

CONFERENCE COMMITTEE SUBSTITUTE NO. 2

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 254

AN ACT

To repeal sections 301.130, 301.142, 301.196, 301.3097, 302.010, 302.525, 302.574, 478.007, 577.013, and 577.014, RSMo, section 302.060 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 302.304 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 302.309 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 577.001 as enacted by house bill no. 1371, ninety-seventh general assembly, second regular session, section 577.010 as enacted by house bill no. 1371, ninety-seventh general assembly, second regular session, and section 577.012 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, and to enact in lieu thereof seventeen new sections relating to motor vehicles, with an effective date for certain sections and penalty provisions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

1 Section A. Sections 301.130, 301.142, 301.196, 301.3097,
2 302.010, 302.525, 302.574, 478.007, 577.013, and 577.014, RSMo,
3 section 302.060 as enacted by senate bill no. 491, ninety-seventh
4 general assembly, second regular session, section 302.304 as
5 enacted by senate bill no. 491, ninety-seventh general assembly,
6 second regular session, section 302.309 as enacted by senate bill
7 no. 491, ninety-seventh general assembly, second regular session,
8 section 577.001 as enacted by house bill no. 1371, ninety-seventh

1 general assembly, second regular session, section 577.010 as
2 enacted by house bill no. 1371, ninety-seventh general assembly,
3 second regular session, and section 577.012 as enacted by senate
4 bill no. 491, ninety-seventh general assembly, second regular
5 session, are repealed and seventeen new sections enacted in lieu
6 thereof, to be known as sections 301.130, 301.142, 301.196,
7 301.474, 301.3097, 302.010, 302.060, 302.304, 302.309, 302.525,
8 302.574, 478.007, 577.001, 577.010, 577.012, 577.013, and
9 577.014, to read as follows:

10 301.130. 1. The director of revenue, upon receipt of a
11 proper application for registration, required fees and any other
12 information which may be required by law, shall issue to the
13 applicant a certificate of registration in such manner and form
14 as the director of revenue may prescribe and a set of license
15 plates, or other evidence of registration, as provided by this
16 section. Each set of license plates shall bear the name or
17 abbreviated name of this state, the words "SHOW-ME STATE", the
18 month and year in which the registration shall expire, and an
19 arrangement of numbers or letters, or both, as shall be assigned
20 from year to year by the director of revenue. The plates shall
21 also contain fully reflective material with a common color scheme
22 and design for each type of license plate issued pursuant to this
23 chapter. The plates shall be clearly visible at night, and shall
24 be aesthetically attractive. Special plates for qualified
25 disabled veterans will have the "DISABLED VETERAN" wording on the
26 license plates in preference to the words "SHOW-ME STATE" and
27 special plates for members of the National Guard will have the
28 "NATIONAL GUARD" wording in preference to the words "SHOW-ME

1 STATE".

2 2. The arrangement of letters and numbers of license plates
3 shall be uniform throughout each classification of registration.
4 The director may provide for the arrangement of the numbers in
5 groups or otherwise, and for other distinguishing marks on the
6 plates.

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

27 4. The plates issued to manufacturers and dealers shall
28 bear the letters and numbers as prescribed by section 301.560,

1 and the director may place upon the plates other letters or marks
2 to distinguish commercial motor vehicles and trailers and other
3 types of motor vehicles.

4 5. No motor vehicle or trailer shall be operated on any
5 highway of this state unless it shall have displayed thereon the
6 license plate or set of license plates issued by the director of
7 revenue or the state highways and transportation commission and
8 authorized by section 301.140. Each such plate shall be securely
9 fastened to the motor vehicle or trailer in a manner so that all
10 parts thereof shall be plainly visible and reasonably clean so
11 that the reflective qualities thereof are not impaired. Each
12 such plate may be encased in a transparent cover so long as the
13 plate is plainly visible and its reflective qualities are not
14 impaired. License plates shall be fastened to all motor vehicles
15 except trucks, tractors, truck tractors or truck-tractors
16 licensed in excess of twelve thousand pounds on the front and
17 rear of such vehicles not less than eight nor more than forty-
18 eight inches above the ground, with the letters and numbers
19 thereon right side up. The license plates on trailers,
20 motorcycles, motortricycles and motorscooters shall be displayed
21 on the rear of such vehicles either horizontally or vertically,
22 with the letters and numbers [thereon right side up] plainly
23 visible. The license plate on buses, other than school buses,
24 and on trucks, tractors, truck tractors or truck-tractors
25 licensed in excess of twelve thousand pounds shall be displayed
26 on the front of such vehicles not less than eight nor more than
27 forty-eight inches above the ground, with the letters and numbers
28 thereon right side up or if two plates are issued for the vehicle

1 pursuant to subsection 3 of this section, displayed in the same
2 manner on the front and rear of such vehicles. The license plate
3 or plates authorized by section 301.140, when properly attached,
4 shall be prima facie evidence that the required fees have been
5 paid.

6 6. (1) The director of revenue shall issue annually or
7 biennially a tab or set of tabs as provided by law as evidence of
8 the annual payment of registration fees and the current
9 registration of a vehicle in lieu of the set of plates.

10 Beginning January 1, 2010, the director may prescribe any
11 additional information recorded on the tab or tabs to ensure that
12 the tab or tabs positively correlate with the license plate or
13 plates issued by the department of revenue for such vehicle.
14 Such tabs shall be produced in each license bureau office.

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

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

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

25 (5) For those commercial motor vehicles and trailers
26 registered pursuant to section 301.041, the plate issued by the
27 highways and transportation commission shall be a permanent
28 nonexpiring license plate for which no tabs shall be issued.

1 Nothing in this section shall relieve the owner of any vehicle
2 permanently registered pursuant to this section from the
3 obligation to pay the annual registration fee due for the
4 vehicle. The permanent nonexpiring license plate shall be
5 returned to the highways and transportation commission upon the
6 sale or disposal of the vehicle by the owner to whom the
7 permanent nonexpiring license plate is issued, or the plate may
8 be transferred to a replacement commercial motor vehicle when the
9 owner files a supplemental application with the Missouri highways
10 and transportation commission for the registration of such
11 replacement commercial motor vehicle. Upon payment of the annual
12 registration fee, the highways and transportation commission
13 shall issue a certificate of registration or other suitable
14 evidence of payment of the annual fee, and such evidence of
15 payment shall be carried at all times in the vehicle for which it
16 is issued.

17 (6) Upon the sale or disposal of any vehicle permanently
18 registered under this section, or upon the termination of a lease
19 of any such vehicle, the permanent nonexpiring plate issued for
20 such vehicle shall be returned to the highways and transportation
21 commission and shall not be valid for operation of such vehicle,
22 or the plate may be transferred to a replacement vehicle when the
23 owner files a supplemental application with the Missouri highways
24 and transportation commission for the registration of such
25 replacement vehicle. If a vehicle which is permanently
26 registered under this section is sold, wrecked or otherwise
27 disposed of, or the lease terminated, the registrant shall be
28 given credit for any unused portion of the annual registration

1 fee when the vehicle is replaced by the purchase or lease of
2 another vehicle during the registration year.

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

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

17 9. No later than January 1, 2009, the director of revenue
18 shall commence the reissuance of new license plates of such
19 design as directed by the director consistent with the terms,
20 conditions, and provisions of this section and this chapter.
21 Except as otherwise provided in this section, in addition to all
22 other fees required by law, applicants for registration of
23 vehicles with license plates that expire during the period of
24 reissuance, applicants for registration of trailers or
25 semitrailers with license plates that expire during the period of
26 reissuance and applicants for registration of vehicles that are
27 to be issued new license plates during the period of reissuance
28 shall pay the cost of the plates required by this subsection.

1 The additional cost prescribed in this subsection shall not be
2 charged to persons receiving special license plates issued under
3 section 301.073 or 301.443. Historic motor vehicle license
4 plates registered pursuant to section 301.131 and specialized
5 license plates are exempt from the provisions of this subsection.
6 Except for new, replacement, and transfer applications, permanent
7 nonexpiring license plates issued to commercial motor vehicles
8 and trailers registered under section 301.041 are exempt from the
9 provisions of this subsection.

