

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 1087**  
**103RD GENERAL ASSEMBLY**

3839H.06C

JOSEPH ENGLER, Chief Clerk

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**AN ACT**

To repeal sections 302.309 and 302.341, RSMo, and to enact in lieu thereof two new sections relating to driver's licenses, with a delayed effective date.

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

Section A. Sections 302.309 and 302.341, RSMo, are repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 302.309 and 302.341, to read as follows:

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

5 2. Any operator whose license is revoked pursuant to ~~these~~ sections **302.302 to**  
6 **302.309**, upon the termination of the period of revocation, shall apply for a new license in the  
7 manner prescribed by law.

8 3. (1) All circuit courts, the director of revenue, or a commissioner operating under  
9 section 478.007 shall have jurisdiction to hear applications and make eligibility  
10 determinations granting limited driving privileges, except as provided under subdivision  
11 (8) of this subsection. Any application may be made in writing to the director of revenue and  
12 the person's **specific and necessary** reasons for requesting the limited driving privilege shall  
13 be made therein, **including the times, routes, and purposes of the proposed travel**  
14 **necessary for obtaining the limited driving privilege. The burden shall be on the**  
15 **operator to demonstrate to the court or the department that the limited driving**  
16 **privilege is essential for the reasons listed in subdivision (2) of this subsection.**

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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

- 19 (a) A business, occupation, or employment;  
20 (b) Seeking medical treatment for such operator;  
21 (c) Attending school or other institution of higher education;  
22 (d) Attending alcohol- or drug-treatment programs;  
23 (e) Seeking the required services of a certified ignition interlock device provider; ~~or~~  
24 (f) **Attending a place of worship;**

25 (g) **Traveling to and from essential businesses including, but not limited to,**  
26 **grocery stores, supermarkets, hardware stores, convenience and discount stores,**  
27 **pharmacies, post offices and other shipping outlets, and gas stations; or**

28 (h) Any other circumstance the court or director finds would create an undue hardship  
29 on the operator,

30

31 the court or director may grant such limited driving privilege as the circumstances of the case  
32 justify if the court or director finds undue hardship would result to the individual, and while  
33 so operating a motor vehicle within the restrictions and limitations of the limited driving  
34 privilege the driver shall not be guilty of operating a motor vehicle without a valid license.

35 **The court or director has the authority to grant the request for limited driving**  
36 **privileges under such restrictions as the court or director deems necessary, including**  
37 **restrictions as to routes, schedules, geographic limitations, or other conditions deemed**  
38 **necessary to ensure the operator's safe and limited operation of a motor vehicle. The**  
39 **court or director shall retain authority to revoke or modify any grant of a limited**  
40 **driving privilege upon a showing that the continued operation of a motor vehicle by the**  
41 **operator would endanger other motorists or violate any term or condition imposed by**  
42 **the court or director.**

43 (3) An operator may make application to the proper court in the county in which such  
44 operator resides or in the county in which is located the operator's principal place of business  
45 or employment. Any application for a limited driving privilege made to a circuit court shall  
46 name the director as a party defendant and shall be served upon the director prior to the grant  
47 of any limited privilege, and shall be accompanied by a copy of the applicant's driving record  
48 as certified by the director. Any applicant for a limited driving privilege shall have on file  
49 with the department of revenue proof of financial responsibility as required by chapter 303.  
50 Any application by a person who transports persons or property as classified in section  
51 302.015 may be accompanied by proof of financial responsibility as required by chapter 303,  
52 but if proof of financial responsibility does not accompany the application, or if the applicant  
53 does not have on file with the department of revenue proof of financial responsibility, the

54 court or the director has discretion to grant the limited driving privilege to the person solely  
55 for the purpose of operating a vehicle whose owner has complied with chapter 303 for that  
56 vehicle, and the limited driving privilege must state such restriction. When operating such  
57 vehicle under such restriction the person shall carry proof that the owner has complied with  
58 chapter 303 for that vehicle.

59 (4) No limited driving privilege shall be issued to any person otherwise eligible under  
60 the provisions of subdivision (6) of this subsection if such person has a license denial under  
61 paragraph (a) or (b) of subdivision (8) of this subsection or on a license revocation resulting  
62 from a conviction under subdivision (9) of subsection 1 of section 302.302, or a license  
63 revocation under subdivision (2) of subsection 2 of section 302.525, or section 302.574 or  
64 577.041, until the applicant has filed proof with the department of revenue that any motor  
65 vehicle operated by the person is equipped with a functioning, certified ignition interlock  
66 device as a required condition of limited driving privilege. The ignition interlock device  
67 required for obtaining a limited driving privilege under paragraph (a) or (b) of subdivision (8)  
68 of this subsection shall have a photo identification technology feature, and a court may  
69 require a global positioning system feature for such device.

