

SECOND REGULAR SESSION

SENATE BILL NO. 696

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR KRAUS.

Read 1st time January 24, 2012, and ordered printed.

TERRY L. SPIELER, Secretary.

5038S.011

AN ACT

To repeal sections 303.025 and 303.042, RSMo, and to enact in lieu thereof four new sections relating to the motor vehicle financial responsibility law, with penalty provisions.

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

Section A. Sections 303.025 and 303.042, RSMo, are repealed and four
2 new sections enacted in lieu thereof, to be known as sections 303.025, 303.027,
3 303.028, and 303.042, to read as follows:

303.025. 1. No owner of a motor vehicle registered in this state, or
2 required to be registered in this state, shall operate, register or maintain
3 registration of a motor vehicle, or permit another person to operate such vehicle,
4 unless the owner maintains the financial responsibility which conforms to the
5 requirements of the laws of this state. No nonresident shall operate or permit
6 another person to operate in this state a motor vehicle registered to such
7 nonresident unless the nonresident maintains the financial responsibility which
8 conforms to the requirements of the laws of the nonresident's state of
9 residence. Furthermore, no person shall operate a motor vehicle owned by
10 another with the knowledge that the owner has not maintained financial
11 responsibility unless such person has financial responsibility which covers the
12 person's operation of the other's vehicle; however, no owner or nonresident shall
13 be in violation of this subsection if he or she fails to maintain financial
14 responsibility on a motor vehicle which is inoperable or being stored and not in
15 operation. The director may prescribe rules and regulations for the
16 implementation of this section.

17 2. A motor vehicle owner shall maintain the owner's financial

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

18 responsibility in a manner provided for in section 303.160, or with a motor vehicle
19 liability policy which conforms to the requirements of the laws of this state. A
20 nonresident motor vehicle owner shall maintain the owner's financial
21 responsibility which conforms to the requirements of the laws of the nonresident's
22 state of residence.

23 3. Any person who violates this section is guilty of a misdemeanor. A first
24 violation of this section shall be punishable by a fine not to exceed three hundred
25 dollars. A second or subsequent violation of this section shall be punishable by
26 imprisonment in the county jail for a term not to exceed fifteen days and/or a fine
27 not to exceed three hundred dollars. Prior pleas of guilty and prior findings of
28 guilty shall be pleaded and proven in the same manner as required by section
29 558.021. However, no person shall be found guilty of violating this section if the
30 operator demonstrates to the court that he or she met the financial responsibility
31 requirements of this section at the time the peace officer, commercial vehicle
32 enforcement officer or commercial vehicle inspector wrote the citation. In
33 addition to any other authorized punishment, the court shall notify the director
34 of revenue of any person convicted pursuant to this section and shall do one of the
35 following:

36 (1) Enter an order suspending the driving privilege as of the date of the
37 court order. If the court orders the suspension of the driving privilege, the court
38 shall require the defendant to surrender to it any driver's license then held by
39 such person. The length of the suspension shall be as prescribed in subsection
40 2 of section 303.042. The court shall forward to the director of revenue the order
41 of suspension of driving privilege and any license surrendered within ten days;

42 (2) Forward the record of the conviction for an assessment of four points;

43 (3) In lieu of an assessment of points, render an order of supervision as
44 provided in section 302.303. An order of supervision shall not be used in lieu of
45 points more than one time in any thirty-six-month period. Every court having
46 jurisdiction pursuant to the provisions of this section shall forward a record of
47 conviction to the Missouri state highway patrol, or at the written direction of the
48 Missouri state highway patrol, to the department of revenue, in a manner
49 approved by the director of the department of public safety. The director shall
50 establish procedures for the record keeping and administration of this section; or

51 (4) For a nonresident, suspend the nonresident's driving privileges in this
52 state in accordance with section 303.030 and notify the official in charge of the
53 issuance of licenses and registration certificates in the state in which such

54 nonresident resides in accordance with section 303.080.

55 4. Nothing in sections 303.010 to 303.050, 303.060, 303.140, 303.220,
56 303.290, 303.330 and 303.370 shall be construed as prohibiting the department
57 of insurance, financial institutions and professional registration from approving
58 or authorizing those exclusions and limitations which are contained in automobile
59 liability insurance policies and the uninsured motorist provisions of automobile
60 liability insurance policies.

61 5. If a court enters an order of suspension, the offender may appeal such
62 order directly pursuant to chapter 512 and the provisions of section 302.311 shall
63 not apply.

64 **6. Any person who pleads guilty to or is found guilty of a second**
65 **violation of this section shall be assessed a fine of one thousand**
66 **dollars. Any person who pleads guilty to or is found guilty of a third**
67 **or subsequent violation of this section shall be assessed an additional**
68 **fine of five thousand dollars. The fines described in this subsection**
69 **shall be in addition to any fines imposed under subsection 3 of this**
70 **section or any sentence of incarceration.**

303.027. 1. In addition to any other penalty which may be
2 imposed upon a person convicted of a second or subsequent violation
3 of section 303.025, the court may order the convicted person's motor
4 vehicle be impounded for a period of up to six months and that the
5 convicted person pay all reasonable towing, impoundment, and storage
6 fees.

7 2. The court shall not order the impoundment of a motor vehicle
8 driven by a person convicted for a second or subsequent violation of
9 section 303.025 if the motor vehicle had been stolen or converted at the
10 time if was driven in violation of section 303.025.

