4. If a person is found guilty of a second or subsequent offense of boating while intoxicated, the court may order the person to submit to a period of continuous alcohol monitoring as a condition of probation.

5. If a person is not granted a suspended imposition of sentence for the reasons described in subsection 3 of this section:

(1) If the individual operated the vessel with fifteen-hundredths to twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than forty-eight hours;

(2) If the individual operated the vessel with greater than twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than five days.

[5.] 6. A person found guilty of the offense of boating while intoxicated:

(1) As a prior boating offender, persistent boating offender, aggravated boating offender, chronic boating offender or habitual boating offender shall not be granted a suspended imposition of sentence or be sentenced to pay a fine in lieu of a term of imprisonment, section 557.011 to the contrary notwithstanding;

(2) As a prior boating offender shall not be granted parole or probation until he or she has served a minimum of ten days imprisonment:

(a) Unless as a condition of such parole or probation such person performs at least two hundred forty hours of community service under the supervision of the court in those jurisdictions which have a recognized program for community service; or

(b) The offender participates in and successfully completes a program established under section 478.007 or other court-ordered treatment program, if available;

(3) As a persistent offender shall not be eligible for parole or probation until he or she has served a minimum of thirty days imprisonment:

(a) Unless as a condition of such parole or probation such person performs at least four hundred eighty hours of community service under the supervision of the court in those jurisdictions which have a recognized program for community service; or

(b) The offender participates in and successfully completes a program established under section 478.007 or other court-ordered treatment program, if available;

(4) As an aggravated boating offender shall not be eligible for parole or probation until he or she has served a minimum of sixty days imprisonment;

(5) As a chronic boating offender shall not be eligible for parole or probation until he or she has served a minimum of two years imprisonment; **and**

(6) Any probation or parole granted under this subsection may include a period of continuous alcohol monitoring.

577.014. 1. A person commits the offense of boating with excessive blood alcohol content if he or she operates a vessel while having eight-hundredths of one percent or more by weight of alcohol in his or her blood.

2. As used in this section, percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred milliliters of blood or two hundred ten liters of breath and may be shown by

chemical analysis of the person's blood, breath, saliva or urine. For the purposes of determining the alcoholic content of a person's blood under this section, the test shall be conducted in accordance with the provisions of sections 577.020 to 577.041.

3. The offense of boating with excessive blood alcohol content is:

- (1) A class B misdemeanor;
- (2) A class A misdemeanor if the defendant is alleged and proved to be a prior boating offender;
- (3) A class E felony if the defendant is alleged and proved to be a persistent boating offender;
- (4) A class D felony if the defendant is alleged and proved to be an aggravated boating offender;
- (5) A class C felony if the defendant is alleged and proved to be a chronic boating offender;
- (6) A class B felony if the defendant is alleged and proved to be a habitual boating offender.

4. A person found guilty of the offense of boating with excessive blood alcohol content as a first offense shall not be granted a suspended imposition of sentence:

(1) Unless such person shall be placed on probation for a minimum of two years; or

(2) In a circuit where a DWI court or docket created under section 478.007 or other court-ordered treatment program is available, and where the offense was committed with fifteen-hundredths of one percent or more by weight of alcohol in such person's blood unless the individual participates in and successfully completes a program under such DWI court or docket or other court-ordered treatment program.

5. When a person is not granted a suspended imposition of sentence for the reasons described in subsection 4 of this section:

(1) If the individual operated the vessel with fifteen-hundredths to twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than forty-eight hours;

(2) If the individual operated the vessel with greater than twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than five days.

6. If a person is found guilty of a second or subsequent offense of boating with an excessive blood alcohol content, the court may order the person to submit to a period of continuous alcohol monitoring as a condition of probation.

7. A person found guilty of the offense of boating with excessive blood alcohol content:

(1) As a prior boating offender, persistent boating offender, aggravated boating offender, chronic boating offender or habitual boating offender shall not be granted a suspended imposition of sentence or be sentenced to pay a fine in lieu of a term of imprisonment, section 557.011 to the contrary notwithstanding;

(2) As a prior boating offender, shall not be granted parole or probation until he or she has served a minimum of ten days imprisonment:

(a) Unless as a condition of such parole or probation such person performs at least two hundred forty hours of community service under the supervision of the court in those jurisdictions which have a

recognized program for community service; or

(b) The offender participates in and successfully completes a program established under section 478.007 or other court-ordered treatment program, if available;

(3) As a persistent boating offender, shall not be granted parole or probation until he or she has served a minimum of thirty days imprisonment:

(a) Unless as a condition of such parole or probation such person performs at least four hundred eighty hours of community service under the supervision of the court in those jurisdictions which have a recognized program for community service; or

(b) The offender participates in and successfully completes a program established under section 478.007 or other court-ordered treatment program, if available;

(4) As an aggravated boating offender, shall not be eligible for parole or probation until he or she has served a minimum of sixty days imprisonment;

(5) As a chronic boating offender, shall not be eligible for parole or probation until he or she has served a minimum of two years imprisonment; **and**

(6) Any probation or parole granted under this subsection may include a period of continuous alcohol monitoring.

Section B. Sections 302.010, 302.060, 302.302, 302.304, 302.309, 302.525, 302.574, 478.007, 577.001, 577.010, 577.012, 577.013, and 577.014 of Section A of this act shall become effective on January 1, 2017.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 254, Page 7, Section 301.142, Line 217, by inserting after all of said section and line the following:

“301.474. 1. Any person who has been awarded the military service award known as the “Korea Defense Service Medal” may apply for special motor vehicle license plates for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight.

2. Any such person shall make application for the special license plates on a form provided by the director of revenue and furnish such proof as a recipient of the Korea Defense Service Medal as the director may require.

3. Upon presentation of such proof of eligibility, payment of a fifteen dollar fee in addition to the regular registration fees, and presentation of any documents which may be required by law the director of revenue shall issue to the vehicle owner a special personalized license plate which shall bear the words “KOREA DEFENSE SERVICE MEDAL” at the bottom of the plate in a manner prescribed by the director of revenue. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive as prescribed by section 301.130.

4. Such plates shall also bear an image of the Korea Defense Service Medal.

5. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued under this section.

6. There shall be no limit on the number of license plates any person qualified under this section may obtain so long as each set of license plates issued under this section is issued for vehicles owned solely or jointly by such person.

7. License plates issued under the provisions of this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle shall be entitled to operate the motor vehicle with such plates for the duration of the year licensed in the event of the death of the qualified person.

8. The director may consult with any organization which represents the interests of persons receiving the Korea Defense Service Medal when formulating the design for the special license plates described in this section.

9. The director shall make all necessary rules and regulations for the administration of this section and shall design all necessary forms required by this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2015, shall be invalid and void.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 254, Page 1, Section A, Line 2, by inserting immediately after said line the following:

“301.130. 1. The director of revenue, upon receipt of a proper application for registration, required fees and any other information which may be required by law, shall issue to the applicant a certificate of registration in such manner and form as the director of revenue may prescribe and a set of license plates, or other evidence of registration, as provided by this section. Each set of license plates shall bear the name or abbreviated name of this state, the words “SHOW-ME STATE”, the month and year in which the registration shall expire, and an arrangement of numbers or letters, or both, as shall be assigned from year to year by the director of revenue. The plates shall also contain fully reflective material with a common color scheme and design for each type of license plate issued pursuant to this chapter. The plates shall be clearly visible at night, and shall be aesthetically attractive. Special plates for qualified disabled veterans will have the “DISABLED VETERAN” wording on the license plates in preference to the words “SHOW-ME STATE” and special plates for members of the National Guard will have the “NATIONAL GUARD” wording in preference to the words “SHOW-ME STATE”.

