

SENATE BILL NO. 972

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHUPP.

3514S.01I

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal sections 302.302, 302.400, and 304.820, RSMo, and to enact in lieu thereof three new sections relating to operation of motor vehicles while using electronic devices, with penalty provisions.

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

Section A. Sections 302.302, 302.400, and 304.820, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 302.302, 302.400, and 304.822, to read as follows:

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

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

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

17		In violation of a state law	3 points
18		In violation of a county or municipal ordinance	2 points
19			
20	(3)	Leaving the scene of an accident in violation of section 577.060	12 points
21			
22		In violation of any county or municipal ordinance	6 points
23			
24	(4)	Careless and imprudent driving in violation of subsection 4 of section 304.016	4 points
25			
26			
27		In violation of a county or municipal ordinance	2 points
28			
29	(5)	Operating without a valid license in violation of subdivision (1) or (2) of subsection 1 of section 302.020:	
30			
31			
32		(a) For the first conviction	2 points
33		(b) For the second conviction	4 points
34		(c) For the third conviction	6 points
35	(6)	Operating with a suspended or revoked license prior to restoration of operating privileges	12 points
36			
37			
38	(7)	Obtaining a license by misrepresentation	12 points
39	(8)	For the first conviction of driving while in an intoxicated condition or under the influence of controlled substances or drugs	8 points
40			
41			
42			
43	(9)	For the second or subsequent conviction of any of the following offenses however combined: driving while in an intoxicated condition, driving under the influence of controlled substances or drugs or driving with a blood alcohol	12 points
44			
45			
46			
47			
48			

49		content of eight-hundredths of one	
50		percent or more by weight	
51	(10)	For the first conviction for driving	
52		with blood alcohol content eight-	
53		hundredths of one percent or more by	
54		weight	
55		In violation of state law	8 points
56		In violation of a county or municipal	8 points
57		ordinance or federal law or regulation	
58	(11)	Any felony involving the use of a motor	12 points
59		vehicle	
60	(12)	Knowingly permitting unlicensed operator	4 points
61		to operate a motor vehicle	
62	(13)	For a conviction for failure to maintain	4 points
63		financial responsibility pursuant to	
64		county or municipal ordinance or	
65		pursuant to section 303.025	
66	(14)	Endangerment of a highway worker in	4 points
67		violation of section 304.585	
68	(15)	Aggravated endangerment of a highway	12 points
69		worker in violation of section 304.585	
70	(16)	For a conviction of violating a	4 points
71		municipal ordinance that prohibits tow	
72		truck operators from stopping at or	
73		proceeding to the scene of an accident	
74		unless they have been requested to stop	
75		or proceed to such scene by a party	
76		involved in such accident or by an	
77		officer of a public safety agency	
78	(17)	Endangerment of an emergency responder	4 points
79		in violation of section 304.894	

80	(18)	Aggravated endangerment of an emergency responder in violation of section 304.894	12 points
81			
82			
83	(19)	Operating while using a driver-restricted device in violation of section 304.822:	
84			
85			
86		(a) For a first conviction within twenty-four months	4 points
87			
88		(b) For a second conviction within twenty-four months	6 points
89			
90		(c) For a third or subsequent conviction within twenty-four months	8 points
91			

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

98 3. An additional two points shall be assessed when
99 personal injury or property damage results from any
100 violation listed in subdivisions (1) to (13) of subsection 1
101 of this section and if found to be warranted and certified
102 by the reporting court.

103 4. **An additional two points shall be assessed when a**
104 **violation listed in subdivision (19) of subsection 1 of this**
105 **section occurred:**

106 (1) **In a work zone when workers were present, as such**
107 **terms are defined in section 304.580;**

108 (2) **In an area designated as a school zone and marked**
109 **in any way that would alert a reasonably prudent driver to**
110 **the presence of such school zone; or**

111 **(3) While the operator also exceeded the speed limit**
112 **by ten or more miles per hour.**

113 **5.** When any of the acts listed in subdivision (2),
114 (3), (4) or (8) of subsection 1 of this section constitutes
115 both a violation of a state law and a violation of a county
116 or municipal ordinance, points may be assessed for either
117 violation but not for both. Notwithstanding that an offense
118 arising out of the same occurrence could be construed to be
119 a violation of subdivisions (8), (9) and (10) of subsection
120 1 of this section, no person shall be tried or convicted for
121 more than one offense pursuant to subdivisions (8), (9) and
122 (10) of subsection 1 of this section for offenses arising
123 out of the same occurrence.