10 301.142. 1. As used in sections 301.141 to 301.143, the
11 following terms mean:

12 (1) "Department", the department of revenue;

13 (2) "Director", the director of the department of revenue;

14 (3) "Other authorized health care practitioner" includes
15 advanced practice registered nurses licensed pursuant to chapter
16 335, physician assistants licensed pursuant to chapter 334,
17 chiropractors licensed pursuant to chapter 331, podiatrists
18 licensed pursuant to chapter 330, assistant physicians, physical
19 therapists licensed pursuant to chapter 334, and optometrists
20 licensed pursuant to chapter 336;

21 (4) "Physically disabled", a natural person who is blind,
22 as defined in section 8.700, or a natural person with medical
23 disabilities which prohibits, limits, or severely impairs one's
24 ability to ambulate or walk, as determined by a licensed
25 physician or other authorized health care practitioner as
26 follows:

27 (a) The person cannot ambulate or walk fifty or less feet
28 without stopping to rest due to a severe and disabling arthritic,

1 neurological, orthopedic condition, or other severe and disabling
2 condition; or

3 (b) The person cannot ambulate or walk without the use of,
4 or assistance from, a brace, cane, crutch, another person,
5 prosthetic device, wheelchair, or other assistive device; or

6 (c) Is restricted by a respiratory or other disease to such
7 an extent that the person's forced respiratory expiratory volume
8 for one second, when measured by spirometry, is less than one
9 liter, or the arterial oxygen tension is less than sixty mm/hg on
10 room air at rest; or

11 (d) Uses portable oxygen; or

12 (e) Has a cardiac condition to the extent that the person's
13 functional limitations are classified in severity as class III or
14 class IV according to standards set by the American Heart
15 Association; or

16 (f) A person's age, in and of itself, shall not be a factor
17 in determining whether such person is physically disabled or is
18 otherwise entitled to disabled license plates and/or disabled
19 windshield hanging placards within the meaning of sections
20 301.141 to 301.143;

21 (5) "Physician", a person licensed to practice medicine
22 pursuant to chapter 334;

23 (6) "Physician's statement", a statement personally signed
24 by a duly authorized person which certifies that a person is
25 disabled as defined in this section;

26 (7) "Temporarily disabled person", a disabled person as
27 defined in this section whose disability or incapacity is
28 expected to last no more than one hundred eighty days;

1 (8) "Temporary windshield placard", a placard to be issued
2 to persons who are temporarily disabled persons as defined in
3 this section, certification of which shall be indicated on the
4 physician's statement;

5 (9) "Windshield placard", a placard to be issued to persons
6 who are physically disabled as defined in this section,
7 certification of which shall be indicated on the physician's
8 statement.

9 2. Other authorized health care practitioners may furnish
10 to a disabled or temporarily disabled person a physician's
11 statement for only those physical health care conditions for
12 which such health care practitioner is legally authorized to
13 diagnose and treat.

14 3. A physician's statement shall:

15 (1) Be on a form prescribed by the director of revenue;

16 (2) Set forth the specific diagnosis and medical condition
17 which renders the person physically disabled or temporarily
18 disabled as defined in this section;

19 (3) Include the physician's or other authorized health care
20 practitioner's license number; and

21 (4) Be personally signed by the issuing physician or other
22 authorized health care practitioner.

23 4. If it is the professional opinion of the physician or
24 other authorized health care practitioner issuing the statement
25 that the physical disability of the applicant, user, or member of
26 the applicant's household is permanent, it shall be noted on the
27 statement. Otherwise, the physician or other authorized health
28 care practitioner shall note on the statement the anticipated

1 length of the disability which period may not exceed one hundred
2 eighty days. If the physician or health care practitioner fails
3 to record an expiration date on the physician's statement, the
4 director shall issue a temporary windshield placard for a period
5 of thirty days.

6 5. A physician or other authorized health care practitioner
7 who issues or signs a physician's statement so that disabled
8 plates or a disabled windshield placard may be obtained shall
9 maintain in such disabled person's medical chart documentation
10 that such a certificate has been issued, the date the statement
11 was signed, the diagnosis or condition which existed that
12 qualified the person as disabled pursuant to this section and
13 shall contain sufficient documentation so as to objectively
14 confirm that such condition exists.

15 6. The medical or other records of the physician or other
16 authorized health care practitioner who issued a physician's
17 statement shall be open to inspection and review by such
18 practitioner's licensing board, in order to verify compliance
19 with this section. Information contained within such records
20 shall be confidential unless required for prosecution,
21 disciplinary purposes, or otherwise required to be disclosed by
22 law.

23 7. Owners of motor vehicles who are residents of the state
24 of Missouri, and who are physically disabled, owners of motor
25 vehicles operated at least fifty percent of the time by a
26 physically disabled person, or owners of motor vehicles used to
27 primarily transport physically disabled members of the owner's
28 household may obtain disabled person license plates. Such

1 owners, upon application, accompanied by the documents and fees
2 provided for in this section, a current physician's statement
3 which has been issued within ninety days proceeding the date the
4 application is made and proof of compliance with the state motor
5 vehicle laws relating to registration and licensing of motor
6 vehicles, shall be issued motor vehicle license plates for
7 vehicles, other than commercial vehicles with a gross weight in
8 excess of twenty-four thousand pounds, upon which shall be
9 inscribed the international wheelchair accessibility symbol and
10 the word "DISABLED" in addition to a combination of letters and
11 numbers. Such license plates shall be made with fully reflective
12 material with a common color scheme and design, shall be clearly
13 visible at night, and shall be aesthetically attractive, as
14 prescribed by section 301.130.

15 8. The director shall further issue, upon request, to such
16 applicant one, and for good cause shown, as the director may
17 define by rule and regulations, not more than two, removable
18 disabled windshield hanging placards for use when the disabled
19 person is occupying a vehicle or when a vehicle not bearing the
20 permanent handicap plate is being used to pick up, deliver, or
21 collect the physically disabled person issued the disabled motor
22 vehicle license plate or disabled windshield hanging placard.

23 9. No additional fee shall be paid to the director for the
24 issuance of the special license plates provided in this section,
25 except for special personalized license plates and other license
26 plates described in this subsection. Priority for any specific
27 set of special license plates shall be given to the applicant who
28 received the number in the immediately preceding license period

1 subject to the applicant's compliance with the provisions of this
2 section and any applicable rules or regulations issued by the
3 director. If determined feasible by the advisory committee
4 established in section 301.129, any special license plate issued
5 pursuant to this section may be adapted to also include the
6 international wheelchair accessibility symbol and the word
7 "DISABLED" as prescribed in this section and such plate may be
8 issued to any applicant who meets the requirements of this
9 section and the other appropriate provision of this chapter,
10 subject to the requirements and fees of the appropriate provision
11 of this chapter.

12 10. Any physically disabled person, or the parent or
13 guardian of any such person, or any not-for-profit group,
14 organization, or other entity which transports more than one
15 physically disabled person, may apply to the director of revenue
16 for a removable windshield placard. The placard may be used in
17 motor vehicles which do not bear the permanent handicap symbol on
18 the license plate. Such placards must be hung from the front,
19 middle rearview mirror of a parked motor vehicle and may not be
20 hung from the mirror during operation. These placards may only
21 be used during the period of time when the vehicle is being used
22 by a disabled person, or when the vehicle is being used to pick
23 up, deliver, or collect a disabled person. When there is no
24 rearview mirror, the placard shall be displayed on the dashboard
25 on the driver's side.

26 11. The removable windshield placard shall conform to the
27 specifications, in respect to size, color, and content, as set
28 forth in federal regulations published by the Department of

1 Transportation. The removable windshield placard shall be
2 renewed every four years. The director may stagger the
3 expiration dates to equalize workload. Only one removable
4 placard may be issued to an applicant who has been issued
5 disabled person license plates. Upon request, one additional
6 windshield placard may be issued to an applicant who has not been
7 issued disabled person license plates.

8 12. A temporary windshield placard shall be issued to any
9 physically disabled person, or the parent or guardian of any such
10 person who otherwise qualifies except that the physical
11 disability, in the opinion of the physician, is not expected to
12 exceed a period of one hundred eighty days. The temporary
13 windshield placard shall conform to the specifications, in
14 respect to size, color, and content, as set forth in federal
15 regulations published by the Department of Transportation. The
16 fee for the temporary windshield placard shall be two dollars.
17 Upon request, and for good cause shown, one additional temporary
18 windshield placard may be issued to an applicant. Temporary
19 windshield placards shall be issued upon presentation of the
20 physician's statement provided by this section and shall be
21 displayed in the same manner as removable windshield placards. A
22 person or entity shall be qualified to possess and display a
23 temporary removable windshield placard for six months and the
24 placard may be renewed once for an additional six months if a
25 physician's statement pursuant to this section is supplied to the
26 director of revenue at the time of renewal.

27 13. Application for license plates or windshield placards
28 issued pursuant to this section shall be made to the director of

1 revenue and shall be accompanied by a statement signed by a
2 licensed physician or other authorized health care practitioner
3 which certifies that the applicant, user, or member of the
4 applicant's household is a physically disabled person as defined
5 by this section.

6 14. The placard shall be renewable only by the person or
7 entity to which the placard was originally issued. Any placard
8 issued pursuant to this section shall only be used when the
9 physically disabled occupant for whom the disabled plate or
10 placard was issued is in the motor vehicle at the time of parking
11 or when a physically disabled person is being delivered or
12 collected. A disabled license plate and/or a removable
13 windshield hanging placard are not transferable and may not be
14 used by any other person whether disabled or not.

15 15. At the time the disabled plates or windshield hanging
16 placards are issued, the director shall issue a registration
17 certificate which shall include the applicant's name, address,
18 and other identifying information as prescribed by the director,
19 or if issued to an agency, such agency's name and address. This
20 certificate shall further contain the disabled license plate
21 number or, for windshield hanging placards, the registration or
22 identifying number stamped on the placard. The validated
23 registration receipt given to the applicant shall serve as the
24 registration certificate.