2. The arrangement of letters and numbers of license plates shall be uniform throughout each classification of registration. The director may provide for the arrangement of the numbers in groups or

otherwise, and for other distinguishing marks on the plates.

3. All property-carrying commercial motor vehicles to be registered at a gross weight in excess of twelve thousand pounds, all passenger-carrying commercial motor vehicles, local transit buses, school buses, trailers, semitrailers, motorcycles, motortricycles, motorscooters and driveaway vehicles shall be registered with the director of revenue as provided for in subsection 3 of section 301.030, or with the state highways and transportation commission as otherwise provided in this chapter, but only one license plate shall be issued for each such vehicle, except as provided in this subsection. The applicant for registration of any property-carrying commercial vehicle registered at a gross weight in excess of twelve thousand pounds may request and be issued two license plates for such vehicle, and if such plates are issued, the director of revenue shall provide for distinguishing marks on the plates indicating one plate is for the front and the other is for the rear of such vehicle. The director may assess and collect an additional charge from the applicant in an amount not to exceed the fee prescribed for personalized license plates in subsection 1 of section 301.144.

4. The plates issued to manufacturers and dealers shall bear the letters and numbers as prescribed by section 301.560, and the director may place upon the plates other letters or marks to distinguish commercial motor vehicles and trailers and other types of motor vehicles.

5. No motor vehicle or trailer shall be operated on any highway of this state unless it shall have displayed thereon the license plate or set of license plates issued by the director of revenue or the state highways and transportation commission and authorized by section 301.140. Each such plate shall be securely fastened to the motor vehicle or trailer in a manner so that all parts thereof shall be plainly visible and reasonably clean so that the reflective qualities thereof are not impaired. Each such plate may be encased in a transparent cover so long as the plate is plainly visible and its reflective qualities are not impaired. License plates shall be fastened to all motor vehicles except trucks, tractors, truck tractors or truck-tractors licensed in excess of twelve thousand pounds on the front and rear of such vehicles not less than eight nor more than forty-eight inches above the ground, with the letters and numbers thereon right side up. The license plates on trailers, motorcycles, motortricycles and motorscooters shall be displayed on the rear of such vehicles **either horizontally or vertically**, with the letters and numbers [thereon right side up] **plainly visible**. The license plate on buses, other than school buses, and on trucks, tractors, truck tractors or truck-tractors licensed in excess of twelve thousand pounds shall be displayed on the front of such vehicles not less than eight nor more than forty-eight inches above the ground, with the letters and numbers thereon right side up or if two plates are issued for the vehicle pursuant to subsection 3 of this section, displayed in the same manner on the front and rear of such vehicles. The license plate or plates authorized by section 301.140, when properly attached, shall be prima facie evidence that the required fees have been paid.

6. (1) The director of revenue shall issue annually or biennially a tab or set of tabs as provided by law as evidence of the annual payment of registration fees and the current registration of a vehicle in lieu of the set of plates. Beginning January 1, 2010, the director may prescribe any additional information recorded on the tab or tabs to ensure that the tab or tabs positively correlate with the license plate or plates issued by the department of revenue for such vehicle. Such tabs shall be produced in each license bureau office.

(2) The vehicle owner to whom a tab or set of tabs is issued shall affix and display such tab or tabs in the designated area of the license plate, no more than one per plate.

(3) A tab or set of tabs issued by the director of revenue when attached to a vehicle in the prescribed manner shall be prima facie evidence that the registration fee for such vehicle has been paid.

(4) Except as otherwise provided in this section, the director of revenue shall issue plates for a period of at least six years.

(5) For those commercial motor vehicles and trailers registered pursuant to section 301.041, the plate issued by the highways and transportation commission shall be a permanent nonexpiring license plate for which no tabs shall be issued. Nothing in this section shall relieve the owner of any vehicle permanently registered pursuant to this section from the obligation to pay the annual registration fee due for the vehicle. The permanent nonexpiring license plate shall be returned to the highways and transportation commission upon the sale or disposal of the vehicle by the owner to whom the permanent nonexpiring license plate is issued, or the plate may be transferred to a replacement commercial motor vehicle when the owner files a supplemental application with the Missouri highways and transportation commission for the registration of such replacement commercial motor vehicle. Upon payment of the annual registration fee, the highways and transportation commission shall issue a certificate of registration or other suitable evidence of payment of the annual fee, and such evidence of payment shall be carried at all times in the vehicle for which it is issued.

(6) Upon the sale or disposal of any vehicle permanently registered under this section, or upon the termination of a lease of any such vehicle, the permanent nonexpiring plate issued for such vehicle shall be returned to the highways and transportation commission and shall not be valid for operation of such vehicle, or the plate may be transferred to a replacement vehicle when the owner files a supplemental application with the Missouri highways and transportation commission for the registration of such replacement vehicle. If a vehicle which is permanently registered under this section is sold, wrecked or otherwise disposed of, or the lease terminated, the registrant shall be given credit for any unused portion of the annual registration fee when the vehicle is replaced by the purchase or lease of another vehicle during the registration year.

7. The director of revenue and the highways and transportation commission may prescribe rules and regulations for the effective administration of this section. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

8. Notwithstanding the provisions of any other law to the contrary, owners of motor vehicles other than apportioned motor vehicles or commercial motor vehicles licensed in excess of eighteen thousand pounds gross weight may apply for special personalized license plates. Vehicles licensed for eighteen thousand pounds that display special personalized license plates shall be subject to the provisions of subsections 1 and 2 of section 301.030.

9. No later than January 1, 2009, the director of revenue shall commence the reissuance of new license plates of such design as directed by the director consistent with the terms, conditions, and provisions of this section and this chapter. Except as otherwise provided in this section, in addition to all other fees required by law, applicants for registration of vehicles with license plates that expire during the period of reissuance, applicants for registration of trailers or semitrailers with license plates that expire during the period of reissuance and applicants for registration of vehicles that are to be issued new license plates during the period of reissuance shall pay the cost of the plates required by this subsection. The additional cost prescribed in this subsection shall not be charged to persons receiving special license plates issued under

section 301.073 or 301.443. Historic motor vehicle license plates registered pursuant to section 301.131 and specialized license plates are exempt from the provisions of this subsection. Except for new, replacement, and transfer applications, permanent nonexpiring license plates issued to commercial motor vehicles and trailers registered under section 301.041 are exempt from the provisions of this subsection.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Bill No. 254, Page 1, Section 301.142, Line 6, by inserting immediately after said line the following: “**assistant physicians,**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 283**, entitled:

An Act to repeal sections 86.200, 86.213, 86.237, 86.250, 86.251, 86.257, 86.263, 86.270, and 86.320, RSMo, and to enact in lieu thereof ten new sections relating to public employee retirement systems.

With House Amendment Nos. 1 and 2.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 283, Page 13, Section 86.320, Line 22, by inserting after all of said line the following:

“105.669. 1. Any participant of a plan who is [found guilty] **convicted** of a felony offense listed in subsection 3 of this section, which is committed in direct connection with or directly related to the participant’s duties as an employee on or after August 28, 2014, shall not be eligible to receive any retirement benefits from the respective plan based on service rendered on or after August 28, 2014, except a participant may still request from the respective retirement system a refund of the participant’s plan contributions, including interest credited to the participant’s account.

