

SECOND REGULAR SESSION

[P E R F E C T E D]

# SENATE BILL NO. 893

96TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR KRAUS.

Read 1st time March 1, 2012, and ordered printed.

Read 2nd time March 8, 2012, and referred to the Committee on Transportation.

Reported from the Committee April 12, 2012, with recommendation that the bill do pass.

Taken up for Perfection April 18, 2012. Bill declared Perfected and Ordered Printed.

TERRY L. SPIELER, Secretary.

6092S.01P

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## AN ACT

To repeal sections 302.010, 302.060, and 302.309, RSMo, and to enact in lieu thereof three new sections relating to completing a criminal history check as part of the process for issuing or reinstating driving privileges.

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

Section A. Sections 302.010, 302.060, and 302.309, RSMo, are repealed  
2 and three new sections enacted in lieu thereof, to be known as sections 302.010,  
3 302.060, and 302.309, to read as follows:

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

3 (1) "Circuit court", each circuit court in the state;

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

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

14 (4) "**Criminal history check**", a search of criminal records,

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

15 including criminal history record information as defined in section  
16 43.500, maintained by the Missouri state highway patrol in the Missouri  
17 criminal records repository or by the Federal Bureau of Investigation  
18 as part of its criminal history records, including, but not limited to, any  
19 record of conviction, plea of guilty or nolo contendere, or finding of  
20 guilty in any state for any offense related to alcohol, controlled  
21 substances, or drugs;

22 (5) "Director", the director of revenue acting directly or through the  
23 director's authorized officers and agents;

24 [(5)] (6) "Farm tractor", every motor vehicle designed and used primarily  
25 as a farm implement for drawing plows, mowing machines and other implements  
26 of husbandry;

27 [(6)] (7) "Highway", any public thoroughfare for vehicles, including state  
28 roads, county roads and public streets, avenues, boulevards, parkways, or alleys  
29 in any municipality;

30 [(7)] (8) "Incompetent to drive a motor vehicle", a person who has become  
31 physically incapable of meeting the prescribed requirements of an examination  
32 for an operator's license, or who has been adjudged by a probate division of the  
33 circuit court in a capacity hearing of being incapacitated;

34 [(8)] (9) "License", a license issued by a state to a person which  
35 authorizes a person to operate a motor vehicle;

36 [(9)] (10) "Motor vehicle", any self-propelled vehicle not operated  
37 exclusively upon tracks except motorized bicycles, as defined in section 307.180;

38 [(10)] (11) "Motorcycle", a motor vehicle operated on two wheels;  
39 however, this definition shall not include motorized bicycles as defined in section  
40 301.010;

41 [(11)] (12) "Motortricycle", a motor vehicle operated on three wheels,  
42 including a motorcycle operated with any conveyance, temporary or otherwise,  
43 requiring the use of a third wheel;

44 [(12)] (13) "Moving violation", that character of traffic violation where  
45 at the time of violation the motor vehicle involved is in motion, except that the  
46 term does not include the driving of a motor vehicle without a valid motor vehicle  
47 registration license, or violations of sections 304.170 to 304.240, inclusive,  
48 relating to sizes and weights of vehicles;

49 [(13)] (14) "Municipal court", every division of the circuit court having  
50 original jurisdiction to try persons for violations of city ordinances;

51           [(14)] **(15)** "Nonresident", every person who is not a resident of this state;  
52           [(15)] **(16)** "Operator", every person who is in actual physical control of  
53 a motor vehicle upon a highway;

54           [(16)] **(17)** "Owner", a person who holds the legal title of a vehicle or in  
55 the event a vehicle is the subject of an agreement for the conditional sale or lease  
56 thereof with the right of purchase upon performance of the conditions stated in  
57 the agreement and with an immediate right of possession vested in the  
58 conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled  
59 to possession, then such conditional vendee or lessee or mortgagor shall be  
60 deemed the owner for the purpose of sections 302.010 to 302.540;

61           [(17)] **(18)** "Record" includes, but is not limited to, papers, documents,  
62 facsimile information, microphotographic process, electronically generated or  
63 electronically recorded information, digitized images, deposited or filed with the  
64 department of revenue;