25 16. The director shall, upon issuing any disabled
26 registration certificate for license plates and/or windshield
27 hanging placards, provide information which explains that such
28 plates or windshield hanging placards are nontransferable, and

1 the restrictions explaining who and when a person or vehicle
2 which bears or has the disabled plates or windshield hanging
3 placards may be used or be parked in a disabled reserved parking
4 space, and the penalties prescribed for violations of the
5 provisions of this act.

6 17. Every new applicant for a disabled license plate or
7 placard shall be required to present a new physician's statement
8 dated no more than ninety days prior to such application.
9 Renewal applicants will be required to submit a physician's
10 statement dated no more than ninety days prior to such
11 application upon their first renewal occurring on or after August
12 1, 2005. Upon completing subsequent renewal applications, a
13 physician's statement dated no more than ninety days prior to
14 such application shall be required every fourth year. Such
15 physician's statement shall state the expiration date for the
16 temporary windshield placard. If the physician fails to record
17 an expiration date on the physician's statement, the director
18 shall issue the temporary windshield placard for a period of
19 thirty days. The director may stagger the requirement of a
20 physician's statement on all renewals for the initial
21 implementation of a four-year period.

22 18. The director of revenue upon receiving a physician's
23 statement pursuant to this subsection shall check with the state
24 board of registration for the healing arts created in section
25 334.120, or the Missouri state board of nursing established in
26 section 335.021, with respect to physician's statements signed by
27 advanced practice registered nurses, or the Missouri state board
28 of chiropractic examiners established in section 331.090, with

1 respect to physician's statements signed by licensed
2 chiropractors, or with the board of optometry established in
3 section 336.130, with respect to physician's statements signed by
4 licensed optometrists, or the state board of podiatric medicine
5 created in section 330.100, with respect to physician's
6 statements signed by physicians of the foot or podiatrists to
7 determine whether the physician is duly licensed and registered
8 pursuant to law. If such applicant obtaining a disabled license
9 plate or placard presents proof of disability in the form of a
10 statement from the United States Veterans' Administration
11 verifying that the person is permanently disabled, the applicant
12 shall be exempt from the four-year certification requirement of
13 this subsection for renewal of the plate or placard. Initial
14 applications shall be accompanied by the physician's statement
15 required by this section. Notwithstanding the provisions of
16 paragraph (f) of subdivision (4) of subsection 1 of this section,
17 any person seventy-five years of age or older who provided the
18 physician's statement with the original application shall not be
19 required to provide a physician's statement for the purpose of
20 renewal of disabled persons license plates or windshield
21 placards.

22 19. The boards shall cooperate with the director and shall
23 supply information requested pursuant to this subsection. The
24 director shall, in cooperation with the boards which shall assist
25 the director, establish a list of all Missouri physicians and
26 other authorized health care practitioners and of any other
27 information necessary to administer this section.

28 20. Where the owner's application is based on the fact that

1 the vehicle is used at least fifty percent of the time by a
2 physically disabled person, the applicant shall submit a
3 statement stating this fact, in addition to the physician's
4 statement. The statement shall be signed by both the owner of
5 the vehicle and the physically disabled person. The applicant
6 shall be required to submit this statement with each application
7 for license plates. No person shall willingly or knowingly
8 submit a false statement and any such false statement shall be
9 considered perjury and may be punishable pursuant to section
10 301.420.

11 21. The director of revenue shall retain all physicians'
12 statements and all other documents received in connection with a
13 person's application for disabled license plates and/or disabled
14 windshield placards.

15 22. The director of revenue shall enter into reciprocity
16 agreements with other states or the federal government for the
17 purpose of recognizing disabled person license plates or
18 windshield placards issued to physically disabled persons.

19 23. When a person to whom disabled person license plates or
20 a removable or temporary windshield placard or both have been
21 issued dies, the personal representative of the decedent or such
22 other person who may come into or otherwise take possession of
23 the disabled license plates or disabled windshield placard shall
24 return the same to the director of revenue under penalty of law.
25 Failure to return such plates or placards shall constitute a
26 class B misdemeanor.

27 24. The director of revenue may order any person issued
28 disabled person license plates or windshield placards to submit

1 to an examination by a chiropractor, osteopath, or physician, or
2 to such other investigation as will determine whether such person
3 qualifies for the special plates or placards.

4 25. If such person refuses to submit or is found to no
5 longer qualify for special plates or placards provided for in
6 this section, the director of revenue shall collect the special
7 plates or placards, and shall furnish license plates to replace
8 the ones collected as provided by this chapter. 26. In the
9 event a removable or temporary windshield placard is lost,
10 stolen, or mutilated, the lawful holder thereof shall, within
11 five days, file with the director of revenue an application and
12 an affidavit stating such fact, in order to purchase a new
13 placard. The fee for the replacement windshield placard shall be
14 four dollars.

15 27. Fraudulent application, renewal, issuance, procurement
16 or use of disabled person license plates or windshield placards
17 shall be a class A misdemeanor. It is a class B misdemeanor for
18 a physician, chiropractor, podiatrist or optometrist to certify
19 that an individual or family member is qualified for a license
20 plate or windshield placard based on a disability, the diagnosis
21 of which is outside their scope of practice or if there is no
22 basis for the diagnosis.

23 301.196. 1. Beginning January 1, 2006, except as otherwise
24 provided in this section, the transferor of an interest in a
25 motor vehicle or trailer listed on the face of a Missouri title,
26 excluding salvage titles and junking certificates, shall notify
27 the department of revenue of the transfer within thirty days of
28 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;

(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

1 in interest of the person whose interest is transferred shall be
2 considered the transferor. Repossession by a creditor shall not
3 be considered a transfer of ownership requiring such notice.

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

12 [4.] 5. Notification under this section is only required
13 for transfers of ownership that would otherwise require
14 registration and an application for certificate of title in this
15 state under section 301.190, and is for informational purposes
16 only and does not constitute an assignment or release of any
17 interest in the vehicle.

18 [5.] 6. Retail sales made by licensed dealers including
19 sales of new vehicles shall be reported pursuant to the
20 provisions of section 301.280.

21 301.474. 1. Any person who has been awarded the military
22 service award known as the "Korea Defense Service Medal" may
23 apply for special motor vehicle license plates for any motor
24 vehicle such person owns, either solely or jointly, other than an
25 apportioned motor vehicle or a commercial motor vehicle licensed
26 in excess of eighteen thousand pounds gross weight.

27 2. Any such person shall make application for the special
28 license plates on a form provided by the director of revenue and

1 furnish such proof as a recipient of the Korea Defense Service
2 Medal as the director may require.

3 3. Upon presentation of such proof of eligibility, payment
4 of a fifteen dollar fee in addition to the regular registration
5 fees, and presentation of any documents which may be required by
6 law the director of revenue shall issue to the vehicle owner a
7 special personalized license plate which shall bear the words
8 "KOREA DEFENSE SERVICE MEDAL" at the bottom of the plate in a
9 manner prescribed by the director of revenue. Such license
10 plates shall be made with fully reflective material with a common
11 color scheme and design, shall be clearly visible at night, and
12 shall be aesthetically attractive as prescribed by section
13 301.130.

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

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

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

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

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

5 9. The director shall make all necessary rules and
6 regulations for the administration of this section and shall
7 design all necessary forms required by this section. Any rule or
8 portion of a rule, as that term is defined in section 536.010,
9 that is created under the authority delegated in this section
10 shall become effective only if it complies with and is subject to
11 all of the provisions of chapter 536 and, if applicable, section
12 536.028. This section and chapter 536 are nonseverable and if
13 any of the powers vested with the general assembly under chapter
14 536 to review, to delay the effective date, or to disapprove and
15 annul a rule are subsequently held unconstitutional, then the
16 grant of rulemaking authority and any rule proposed or adopted
17 after August 28, 2015, shall be invalid and void.

18 301.3097. 1. Any vehicle owner may apply for "God Bless
19 America" license plates for any motor vehicle the person owns,
20 either solely or jointly, other than an apportioned motor vehicle
21 or a commercial motor vehicle licensed in excess of eighteen
22 thousand pounds gross weight. Upon making a ten dollar
23 contribution to the World War [II] I memorial trust fund the
24 vehicle owner may apply for the "God Bless America" plate. If
25 the contribution is made directly to the Missouri veterans'
26 commission they shall issue the individual making the
27 contribution a receipt, verifying the contribution, that may be
28 used to apply for the "God Bless America" license plate. If the

1 contribution is made directly to the director of revenue pursuant
2 to section 301.3031, the director shall note the contribution and
3 the owner may then apply for the "God Bless America" plate. The
4 applicant for such plate must pay a fifteen dollar fee in
5 addition to the regular registration fees and present any other
6 documentation required by law for each set of "God Bless America"
7 plates issued pursuant to this section. Notwithstanding the
8 provisions of section 301.144, no additional fee shall be charged
9 for the personalization of license plates issued pursuant to this
10 section. The "God Bless America" plate shall bear the emblem of
11 the American flag in a form prescribed by the director of revenue
12 and shall have the words "GOD BLESS AMERICA" in place of the
13 words "SHOW-ME-STATE". Such license plates shall be made with
14 fully reflective material with a common color scheme and design,
15 shall be clearly visible at night, and shall be aesthetically
16 attractive, as prescribed by section 301.130.