124 **[5.] 6.** The director of revenue shall put into effect
125 a system for staying the assessment of points against an
126 operator. The system shall provide that the satisfactory
127 completion of a driver-improvement program or, in the case
128 of violations committed while operating a motorcycle, a
129 motorcycle-rider training course approved by the state
130 highways and transportation commission, by an operator, when
131 so ordered and verified by any court having jurisdiction
132 over any law of this state or county or municipal ordinance,
133 regulating motor vehicles, other than a violation committed
134 in a commercial motor vehicle as defined in section 302.700
135 or a violation committed by an individual who has been
136 issued a commercial driver's license or is required to
137 obtain a commercial driver's license in this state or any
138 other state, shall be accepted by the director in lieu of
139 the assessment of points for a violation pursuant to
140 subdivision (1), (2) or (4) of subsection 1 of this section
141 or pursuant to subsection 3 of this section. The operator
142 shall be given the option to complete the driver-improvement

143 program through an online or in-person course. A court
144 using a centralized violation bureau established under
145 section 476.385 may elect to have the bureau order and
146 verify completion of a driver-improvement program or
147 motorcycle-rider training course as prescribed by order of
148 the court. For the purposes of this subsection, the driver-
149 improvement program shall meet or exceed the standards of
150 the National Safety Council's eight-hour "Defensive Driving
151 Course" or, in the case of a violation which occurred during
152 the operation of a motorcycle, the program shall meet the
153 standards established by the state highways and
154 transportation commission pursuant to sections 302.133 to
155 302.137. The completion of a driver-improvement program or
156 a motorcycle-rider training course shall not be accepted in
157 lieu of points more than one time in any thirty-six-month
158 period and shall be completed within sixty days of the date
159 of conviction in order to be accepted in lieu of the
160 assessment of points. Every court having jurisdiction
161 pursuant to the provisions of this subsection shall, within
162 fifteen days after completion of the driver-improvement
163 program or motorcycle-rider training course by an operator,
164 forward a record of the completion to the director, all
165 other provisions of the law to the contrary
166 notwithstanding. The director shall establish procedures
167 for record keeping and the administration of this subsection.

302.400. 1. A court of competent jurisdiction shall,
2 upon a finding of guilt, or, if the court is a juvenile
3 court, upon a finding of fact that the offense was committed
4 by a juvenile, enter an order suspending or revoking the
5 driving privileges of any person determined to have
6 committed one of the following offenses and who, at the time

7 said offense was committed, was under twenty-one years of
8 age:

9 (1) Any alcohol-related traffic offense in violation
10 of state law or a county or municipal ordinance, where the
11 defendant was represented by an attorney or waived the right
12 to an attorney in writing;

13 (2) Any offense in violation of state law or a county
14 or municipal ordinance, where the defendant was represented
15 by an attorney or waived the right to an attorney in
16 writing, involving the possession or use of alcohol,
17 committed while operating a motor vehicle;

18 (3) Any offense involving the possession or use of a
19 controlled substance as defined in chapter 195 in violation
20 of state law or a county or municipal ordinance, where the
21 defendant was represented by an attorney or waived the right
22 to an attorney in writing;

23 (4) Any offense involving the alteration,
24 modification, or misrepresentation of a license to operate a
25 motor vehicle in violation of section 311.328;

26 (5) Any subsequent offense in violation of state law
27 or a county or municipal ordinance, where the defendant was
28 represented by, or waived in writing the right to, an
29 attorney, involving the possession or use of alcohol; except
30 that a determination of guilt or its equivalent shall have
31 been made for the first offense and both offenses shall have
32 been committed by the person when the person was under
33 eighteen years of age;

34 **(6) Any offense involving use of a driver-restricted**
35 **device in violation of section 304.822.**

36 2. A court of competent jurisdiction shall, upon a
37 finding of guilt, or, if the court is a juvenile court, upon
38 a finding of fact that the offense was committed by a

39 juvenile, enter an order suspending or revoking the driving
40 privileges of any person determined to have committed a
41 violation of section 311.325 and who, at the time said
42 violation was committed, was more than fifteen years of age
43 and under twenty-one years of age.