65           [(18)] **(19)** "Residence address", "residence", or "resident address" shall  
66 be the location at which a person has been physically present, and that the  
67 person regards as home. A residence address is a person's true, fixed, principal,  
68 and permanent home, to which a person intends to return and remain, even  
69 though currently residing elsewhere;

70           [(19)] **(20)** "Restricted driving privilege", a driving privilege issued by the  
71 director of revenue following a suspension of driving privileges for the limited  
72 purpose of driving in connection with the driver's business, occupation,  
73 employment, formal program of secondary, postsecondary or higher education, or  
74 for an alcohol education or treatment program or certified ignition interlock  
75 provider;

76           [(20)] **(21)** "School bus", when used in sections 302.010 to 302.540, means  
77 any motor vehicle, either publicly or privately owned, used to transport students  
78 to and from school, or to transport pupils properly chaperoned to and from any  
79 place within the state for educational purposes. The term "school bus" shall not  
80 include a bus operated by a public utility, municipal corporation or common  
81 carrier authorized to conduct local or interstate transportation of passengers  
82 when such bus is not traveling a specific school bus route but is:

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

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

87 events;

88           [(21)] **(22)** "School bus operator", an operator who operates a school bus  
89 as defined in subdivision (20) of this section in the transportation of any  
90 schoolchildren and who receives compensation for such service. The term "school  
91 bus operator" shall not include any person who transports schoolchildren as an  
92 incident to employment with a school or school district, such as a teacher, coach,  
93 administrator, secretary, school nurse, or janitor unless such person is under  
94 contract with or employed by a school or school district as a school bus operator;

95           [(22)] **(23)** "Signature", any method determined by the director of revenue  
96 for the signing, subscribing or verifying of a record, report, application, driver's  
97 license, or other related document that shall have the same validity and  
98 consequences as the actual signing by the person providing the record, report,  
99 application, driver's license or related document;

100           [(23)] **(24)** "Substance abuse traffic offender program", a program  
101 certified by the division of alcohol and drug abuse of the department of mental  
102 health to provide education or rehabilitation services pursuant to a professional  
103 assessment screening to identify the individual needs of the person who has been  
104 referred to the program as the result of an alcohol- or drug-related traffic  
105 offense. Successful completion of such a program includes participation in any  
106 education or rehabilitation program required to meet the needs identified in the  
107 assessment screening. The assignment recommendations based upon such  
108 assessment shall be subject to judicial review as provided in subsection 14 of  
109 section 302.304 and subsections 1 and 5 of section 302.540;

110           [(24)] **(25)** "Vehicle", any mechanical device on wheels, designed  
111 primarily for use, or used on highways, except motorized bicycles, vehicles  
112 propelled or drawn by horses or human power, or vehicles used exclusively on  
113 fixed rails or tracks, or cotton trailers or motorized wheelchairs operated by  
114 handicapped persons.

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

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

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

8           (3) To any person whose license has been suspended, during such

9 suspension, or to any person whose license has been revoked, until the expiration  
10 of one year after such license was revoked;

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

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

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

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

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

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

43 (10) To any person who has [been convicted twice within a five-year period  
44 of violating state law, or a county or municipal ordinance, of driving while