17 2. The director of revenue may promulgate rules and
18 regulations for the administration of this section. Any rule or
19 portion of a rule, as that term is defined in section 536.010,
20 that is created under the authority delegated in this section
21 shall become effective only if it complies with and is subject to
22 all of the provisions of chapter 536 and, if applicable, section
23 536.028. This section and chapter 536 are nonseverable and if
24 any of the powers vested with the general assembly pursuant to
25 chapter 536 to review, to delay the effective date or to
26 disapprove and annul a rule are subsequently held
27 unconstitutional, then the grant of rulemaking authority and any
28 rule proposed or adopted after August 28, 2002, shall be invalid

1 and void.

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

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

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

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

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

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

28 (6) "Farm tractor", every motor vehicle designed and used

1 primarily as a farm implement for drawing plows, mowing machines
2 and other implements of husbandry;

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

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

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

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

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

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

22 (13) "Moving violation", that character of traffic
23 violation where at the time of violation the motor vehicle
24 involved is in motion, except that the term does not include the
25 driving of a motor vehicle without a valid motor vehicle
26 registration license, or violations of sections 304.170 to
27 304.240, inclusive, relating to sizes and weights of vehicles;

28 (14) "Municipal court", every division of the circuit court

1 having original jurisdiction to try persons for violations of
2 city ordinances;

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

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

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

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

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

27 (20) "Restricted driving privilege", a sixty-day driving
28 privilege issued by the director of revenue following a

1 suspension of driving privileges for the limited purpose of
2 driving in connection with the driver's business, occupation,
3 employment, formal program of secondary, postsecondary or higher
4 education, or for an alcohol education or treatment program or
5 certified ignition interlock provider, or a ninety-day 'interlock
6 restricted privilege' issued by the director of revenue for the
7 limited purpose of driving in connection with the driver's
8 business, occupation, employment, seeking medical treatment for
9 such driver or a dependent family member, attending school or
10 other institution of higher education, attending alcohol or drug
11 treatment programs, seeking the required services of a certified
12 ignition interlock provider, fulfilling court obligations,
13 including required appearances and probation and parole
14 obligations, religious services, the care of a child or children,
15 including scheduled visitation or custodial obligations pursuant
16 to a court order, fueling requirements for any vehicle utilized,
17 and seeking basic nutritional requirements;

18 (21) "School bus", when used in sections 302.010 to
19 302.540, means any motor vehicle, either publicly or privately
20 owned, used to transport students to and from school, or to
21 transport pupils properly chaperoned to and from any place within
22 the state for educational purposes. The term "school bus" shall
23 not include a bus operated by a public utility, municipal
24 corporation or common carrier authorized to conduct local or
25 interstate transportation of passengers when such bus is not
26 traveling a specific school bus route but is:

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

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

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

13 (23) "Signature", any method determined by the director of
14 revenue for the signing, subscribing or verifying of a record,
15 report, application, driver's license, or other related document
16 that shall have the same validity and consequences as the actual
17 signing by the person providing the record, report, application,
18 driver's license or related document;

19 (24) "Substance abuse traffic offender program", a program
20 certified by the division of alcohol and drug abuse of the
21 department of mental health to provide education or
22 rehabilitation services pursuant to a professional assessment
23 screening to identify the individual needs of the person who has
24 been referred to the program as the result of an alcohol- or
25 drug-related traffic offense. Successful completion of such a
26 program includes participation in any education or rehabilitation
27 program required to meet the needs identified in the assessment
28 screening. The assignment recommendations based upon such

1 assessment shall be subject to judicial review as provided in
2 subsection 14 of section 302.304 and subsections 1 and 5 of
3 section 302.540;

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

10 302.060. 1. The director shall not issue any license and
11 shall immediately deny any driving privilege:

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

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

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

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

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

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

27 (7) To any person who has an unsatisfied judgment against
28 such person, as defined in chapter 303, until such judgment has

1 been satisfied or the financial responsibility of such person, as
2 described in section 303.120, has been established;

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

8 (9) To any person who has been convicted more than twice of
9 violating state law, or a county or municipal ordinance where the
10 defendant was represented by or waived the right to an attorney
11 in writing, relating to driving while intoxicated; except that,
12 after the expiration of ten years from the date of conviction of
13 the last offense of violating such law or ordinance relating to
14 driving while intoxicated, a person who was so convicted may
15 petition the circuit court of the county in which such last
16 conviction was rendered and the court shall review the person's
17 habits and conduct since such conviction, including the results
18 of a criminal history check as defined in section 302.010. If
19 the court finds that the petitioner has not been found guilty of,
20 and has no pending charges for any offense related to alcohol,
21 controlled substances or drugs and has no other alcohol-related
22 enforcement contacts as defined in section 302.525 during the
23 preceding ten years and that the petitioner's habits and conduct
24 show such petitioner to no longer pose a threat to the public
25 safety of this state, the court shall order the director to issue
26 a license to the petitioner if the petitioner is otherwise
27 qualified pursuant to the provisions of sections 302.010 to
28 302.540. No person may obtain a license pursuant to the

1 provisions of this subdivision through court action more than one
2 time;

3 (10) To any person who has been found guilty of acting with
4 criminal negligence while driving while intoxicated to cause the
5 death of another person, or to any person who has been convicted
6 twice within a five-year period of violating state law, county or
7 municipal ordinance of driving while intoxicated, or any other
8 intoxication-related traffic offense as defined in section
9 577.001, except that, after the expiration of five years from the
10 date of conviction of the last offense of violating such law or
11 ordinance, a person who was so convicted may petition the circuit
12 court of the county in which such last conviction was rendered
13 and the court shall review the person's habits and conduct since
14 such conviction, including the results of a criminal history
15 check as defined in section 302.010. If the court finds that the
16 petitioner has not been found guilty of, and has no pending
17 charges for any offense related to alcohol, controlled
18 substances, or drugs and has no other alcohol-related enforcement
19 contacts as defined in section 302.525 during the preceding five
20 years, and that the petitioner's habits and conduct show such
21 petitioner to no longer pose a threat to the public safety of
22 this state, the court shall order the director to issue a license
23 to the petitioner if the petitioner is otherwise qualified
24 pursuant to the provisions of sections 302.010 to 302.540;

25 (11) To any person who is otherwise disqualified pursuant
26 to the provisions of chapter 302, chapter 303, or section
27 544.046;

28 (12) To any person who is under the age of eighteen years,

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

15 2. Any person whose license is reinstated under the
16 provisions of subdivision (9) or (10) of subsection 1 of this
17 section shall be required to file proof with the director of
18 revenue that any motor vehicle operated by the person is equipped
19 with a functioning, certified ignition interlock device as a
20 required condition of reinstatement. The ignition interlock
21 device required for reinstatement under this subsection and for
22 obtaining a limited driving privilege under paragraph (a) or (b)
23 of subdivision (8) of subsection 3 of section 302.309 shall have
24 a photo identification technology feature, and a court may
25 require a global positioning system feature for such device. The
26 ignition interlock device shall further be required to be
27 maintained on all motor vehicles operated by the person for a
28 period of not less than six months immediately following the date

1 of reinstatement. If the monthly monitoring reports show that
2 the ignition interlock device has registered any confirmed blood
3 alcohol concentration readings above the alcohol setpoint
4 established by the department of transportation or that the
5 person has tampered with or circumvented the ignition interlock
6 device within the last three months of the six-month period of
7 required installation of the ignition interlock device, then the
8 period for which the person must maintain the ignition interlock
9 device following the date of reinstatement shall be extended [for
10 an additional six months] until the person has completed three
11 consecutive months with no violations as described in this
12 section. If the person fails to maintain such proof with the
13 director, the license shall be suspended [for the remainder of
14 the six-month period or] until proof as required by this section
15 is filed with the director. [Upon the completion of the six-month
16 period, the license shall be shown as reinstated, if the person
17 is otherwise eligible.]

18 3. Any person who petitions the court for reinstatement of
19 his or her license pursuant to subdivision (9) or (10) of
20 subsection 1 of this section shall make application with the
21 Missouri state highway patrol as provided in section 43.540, and
22 shall submit two sets of fingerprints collected pursuant to
23 standards as determined by the highway patrol. One set of
24 fingerprints shall be used by the highway patrol to search the
25 criminal history repository and the second set shall be forwarded
26 to the Federal Bureau of Investigation for searching the federal
27 criminal history files. At the time of application, the applicant
28 shall supply to the highway patrol the court name and case number

1 for the court where he or she has filed his or her petition for
2 reinstatement. The applicant shall pay the fee for the state
3 criminal history check pursuant to section 43.530 and pay the
4 appropriate fee determined by the Federal Bureau of Investigation
5 for the federal criminal history record. The Missouri highway
6 patrol, upon receipt of the results of the criminal history
7 check, shall forward a copy of the results to the circuit court
8 designated by the applicant and to the department.