2. [Upon a finding of guilt, the court shall forward a notice of the court’s finding to] **The employer of any participant who is charged or convicted of a felony offense listed in subsection 3 of this section, which is committed in direct connection with or directly related to the participant’s duties as an employee on or after August 28, 2014, shall notify** the appropriate retirement system in which the offender was a participant[. The court shall also make a determination on the value of the money, property, or services involved in committing the offense] **and provide information in connection with such charge or conviction.** The plans shall take all actions necessary to implement the provisions of this section.

3. [The finding of guilt for] **A felony conviction based on** any of the following offenses or a substantially similar offense provided under federal law shall result in the ineligibility of retirement benefits as provided in subsection 1 of this section:

(1) The offense of felony stealing under section 570.030 when such offense involved money, property, or services valued at five thousand dollars or more as determined by the court **prior to January 1, 2017,**

or the offense of a class D felony for stealing under section 570.030 on or after January 1, 2017;

(2) The offense of felony receiving stolen property under section 570.080 when such offense involved money, property, or services valued at five thousand dollars or more as determined by the court;

(3) The offense of forgery under section 570.090;

(4) The offense of felony counterfeiting under section 570.103;

(5) The offense of bribery of a public servant under section 576.010; or

(6) The offense of acceding to corruption under section 576.020.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 283, Page 1, Section A, Line 4, by inserting after said line the following:

“70.600. The following words and phrases as used in sections 70.600 to 70.755[, unless a different meaning is plainly required by the context,] shall mean:

(1) “Accumulated contributions”, the total of all amounts deducted from the compensations of a member and standing to the member’s credit in his or her individual account in the members deposit fund, together with investment credits thereon;

(2) “Actuarial equivalent”, a benefit of equal reserve value;

(3) “Allowance”, the total of the annuity and the pension. All allowances shall be paid not later than the tenth day of each calendar month;

(4) “Annuity”, a monthly amount derived from the accumulated contributions of a member and payable by the system throughout the life of a person or for a temporary period;

(5) “Beneficiary”, any person who is receiving or designated to receive a system benefit, except a retiree;

(6) “Benefit program”, a schedule of benefits or benefit formulas from which the amounts of system benefits can be determined;

(7) “Board of trustees” or “board”, the board of trustees of the system;

(8) “Compensation”, the remuneration paid an employee by a political subdivision or by an elected fee official of the political subdivision for personal services rendered by the employee for the political subdivision or for the elected fee official in the employee’s public capacity; provided, that for an elected fee official, “compensation” means that portion of his or her fees which is net after deduction of (a) compensation paid by such elected fee official to his or her office employees, if any, and (b) the ordinary and necessary expenses paid by such elected fee official and attributable to the operation of his or her office. In cases where an employee’s compensation is not all paid in money, the political subdivision shall fix the reasonable value of the employee’s compensation not paid in money. In determining compensation no consideration shall be given to:

(a) Any nonrecurring single sum payment paid by an employer;

(b) Employer contributions to any employee benefit plan or trust;

(c) Any other unusual or nonrecurring remuneration; or

(d) Compensation in excess of the limitations set forth in Internal Revenue Code Section 401(a)(17). The limitation on compensation for eligible employees shall not be less than the amount which was allowed to be taken into account under the system as in effect on July 1, 1993. For purposes of this paragraph, an "eligible employee" is an individual who was a member of the system before the first plan year beginning after December 31, 1995;

(9) "Credited service", the total of a member's prior service and membership service, to the extent such service is standing to the member's credit as provided in sections 70.600 to 70.755;

(10) "Employee", any person regularly employed by a political subdivision who receives compensation from the political subdivision for personal services rendered the political subdivision, including any elected official of the political subdivision whose position requires his or her regular personal services and who is compensated wholly or in part on a fee basis, and including the employees of such elected fee officials who may be compensated by such elected fee officials. The term "employee" may include any elected county official. The term "employee" shall not include any person:

(a) Who is not an elected official of the political subdivision and who is included as an active member in any other plan similar in purpose to this system by reason of his or her employment with his or her political subdivision, except the federal Social Security Old Age, Survivors, and Disability Insurance Program, as amended; or

(b) Who acts for the political subdivision under contract; or

(c) Who is paid wholly on a fee basis, except elected officials and their employees; or

(d) Who holds the position of mayor, presiding judge, president or chairman of the political subdivision or is a member of the governing body of the political subdivision; except that, such an official of a political subdivision having ten or more other employees may become a member if the official is covered under the federal Social Security Old Age, Survivors, and Disability Insurance Program, as amended, by reason of such official's employment with his or her political subdivision, by filing written application for membership with the board after the date the official qualifies for such position or within thirty days after the date his or her political subdivision becomes an employer, whichever date is later;

(11) "Employer", any political subdivision which has elected to have all its eligible employees covered by the system;

(12) "Final average salary", the monthly average of the compensations paid an employee during the period of sixty or, if an election has been made in accordance with section 70.656, thirty-six consecutive months of credited service producing the highest monthly average, which period is contained within the period of one hundred twenty consecutive months of credited service immediately preceding his or her termination of membership. Should a member have less than sixty or, if an election has been made in accordance with section 70.656, thirty-six months of credited service, "final average salary" means the monthly average of compensation paid the member during his or her total months of credited service;

(13) "Fireman", any regular or permanent employee of the fire department of a political subdivision, including a probationary fireman. The term "fireman" shall not include:

(a) Any volunteer fireman; or

(b) Any civilian employee of a fire department, **except as provided in section 70.631**; or

(c) Any person temporarily employed as a fireman for an emergency;

(14) “Member”, any employee included in the membership of the system;

(15) “Membership service”, employment as an employee with the political subdivision from and after the date such political subdivision becomes an employer, which employment is creditable as service hereunder;

(16) “Minimum service retirement age”, age sixty for a member who is neither a policeman nor a fireman; “minimum service retirement age”, age fifty-five for a member who is a policeman or a fireman;

(17) “Pension”, a monthly amount derived from contributions of an employer and payable by the system throughout the life of a person or for a temporary period;

(18) “Policeman”, any regular or permanent employee of the police department of a political subdivision, including a probationary policeman. The term “policeman” shall not include:

(a) Any civilian employee of a police department, **except as provided in section 70.631**; or

(b) Any person temporarily employed as a policeman for an emergency;

(19) “Political subdivision”, any governmental subdivision of this state created pursuant to the laws of this state, and having the power to tax, except public school districts; a board of utilities or a board of public works which is required by charter or ordinance to establish the compensation of employees of the utility separate from the compensation of other employees of the city may be considered a political subdivision for purposes of sections 70.600 to 70.755; a joint municipal utility commission may be considered a political subdivision for purposes of sections 70.600 to 70.755;

(20) “Prior service”, employment as an employee with the political subdivision prior to the date such political subdivision becomes an employer, which employment is creditable as service hereunder;

(21) “Regular interest” or “investment credits”, such reasonable rate or rates per annum, compounded annually, as the board shall adopt annually;

(22) “Reserve”, the present value of all payments to be made on account of any system benefit based upon such tables of experience and regular interest as the board shall adopt from time to time;

(23) “Retirant”, a former member receiving a system allowance by reason of having been a member;

(24) “Retirement system” or “system”, the Missouri local government employees’ retirement system.”; and

Further amend said bill, Page 2, Section 70.621, Line 24 by inserting after said line the following:

“70.631. 1. Each political subdivision may, by majority vote of its governing body, elect to cover emergency police dispatchers and jailers as policemen members of the system and emergency fire dispatchers and emergency medical service personnel as firemen members of the system. The clerk or secretary of the political subdivision shall certify an election concerning the coverage of emergency police dispatchers and jailers as policemen members of the system and emergency fire dispatchers

and emergency medical service personnel as firemen members of the system to the board within ten days after such vote. The date on which the political subdivision's election becomes effective shall be the first day of the calendar month specified by such governing body, the first day of the calendar month next following receipt by the board of the certification of the election, or the effective date of the political subdivision's becoming an employer, whichever is the latest date. Such election shall not be changed after the effective date. If the election is made, the coverage provisions shall be applicable to the past and future employment with the employer by present and future employees.