45 intoxicated, or any other intoxication-related traffic offense as defined in  
46 subdivision (4) of subsection 1 of section 577.023, or who has been convicted of the  
47 crime of involuntary manslaughter while operating a motor vehicle in an  
48 intoxicated condition. The director shall not issue a license to such person for  
49 five years from the date such person was convicted or pled guilty for involuntary  
50 manslaughter while operating a motor vehicle in an intoxicated condition or for  
51 driving while intoxicated or any other intoxication-related traffic offense as  
52 defined in subdivision (4) of subsection 1 of section 577.023 for the second time]  
53 **pled guilty to or been convicted of the crime of involuntary**  
54 **manslaughter while operating a motor vehicle in an intoxicated**  
55 **condition, or to any person who has been convicted twice within a five-**  
56 **year period of violating state law, county or municipal ordinance of**  
57 **driving while intoxicated, or any other intoxication-related traffic**  
58 **offense as defined in section 577.023, except that, after the expiration**  
59 **of five years from the date of conviction of the last offense of violating**  
60 **such law or ordinance, a person who was so convicted may petition the**  
61 **circuit court of the county in which such last conviction was rendered**  
62 **and the court shall review the person's habits and conduct since such**  
63 **conviction, including the results of a criminal history check as defined**  
64 **in section 302.010. If the court finds that the petitioner has not been**  
65 **convicted, pled guilty to, or been found guilty of, and has no pending**  
66 **charges for any offense related to alcohol, controlled substances, or**  
67 **drugs and has no other alcohol-related enforcement contacts as defined**  
68 **in section 302.525 during the preceding five years, and that the**  
69 **petitioner's habits and conduct show such petitioner to no longer pose**  
70 **a threat to the public safety of this state, the court may order the**  
71 **director to issue a license to the petitioner if the petitioner is**  
72 **otherwise qualified pursuant to the provisions of sections 302.010 to**  
73 **302.540;**

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

76 (12) To any person who is under the age of eighteen years, if such person's  
77 parents or legal guardians file a certified document with the department of  
78 revenue stating that the director shall not issue such person a driver's  
79 license. Each document filed by the person's parents or legal guardians shall be  
80 made upon a form furnished by the director and shall include identifying

81 information of the person for whom the parents or legal guardians are denying  
82 the driver's license. The document shall also contain identifying information of  
83 the person's parents or legal guardians. The document shall be certified by the  
84 parents or legal guardians to be true and correct. This provision shall not apply  
85 to any person who is legally emancipated. The parents or legal guardians may  
86 later file an additional document with the department of revenue which  
87 reinstates the person's ability to receive a driver's license.

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

100         **3. Any person who petitions the court for reinstatement of his or**  
101 **her license pursuant to subdivision (9) or (10) of subsection 1 of this**  
102 **section shall make application with the Missouri state highway patrol**  
103 **as provided in section 43.540, and shall submit two sets of fingerprints**  
104 **collected pursuant to standards as determined by the highway**  
105 **patrol. One set of fingerprints shall be used by the highway patrol to**  
106 **search the criminal history repository and the second set shall be**  
107 **forwarded to the Federal Bureau of Investigation for searching the**  
108 **federal criminal history files. At the time of application, the applicant**  
109 **shall supply to the highway patrol the court name and case number for**  
110 **the court where he or she has filed his or her petition for**  
111 **reinstatement. The applicant shall pay the fee for the state criminal**  
112 **history check pursuant to section 43.530 and pay the appropriate fee**  
113 **determined by the Federal Bureau of Investigation for the federal**  
114 **criminal history record. The Missouri highway patrol, upon receipt of**  
115 **the results of the criminal history check, shall forward a copy of the**  
116 **results to the circuit court designated by the applicant and to the**

117 **department. Notwithstanding the provisions of section 610.120, all**  
118 **records related to any criminal history check shall be accessible and**  
119 **available to the director and the court.**

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

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

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

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

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

17 (b) Seeking medical treatment for such operator;

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

19 (d) Attending alcohol or drug treatment programs;

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

22 (f) Any other circumstance the court or director finds would create an  
23 undue hardship on the operator; the court or director may grant such limited  
24 driving privilege as the circumstances of the case justify if the court or director  
25 finds undue hardship would result to the individual, and while so operating a  
26 motor vehicle within the restrictions and limitations of the limited driving  
27 privilege the driver shall not be guilty of operating a motor vehicle without a  
28 valid license.