9 Notwithstanding the provisions of section 610.120, all records
10 related to any criminal history check shall be accessible and
11 available to the director and the court.

12 302.304. 1. The director shall notify by ordinary mail any
13 operator of the point value charged against the operator's record
14 when the record shows four or more points have been accumulated
15 in a twelve-month period.

16 2. In an action to suspend or revoke a license or driving
17 privilege under this section points shall be accumulated on the
18 date of conviction. No case file of any conviction for a driving
19 violation for which points may be assessed pursuant to section
20 302.302 may be closed until such time as a copy of the record of
21 such conviction is forwarded to the department of revenue.

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

25 4. The license and driving privilege of any person whose
26 license and driving privilege have been suspended under the
27 provisions of sections 302.010 to 302.540 except those persons
28 whose license and driving privilege have been suspended under the

1 provisions of subdivision (8) of subsection 1 of section 302.302
2 or has accumulated sufficient points together with a conviction
3 under subdivision (10) of subsection 1 of section 302.302 and who
4 has filed proof of financial responsibility with the department
5 of revenue, in accordance with chapter 303, and is otherwise
6 eligible, shall be reinstated as follows:

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

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

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

13
14 Unless proof of financial responsibility is filed with the
15 department of revenue, a suspension shall continue in effect for
16 two years from its effective date.

17 5. The period of suspension of the driver's license and
18 driving privilege of any person under the provisions of
19 subdivision (8) of subsection 1 of section 302.302 or who has
20 accumulated sufficient points together with a conviction under
21 subdivision (10) of subsection 1 of section 302.302 shall be
22 thirty days, followed by a sixty-day period of restricted driving
23 privilege as defined in section 302.010. Upon completion of such
24 period of restricted driving privilege, upon compliance with
25 other requirements of law and upon filing of proof of financial
26 responsibility with the department of revenue, in accordance with
27 chapter 303, the license and driving privilege shall be
28 reinstated. If a person, otherwise subject to the provisions of

1 this subsection, files proof of installation with the department
2 of revenue that any vehicle operated by such person is equipped
3 with a functioning, certified ignition interlock device, there
4 shall be no period of suspension. However, in lieu of a
5 suspension the person shall instead complete a ninety-day period
6 of restricted driving privilege. If the person fails to maintain
7 such proof of the device with the director of revenue as
8 required, the restricted driving privilege shall be terminated.
9 Upon completion of such ninety-day period of restricted driving
10 privilege, upon compliance with other requirements of law, and
11 upon filing of proof of financial responsibility with the
12 department of revenue, in accordance with chapter 303, the
13 license and driving privilege shall be reinstated. However, if
14 the monthly monitoring reports during such ninety-day period
15 indicate that the ignition interlock device has registered a
16 confirmed blood alcohol concentration level above the alcohol
17 setpoint established by the department of transportation or such
18 reports indicate that the ignition interlock device has been
19 tampered with or circumvented, then the license and driving
20 privilege of such person shall not be reinstated until the person
21 completes an additional thirty-day period of restricted driving
22 privilege.

23 6. If the person fails to maintain proof of financial
24 responsibility in accordance with chapter 303, or, if applicable,
25 if the person fails to maintain proof that any vehicle operated
26 is equipped with a functioning, certified ignition interlock
27 device installed pursuant to subsection 5 of this section, the
28 person's driving privilege and license shall be resuspended.

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

24 8. If, prior to conviction for an offense that would
25 require suspension or revocation of a person's license under the
26 provisions of this section, the person's total points accumulated
27 are reduced, pursuant to the provisions of section 302.306, below
28 the number of points required for suspension or revocation

1 pursuant to the provisions of this section, then the person's
2 license shall not be suspended or revoked until the necessary
3 points are again obtained and accumulated.

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

8 10. Upon the issuance of a reinstatement or termination
9 notice after a suspension or revocation of any person's license
10 and driving privilege under the provisions of sections 302.010 to
11 302.540, the accumulated point value shall be reduced to four
12 points, except that the points of any person serving as a member
13 of the Armed Forces of the United States outside the limits of
14 the United States during a period of suspension or revocation
15 shall be reduced to zero upon the date of the reinstatement or
16 termination of notice. It shall be the responsibility of such
17 member of the Armed Forces to submit copies of official orders to
18 the director of revenue to substantiate such overseas service.
19 Any other provision of sections 302.010 to 302.540 to the
20 contrary notwithstanding, the effective date of the four points
21 remaining on the record upon reinstatement or termination shall
22 be the date of the reinstatement or termination notice.

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

27 12. Any person or nonresident whose license or privilege to
28 operate a motor vehicle in this state has been suspended or

1 revoked under this or any other law shall, before having the
2 license or privilege to operate a motor vehicle reinstated, pay
3 to the director a reinstatement fee of twenty dollars which shall
4 be in addition to all other fees provided by law.

5 13. Notwithstanding any other provision of law to the
6 contrary, if after two years from the effective date of any
7 suspension or revocation issued under this chapter, except any
8 suspension or revocation issued under section 302.410, 302.462,
9 or 302.574, the person or nonresident has not paid the
10 reinstatement fee of twenty dollars, the director shall reinstate
11 such license or privilege to operate a motor vehicle in this
12 state. Any person who has had his or her license suspended or
13 revoked under section 302.410, 302.462, or 302.574, shall be
14 required to pay the reinstatement fee.

15 14. No person who has had a license to operate a motor
16 vehicle suspended or revoked as a result of an assessment of
17 points for a violation under subdivision (8), (9) or (10) of
18 subsection 1 of section 302.302 shall have that license
19 reinstated until such person has participated in and successfully
20 completed a substance abuse traffic offender program defined in
21 section 302.010, or a program determined to be comparable by the
22 department of mental health. Assignment recommendations, based
23 upon the needs assessment as described in subdivision (24) of
24 section 302.010, shall be delivered in writing to the person with
25 written notice that the person is entitled to have such
26 assignment recommendations reviewed by the court if the person
27 objects to the recommendations. The person may file a motion in
28 the associate division of the circuit court of the county in

1 which such assignment was given, on a printed form provided by
2 the state courts administrator, to have the court hear and
3 determine such motion pursuant to the provisions of chapter 517.
4 The motion shall name the person or entity making the needs
5 assessment as the respondent and a copy of the motion shall be
6 served upon the respondent in any manner allowed by law. Upon
7 hearing the motion, the court may modify or waive any assignment
8 recommendation that the court determines to be unwarranted based
9 upon a review of the needs assessment, the person's driving
10 record, the circumstances surrounding the offense, and the
11 likelihood of the person committing a like offense in the future,
12 except that the court may modify but may not waive the assignment
13 to an education or rehabilitation program of a person determined
14 to be a prior or persistent offender as defined in section
15 577.001 or of a person determined to have operated a motor
16 vehicle with fifteen-hundredths of one percent or more by weight
17 in such person's blood. Compliance with the court determination
18 of the motion shall satisfy the provisions of this section for
19 the purpose of reinstating such person's license to operate a
20 motor vehicle. The respondent's personal appearance at any
21 hearing conducted pursuant to this subsection shall not be
22 necessary unless directed by the court.

23 15. The fees for the program authorized in subsection 14 of
24 this section, or a portion thereof to be determined by the
25 department of mental health, shall be paid by the person enrolled
26 in the program. Any person who is enrolled in the program shall
27 pay, in addition to any fee charged for the program, a
28 supplemental fee in an amount to be determined by the department

1 of mental health for the purposes of funding the substance abuse
2 traffic offender program defined in section 302.010 or a program
3 determined to be comparable by the department of mental health.
4 The administrator of the program shall remit to the division of
5 alcohol and drug abuse of the department of mental health on or
6 before the fifteenth day of each month the supplemental fee for
7 all persons enrolled in the program, less two percent for
8 administrative costs. Interest shall be charged on any unpaid
9 balance of the supplemental fees due the division of alcohol and
10 drug abuse pursuant to this section and shall accrue at a rate
11 not to exceed the annual rate established pursuant to the
12 provisions of section 32.065, plus three percentage points. The
13 supplemental fees and any interest received by the department of
14 mental health pursuant to this section shall be deposited in the
15 mental health earnings fund which is created in section 630.053.

16 16. Any administrator who fails to remit to the division of
17 alcohol and drug abuse of the department of mental health the
18 supplemental fees and interest for all persons enrolled in the
19 program pursuant to this section shall be subject to a penalty
20 equal to the amount of interest accrued on the supplemental fees
21 due the division pursuant to this section. If the supplemental
22 fees, interest, and penalties are not remitted to the division of
23 alcohol and drug abuse of the department of mental health within
24 six months of the due date, the attorney general of the state of
25 Missouri shall initiate appropriate action of the collection of
26 said fees and interest accrued. The court shall assess attorney
27 fees and court costs against any delinquent program.