70 (5) The court order or the director's grant of the limited or restricted driving privilege  
71 shall indicate the termination date of the privilege, which shall be not later than the end of the  
72 period of suspension or revocation. The court order or the director's grant of the limited or  
73 restricted driving privilege shall also indicate whether a functioning, certified ignition  
74 interlock device is required as a condition of operating a motor vehicle with the limited  
75 driving privilege. A copy of any court order shall be sent by the clerk of the court to the  
76 director, and a copy shall be given to the driver which shall be carried by the driver whenever  
77 such driver operates a motor vehicle. The director of revenue upon granting a limited driving  
78 privilege shall give a copy of the limited driving privilege to the applicant. The applicant  
79 shall carry a copy of the limited driving privilege while operating a motor vehicle. A  
80 conviction which results in the assessment of points pursuant to section 302.302, other than a  
81 violation of a municipal stop sign ordinance where no accident is involved, against a driver  
82 who is operating a vehicle pursuant to a limited driving privilege terminates the privilege, as  
83 of the date the points are assessed to the person's driving record. If the date of arrest is prior  
84 to the issuance of the limited driving privilege, the privilege shall not be terminated. Failure  
85 of the driver to maintain proof of financial responsibility, as required by chapter 303, or to  
86 maintain proof of installation of a functioning, certified ignition interlock device, as  
87 applicable, shall terminate the privilege. The director shall notify by ordinary mail the driver  
88 whose privilege is so terminated.

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

92 (a) A conviction of any felony in the commission of which a motor vehicle was used  
93 and such conviction occurred within the five-year period prior to the date of application.  
94 However, any felony conviction for leaving the scene of an accident under section 577.060  
95 shall not render the applicant ineligible for a limited driving privilege under this section;

96 (b) Ineligibility for a license because of the provisions of subdivision (1), (2), (4), (5),  
97 (6), (7), (8), (9), or (10) of subsection 1 of section 302.060; or

98 (c) Due to a suspension pursuant to subdivision (8) or (10) of subsection 1 of section  
99 302.302 or subsection 2 of section 302.525.

100 (7) No person who possesses a commercial driver's license shall receive a limited  
101 driving privilege issued for the purpose of operating a commercial motor vehicle if such  
102 person's driving privilege is suspended, revoked, cancelled, denied, or disqualified. Nothing  
103 in this section shall prohibit the issuance of a limited driving privilege for the purpose of  
104 operating a noncommercial motor vehicle provided that pursuant to the provisions of this  
105 section, the applicant is not otherwise ineligible for a limited driving privilege.

106 (8) (a) Provided that pursuant to the provisions of this section, the applicant is not  
107 otherwise ineligible for a limited driving privilege, a circuit court or the director may, in the  
108 manner prescribed in this subsection, allow a person who has had such person's license to  
109 operate a motor vehicle revoked where that person cannot obtain a new license for a period of  
110 ten years, as prescribed in subdivision (9) of subsection 1 of section 302.060, to apply for a  
111 limited driving privilege pursuant to this subsection. Such person shall present evidence  
112 satisfactory to the court or the director that such person's habits and conduct show that the  
113 person no longer poses a threat to the public safety of this state. A circuit court shall grant a  
114 limited driving privilege to any individual who otherwise is eligible to receive a limited  
115 driving privilege, has filed proof of installation of a certified ignition interlock device, and has  
116 had no alcohol-related enforcement contacts since the alcohol-related enforcement contact  
117 that resulted in the person's license denial.

118 (b) Provided that pursuant to the provisions of this section, the applicant is not  
119 otherwise ineligible for a limited driving privilege or convicted of acting with criminal  
120 negligence while driving while intoxicated to cause the death of another person, a circuit  
121 court or the director may, in the manner prescribed in this subsection, allow a person who has  
122 had such person's license to operate a motor vehicle revoked where that person cannot obtain  
123 a new license for a period of five years because of two convictions of driving while  
124 intoxicated, as prescribed in subdivision (10) of subsection 1 of section 302.060, to apply for  
125 a limited driving privilege pursuant to this subsection. Such person shall present evidence

126 satisfactory to the court or the director that such person's habits and conduct show that the  
127 person no longer poses a threat to the public safety of this state. Any person who is denied a  
128 license permanently in this state because of an alcohol-related conviction subsequent to a  
129 restoration of such person's driving privileges pursuant to subdivision (9) **of subsection 1** of  
130 section 302.060 shall not be eligible for limited driving privilege pursuant to the provisions of  
131 this subdivision. A circuit court shall grant a limited driving privilege to any individual who  
132 otherwise is eligible to receive a limited driving privilege, has filed proof of installation of a  
133 certified ignition interlock device, and has had no alcohol-related enforcement contacts since  
134 the alcohol-related enforcement contact that resulted in the person's license denial.