11 3. A vehicle impounded under subsection 1 of this section shall
12 be not be released to the defendant until the defendant applies to the
13 court for the motor vehicle's release and presents:

14 (1) Proof of financial responsibility that complies with the
15 provisions of this chapter; and

16 (2) Evidence that all towing, impoundment, and storage fees
17 related to the seizure of the vehicle have been paid.

18 4. If the owner of a motor vehicle which has been impounded
19 pursuant to this section refuses to pay any towing, impoundment,
20 storage, or other fees relating to the impoundment of such motor

21 vehicle or fails to take possession of such motor vehicle within thirty
22 days following the date of the expiration of the impoundment period,
23 such vehicle shall be deemed abandoned and the motor vehicle may be
24 disposed of by the person having possession of such motor vehicle
25 pursuant to the provisions of chapter 304.

303.028. 1. If an operator of a motor vehicle is involved in a
2 motor vehicle accident and such operator is unable to present proof of
3 financial responsibility to a law enforcement officer as required under
4 subsection 5 of section 303.024, the law enforcement officer shall order
5 the motor vehicle impounded.

6 2. The provisions of section 304.155 regarding the towing and
7 storage of motor vehicles shall apply to an impoundment made under
8 this section unless such provisions conflict the provisions of this
9 section.

10 3. The owner, operator, or other person in charge of the motor
11 vehicle shall have the right to contest the impoundment. Such person
12 shall be given notice at the time of impoundment of the right to contest
13 the impoundment.

14 4. A motor vehicle impounded under the provisions of this
15 section shall be released to a person entitled to lawful possession upon
16 compliance with the following:

17 (1) Submission of proof that a person with a valid driving
18 privileges will be operating the motor vehicle;

19 (2) Submission of proof of financial responsibility;

20 (3) Payment to the law enforcement agency of an administrative
21 fee determined by the agency to be sufficient to cover its actual
22 administrative costs for the impoundment;

23 (4) Submission of proof that the operator has:

24 (a) Been released from liability resulting from the motor vehicle
25 accident;

26 (b) Been adjudicated not to be liable for the accident;

27 (c) Made restitution for damages resulting from such accident as
28 may be recovered against the operator;

29 (d) Executed a duly acknowledged written agreement providing
30 for the payment of an agreed amount in installments with respect to all
31 claims for injuries or damages resulting from the motor vehicle
32 accident; or

33 (e) Filed a security deposit with the department of revenue
34 consistent with the provisions of section 303.050; and

35 (5) Payment of any towing and storage costs associated with the
36 impoundment of the motor vehicle.

37 5. If the owner of a motor vehicle which has been impounded
38 pursuant to this section refuses to pay any towing, impoundment,
39 storage, or other fees relating to the impoundment of such vehicle or
40 fails to take possession of such vehicle within ninety days following the
41 date of the vehicle's impoundment, such motor vehicle shall be deemed
42 abandoned and the vehicle may be disposed of by the person having
43 possession of such vehicle pursuant to the provisions of chapter
44 304.156.

45 6. The provisions of this section shall apply even if the operator
46 of the motor vehicle has insurance that complies with the provisions of
47 this chapter at the time of the accident, but the operator is unable to
48 exhibit an insurance identification card to law enforcement as required
49 by subsection 5 of section 303.024.

303.042. 1. The suspension shall become effective thirty days after the
2 subject person is deemed to have received the notice of suspension by ordinary
3 mail as provided in section 303.041.

4 2. The period of suspension under this section shall be as follows:

5 (1) If the person's record shows no prior violation, the director shall
6 terminate the suspension upon payment of a reinstatement fee of [twenty] **two**
7 **hundred fifty** dollars and submission of proof of insurance as prescribed in
8 section 303.026 or some other form of proof of insurance as prescribed by the
9 director;

10 (2) If the person's record shows one prior violation [within the
11 immediately preceding two years], the director shall terminate the suspension
12 [ninety] **one hundred eighty** days after its effective date upon payment of a
13 reinstatement fee of [two] **four** hundred dollars and submission of proof of
14 insurance as prescribed in section 303.026 or some other form of proof of
15 insurance as prescribed by the director;

16 (3) If the person's record shows two or more prior violations, the period
17 of suspension shall terminate one year after its effective date upon payment of
18 a reinstatement fee of [four] **six** hundred dollars and submission of proof of
19 insurance as prescribed in section 303.026 or some other form of proof of

20 insurance as prescribed by the director.

21 3. In the event that proof of insurance required by this section has not
22 been filed with the department of revenue in accordance with this chapter prior
23 to the end of the period of suspension provided in this section, such period of
24 suspension shall be extended until such proof of insurance as prescribed by the
25 director has been filed. In no event shall filing proof of insurance as prescribed
26 by the director reduce any period of suspension.

27 4. If the director determines that the proof of insurance submitted by a
28 motor vehicle owner or operator pursuant to this chapter is false, the director
29 shall suspend the owner's vehicle registration and operator's driving
30 privilege. The director shall terminate the suspension one year after the effective
31 date upon payment by the owner or operator of a reinstatement fee of one
32 hundred fifty dollars and submission of proof of insurance as prescribed in
33 section 303.026 or some other form of proof of insurance as prescribed by the
34 director.

35 5. In all cases involving a suspension as provided in this section, the
36 director shall not require an individual to file a certificate of insurance as
37 provided in section 303.170 or section 303.180 or some other form of high-risk
38 insurance in order to terminate the suspension, excluding cases involving a motor
39 vehicle accident where one or more parties involved in the accident were
40 uninsured.

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