28 17. Any person who has had a license to operate a motor

1 vehicle suspended or revoked as a result of an assessment of
2 points for a conviction for an intoxication-related traffic
3 offense as defined under section 577.001, and who has a prior
4 alcohol-related enforcement contact as defined under section
5 302.525, shall be required to file proof with the director of
6 revenue that any motor vehicle operated by the person is equipped
7 with a functioning, certified ignition interlock device as a
8 required condition of reinstatement of the license. The ignition
9 interlock device shall further be required to be maintained on
10 all motor vehicles operated by the person for a period of not
11 less than six months immediately following the date of
12 reinstatement. If the monthly monitoring reports show that the
13 ignition interlock device has registered any confirmed blood
14 alcohol concentration readings above the alcohol setpoint
15 established by the department of transportation or that the
16 person has tampered with or circumvented the ignition interlock
17 device within the last three months of the six-month period of
18 required installation of the ignition interlock device, then the
19 period for which the person must maintain the ignition interlock
20 device following the date of reinstatement shall be extended [for
21 an additional six months] until the person has completed three
22 consecutive months with no violations as described in this
23 section. If the person fails to maintain such proof with the
24 director, the license shall be resuspended or revoked and the
25 person shall be guilty of a class A misdemeanor.

26 302.309. 1. Whenever any license is suspended pursuant to
27 sections 302.302 to 302.309, the director of revenue shall return
28 the license to the operator immediately upon the termination of

1 the period of suspension and upon compliance with the
2 requirements of chapter 303.

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

6 3. (1) All circuit courts, the director of revenue, or a
7 commissioner operating under section 478.007 shall have
8 jurisdiction to hear applications and make eligibility
9 determinations granting limited driving privileges, except as
10 provided under subdivision (8) of this subsection. Any
11 application may be made in writing to the director of revenue and
12 the person's reasons for requesting the limited driving privilege
13 shall be made therein.

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

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

26
27 the court or director may grant such limited driving privilege as
28 the circumstances of the case justify if the court or director

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

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

28 (4) No limited driving privilege shall be issued to any

1 person otherwise eligible under the provisions of [paragraph (a)
2 of] subdivision (6) of this subsection [on a license revocation
3 resulting from a conviction under subdivision (9) of subsection 1
4 of section 302.302, or] if such person has a license denial under
5 paragraph (a) or (b) of subdivision (8) of this subsection[, or a
6 license revocation under paragraph (g) of subdivision (6) of this
7 subsection,] or on a license revocation resulting from a
8 conviction under subdivision (9) of subsection 1 of section
9 302.302, or a license revocation under subdivision (2) of
10 subsection 2 of section 302.525, or sections 302.574 or 577.041,
11 until the applicant has filed proof with the department of
12 revenue that any motor vehicle operated by the person is equipped
13 with a functioning, certified ignition interlock device as a
14 required condition of limited driving privilege. The ignition
15 interlock device required for obtaining a limited driving
16 privilege under paragraph (a) or (b) of subdivision (8) of this
17 subsection shall have a photo identification technology feature,
18 and a court may require a global positioning system feature for
19 such device.

20 (5) The court order or the director's grant of the limited
21 or restricted driving privilege shall indicate the termination
22 date of the privilege, which shall be not later than the end of
23 the period of suspension or revocation. The court order or the
24 director's grant of the limited or restricted driving privilege
25 shall also indicate whether a functioning, certified ignition
26 interlock device is required as a condition of operating a motor
27 vehicle with the limited driving privilege. A copy of any court
28 order shall be sent by the clerk of the court to the director,

1 and a copy shall be given to the driver which shall be carried by
2 the driver whenever such driver operates a motor vehicle. The
3 director of revenue upon granting a limited driving privilege
4 shall give a copy of the limited driving privilege to the
5 applicant. The applicant shall carry a copy of the limited
6 driving privilege while operating a motor vehicle. A conviction
7 which results in the assessment of points pursuant to section
8 302.302, other than a violation of a municipal stop sign
9 ordinance where no accident is involved, against a driver who is
10 operating a vehicle pursuant to a limited driving privilege
11 terminates the privilege, as of the date the points are assessed
12 to the person's driving record. If the date of arrest is prior
13 to the issuance of the limited driving privilege, the privilege
14 shall not be terminated. Failure of the driver to maintain proof
15 of financial responsibility, as required by chapter 303, or to
16 maintain proof of installation of a functioning, certified
17 ignition interlock device, as applicable, shall terminate the
18 privilege. The director shall notify by ordinary mail the driver
19 whose privilege is so terminated.

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

24 (a) [A conviction of violating the provisions of section
25 577.010 or 577.012, or any similar provision of any federal or
26 state law, or a municipal or county law where the judge in such
27 case was an attorney and the defendant was represented by or
28 waived the right to an attorney in writing, until the person has

1 completed the first thirty days of a suspension or revocation
2 imposed pursuant to this chapter;

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

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

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

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

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

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

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

14 (8) (a) Provided that pursuant to the provisions of this
15 section, the applicant is not otherwise ineligible for a limited
16 driving privilege, a circuit court or the director may, in the
17 manner prescribed in this subsection, allow a person who has had
18 such person's license to operate a motor vehicle revoked where
19 that person cannot obtain a new license for a period of ten
20 years, as prescribed in subdivision (9) of subsection 1 of
21 section 302.060, to apply for a limited driving privilege
22 pursuant to this subsection. Such person shall present evidence
23 satisfactory to the court or the director that such person's
24 habits and conduct show that the person no longer poses a threat
25 to the public safety of this state. A circuit court shall grant
26 a limited driving privilege to any individual who otherwise is
27 eligible to receive a limited driving privilege, has filed proof
28 of installation of a certified ignition interlock device, and has

1 had no alcohol-related enforcement contacts since the alcohol-
2 related enforcement contact that resulted in the person's license
3 denial.

4 (b) Provided that pursuant to the provisions of this
5 section, the applicant is not otherwise ineligible for a limited
6 driving privilege or convicted of acting with criminal negligence
7 while driving while intoxicated to cause the death of another
8 person, a circuit court or the director may, in the manner
9 prescribed in this subsection, allow a person who has had such
10 person's license to operate a motor vehicle revoked where that
11 person cannot obtain a new license for a period of five years
12 because of two convictions of driving while intoxicated, as
13 prescribed in subdivision (10) of subsection 1 of section
14 302.060, to apply for a limited driving privilege pursuant to
15 this subsection. Such person shall present evidence satisfactory
16 to the court or the director that such person's habits and
17 conduct show that the person no longer poses a threat to the
18 public safety of this state. Any person who is denied a license
19 permanently in this state because of an alcohol-related
20 conviction subsequent to a restoration of such person's driving
21 privileges pursuant to subdivision (9) of section 302.060 shall
22 not be eligible for limited driving privilege pursuant to the
23 provisions of this subdivision. A circuit court shall grant a
24 limited driving privilege to any individual who otherwise is
25 eligible to receive a limited driving privilege, has filed proof
26 of installation of a certified ignition interlock device, and has
27 had no alcohol-related enforcement contacts since the alcohol-
28 related enforcement contact that resulted in the person's license

1 denial.

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

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

19 5. The director of revenue shall promulgate rules and
20 regulations necessary to carry out the provisions of this
21 section. Any rule or portion of a rule, as that term is defined
22 in section 536.010, that is created under the authority delegated
23 in this section shall become effective only if it complies with
24 and is subject to all of the provisions of chapter 536 and, if
25 applicable, section 536.028. This section and chapter 536 are
26 nonseverable and if any of the powers vested with the general
27 assembly pursuant to chapter 536 to review, to delay the
28 effective date or to disapprove and annul a rule are subsequently

1 held unconstitutional, then the grant of rulemaking authority and
2 any rule proposed or adopted after August 28, 2001, shall be
3 invalid and void.

4 302.525. 1. The license suspension or revocation shall
5 become effective fifteen days after the subject person has
6 received the notice of suspension or revocation as provided in
7 section 302.520, or is deemed to have received the notice of
8 suspension or revocation by mail as provided in section 302.515.
9 If a request for a hearing is received by or postmarked to the
10 department within that fifteen-day period, the effective date of
11 the suspension or revocation shall be stayed until a final order
12 is issued following the hearing; provided, that any delay in the
13 hearing which is caused or requested by the subject person or
14 counsel representing that person without good cause shown shall
15 not result in a stay of the suspension or revocation during the
16 period of delay.