44 3. The court shall require the person against whom a
45 court has entered an order suspending or revoking driving
46 privileges under subsections 1 and 2 of this section to
47 surrender any license to operate a motor vehicle, temporary
48 instruction permit, intermediate driver's license, or any
49 other driving privilege then held by such person.

50 4. The court, if other than a juvenile court, shall
51 forward to the director of revenue the order of suspension
52 or revocation of driving privileges and any licenses,
53 temporary instruction permits, intermediate driver's
54 licenses, or any other driving privilege acquired under
55 subsection 3 of this section.

56 5. (1) Notwithstanding chapter 211 to the contrary,
57 the court, if a juvenile court, shall forward to the
58 director of revenue the order of suspension or revocation of
59 driving privileges and any licenses, temporary instruction
60 permits, intermediate driver's licenses, or any other
61 driving privilege acquired under subsection 3 of this
62 section for any person sixteen years of age or older.

63 (2) Notwithstanding chapter 211 to the contrary, the
64 court, if a juvenile court, shall hold the order of
65 suspension or revocation of driving privileges for any
66 person less than sixteen years of age until thirty days
67 before the person's sixteenth birthday, at which time the
68 juvenile court shall forward to the director of revenue the
69 order of suspension or revocation of driving privileges.

70 6. The period of suspension for a first offense under
71 subsection 1 of this section shall be ninety days. Any
72 second or subsequent offense under subsection 1 of this
73 section shall result in revocation of the offender's driving
74 privileges for one year. The period of suspension for a
75 first offense under subsection 2 of this section shall be
76 thirty days. The period of suspension for a second offense
77 under subsection 2 of this section shall be ninety days.
78 Any third or subsequent offense under subsection 2 of this
79 section shall result in revocation of the offender's driving
80 privileges for one year.

304.822. 1. As used in this section, the following
2 **terms shall mean:**

3 (1) "Commercial motor vehicle", the same meaning as is
4 ascribed to such term under section 302.700;

5 (2) "Driver-restricted device", a portable electronic
6 device that is used to initiate, receive, or view
7 communication, information, images, or data;

8 (a) Such term shall include but not be limited to:
9 cellular telephones; portable telephones; text-messaging
10 devices; personal digital assistants; computers, including
11 but not limited to tablets, laptops, and notebook computers;
12 video game systems; global positioning system receivers; and
13 devices capable of transmitting, retrieving, or displaying a
14 video, movie, broadcast television image, or visual image;

15 (b) Such term shall not include: radios; citizens band
16 radios; citizens band radio hybrids; commercial two-way
17 radio communication devices or their functional equivalent;
18 subscription-based emergency communication devices; amateur
19 or ham radio devices; or security, navigation,
20 communications, or remote diagnostics systems permanently
21 affixed to the vehicle;

22 (3) "Electronic message", a digital communication
23 designed or intended to be transmitted between devices.
24 Such term shall include but not be limited to electronic
25 mail, text messages, messages within a software application,
26 social media posts or reactions, video calls or messages,
27 and commands or requests to access a website;

28 (4) "Hands-free mode", a manner of using a device
29 without the use of either hand, except that this definition
30 shall not preclude the use of either hand merely to
31 activate, deactivate, or initiate a feature or function of
32 the device enabling it to be used without either hand;

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

36 (6) "Noncommercial motor vehicle", the same meaning as
37 is ascribed to such term under section 302.700;

38 (7) "Operate", to physically drive or control the
39 movement of a motor vehicle, including while temporarily
40 stationary because of traffic, a traffic light, stop sign,
41 or otherwise. A person is not operating a motor vehicle for
42 purposes of this section when the vehicle has pulled over to
43 the side of or off of a highway and has stopped in a
44 location where it can safely remain stationary.

45 2. Except as otherwise provided in this section, no
46 person under the age of twenty-one, and no person with an
47 instruction permit or intermediate license regardless of
48 age, shall operate a motor vehicle on the highways of this
49 state while using a driver-restricted device, except that:

50 (1) The operator may utilize applications or software
51 for purposes of navigating the motor vehicle; or

52 (2) The operator may use a driver-restricted device in
53 hands-free mode.