2. If an employer elects to cover emergency police dispatchers and jailers as policemen members of the system and emergency fire dispatchers and emergency medical service personnel as firemen members of the system, the employer contributions shall be correspondingly changed effective the same date as the effective date of the political subdivision's election.

3. The limitation on increases in an employer's contributions provided by subsection 6 of section 70.730 shall not apply to any contribution increase resulting from an employer making an election under the provisions of this section.”; and

Further amend said bill, Page 5, Section 86.200, Line 114 by inserting after said line the following:

“86.207. 1. **Except as provided herein**, all persons who become policemen **or policewomen** and all policemen **or policewomen** who enter or reenter the service of [the] **any city not within a county** after the first day of October, 1957, become members as a condition of their employment and shall receive no pensions or retirement allowance from any other pension or retirement system supported wholly or in part by the city **not within a county** or the state of Missouri, nor shall they be required to make contributions under any other pension or retirement system of the city **not within a county** or the state of Missouri **for the same period of service**, anything to the contrary notwithstanding. **Any employee of a city not within a county who is earning creditable service in a retirement plan established by said city under section 95.540 and subsequently becomes a policeman may elect to remain a member of said retirement plan and shall not be required to become a member of a police retirement system established under section 86.200. However, an employee of a city not within a county who is earning creditable service in a retirement plan established by said city under section 95.540 and who subsequently becomes a policeman may elect to transfer membership and creditable service to the police retirement system created under section 86.200. Such transfers are subject to the conditions and requirements contained in section 105.691 and are also subject to any existing agreements between the said retirement plans, provided however, transfers completed prior to January 1, 2016 shall occur without regard to the vesting requirements of the receiving plan, contained in section 105.691. As part of the transfer process described herein, the respective retirement plans may require the employee to acknowledge and agree as a condition of transfer that any election made under this section is irrevocable, constitutes a waiver of any right to receive retirement and disability benefits except as provided by the police retirement system, and that plan terms may be modified in the future.**

2. If any member ceases to be in service for more than one year unless the member has attained the age of fifty-five or has twenty years or more of creditable service, or if the member withdraws the member's accumulated contributions or if the member receives benefits under the retirement system or dies, the member thereupon ceases to be a member; except in the case of a member who has served in the Armed Forces of the United States and has subsequently been reinstated as a policeman. A member who has terminated employment as a police officer, has actually retired and is receiving retirement benefits under

the system shall be considered a retired member.

3. A reserve officer shall not be considered a member of the system for the purpose of determining creditable service, nor shall any contributions be due. A reserve officer shall not be entitled to any benefits from the system other than those awarded when the reserve officer originally retired under section 86.250, nor shall service as a reserve officer prohibit distribution of those benefits.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: The Speaker of the House has appointed the following committee to act with a like committee from the Senate on **HCS** for **SS** for **SCS** for **SB 5**, as amended. Representatives: Curtman, Cornejo, Austin, Pierson and McCann Beatty.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS** for **HB 458**, as amended, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 473**, entitled:

An Act to repeal sections 162.471, 162.481, and 162.491, RSMo, and sections 162.481 and 162.491 as enacted by senate substitute for senate committee substitute for house committee substitute no. 2 for house bill no. 63, ninety-eighth general assembly, first regular session, and to enact in lieu thereof four new sections relating to school directors for urban school districts, with an emergency clause.

With House Amendment Nos. 1 and 3.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 473, Page 3, Section 160.671, Line 50, by deleting the words “**three hundred**” and inserting in lieu thereof the words “**seven hundred and fifty**”; and

Further amend said bill, page, and section, Line 67, by deleting the words “**three hundred**” and inserting in lieu thereof the words “**seven hundred and fifty**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 473, Page 1, In the title, Lines 5-6, by deleting the words, “school directors for urban school districts” and inserting in lieu thereof the words, “elementary and secondary education”; and

Further amend said bill, Page 6, Section 162.491, Line 18, by inserting after all of said line the following:

“163.045. Notwithstanding the provisions of subsection 2 of section 163.031 to the contrary, in any school year in which a school district’s average daily attendance increases from three hundred fifty or less to more than three hundred fifty or decreases from more than three hundred fifty to three hundred fifty or less, such school district shall receive state aid as calculated under section 163.031 based on the school district’s average daily attendance in the school year immediately preceding such increase or decrease. Such school district shall continue to receive state aid based on the school district’s immediately preceding average daily attendance in the previous school year until any such increase or decrease in average daily attendance is maintained by the school district for two consecutive school years. If an increase or decrease in average daily attendance is maintained for two consecutive school years by the school district, the school district shall receive state aid as calculated under section 163.031 based on the average daily attendance maintained for the previous two school years.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCR 38** and has taken up and passed **SCS** for **HCR 38**.

REFERRALS

President Pro Tem Dempsey referred **SS No. 2** for **SCS** for **SBs 199, 417** and **42** to the Committee on Governmental Accountability and Fiscal Oversight.

Senator Kehoe assumed the Chair.

HOUSE BILLS ON SECOND READING

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

HCS for **HBs 671 & 683**—Financial and Governmental Organizations and Elections.

HCS for **HB 137**—Governmental Accountability and Fiscal Oversight.

HB 324—Jobs, Economic Development and Local Government.

HCS for **HB 830**—Agriculture, Food Production and Outdoor Resources.

HCS for **HB 583**—Judiciary and Civil and Criminal Jurisprudence.

HCS for **HB 762**—Transportation, Infrastructure and Public Safety.

HCS for **HB 1066**—Veterans' Affairs and Health.

HCS for **HB 198**—Small Business, Insurance and Industry.

HCS for **HB 1312**—Jobs, Economic Development and Local Government.

HCS for HB 884—Jobs, Economic Development and Local Government.
HCS for HB 519—Governmental Accountability and Fiscal Oversight.
HCS for HB 375—Agriculture, Food Production and Outdoor Resources.
HB 1039—Financial and Governmental Organizations and Elections.
HCS for HB 422—Financial and Governmental Organizations and Elections.
HB 571—Judiciary and Civil and Criminal Jurisprudence.
HCS for HB 634—Financial and Governmental Organizations and Elections.
HCS for HB 658—Education.
HCS for HB 1184—Agriculture, Food Production and Outdoor Resources.
HCS for HB 1243—Small Business, Insurance and Industry.
HCS for HJR 7—Commerce, Consumer Protection, Energy and the Environment.
HCS for HB 1318—General Laws and Pensions.
HCS for HB 120—General Laws and Pensions.
HCS for HB 844—Commerce, Consumer Protection, Energy and the Environment.
HCS for HB 742—Education.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Dempsey appointed the following conference committee to act with a like committee from the House on **HCS for SS for SCS for SB 5**, as amended: Senators Schmitt, Schaefer, Dixon, Chappelle-Nadal and Holsman.