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

19 (1) If the person's driving record shows no prior alcohol-
20 related enforcement contacts during the immediately preceding
21 five years, the period of suspension shall be thirty days after
22 the effective date of suspension, followed by a sixty-day period
23 of restricted driving privilege as defined in section 302.010 and
24 issued by the director of revenue. The restricted driving
25 privilege shall not be issued until he or she has filed proof of
26 financial responsibility with the department of revenue, in
27 accordance with chapter 303, and is otherwise eligible. The
28 restricted driving privilege shall indicate whether a

1 functioning, certified ignition interlock device is required as a
2 condition of operating a motor vehicle. A copy of the restricted
3 driving privilege shall be given to the person and such person
4 shall carry a copy of the restricted driving privilege while
5 operating a motor vehicle. In no case shall restricted driving
6 privileges be issued pursuant to this section or section 302.535
7 until the person has completed the first thirty days of a
8 suspension under this section. If a person otherwise subject to
9 the provisions of this subdivision files proof of installation
10 with the department of revenue that any vehicle that he or she
11 operates is equipped with a functioning, certified ignition
12 interlock device, there shall be no period of suspension.
13 However, in lieu of a suspension the person shall instead
14 complete a ninety-day period of restricted driving privilege.
15 Upon completion of such ninety-day period of restricted driving
16 privilege, compliance with other requirements of law, and filing
17 of proof of financial responsibility with the department of
18 revenue, in accordance with chapter 303, the license and driving
19 privilege shall be reinstated. However, if the monthly
20 monitoring reports during such ninety-day period indicate that
21 the ignition interlock device has registered a confirmed blood
22 alcohol concentration level above the alcohol setpoint
23 established by the department of transportation or such reports
24 indicate that the ignition interlock device has been tampered
25 with or circumvented, then the license and driving privilege of
26 such person shall not be reinstated until the person completes an
27 additional thirty-day period of restricted driving privilege. If
28 the person fails to maintain such proof of the device with the

1 director of revenue as required, the restricted driving privilege
2 shall be terminated;

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

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

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

25 4. Where a license is suspended or revoked under this
26 section and the person is also convicted on charges arising out
27 of the same occurrence for a violation of section 577.010 or
28 577.012 or for a violation of any county or municipal ordinance

1 prohibiting driving while intoxicated or alcohol-related traffic
2 offense, both the suspension or revocation under this section and
3 any other suspension or revocation arising from such convictions
4 shall be imposed, but the period of suspension or revocation
5 under sections 302.500 to 302.540 shall be credited against any
6 other suspension or revocation arising from such convictions, and
7 the total period of suspension or revocation shall not exceed the
8 longer of the two suspension or revocation periods.

9 5. Any person who has had a license to operate a motor
10 vehicle revoked under this section or suspended under this
11 section with one or more prior alcohol-related enforcement
12 contacts showing on their driver record shall be required to file
13 proof with the director of revenue that any motor vehicle
14 operated by that person is equipped with a functioning, certified
15 ignition interlock device as a required condition of
16 reinstatement. The ignition interlock device shall further be
17 required to be maintained on all motor vehicles operated by the
18 person for a period of not less than six months immediately
19 following the date of reinstatement. If the monthly monitoring
20 reports show that the ignition interlock device has registered
21 any confirmed blood alcohol concentration readings above the
22 alcohol setpoint established by the department of transportation
23 or that the person has tampered with or circumvented the ignition
24 interlock device within the last three months of the six-month
25 period of required installation of the ignition interlock device,
26 then the period for which the person must maintain the ignition
27 interlock device following the date of reinstatement shall be
28 extended [for an additional six months] until the person has

1 completed three consecutive months with no violations as
2 described in this section. If the person fails to maintain such
3 proof with the director, the license shall be suspended or
4 revoked, [as applicable] until proof as required by this section
5 is filed with the director, and the person shall be guilty of a
6 class A misdemeanor.

7 302.574. 1. If a person who was operating a vehicle
8 refuses upon the request of the officer to submit to any chemical
9 test under section 577.041, the officer shall, on behalf of the
10 director of revenue, serve the notice of license revocation
11 personally upon the person and shall take possession of any
12 license to operate a vehicle issued by this state which is held
13 by that person. The officer shall issue a temporary permit, on
14 behalf of the director of revenue, which is valid for fifteen
15 days and shall also give the person notice of his or her right to
16 file a petition for review to contest the license revocation.

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

21 (1) That the officer has:

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

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

28 (c) Reasonable grounds to believe that the person stopped,

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

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

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

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

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

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

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

25 4. If a person's license has been revoked because of the
26 person's refusal to submit to a chemical test, such person may
27 petition for a hearing before a circuit division or associate
28 division of the court in the county in which the arrest or stop

1 occurred. The person may request such court to issue an order
2 staying the revocation until such time as the petition for review
3 can be heard. If the court, in its discretion, grants such stay,
4 it shall enter the order upon a form prescribed by the director
5 of revenue and shall send a copy of such order to the director.
6 Such order shall serve as proof of the privilege to operate a
7 motor vehicle in this state and the director shall maintain
8 possession of the person's license to operate a motor vehicle
9 until termination of any revocation under this section. Upon the
10 person's request, the clerk of the court shall notify the
11 prosecuting attorney of the county and the prosecutor shall
12 appear at the hearing on behalf of the director of revenue. At
13 the hearing, the court shall determine only:

14 (1) Whether the person was arrested or stopped;

15 (2) Whether the officer had:

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

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

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

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

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

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

7 7. No person who has had a license to operate a motor
8 vehicle suspended or revoked under the provisions of this section
9 shall have that license reinstated until such person has
10 participated in and successfully completed a substance abuse
11 traffic offender program defined in section 302.010, or a program
12 determined to be comparable by the department of mental health.
13 Assignment recommendations, based upon the needs assessment as
14 described in subdivision (24) of section 302.010, shall be
15 delivered in writing to the person with written notice that the
16 person is entitled to have such assignment recommendations
17 reviewed by the court if the person objects to the
18 recommendations. The person may file a motion in the associate
19 division of the circuit court of the county in which such
20 assignment was given, on a printed form provided by the state
21 courts administrator, to have the court hear and determine such
22 motion under the provisions of chapter 517. The motion shall
23 name the person or entity making the needs assessment as the
24 respondent and a copy of the motion shall be served upon the
25 respondent in any manner allowed by law. Upon hearing the
26 motion, the court may modify or waive any assignment
27 recommendation that the court determines to be unwarranted based
28 upon a review of the needs assessment, the person's driving

1 record, the circumstances surrounding the offense, and the
2 likelihood of the person committing a similar offense in the
3 future, except that the court may modify but may not waive the
4 assignment to an education or rehabilitation program of a person
5 determined to be a prior or persistent offender as defined in
6 section 577.001, or of a person determined to have operated a
7 motor vehicle with a blood alcohol content of fifteen-hundredths
8 of one percent or more by weight. Compliance with the court
9 determination of the motion shall satisfy the provisions of this
10 section for the purpose of reinstating such person's license to
11 operate a motor vehicle. The respondent's personal appearance at
12 any hearing conducted under this subsection shall not be
13 necessary unless directed by the court.

14 8. The fees for the substance abuse traffic offender
15 program, or a portion thereof, to be determined by the division
16 of alcohol and drug abuse of the department of mental health,
17 shall be paid by the person enrolled in the program. Any person
18 who is enrolled in the program shall pay, in addition to any fee
19 charged for the program, a supplemental fee to be determined by
20 the department of mental health for the purposes of funding the
21 substance abuse traffic offender program defined in section
22 302.010. The administrator of the program shall remit to the
23 division of alcohol and drug abuse of the department of mental
24 health on or before the fifteenth day of each month the
25 supplemental fee for all persons enrolled in the program, less
26 two percent for administrative costs. Interest shall be charged
27 on any unpaid balance of the supplemental fees due to the
28 division of alcohol and drug abuse under this section, and shall

1 accrue at a rate not to exceed the annual rates established under
2 the provisions of section 32.065, plus three percentage points.

3 The supplemental fees and any interest received by the department
4 of mental health under this section shall be deposited in the
5 mental health earnings fund, which is created in section 630.053.

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

18 10. Any person who has had a license to operate a motor
19 vehicle revoked under this section and who has a prior alcohol-
20 related enforcement contact, as defined in section 302.525, shall
21 be required to file proof with the director of revenue that any
22 motor vehicle operated by the person is equipped with a
23 functioning, certified ignition interlock device as a required
24 condition of license reinstatement. Such ignition interlock
25 device shall further be required to be maintained on all motor
26 vehicles operated by the person for a period of not less than six
27 months immediately following the date of reinstatement. If the
28 monthly monitoring reports show that the ignition interlock

1 device has registered any confirmed blood alcohol concentration
2 readings above the alcohol setpoint established by the department
3 of transportation or that the person has tampered with or
4 circumvented the ignition interlock device within the last three
5 months of the six-month period of required installation of the
6 ignition interlock device, then the period for which the person
7 must maintain the ignition interlock device following the date of
8 reinstatement shall be extended [for an additional six months]
9 until the person has completed three consecutive months with no
10 violations as described in this section. If the person fails to
11 maintain such proof with the director as required by this
12 section, the license shall be rerevoked until proof as required
13 by this section is filed with the director, and the person shall
14 be guilty of a class A misdemeanor.

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

27 12. A person commits the offense of failure to maintain
28 proof with the Missouri department of revenue if, when required

1 to do so, he or she fails to file proof with the director of
2 revenue that any vehicle operated by the person is equipped with
3 a functioning, certified ignition interlock device or fails to
4 file proof of financial responsibility with the department of
5 revenue in accordance with chapter 303. The offense of failure
6 to maintain proof with the Missouri department of revenue is a
7 class A misdemeanor.