54 3. Except as otherwise provided in this section, no
55 person shall operate a noncommercial motor vehicle upon the
56 highways of this state while using a driver-restricted
57 device, except that the operator may:

58 (a) Make or take part in a telephone call, which shall
59 include listening to or engaging in verbal communication
60 through a driver-restricted device;

61 (b) Send, read, view, or write an electronic message,
62 provided that the message is accomplished by touching a
63 single button and the operator remains seated and restrained
64 by a seat belt as required by law; or

65 (c) Utilize applications or software for purposes of
66 navigating the motor vehicle.

67 4. Except as otherwise provided in this section, no
68 person shall operate a commercial motor vehicle upon the
69 highways of this state while:

70 (1) Using a hand-held mobile telephone;

71 (2) Using a driver-restricted device to send, read,
72 view, or write an electronic message, unless such message is
73 accomplished by touching a single button and the operator
74 remains seated and restrained by a seat belt as required by
75 law; or

76 (3) Using a driver-restricted device for any other
77 purpose.

78 5. Except as otherwise provided in this section, no
79 person shall operate a school bus, as such term is defined
80 in section 302.700, upon the highways of this state while
81 using a driver-restricted device, except that the operator
82 may use a driver-restricted device in a manner similar to a
83 two-way radio to allow live communication between the driver
84 and school officials or public safety officials.

85 6. This section shall not apply to:

86 (1) Emergency vehicles, as such term is defined in
87 section 304.022;

88 (2) Law enforcement officers who are both using the
89 device and operating the vehicle in the performance of their
90 official duties;

91 (3) Use of driver-restricted devices while the vehicle
92 is stopped and the transmission is in neutral or park;

93 (4) Motor vehicles that are responding to a request
94 for roadside assistance when such response is conducted in
95 the course and scope of a commercial activity;

96 (5) The use of a driver-restricted device to contact
97 emergency services; or

98 (6) The use of a driver-restricted device to relay
99 information between a transit or for-hire motor vehicle
100 operator and that operator's dispatcher, provided the device
101 is permanently affixed to the vehicle.

102 7. A law enforcement officer who stops a motor vehicle
103 for a violation of this section shall inform the motor
104 vehicle operator of the operator's right to decline a search
105 of his or her driver-restricted device, and shall not access
106 the device without a warrant or confiscate the device while
107 awaiting issuance of a warrant.

108 8. The state preempts the field of regulating the use
109 of driver-restricted devices by the operators of motor
110 vehicles, and the provisions of this section shall supercede
111 any local laws, ordinances, orders, rules, or regulations
112 enacted by a county, municipality, or other political
113 subdivision to regulate the use of driver-restricted devices
114 by the operator of a motor vehicle.

115 9. Except as otherwise provided in this subsection, a
116 violation of this section shall be an infraction.

117 (1) A violation of this section that is the proximate
118 cause of damage to property in excess of five thousand
119 dollars shall be a class C misdemeanor.

120 (2) A violation of this section that is the proximate
121 cause of serious physical injury to another person shall be
122 a class A misdemeanor.

123 (3) A violation of this section that is the proximate
124 cause of the death of another person shall be a class D
125 felony.

126 10. Penalties for violations of this section shall be
127 as specified in this subsection. Prior convictions shall be
128 pleaded and proven in the same manner as required by section
129 558.021.

130 (1) For a conviction under this section where there is
131 no prior conviction under this section within the preceding
132 twenty-four months, the court shall impose a fine of not
133 more than fifty dollars, and four points shall be assessed
134 under section 302.302.

135 (2) For a conviction under this section where there is
136 one prior conviction under this section within the preceding
137 twenty-four months, the court shall impose a fine of not
138 more than one hundred dollars, and six points shall be
139 assessed under section 302.302.

140 (3) For a conviction under this section where there
141 are two or more prior convictions under this section in the
142 preceding twenty-four months, the court shall impose a fine
143 of not more than two hundred fifty dollars, and eight points
144 shall be assessed under section 302.302, and the license or
145 driving privilege shall be suspended in accordance with
146 section 302.304.

147 (4) For a conviction under this section where the
148 violation occurred in a work zone when workers are present,

149 as such terms are defined in section 304.580, or for a
150 violation of this section occurring in an area designated as
151 a school zone and marked in any way that would alert a
152 reasonably prudent driver to the presence of such school
153 zone, the court shall assess a fine of not more than five
154 hundred dollars, and two additional points shall be assessed
155 under section 302.302.