PRIVILEGED MOTIONS

Senator Schatz moved that **SB 221**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

At the request of Senator Schatz, the above motion was withdrawn.

Senator Kraus moved that the House grant further conference on **HCS for SB 104**, as amended, which motion prevailed.

THIRD READING OF SENATE BILLS

SB 200, introduced by Senator Dixon, entitled:

An Act to repeal sections 565.020, 565.030, 565.032, and 565.040, RSMo, section 556.061 as enacted by house bill no. 1371, ninety-seventh general assembly, second regular session, and section 556.061 as enacted by house bill no. 215 merged with house bill no. 505, ninety-seventh general assembly, first regular session, and to enact in lieu thereof seven new sections relating to first degree murder, with penalty

provisions, an emergency clause for certain sections and an effective date for certain sections.

Was taken up.

On motion of Senator Dixon, **SB 200** was read the 3rd time and passed by the following vote:

YEAS—Senators

| | | | | | | | |
|---------|-----------------|------------|--------|------------|------------|---------|---------|
| Brown | Chappelle-Nadal | Cunningham | Curls | Dempsey | Dixon | Emery | Hegeman |
| Holsman | Kehoe | Kraus | LeVota | Libla | Munzlinger | Onder | Parson |
| Pearce | Richard | Riddle | Romine | Sater | Schatz | Schmitt | Schupp |
| Sifton | Wallingford | Walsh | Wasson | Wieland—29 | | | |

NAYS—Senators

| | | |
|---------|--------|----------|
| Keaveny | Schaaf | Silvey—3 |
|---------|--------|----------|

Absent—Senators

| | |
|---------|------------|
| Nasheed | Schaefer—2 |
|---------|------------|

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

| | | | | | | | |
|---------|-----------------|------------|--------|------------|------------|---------|---------|
| Brown | Chappelle-Nadal | Cunningham | Curls | Dempsey | Dixon | Emery | Hegeman |
| Holsman | Kehoe | Kraus | LeVota | Libla | Munzlinger | Onder | Parson |
| Pearce | Richard | Riddle | Romine | Sater | Schatz | Schmitt | Schupp |
| Sifton | Wallingford | Walsh | Wasson | Wieland—29 | | | |

NAYS—Senators

| | | |
|---------|--------|----------|
| Keaveny | Schaaf | Silvey—3 |
|---------|--------|----------|

Absent—Senators

| | |
|---------|------------|
| Nasheed | Schaefer—2 |
|---------|------------|

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Dixon, title to the bill was agreed to.

Senator Dixon moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SB 377, introduced by Senator Schatz, entitled:

An Act to repeal section 144.030, RSMo, and to enact in lieu thereof one new section relating to sales and use tax exemptions for aircraft.

Was taken up.

On motion of Senator Schatz, **SB 377** was read the 3rd time and passed by the following vote:

YEAS—Senators

| | | | | | | | |
|---------|-----------------|------------|-------------|---------|--------|------------|---------|
| Brown | Chappelle-Nadal | Cunningham | Curls | Dempsey | Dixon | Emery | Hegeman |
| Holsman | Keaveny | Kehoe | Kraus | LeVota | Libla | Munzlinger | Onder |
| Parson | Pearce | Richard | Riddle | Romine | Sater | Schaaf | Schatz |
| Schmitt | Sifton | Silvey | Wallingford | Walsh | Wasson | Wieland—31 | |

NAYS—Senator Schupp—1

Absent—Senators

| | |
|---------|------------|
| Nasheed | Schaefer—2 |
|---------|------------|

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Schatz, title to the bill was agreed to.

Senator Schatz moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SB 364, introduced by Senator Parson, entitled:

An Act to amend chapter 137, RSMo, by adding thereto one new section relating to assessment in newly created political subdivisions.

Was taken up.

On motion of Senator Parson, **SB 364** was read the 3rd time and passed by the following vote:

YEAS—Senators

| | | | | | | | |
|---------|-----------------|------------|--------|-------------|-------|------------|------------|
| Brown | Chappelle-Nadal | Cunningham | Curls | Dempsey | Dixon | Emery | Hegeman |
| Holsman | Keaveny | Kehoe | Kraus | LeVota | Libla | Munzlinger | Onder |
| Parson | Pearce | Richard | Riddle | Romine | Sater | Schaaf | Schatz |
| Schmitt | Schupp | Sifton | Silvey | Wallingford | Walsh | Wasson | Wieland—32 |

NAYS—Senators—None

Absent—Senators

| | |
|---------|------------|
| Nasheed | Schaefer—2 |
|---------|------------|

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Parson, title to the bill was agreed to.

Senator Parson moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SB 392, introduced by Senator Wieland, entitled:

An Act to repeal section 378.633, RSMo, and to enact in lieu thereof one new section relating to fraternal benefit society agents.

Was taken up.

On motion of Senator Wieland, **SB 392** was read the 3rd time and passed by the following vote:

YEAS—Senators

| | | | | | | | |
|---------|-----------------|------------|---------|---------|-------------|------------|---------|
| Brown | Chappelle-Nadal | Cunningham | Curls | Dempsey | Dixon | Emery | Hegeman |
| Holsman | Keaveny | Kehoe | Kraus | LeVota | Libla | Munzlinger | Nasheed |
| Onder | Parson | Pearce | Richard | Riddle | Romine | Sater | Schaaf |
| Schatz | Schmitt | Schupp | Sifton | Silvey | Wallingford | Walsh | Wasson |

Wieland—33

NAYS—Senators—None

Absent—Senator Schaefer—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Wieland, title to the bill was agreed to.

Senator Wieland moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SB 497, introduced by Senator Hegeman, entitled:

An Act to repeal sections 67.950, 67.955, 393.015, and 644.145, RSMo, and to enact in lieu thereof five new sections relating to special purpose districts.

Was taken up.

On motion of Senator Hegeman, **SB 497** was read the 3rd time and passed by the following vote:

YEAS—Senators

| | | | | | | | |
|---------|------------|---------|---------|-------------|------------|---------|------------|
| Brown | Cunningham | Curls | Dempsey | Dixon | Emery | Hegeman | Holsman |
| Keaveny | Kehoe | Kraus | LeVota | Libla | Munzlinger | Nasheed | Onder |
| Parson | Pearce | Richard | Riddle | Romine | Sater | Schaaf | Schatz |
| Schmitt | Schupp | Sifton | Silvey | Wallingford | Walsh | Wasson | Wieland—32 |

NAYS—Senator Chappelle-Nadal—1

Absent—Senator Schaefer—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Wieland, title to the bill was agreed to.

Senator Wieland moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SB 533, introduced by Senator Riddle, entitled:

An Act to repeal section 210.003, RSMo, and to enact in lieu thereof one new section relating to immunizations of children.

Was taken up.

On motion of Senator Riddle, **SB 533** was read the 3rd time and passed by the following vote:

YEAS—Senators

| | | | | | | | |
|----------|-----------------|------------|---------|---------|--------|-------------|---------|
| Brown | Chappelle-Nadal | Cunningham | Curls | Dempsey | Dixon | Emery | Hegeman |
| Holsman | Keaveny | Kehoe | Kraus | LeVota | Libla | Munzlinger | Nasheed |
| Onder | Parson | Pearce | Richard | Riddle | Romine | Sater | Schaaf |
| Schaefer | Schatz | Schmitt | Schupp | Sifton | Silvey | Wallingford | Walsh |
| Wasson | Wieland—34 | | | | | | |

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Riddle, title to the bill was agreed to.