8 478.007. 1. Any circuit court, or any county with a
9 charter form of government and with more than six hundred
10 thousand but fewer than seven hundred thousand inhabitants with a
11 county municipal court established under section 66.010, may
12 establish a docket or court to provide an alternative for the
13 judicial system to dispose of cases in which a person has pleaded
14 guilty to driving while intoxicated or driving with excessive
15 blood alcohol content and:

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

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

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

24 2. This docket or court shall combine judicial supervision,
25 drug testing, continuous alcohol monitoring, or verifiable breath
26 alcohol testing performed a minimum of four times per day,
27 substance abuse traffic offender program compliance, and
28 treatment of DWI court participants. The court may assess any and

1 all necessary costs for participation in DWI court against the
2 participant. Any money received from such assessed costs by a
3 court from a defendant shall not be considered court costs,
4 charges, or fines. This docket or court may operate in
5 conjunction with a drug court established pursuant to sections
6 478.001 to 478.006.

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

19 577.001. As used in this chapter, the following terms mean:

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

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

24 (b) Two or more intoxication-related traffic offenses
25 committed on separate occasions where at least one of the
26 intoxication-related traffic offenses is an offense committed in
27 violation of any state law, county or municipal ordinance, any
28 federal offense, or any military offense in which the defendant

1 was operating a vehicle while intoxicated and another person was
2 injured or killed;

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

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

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

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

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

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

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

27 (b) Three or more intoxication-related traffic offenses
28 committed on separate occasions where at least one of the

1 intoxication-related traffic offenses is an offense committed in
2 violation of any state law, county or municipal ordinance, any
3 federal offense, or any military offense in which the defendant
4 was operating a vehicle while intoxicated and another person was
5 injured or killed; or

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

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

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

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

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

1 killed;

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

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

11 [(8)] (9) "Drive", "driving", "operates" or "operating",
12 means physically driving or operating a vehicle or vessel;

13 [(9)] (10) "Flight crew member", the pilot in command,
14 copilots, flight engineers, and flight navigators;

15 [(10)] (11) "Habitual offender", a person who has been
16 found guilty of:

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

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

26 (c) Three or more intoxication-related traffic offenses
27 committed on separate occasions where at least two of the
28 intoxication-related traffic offenses were offenses committed in

1 violation of any state law, county or municipal ordinance, any
2 federal offense, or any military offense in which the defendant
3 was operating a vehicle while intoxicated and another person was
4 injured or killed; or

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

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

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

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

16 [(11)] (12) "Habitual boating offender", a person who has
17 been found guilty of:

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

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

26 (c) Three or more intoxication-related boating offenses
27 committed on separate occasions where at least two of the
28 intoxication-related boating offenses were offenses committed in

1 violation of any state law, county or municipal ordinance, any
2 federal offense, or any military offense in which the defendant
3 was operating a vessel while intoxicated and another person was
4 injured or killed; or

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

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

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

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

15 [(12)] (13) "Intoxicated" or "intoxicated condition", when
16 a person is under the influence of alcohol, a controlled
17 substance, or drug, or any combination thereof;

18 [(13)] (14) "Intoxication-related boating offense",
19 operating a vessel while intoxicated; boating while intoxicated;
20 operating a vessel with excessive blood alcohol content or an
21 offense in which the defendant was operating a vessel while
22 intoxicated and another person was injured or killed in violation
23 of any state law, county or municipal ordinance, any federal
24 offense, or any military offense;

25 [(14)] (15) "Intoxication-related traffic offense", driving
26 while intoxicated, driving with excessive blood alcohol content
27 or an offense in which the defendant was operating a vehicle
28 while intoxicated and another person was injured or killed in

1 violation of any state law, county or municipal ordinance, any
2 federal offense, or any military offense;

3 [(15)] (16) "Law enforcement officer" or "arresting
4 officer", includes the definition of law enforcement officer in
5 section 556.061 and military policemen conducting traffic
6 enforcement operations on a federal military installation under
7 military jurisdiction in the state of Missouri;

8 [(16)] (17) "Operate a vessel", to physically control the
9 movement of a vessel in motion under mechanical or sail power in
10 water;

11 [(17)] (18) "Persistent offender", a person who has been
12 found guilty of two or more intoxication-related traffic offenses
13 committed on separate occasions;

14 [(18)] (19) "Persistent boating offender", a person who has
15 been found guilty of two or more intoxication-related boating
16 offenses committed on separate occasions;

17 [(19)] (20) "Prior offender", a person who has been found
18 guilty of one intoxication-related traffic offense, where such
19 prior offense occurred within five years of the occurrence of the
20 intoxication-related traffic offense for which the person is
21 charged;

22 [(20)] (21) "Prior boating offender", a person who has been
23 found guilty of one intoxication-related boating offense, where
24 such prior offense occurred within five years of the occurrence
25 of the intoxication-related boating offense for which the person
26 is charged.

27 577.010. 1. A person commits the offense of driving while
28 intoxicated if he or she operates a vehicle while in an

1 intoxicated condition.

2 2. The offense of driving while intoxicated is:

3 (1) A class B misdemeanor;

4 (2) A class A misdemeanor if:

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

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

8 (3) A class E felony if:

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

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

13 (4) A class D felony if:

14 (a) The defendant is an aggravated offender;

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

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

21 (5) A class C felony if:

22 (a) The defendant is a chronic offender;

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

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

28 (6) A class B felony if:

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

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

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

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

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

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

22 4. If a person is found guilty of a second or subsequent
23 offense of driving while intoxicated, the court may order the
24 person to submit to a period of continuous alcohol monitoring or
25 verifiable breath alcohol testing performed a minimum of four
26 times per day as a condition of probation.

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

1 section:

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

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

10 [5.] 6. A person found guilty of the offense of driving
11 while intoxicated:

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

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

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

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

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

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

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

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

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

19 (6) Any probation or parole granted under this subsection
20 may include a period of continuous alcohol monitoring or
21 verifiable breath alcohol testing performed a minimum of four
22 times per day.

23 577.012. 1. A person commits the offense of driving with
24 excessive blood alcohol content if such person operates:

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

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

1 her blood.

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

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

12 (1) A class B misdemeanor;

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

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

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

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

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

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

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

28 (2) In a circuit where a DWI court or docket created under

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

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

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

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

18 6. If a person is found guilty of a second or subsequent
19 offense of driving with an excessive blood alcohol content, the
20 court may order the person to submit to a period of continuous
21 alcohol monitoring or verifiable breath alcohol testing performed
22 a minimum of four times per day as a condition of probation.

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

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

1 contrary notwithstanding;

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

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

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

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

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

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

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

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

4 (6) Any probation or parole granted under this subsection
5 may include a period of continuous alcohol monitoring or
6 verifiable breath alcohol testing performed a minimum of four
7 times per day.

8 577.013. 1. A person commits the offense of boating while
9 intoxicated if he or she operates a vessel while in an
10 intoxicated condition.

11 2. The offense of boating while intoxicated is:

12 (1) A class B misdemeanor;

13 (2) A class A misdemeanor if:

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

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

17 (3) A class E felony if:

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

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

22 (4) A class D felony if:

23 (a) The defendant is an aggravated boating offender;

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

27 (c) While boating while intoxicated, the defendant acts
28 with criminal negligence to cause serious physical injury to

1 another person;

2 (5) A class C felony if:

3 (a) The defendant is a chronic boating offender;

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

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

9 (6) A class B felony if:

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

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

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

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

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

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

1 successfully completes a program under such DWI court or docket
2 or other court-ordered treatment program.

3 4. If a person is found guilty of a second or subsequent
4 offense of boating while intoxicated, the court may order the
5 person to submit to a period of continuous alcohol monitoring or
6 verifiable breath alcohol testing performed a minimum of four
7 times per day as a condition of probation.

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

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

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

19 [5.] 6. A person found guilty of the offense of boating
20 while intoxicated:

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

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

1 imprisonment:

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

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

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

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

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

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

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

25 (6) Any probation or parole granted under this subsection
26 may include a period of continuous alcohol monitoring or
27 verifiable breath alcohol testing performed a minimum of four
28 times per day.

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

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

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

15 (1) A class B misdemeanor;

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

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

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

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

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

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

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

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

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

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

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

21 6. If a person is found guilty of a second or subsequent
22 offense of boating with an excessive blood alcohol content, the
23 court may order the person to submit to a period of continuous
24 alcohol monitoring or verifiable breath alcohol testing performed
25 a minimum of four times per day as a condition of probation.

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

28 (1) As a prior boating offender, persistent boating

1 offender, aggravated boating offender, chronic boating offender
2 or habitual boating offender shall not be granted a suspended
3 imposition of sentence or be sentenced to pay a fine in lieu of a
4 term of imprisonment, section 557.011 to the contrary
5 notwithstanding;

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

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

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

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

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

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

26 (4) As an aggravated boating offender, shall not be
27 eligible for parole or probation until he or she has served a
28 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 or
verifiable breath alcohol testing performed a minimum of four
times per day.

Section B. The repeal and reenactment of sections 302.010, 302.060, 302.304, 302.309, 302.525, 302.574, 577.001, 577.010, 577.012, 577.013, and 577.014 of this act shall become effective on January 1, 2017.

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Will Kraus

Charlie Davis