29 (3) An operator may make application to the proper court in the county  
30 in which such operator resides or in the county in which is located the operator's  
31 principal place of business or employment. Any application for a limited driving  
32 privilege made to a circuit court shall name the director as a party defendant and  
33 shall be served upon the director prior to the grant of any limited privilege, and



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

47 (4) No limited driving privilege shall be issued to any person otherwise  
48 eligible under the provisions of paragraph (a) of subdivision (6) of this subsection  
49 on a license revocation resulting from a conviction under subdivision (9) of  
50 subsection 1 of section 302.302, or a license denial under paragraph (a) or (b) of  
51 subdivision (8) of this subsection, until the applicant has filed proof with the  
52 department of revenue that any motor vehicle operated by the person is equipped  
53 with a functioning, certified ignition interlock device as a required condition of  
54 limited driving privilege.

55 (5) The court order or the director's grant of the limited or restricted  
56 driving privilege shall indicate the termination date of the privilege, which shall  
57 be not later than the end of the period of suspension or revocation. A copy of any  
58 court order shall be sent by the clerk of the court to the director, and a copy shall  
59 be given to the driver which shall be carried by the driver whenever such driver  
60 operates a motor vehicle. The director of revenue upon granting a limited driving  
61 privilege shall give a copy of the limited driving privilege to the applicant. The  
62 applicant shall carry a copy of the limited driving privilege while operating a  
63 motor vehicle. A conviction which results in the assessment of points pursuant  
64 to section 302.302, other than a violation of a municipal stop sign ordinance  
65 where no accident is involved, against a driver who is operating a vehicle  
66 pursuant to a limited driving privilege terminates the privilege, as of the date the  
67 points are assessed to the person's driving record. If the date of arrest is prior  
68 to the issuance of the limited driving privilege, the privilege shall not be  
69 terminated. Failure of the driver to maintain proof of financial responsibility, as

70 required by chapter 303, or to maintain proof of installation of a functioning,  
71 certified ignition interlock device, as applicable, shall terminate the  
72 privilege. The director shall notify by ordinary mail the driver whose privilege  
73 is so terminated.

74 (6) Except as provided in subdivision (8) of this subsection, no person is  
75 eligible to receive a limited driving privilege who at the time of application for a  
76 limited driving privilege has previously been granted such a privilege within the  
77 immediately preceding five years, or whose license has been suspended or revoked  
78 for the following reasons:

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

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

87 (c) Ineligibility for a license because of the provisions of subdivision (1),  
88 (2), (4), (5), (6), (7), (8), (9), (10) or (11) of section 302.060;

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

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

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

98 (g) Due to a suspension pursuant to subsection 2 of section 302.525 and  
99 who has not completed the first thirty days of such suspension, provided the  
100 person is not otherwise ineligible for a limited driving privilege; or due to a  
101 revocation pursuant to subsection 2 of section 302.525 if such person has not  
102 completed such revocation.

103 (7) No person who possesses a commercial driver's license shall receive a  
104 limited driving privilege issued for the purpose of operating a commercial motor  
105 vehicle if such person's driving privilege is suspended, revoked, canceled, denied,

106 or disqualified. Nothing in this section shall prohibit the issuance of a limited  
107 driving privilege for the purpose of operating a noncommercial motor vehicle  
108 provided that pursuant to the provisions of this section, the applicant is not  
109 otherwise ineligible for a limited driving privilege.

110 (8) (a) Provided that pursuant to the provisions of this section, the  
111 applicant is not otherwise ineligible for a limited driving privilege, a circuit court  
112 or the director may, in the manner prescribed in this subsection, allow a person  
113 who has had such person's license to operate a motor vehicle revoked where that  
114 person cannot obtain a new license for a period of ten years, as prescribed in  
115 subdivision (9) **of subsection 1** of section 302.060, to apply for a limited driving  
116 privilege pursuant to this subsection if such person has served at least three  
117 years of such disqualification or revocation. Such person shall present evidence  
118 satisfactory to the court or the director that such person has not been convicted  
119 of any offense related to alcohol, controlled substances or drugs during the  
120 preceding three years and that the person's habits and conduct show that the  
121 person no longer poses a threat to the public safety of this state. **The court or**  
122 **the director shall review the results of a criminal history check prior**  
123 **to granting any limited privilege under this subdivision. If the court**  
124 **or the director finds that the petitioner has been convicted, pled guilty**  
125 **to, or been found guilty of, or has a pending charge for any offense**  
126 **related to alcohol, controlled substances, or drugs, or has any other**  
127 **alcohol-related enforcement contact as defined in section 302.525**  
128 **during the preceding three years, the court or the director shall not**  
129 **grant a limited driving privilege to the applicant.**