Senator Riddle moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

SB 463, introduced by Senator Dixon, entitled:

An Act to repeal sections 135.1150 and 135.1180, RSMo, and to enact in lieu thereof two new sections relating to benevolent tax credits.

Was taken up.

On motion of Senator Dixon, **SB 463** was read the 3rd time and passed by the following vote:

YEAS—Senators

| | | | | | | | |
|----------|-----------------|------------|---------|---------|--------|-------------|---------|
| Brown | Chappelle-Nadal | Cunningham | Curls | Dempsey | Dixon | Emery | Hegeman |
| Holsman | Keaveny | Kehoe | Kraus | LeVota | Libla | Munzlinger | Nasheed |
| Onder | Parson | Pearce | Richard | Riddle | Romine | Sater | Schaaf |
| Schaefer | Schatz | Schmitt | Schupp | Sifton | Silvey | Wallingford | Walsh |
| Wasson | Wieland—34 | | | | | | |

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Dixon, title to the bill was agreed to.

Senator Dixon moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

HB 152, introduced by Representative Haahr, with **SCS**, entitled:

An Act to repeal sections 566.210, 566.211, 566.212, and 566.213, RSMo, and to enact in lieu thereof four new sections relating to sexual trafficking of a child, with penalty provisions.

Was taken up by Senator Onder.

SCS for **HB 152**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 152

An Act to repeal sections 566.210, 566.211, 566.212, and 566.213, RSMo, and to enact in lieu thereof four new sections relating to sexual trafficking of a child, with penalty provisions.

Was taken up.

Senator Onder moved that **SCS** for **HB 152** be adopted.

Senator Sifton offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 152, Page 1, In the Title, Line 3, by striking “sexual trafficking of a child” and inserting in lieu thereof the following: “human trafficking”; and

Further amend said bill, page 4, section 566.213, line 25, by inserting immediately after said line the

following:

“589.660. As used in sections 589.660 to 589.681, the following terms mean:

(1) “Address”, a residential street address, school address, or work address of a person, as specified on the person's application to be a program participant;

(2) “Application assistant”, an employee of a state or local agency, or of a nonprofit program that provides counseling, referral, shelter, or other specialized service to victims of domestic violence, rape, sexual assault, **human trafficking**, or stalking, who has been designated by the respective agency or program, and who has been trained and registered by the secretary of state to assist individuals in the completion of program participation applications;

(3) “Designated address”, the address assigned to a program participant by the secretary;

(4) “Mailing address”, an address that is recognized for delivery by the United States Postal Service;

(5) “Program”, the address confidentiality program established in section 589.663;

(6) “Program participant”, a person certified by the secretary of state as eligible to participate in the address confidentiality program;

(7) “Secretary”, the secretary of state.

589.663. There is created in the office of the secretary of state a program to be known as the “Address Confidentiality Program” to protect victims of domestic violence, rape, sexual assault, **human trafficking**, or stalking by authorizing the use of designated addresses for such victims and their minor children. The program shall be administered by the secretary under the following application and certification procedures:

(1) An adult person, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of an incapacitated person may apply to the secretary to have a designated address assigned by the secretary to serve as the person's address or the address of the minor or incapacitated person;

(2) The secretary may approve an application only if it is filed with the office of the secretary in the manner established by rule and on a form prescribed by the secretary. A completed application shall contain:

(a) The application preparation date, the applicant's signature, and the signature and registration number of the application assistant who assisted the applicant in applying to be a program participant;

(b) A designation of the secretary as agent for purposes of service of process and for receipt of first-class mail, legal documents, and certified mail;

(c) A sworn statement by the applicant that the applicant has good reason to believe that he or she:

a. Is a victim of domestic violence, rape, sexual assault, **human trafficking**, or stalking; and

b. Fears further violent acts from his or her assailant;

(d) The mailing address where the applicant may be contacted by the secretary or a designee and the telephone number or numbers where the applicant may be called by the secretary or the secretary's designee; and

(e) One or more addresses that the applicant requests not be disclosed for the reason that disclosure will jeopardize the applicant's safety or increase the risk of violence to the applicant or members of the applicant's household;

(3) Upon receipt of a properly completed application, the secretary may certify the applicant as a program participant. A program participant is certified for four years following the date of initial certification unless the certification is withdrawn or cancelled before that date. The secretary shall send notification of lapsing certification and a reapplication form to a program participant at least four weeks prior to the expiration of the program participant's certification;

(4) The secretary shall forward first class mail, legal documents, and certified mail to the appropriate program participants.”; and

Further amend the title and enacting clause accordingly.

Senator Sifton moved that the above amendment be adopted, which motion prevailed.

Senator Schaefer offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Bill No. 152, Page 2, Section 566.210, Line 15, by inserting immediately at the end of said line the following: **“In addition to any other penalties provided under this section, such conduct shall constitute an unlawful practice under section 407.020.”**; and

Further amend said bill, page 2, section 566.211, line 16, by inserting immediately at the end of said line the following: **“In addition to any other penalties provided under this section, such conduct shall constitute an unlawful practice under section 407.020.”**; and

Further amend said bill, page 3, section 566.212, line 16, by inserting immediately at the end of said line the following: **“In addition to any other penalties provided under this section, such conduct shall constitute an unlawful practice under section 407.020.”**; and

Further amend said bill, page 4, section 566.213, line 15, by inserting immediately at the end of said line the following: **“In addition to any other penalties provided under this section, such conduct shall constitute an unlawful practice under section 407.020.”**.

Senator Schaefer moved that the above amendment be adopted, which motion prevailed.

Senator Onder moved that **SCS** for **HB 152**, as amended, be adopted, which motion prevailed.

On motion of Senator Onder, **SCS** for **HB 152**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

| | | | | | | | |
|---------|-----------------|------------|--------|---------|-------------|------------|----------|
| Brown | Chappelle-Nadal | Cunningham | Curls | Dempsey | Dixon | Emery | Hegeman |
| Holsman | Keaveny | Kehoe | Kraus | LeVota | Libla | Munzlinger | Onder |
| Parson | Pearce | Richard | Riddle | Romine | Sater | Schaaf | Schaefer |
| Schatz | Schmitt | Schupp | Sifton | Silvey | Wallingford | Walsh | Wasson |

Wieland—33

NAYS—Senators—None

Absent—Senator Nasheed—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Onder, title to the bill was agreed to.

Senator Onder moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

HB 111, introduced by Representative Crawford, entitled:

An Act to repeal section 144.044, RSMo, and to enact in lieu thereof one new section relating to sales tax on manufactured homes.

Was taken up by Senator Cunningham.

On motion of Senator Cunningham, **HB 111** was read the 3rd time and passed by the following vote:

YEAS—Senators

| | | | | | | | |
|---------|-----------------|------------|--------|---------|-------------|------------|----------|
| Brown | Chappelle-Nadal | Cunningham | Curls | Dempsey | Dixon | Emery | Hegeman |
| Holsman | Keaveny | Kehoe | Kraus | LeVota | Libla | Munzlinger | Onder |
| Parson | Pearce | Richard | Riddle | Romine | Sater | Schaaf | Schaefer |
| Schatz | Schmitt | Schupp | Sifton | Silvey | Wallingford | Walsh | Wasson |

Wieland—33

NAYS—Senators—None

Absent—Senator Nasheed—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Cunningham, title to the bill was agreed to.

