

SECOND REGULAR SESSION

# SENATE BILL NO. 921

## 91ST GENERAL ASSEMBLY

INTRODUCED BY SENATORS SIMS, GOODE, KENNEDY, GIBBONS, DOUGHERTY, YECKEL AND WESTFALL.

Read 1st time January 14, 2002, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

3845S.011

### AN ACT

To repeal section 302.302, RSMo, relating to prohibiting the transportation of hazardous loads on the state highway system, and to enact in lieu thereof four new sections relating to the same subject, with penalty provisions.

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

Section A. Section 302.302, RSMo, is repealed and four new sections enacted in lieu thereof, to be known as sections 302.302, 304.370, 304.371 and 304.372, to read as follows:

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

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

In violation of any county or municipal ordinance .....	6 points
(4) Careless and imprudent driving in violation of subsection 4 of section 304.016, RSMo .....	4 points
In violation of a county or municipal ordinance .....	2 points
(5) Operating without a valid license in violation of subdivision (1) or (2) of subsection 1 of section 302.020:	
(a) For the first conviction .....	2 points
(b) For the second conviction .....	4 points
(c) For the third conviction .....	6 points
(6) Operating with a suspended or revoked license prior to restoration of operating privileges .....	12 points
(7) Obtaining a license by misrepresentation .....	12 points
(8) For the first conviction of driving while in an intoxicated condition or under the influence of controlled substances or drugs .....	8 points
(9) For the second or subsequent conviction of any of the following offenses however combined: driving while in an intoxicated condition, driving under the influence of controlled substances or drugs or driving with a blood alcohol content of eight-hundredths of one percent or more by weight .....	12 points
(10) For the first conviction for driving with blood alcohol content eight-hundredths of one percent or more by weight .....	8 points
In violation of state law .....	8 points
In violation of a county or municipal ordinance or federal law or regulation .....	8 points
(11) Any felony involving the use of a motor vehicle .....	12 points
(12) Knowingly permitting unlicensed operator to operate a motor vehicle .....	4 points
(13) For a conviction for failure to maintain financial responsibility pursuant to county or municipal ordinance or pursuant to section 303.025, RSMo .....	4 points
<b>(14) Transporting hazardous materials in</b>	

**or through a highway tunnel in violation of section 304.370, RSMo ..... 12 points**

**(15) Transporting hazardous materials in violation of a route designation established by the state highways and transportation commission pursuant to section 304.371, RSMo ..... 12 points**

2. The director shall, as provided in subdivision (5) of subsection 1 of this section, assess an operator points for a conviction pursuant to subdivision (1) or (2) of subsection 1 of section 302.020, when the director issues such operator a license or permit pursuant to the provisions of sections 302.010 to 302.340.

3. An additional two points shall be assessed when personal injury or property damage results from any violation listed in subsection 1 of this section and if found to be warranted and certified by the reporting court.

4. When any of the acts listed in subdivision (2), (3), (4) or (8) of subsection 1 of this section constitutes both a violation of a state law and a violation of a county or municipal ordinance, points may be assessed for either violation but not for both. Notwithstanding that an offense arising out of the same occurrence could be construed to be a violation of subdivisions (8), (9) and (10) of subsection 1 of this section, no person shall be tried or convicted for more than one offense pursuant to subdivisions (8), (9) and (10) of subsection 1 of this section for offenses arising out of the same occurrence.

5. The director of revenue shall put into effect a system for staying the assessment of points against an operator. The system shall provide that the satisfactory completion of a driver-improvement program or, in the case of violations committed while operating a motorcycle, a motorcycle-rider training course approved by the director of the department of public safety, by an operator, when so ordered and verified by any court having jurisdiction over any law of this state or county or municipal ordinance, regulating motor vehicles, other than a violation committed in a commercial motor vehicle as defined in section 302.700, shall be accepted by the director in lieu of the assessment of points for a violation pursuant to subdivision (1), (2) or (4) of subsection 1 of this section or pursuant to subsection 3 of this section. For the purposes of this subsection, the driver-improvement program shall meet or exceed the standards of the National Safety Council's eight-hour "Defensive Driving Course" or, in the case of a violation which occurred during the operation of a motorcycle, the program shall meet the standards established by the director of the department of public safety pursuant to sections 302.133 to 302.138. The completion of a driver-improvement program or a motorcycle-rider training course shall not be accepted in lieu of points more than one time in any thirty-six-month period and shall be completed within sixty days of the date of conviction in order to be accepted in lieu of the assessment of points. Every court having jurisdiction pursuant to the provisions of this

subsection shall, within fifteen days after completion of the driver-improvement program or motorcycle-rider training course by an operator, forward a record of the completion to the director, all other provisions of the law to the contrary notwithstanding. The director shall establish procedures for record keeping and the administration of this subsection.

**304.370. 1. No person shall transport any hazardous materials in or through any tunnel of the state highway system unless permitted pursuant to administrative rules governing the transport of hazardous materials in or through a tunnel as promulgated by the state highways and transportation commission. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, 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, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, 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, 2002, shall be invalid and void.**

**2. The commission shall erect signs on either side of the entrance to any tunnel that designates the prohibition of the transport of hazardous materials in and through that tunnel.**

**3. Any person who is found or pleads guilty to a violation of this section shall be guilty of a class B misdemeanor. Any person who is found or pleads guilty to a second or subsequent violation of this section shall be guilty of a class D felony.**

**304.371. 1. The commission is authorized to designate routes on the state highway system over which hazardous materials may be transported pursuant to 49 CFR, Part 397. Such designation shall be by minute of the commission and may include route restrictions, closing of streets and highways, regulated hours of operation and whatever other conditions or restrictions the commission deems advisable for safe operation.**

**2. No route shall be designated by the commission unless:**

**(1) The routes available for the transport of hazardous materials by motor vehicle:**

**(a) Are feasible, practicable and not unreasonably expensive for such transportation;**

**(b) Are continuous within a jurisdiction and from one jurisdiction to another;**

**(c) Provide greater safety to the public than other feasible routes; and**

**(d) Do not unreasonably burden interstate or intrastate commerce;**

**(2) The designation is not arbitrary or intended by the commission merely to**

**divert the transport of hazardous materials to other communities; and**

**(3) The designation is consistent with all applicable federal laws and regulations.**

**3. The commission shall erect signs on any highway which the commission designates as prohibited from the transport of hazardous materials.**

**4. Any person who is found or pleads guilty to a violation of this section shall be guilty of a class B misdemeanor. Any person who is found or pleads guilty to a second or subsequent violation of this section shall be guilty of a class D felony.**

**304.372. It shall be the duty of any state highway patrol officer or any county or municipal law enforcement officer to see that the provisions of sections 304.370 and 304.371 are enforced, and any highway patrol officer or any county or municipal law enforcement officer is authorized to arrest on sight or upon a warrant any person violating the provisions of sections 304.370 and 304.371.**

Unofficial

Bill

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