135 (9) A DWI docket or court established under section 478.007 may grant a limited  
136 driving privilege to a participant in or graduate of the program who would otherwise be  
137 ineligible for such privilege under another provision of law.

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

145 5. The director of revenue shall promulgate rules and regulations necessary to carry  
146 out the provisions of this section. Any rule or portion of a rule, as that term is defined in  
147 section 536.010, that is created under the authority delegated in this section shall become  
148 effective only if it complies with and is subject to all of the provisions of chapter 536 and, if  
149 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the  
150 powers vested with the general assembly pursuant to chapter 536 to review, to delay the  
151 effective date or to disapprove and annul a rule are subsequently held unconstitutional, then  
152 the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001,  
153 shall be invalid and void.

302.341. 1. If a Missouri resident charged with a moving traffic violation of this state  
2 or any county or municipality of this state fails to dispose of the charges of which the resident  
3 is accused through authorized prepayment of fine and court costs and fails to appear on the  
4 return date or at any subsequent date to which the case has been continued, or without good  
5 cause fails to pay any fine or court costs assessed against the resident for any such violation  
6 within the period of time specified or in such installments as approved by the court or as  
7 otherwise provided by law, any court having jurisdiction over the charges shall within ten  
8 days of the failure to comply inform the defendant by ordinary mail at the last address shown  
9 on the court records that the court ~~[will]~~ **shall** order the director of revenue to suspend the

10 defendant's driving privileges if the charges are not disposed of and fully paid within thirty  
11 days from the date of mailing. Thereafter, if the defendant fails to timely act to dispose of the  
12 charges and fully pay any applicable fines and court costs, the court shall notify the director  
13 of revenue of such failure and of the pending charges against the defendant. Upon receipt of  
14 this notification, the director shall suspend the license of the driver, effective immediately,  
15 and provide notice of the suspension to the driver at the last address for the driver shown on  
16 the records of the department of revenue. Such suspension shall remain in effect until the  
17 court with the subject pending charge requests setting aside the noncompliance suspension  
18 pending final disposition, or satisfactory evidence of disposition of pending charges and  
19 payment of fine and court costs, if applicable, is furnished to the director by the individual.  
20 The filing of financial responsibility with the [~~bureau of safety responsibility,~~] department of  
21 revenue[~~]~~ shall not be required as a condition of reinstatement of a driver's license suspended  
22 solely under the provisions of this [~~section~~] **subsection.**

23       2. The provisions of subsection 1 of this section shall not apply to minor traffic  
24 violations as defined in section 479.350; **however, minor traffic violations shall be subject**  
25 **to subsection 3 of this section. Minor traffic violations shall not include nonmoving**  
26 **violations such as, but not limited to, parking, standing, or stopping violations, including**  
27 **expired meter violations.**

28       3. **If a Missouri resident charged with a minor traffic violation of this state or**  
29 **any county or municipality of this state fails to dispose of the charges of which the**  
30 **resident is accused through authorized prepayment of fine and court costs and fails to**  
31 **appear on two return dates, or without good cause fails to pay any fine or court costs**  
32 **assessed against the resident for any such violation within the period of time specified or**  
33 **in such installments as approved by the court or as otherwise provided by law, any court**  
34 **having jurisdiction over the charges shall, within ten days of the failure to comply,**  
35 **inform the defendant by ordinary mail at the last address shown on the court records**  
36 **that the court may order the director of revenue to suspend the defendant's driving**  
37 **privileges if the charges are not disposed of and fully paid within thirty days from the**  
38 **date of mailing. Thereafter, if the defendant fails to timely act to dispose of the charges**  
39 **and fully pay any applicable fines and court costs, the court may notify the director of**  
40 **revenue of such failure and of the pending charges against the defendant. Upon receipt**  
41 **of this notification, the director shall provide notice of the suspension at the last address**  
42 **for the driver shown on the records of the department of revenue. The director shall,**  
43 **thirty-three days after mailing the suspension notice, suspend the driving privileges of**  
44 **the defendant. Such suspension shall remain in effect until the court with the subject**  
45 **pending charge requests setting aside the noncompliance suspension pending final**  
46 **disposition, or satisfactory evidence of disposition of pending charges and payment of**

47 **fine and court costs, if applicable, is furnished to the director by the individual. The**  
48 **filing of financial responsibility with the department of revenue shall not be required as**  
49 **a condition of reinstatement of a driver's license suspended solely under the provisions**  
50 **of this subsection.**

51 **4. Subsection 3 of this section shall not be retroactive.**

Section B. The repeal and reenactment of sections 302.309 and 302.341 of this act  
2 shall become effective on January 1, 2027.

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