Senator Cunningham moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

HB 501, introduced by Representative Montecilla, entitled:

An Act to repeal section 170.015, RSMo, and to enact in lieu thereof one new section relating to course materials relating to human sexuality.

Was taken up by Senator Brown.

Senator Chappelle-Nadal offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Bill No. 501, Page 1, Section 170.015, Line 2, by striking the word “diseases” and inserting in lieu thereof the word “**infections**”; and further amend said line by inserting immediately after the word “accurate” the following: “, **be based on peer reviewed projects that have been demonstrated**”

to influence healthy behavior, be age appropriate,”; and further amend line 5 by striking the word “diseases” and inserting in lieu thereof the word “**infections**”; and further amend line 8 by striking the word “diseases” and inserting in lieu thereof the word “**infections**”; and further amend line 9 by striking the word “diseases” and inserting in lieu thereof the word “**infections**”; and further amend line 11 by inserting immediately after the word “virus” the following: “**(HIV)**”; and further amend line 12 by striking the word “diseases” and inserting in lieu thereof the word “**infections**”; and further amend line 15 by striking the word “diseases” and inserting in lieu thereof the word “**infections**”; and

Further amend said bill and section, page 2, line 21, by inserting immediately after the word “plan” the following: “**and provide information about the vaccine for human papilloma virus, which may prevent cervical cancer, genital warts, infertility, and other reproductive health problems, when administered prior to becoming sexually active;**

(5) Encourage family communication between parents and children about sexuality;

(6) Help young people gain knowledge about the physical, biological, and hormonal changes of adolescence and subsequent states of human maturation and the skills to make responsible decisions about sexuality, including how alcohol and drug use can affect that decision making”; and

Further amend line 31 by inserting after all of said line the following:

“(9) Help pupils develop skills in critical thinking, problem solving, decision making, and stress management in order to make healthy decisions about sexuality and relationships;”; and further renumber the remaining subdivisions accordingly; and further amend line 34 by striking the word “and”; and further amend said line by inserting immediately after the word “programs” the following: “**, and applications downloaded by a user to a mobile device”;** and

Further amend said bill and section, page 3, line 57 by inserting immediately after the word “materials” the following: “**and names and affiliations of presenters”**.”

Senator Chappelle-Nadal moved that the above amendment be adopted, which motion failed.

On motion of Senator Brown, **HB 501** was read the 3rd time and passed by the following vote:

YEAS—Senators

| | | | | | | | |
|---------|-----------------|------------|--------|---------|-------------|------------|----------|
| Brown | Chappelle-Nadal | Cunningham | Curls | Dempsey | Dixon | Emery | Hegeman |
| Holsman | Keaveny | Kehoe | Kraus | LeVota | Libla | Munzlinger | Onder |
| Parson | Pearce | Richard | Riddle | Romine | Sater | Schaaf | Schaefer |
| Schatz | Schmitt | Schupp | Sifton | Silvey | Wallingford | Walsh | Wasson |

Wieland—33

NAYS—Senators—None

Absent—Senator Nasheed—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Brown, title to the bill was agreed to.

Senator Brown moved that the vote by which the bill passed be reconsidered.

Senator Richard moved that motion lay on the table, which motion prevailed.

RESOLUTIONS

Senator Romine offered Senate Resolution No. 941, regarding Allen Engelmann, which was adopted.

Senator Sater offered Senate Resolution No. 942, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Joe Bill Holland-Waisner, Crane, which was adopted.

Senator Sater offered Senate Resolution No. 943, regarding Charlene Jackson, Crane, which was adopted.

Senator Chappelle-Nadal offered Senate Resolution No. 944, regarding Madeleine Ming Hu Goedegebuure, Clayton, which was adopted.

Senator Chappelle-Nadal offered Senate Resolution No. 945, regarding Emily Elizabeth Tobar, Bridgeton, which was adopted.

Senator Onder offered Senate Resolution No. 946, regarding Carly Marie Freihofer, O'Fallon, which was adopted.

Senator Onder offered Senate Resolution No. 947, regarding Danielle Marie Farley, Wentzville, which was adopted.

Senator Onder offered Senate Resolution No. 948, regarding Michelle Marie Fritsche, Foristell, which was adopted.

Senator Onder offered Senate Resolution No. 949, regarding Khilia A. Walker, Wentzville, which was adopted.

Senator Onder offered Senate Resolution No. 950, regarding Richard Charles Wisniewski, O'Fallon, which was adopted.

Senator Munzlinger offered Senate Resolution No. 951, regarding Parker S. Petersen, which was adopted.

Senator Dixon offered Senate Resolution No. 952, regarding Nathan Thomas, Springfield, which was adopted.

Senator Dixon offered Senate Resolution No. 953, regarding Rick Hughlett, Springfield, which was adopted.

INTRODUCTIONS OF GUESTS

On behalf of Senator Emery and himself, the President introduced to the Senate, Lori Bartlett, and her daughter, Chloe, Liberal; and Hailey Gilbreath, Carl Junction.

On behalf of Senators Romine, Schatz and himself, Senator Pearce introduced to the Senate, Dr. Tom Hobbs, Warrensburg; and Dr. Renee Lane, DeSoto.

Senator Richard introduced to the Senate, his granddaughter, Natalie Greer, Joplin; and Natalie was made an honorary page.

Senator Brown introduced to the Senate, his granddaughter, Kennedy Brown, Rolla; and Kennedy was made an honorary page.

Senator Cunningham introduced to the Senate, Kelly Garrison; and eighth grade students from Hartville School.

Senator Schaefer introduced to the Senate, University of Missouri Director of Athletics Mike Alden, and his wife, Rocky, Columbia.

Senator Onder introduced to the Senate, the Physician of the Day, Dr. George Bohigian, Des Peres.

Senator Kraus introduced to the Senate, fourth grade students from Pleasant Lea Middle School, Lee's Summit.

Senator Parson introduced to the Senate, Becky Marsolf, her daughter, Kasey Sekulic, and her children, Landon, Seth and Mackynzi, Fair Grove; and Raelyn Marsolf, New Orleans, Louisiana.

Senator Schupp introduced to the Senate, Kate Hodgson, Bella Vista, Arkansas; and Kate was made an honorary page.

Senator Munzlinger introduced to the Senate, Tatum Reed, and the fourth grade students from Atlanta C-3 School.

Senator LeVota introduced to the Senate, fifty fourth grade students from William Yates Elementary School, Independence.

Senator Pearce introduced to the Senate, Brent Blackwell, Carrollton.

On behalf of Senators Kehoe, Onder and herself, Senator Walsh introduced to the Senate, Renee, Brianna and James Crowe, St. Peters; and Kaitlyn McConnaughay, Abigail and Madeline Buhr, Bonnots Mill.

On behalf of Senators Pearce, Kraus and himself, Senator Holsman introduced to the Senate, Andrea Glinn, Warrensburg; and Megan Ryken, Lee's Summit.

Senator Schupp introduced to the Senate, former State Representatives Tim Meadows and Tom George, St. Louis.

Senator Hegeman introduced to the Senate, Lori Haws, her daughter, Paxton and son, A.J., Gene and Christy Kenny, Maryville; Diana Stephens, Sheridan; and the Honorable John C. Andrews, and his wife, Jo, Grant City.

Senator Schupp introduced to the Senate, Jim Kabell.