156 (5) For a conviction under this section where the
157 violation occurred while the operator also exceeded the
158 speed limit by ten or more miles per hour, the fines
159 specified in this section shall be doubled, and two
160 additional points shall be assessed under section 302.302.

161 11. The provisions of this section shall be subject to
162 the reporting requirements set forth in section 590.650.

163 12. Prior to January 1, 2024, a law enforcement
164 officer who stops a noncommercial motor vehicle for a
165 violation of this section shall not issue a citation for a
166 violation of this section, and shall only issue a warning.

2 [304.820. 1. Except as otherwise provided
3 in this section, no person twenty-one years of
4 age or younger operating a moving motor vehicle
5 upon the highways of this state shall, by means
6 of a hand-held electronic wireless
7 communications device, send, read, or write a
8 text message or electronic message.

9 2. Except as otherwise provided in this
10 section, no person shall operate a commercial
11 motor vehicle while using a hand-held mobile
12 telephone.

13 3. Except as otherwise provided in this
14 section, no person shall operate a commercial
15 motor vehicle while using a wireless
16 communications device to send, read, or write a
17 text message or electronic message.

18 4. The provisions of subsection 1 through
19 subsection 3 of this section shall not apply to
20 a person operating:

21 (1) An authorized emergency vehicle; or

22 (2) A moving motor vehicle while using a
23 hand-held electronic wireless communications
24 device to:

(a) Report illegal activity;

25 (b) Summon medical or other emergency help;
26 (c) Prevent injury to a person or
27 property; or
28 (d) Relay information between a transit or
29 for-hire operator and that operator's
30 dispatcher, in which the device is permanently
31 affixed to the vehicle.

32 5. Nothing in this section shall be
33 construed or interpreted as prohibiting a person
34 from making or taking part in a telephone call,
35 by means of a hand-held electronic wireless
36 communications device, while operating a
37 noncommercial motor vehicle upon the highways of
38 this state.

39 6. As used in this section, "electronic
40 message" means a self-contained piece of digital
41 communication that is designed or intended to be
42 transmitted between hand-held electronic
43 wireless communication devices. "Electronic
44 message" includes, but is not limited to,
45 electronic mail, a text message, an instant
46 message, or a command or request to access an
47 internet site.

48 7. As used in this section, "hand-held
49 electronic wireless communications device"
50 includes any hand-held cellular phone, palm
51 pilot, blackberry, or other mobile electronic
52 device used to communicate verbally or by text
53 or electronic messaging, but shall not apply to
54 any device that is permanently embedded into the
55 architecture and design of the motor vehicle.

56 8. As used in this section, "making or
57 taking part in a telephone call" means listening
58 to or engaging in verbal communication through a
59 hand-held electronic wireless communication
60 device.

61 9. As used in this section, "send, read,
62 or write a text message or electronic message"
63 means using a hand-held electronic wireless
64 telecommunications device to manually
65 communicate with any person by using an
66 electronic message. Sending, reading, or
67 writing a text message or electronic message
68 does not include reading, selecting, or entering
69 a phone number or name into a hand-held
70 electronic wireless communications device for
71 the purpose of making a telephone call.

72 10. A violation of this section shall be
73 deemed an infraction and shall be deemed a
74 moving violation for purposes of point
75 assessment under section 302.302.

76 11. The state preempts the field of
77 regulating the use of hand-held electronic
78 wireless communications devices in motor
79 vehicles, and the provisions of this section
80 shall supercede any local laws, ordinances,
81 orders, rules, or regulations enacted by a

82 county, municipality, or other political
83 subdivision to regulate the use of hand-held
84 electronic wireless communication devices by the
85 operator of a motor vehicle.
86 12. The provisions of this section shall
87 not apply to:
88 (1) The operator of a vehicle that is
89 lawfully parked or stopped;
90 (2) Any of the following while in the
91 performance of their official duties: a law
92 enforcement officer; a member of a fire
93 department; or the operator of a public or
94 private ambulance;
95 (3) The use of factory-installed or
96 aftermarket global positioning systems (GPS) or
97 wireless communications devices used to transmit
98 or receive data as part of a digital dispatch
99 system;
100 (4) The use of voice-operated technology;
101 (5) The use of two-way radio transmitters
102 or receivers by a licensee of the Federal
103 Communications Commission in the Amateur Radio
104 Service.]

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