130 (b) Provided that pursuant to the provisions of this section, the applicant  
131 is not otherwise ineligible for a limited driving privilege or convicted of  
132 involuntary manslaughter while operating a motor vehicle in an intoxicated  
133 condition, a circuit court or the director may, in the manner prescribed in this  
134 subsection, allow a person who has had such person's license to operate a motor  
135 vehicle revoked where that person cannot obtain a new license for a period of five  
136 years because of two convictions of driving while intoxicated, as prescribed in  
137 subdivision (10) **of subsection 1** of section 302.060, to apply for a limited driving  
138 privilege pursuant to this subsection if such person has served at least two years  
139 of such disqualification or revocation. Such person shall present evidence  
140 satisfactory to the court or the director that such person has not been convicted  
141 of any offense related to alcohol, controlled substances or drugs during the

142 preceding two years and that the person's habits and conduct show that the  
143 person no longer poses a threat to the public safety of this state. **The court or**  
144 **the director shall review the results of a criminal history check prior**  
145 **to granting any limited privilege under this subdivision. If the court**  
146 **or director finds that the petitioner has been convicted, pled guilty to,**  
147 **or been found guilty of, or has a pending charge for any offense related**  
148 **to alcohol, controlled substances, or drugs, or has any other alcohol-**  
149 **related enforcement contact as defined in section 302.525 during the**  
150 **preceding two years, the court or the director shall not grant a limited**  
151 **driving privilege to the applicant.** Any person who is denied a license  
152 permanently in this state because of an alcohol-related conviction subsequent to  
153 a restoration of such person's driving privileges pursuant to subdivision (9) of  
154 section 302.060 shall not be eligible for limited driving privilege pursuant to the  
155 provisions of this subdivision.

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

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

169 5. **Any person who petitions a court or makes application with**  
170 **the director for a limited driving privilege pursuant to paragraphs (a)**  
171 **or (b) of subdivision (8) of subsection 3 of this section shall make**  
172 **application with the Missouri state highway patrol as provided in**  
173 **section 43.540 and shall submit two sets of fingerprints collected**  
174 **pursuant to standards as determined by the highway patrol. One set of**  
175 **fingerprints shall be used by the highway patrol to search the criminal**  
176 **history repository and the second set shall be forwarded to the Federal**  
177 **Bureau of Investigation for searching the federal criminal history files.**

178 **At the time of application, the applicant shall supply to the highway**  
179 **patrol the court name and case number for the court where he or she**  
180 **has filed his or her petition for limited driving privileges. The**  
181 **applicant shall pay the fee for the state criminal history record**  
182 **information pursuant to section 43.530 and pay the appropriate fee**  
183 **determined by the Federal Bureau of Investigation for the federal**  
184 **criminal history record. The Missouri highway patrol, upon receipt of**  
185 **the results of the criminal history check, shall forward the results to**  
186 **the circuit court designated by the applicant and to the**  
187 **department. Notwithstanding the provisions of section 610.120, all**  
188 **records related to any criminal history check shall be accessible and**  
189 **available to the director and the court.**

190         **6.** The director of revenue shall promulgate rules and regulations  
191 necessary to carry out the provisions of this section. Any rule or portion of a rule,  
192 as that term is defined in section 536.010, that is created under the authority  
193 delegated in this section shall become effective only if it complies with and is  
194 subject to all of the provisions of chapter 536 and, if applicable, section  
195 536.028. This section and chapter 536 are nonseverable and if any of the powers  
196 vested with the general assembly pursuant to chapter 536 to review, to delay the  
197 effective date or to disapprove and annul a rule are subsequently held  
198 unconstitutional, then the grant of rulemaking authority and any rule proposed  
199 or adopted after August 28, 2001, shall be invalid and void.

✓

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