Senator Schupp introduced to the Senate, Larry Tinker, Maryland Heights; Dave Lalumondier, St. Ann, and Ron Johnson, Kansas City.

On motion of Senator Richard, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTIETH DAY—WEDNESDAY, APRIL 29, 2015

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

| | |
|----------------|-----------------|
| HCS for HJR 24 | HB 842-McDaniel |
| HB 322-Shumake | HCS for HB 209 |
| HCS for HB 867 | HCS for HB 1023 |
| HCS for HB 694 | HB 389-Hoskins |
| HB 1024-Higdon | HCS for HB 627 |
| HB 202-Morris | HB 101-Redmon |
| HCS for HB 476 | |

THIRD READING OF SENATE BILLS

| | |
|--|---|
| SCS for SBs 1, 22, 49 & 70-Pearce (In Fiscal Oversight) | SB 352-Schaefer (In Fiscal Oversight) |
| SCS for SB 56-Munzlinger (In Fiscal Oversight) | SS for SB 373-Libla (In Fiscal Oversight) |
| SS for SB 201-Dixon (In Fiscal Oversight) | SS#2 for SCS for SBs 199, 417 & 42-Dixon (In Fiscal Oversight) |
| SB 203-Dixon (In Fiscal Oversight) | |

HOUSE BILLS ON THIRD READING

- | | |
|---|---|
| 1. HCS for HJR 34, with SCS (Schmitt) (In Fiscal Oversight) | 6. HCS for HB 299, with SCS (Kraus) |
| 2. HCS for HB 882-McGaugh, with SCS (Munzlinger) (In Fiscal Oversight) | 7. HCS for HBs 517 & 754, with SCS (Kraus) |
| 3. HCS for HB 587-Dugger (Wasson) | 8. HB 589-Hough, with SCS (Onder) |
| 4. HB 615-Dohrman, with SCS (Schatz) | 9. HB 524-Dugger (Cunningham) |
| 5. HCS for HB 709, with SCS (Parson) | 10. HB 271-Hoskins (Dixon) |

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS#2 for SB 475-Dempsey

SENATE BILLS FOR PERFECTION

| | |
|---|--|
| SB 17-Dixon | SB 313-Wallingford, with SCS |
| SB 37-Romine, with SCS & SA 1 (pending) | SBs 331 & 21-Libla, with SCS & SS for SCS (pending) |
| SB 44-Nasheed, with SCS | SB 339-Munzlinger, with SS (pending) |
| SB 46-Holsman | SB 358-Kehoe |
| SB 53-Schaaf, with SS#2 (pending) | SB 360-Parson, with SCS |
| SB 55-Munzlinger | SB 371-Munzlinger |
| SB 59-Dixon | SB 372-Keaveny, with SCS (pending) |
| SB 69-LeVota, with SCS | SB 374-Schatz, with SCS |
| SB 80-Dixon, with SCS | SB 399-Onder |
| SB 91-Dixon, with SCS | SB 400-Onder, with SS (pending) |
| SBs 112, 212, 143 & 234-Dixon, with SCS | SB 409-Wallingford, with SCS |
| SB 117-Brown, with SCS | SB 420-Schmitt |
| SB 127-Brown, with SCS | SB 424-Pearce, with SA 1 (pending) |
| SB 130-Walsh and Schupp, with SCS | SB 427-Sifton, with SCS |
| SB 151-Sater | SB 432-Onder, with SCS |
| SB 159-Parson | SB 442-Schaefer |
| SB 167-Schaaf, with SCS | SBs 451, 307, 100 & 165-Dixon, with SCS |
| SB 177-Munzlinger, with SCS | SB 452-Schmitt, et al, with SA 1 & point of order (pending) |
| SB 220-Kehoe | SB 455-Kehoe |
| SB 225-Romine, with SCS | SB 469-Munzlinger |
| SB 227-Emery, with SS (pending) | SB 471-Schaaf |
| SB 232-Kehoe, with SCS (pending) | SB 481-Onder, with SCS |
| SB 233-Kehoe, with SCS & SA 2 (pending) | SB 520-Kehoe, with SCS |
| SB 266-Schaefer, with SCS | SB 528-Sater |
| SB 267-Schaefer, with SCS | SB 540-Libla, with SS (pending) |
| SB 268-Pearce, with SCS | SB 567-Chappelle-Nadal, et al |
| SB 286-Schaaf and Silvey | SJR 7-Richard and Wallingford |
| SB 299-Pearce | SJR 12-Onder, with SCS (pending) |
| SB 302-Riddle, with SCS (pending) | |
| SB 304-Keaveny, with SCS | |
| SB 305-Onder | |

HOUSE BILLS ON THIRD READING

HCS for HB 50, with SCS (Parson)
HB 92-Miller (Kehoe)
HB 108-McCaherty (Dixon)
HB 190-Swan (Wallingford)
HB 336-McGaugh (Kraus)
HB 514-Leara (Schmitt)
HB 531-Solon (Riddle)
HB 533-Dugger, with SCS (Wasson)

HB 556-Wood, with SCS (Riddle)
HB 629-Leara (Silvey)
HCS for HB 722 (Kehoe)
HCS for HB 777 (Kraus)
HB 836-Ross (Libla)
HB 878-Rhoads, with SCS (Libla)
HJR 1-Dugger (Kraus)

CONSENT CALENDAR

House Bills

Reported 4/9

HB 125-Black (Romine)

Reported 4/15

HB 41-Wood, with SCS (Kehoe)
HB 511-Mathews (Schatz)
HB 88-Walton Gray (Walsh)
HB 326-Leara (Kehoe)
HB 361-Spencer (Riddle)
HB 400-Peters (Walsh)
HB 402-Phillips (Sater)
HB 403-Phillips, with SCS (Sater)
HB 404-Phillips (Sater)
HB 567-Dunn (Curls)
HB 778-Ruth (Romine)
HB 859-Dunn (Curls)
HB 861-Fitzwater (49) (Wasson)

HB 874-Remole (Munzlinger)
HB 1116-Rehder (Libla)
HB 1119-Redmon (Hegeman)
HB 1052-Miller (Wasson)
HB 1098-Crawford, with SCS (Kraus)
HB 391-Gosen (Parson)
HB 343-Lair, with SCS (Wieland)
HB 947-Wiemann, with SCS (Wallingford)
HB 179-Chipman (Brown)
HB 269-Miller (Kehoe)
HB 650-Cornejo (Schaefer)
HB 869-Solon (Schatz)

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SBs 34 & 105-Wallingford, with HCS
SB 221-Schatz, with HCS

SB 231-Kehoe, with HCS, as amended
SB 254-Kraus, with HCS, as amended

SB 283-Kehoe, with HCS, as amended

SCS for SB 473-Schaaf, with HCS, as amended

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

SS for SCS for SB 5-Schmitt, with HCS,
as amended

SCS for SB 152-Wallingford, with HCS, as
amended (CCR Offered)

SS#2 for SCS for SB 11-Richard, with HA 1,
HA 2, as amended, HA 3, as
amended & HA 4

HCS for HB 42 with SCS, as amended
(Pearce)

SB 104-Kraus, with HCS, as amended
(Senate requests House grant further
conference)

Requests to Recede or Grant Conference

HB 458-Allen, with SS for SCS, as
amended (Schmitt) (House requests
Senate recede or grant conference)

RESOLUTIONS

Reported from Committee

HCR 34-Rowland (Cunningham)

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