

SECOND REGULAR SESSION

[PERFECTED]

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1087

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR NICOLA.

3839S.04P

KRISTINA MARTIN, Secretary

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 an effective date.

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

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2 repealed and two new sections enacted in lieu thereof, to be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

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

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

10 3. (1) All circuit courts, the director of revenue,
11 or a commissioner operating under section 478.007 shall have
12 jurisdiction to hear applications and make eligibility
13 determinations granting limited driving privileges, except
14 as provided under subdivision (8) of this subsection. Any

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

15 application may be made in writing to the director of
16 revenue and the person's **specific and necessary** reasons for
17 requesting the limited driving privilege shall be made
18 therein, **including the times, routes, and purposes of the**
19 **proposed travel necessary for obtaining the limited driving**
20 **privilege. The burden shall be on the operator to**
21 **demonstrate to the court or the department that the limited**
22 **driving privilege is essential for the reasons listed in**
23 **subdivision (2) of this subsection.**

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

- 28 (a) A business, occupation, or employment;
29 (b) Seeking medical treatment for such operator;
30 (c) Attending school or other institution of higher
31 education;
32 (d) Attending alcohol- or drug-treatment programs;
33 (e) Seeking the required services of a certified
34 ignition interlock device provider; [or]
35 (f) **Attending a place of worship;**
36 (g) **Traveling to and from essential businesses**
37 **including, but not limited to, grocery stores, supermarkets,**
38 **hardware stores, convenience and discount stores,**
39 **pharmacies, post offices and other shipping outlets, and gas**
40 **stations; or**
41 (h) Any other circumstance the court or director finds
42 would create an undue hardship on the operator,

43 the court or director may grant such limited driving
44 privilege as the circumstances of the case justify if the
45 court or director finds undue hardship would result to the

46 individual, and while so operating a motor vehicle within
47 the restrictions and limitations of the limited driving
48 privilege the driver shall not be guilty of operating a
49 motor vehicle without a valid license. **The court or**
50 **director has the authority to grant the request for limited**
51 **driving privileges under such restrictions as the court or**
52 **director deems necessary, including restrictions as to**
53 **routes, schedules, geographic limitations, or other**
54 **conditions deemed necessary to ensure the operator's safe**
55 **and limited operation of a motor vehicle. The court or**
56 **director shall retain authority to revoke or modify any**
57 **grant of a limited driving privilege upon a showing that the**
58 **continued operation of a motor vehicle by the operator would**
59 **endanger other motorists or violate any term or condition**
60 **imposed by the court or director.**

61 (3) An operator may make application to the proper
62 court in the county in which such operator resides or in the
63 county in which is located the operator's principal place of
64 business or employment. Any application for a limited
65 driving privilege made to a circuit court shall name the
66 director as a party defendant and shall be served upon the
67 director prior to the grant of any limited privilege, and
68 shall be accompanied by a copy of the applicant's driving
69 record as certified by the director. Any applicant for a
70 limited driving privilege shall have on file with the
71 department of revenue proof of financial responsibility as
72 required by chapter 303. Any application by a person who
73 transports persons or property as classified in section
74 302.015 may be accompanied by proof of financial
75 responsibility as required by chapter 303, but if proof of
76 financial responsibility does not accompany the application,
77 or if the applicant does not have on file with the

78 department of revenue proof of financial responsibility, the
79 court or the director has discretion to grant the limited
80 driving privilege to the person solely for the purpose of
81 operating a vehicle whose owner has complied with chapter
82 303 for that vehicle, and the limited driving privilege must
83 state such restriction. When operating such vehicle under
84 such restriction the person shall carry proof that the owner
85 has complied with chapter 303 for that vehicle.

86 (4) No limited driving privilege shall be issued to
87 any person otherwise eligible under the provisions of
88 subdivision (6) of this subsection if such person has a
89 license denial under paragraph (a) or (b) of subdivision (8)
90 of this subsection or on a license revocation resulting from
91 a conviction under subdivision (9) of subsection 1 of
92 section 302.302, or a license revocation under subdivision
93 (2) of subsection 2 of section 302.525, or section 302.574
94 or 577.041, until the applicant has filed proof with the
95 department of revenue that any motor vehicle operated by the
96 person is equipped with a functioning, certified ignition
97 interlock device as a required condition of limited driving
98 privilege. The ignition interlock device required for
99 obtaining a limited driving privilege under paragraph (a) or
100 (b) of subdivision (8) of this subsection shall have a photo
101 identification technology feature, and a court may require a
102 global positioning system feature for such device.

103 (5) The court order or the director's grant of the
104 limited or restricted driving privilege shall indicate the
105 termination date of the privilege, which shall be not later
106 than the end of the period of suspension or revocation. The
107 court order or the director's grant of the limited or
108 restricted driving privilege shall also indicate whether a
109 functioning, certified ignition interlock device is required

110 as a condition of operating a motor vehicle with the limited
111 driving privilege. A copy of any court order shall be sent
112 by the clerk of the court to the director, and a copy shall
113 be given to the driver which shall be carried by the driver
114 whenever such driver operates a motor vehicle. The director
115 of revenue upon granting a limited driving privilege shall
116 give a copy of the limited driving privilege to the
117 applicant. The applicant shall carry a copy of the limited
118 driving privilege while operating a motor vehicle. A
119 conviction which results in the assessment of points
120 pursuant to section 302.302, other than a violation of a
121 municipal stop sign ordinance where no accident is involved,
122 against a driver who is operating a vehicle pursuant to a
123 limited driving privilege terminates the privilege, as of
124 the date the points are assessed to the person's driving
125 record. If the date of arrest is prior to the issuance of
126 the limited driving privilege, the privilege shall not be
127 terminated. Failure of the driver to maintain proof of
128 financial responsibility, as required by chapter 303, or to
129 maintain proof of installation of a functioning, certified
130 ignition interlock device, as applicable, shall terminate
131 the privilege. The director shall notify by ordinary mail
132 the driver whose privilege is so terminated.

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

137 (a) A conviction of any felony in the commission of
138 which a motor vehicle was used and such conviction occurred
139 within the five-year period prior to the date of
140 application. However, any felony conviction for leaving the
141 scene of an accident under section 577.060 shall not render

142 the applicant ineligible for a limited driving privilege
143 under this section;

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

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

150 (7) No person who possesses a commercial driver's
151 license shall receive a limited driving privilege issued for
152 the purpose of operating a commercial motor vehicle if such
153 person's driving privilege is suspended, revoked, cancelled,
154 denied, or disqualified. Nothing in this section shall
155 prohibit the issuance of a limited driving privilege for the
156 purpose of operating a noncommercial motor vehicle provided
157 that pursuant to the provisions of this section, the
158 applicant is not otherwise ineligible for a limited driving
159 privilege.

160 (8) (a) Provided that pursuant to the provisions of
161 this section, the applicant is not otherwise ineligible for
162 a limited driving privilege, a circuit court or the director
163 may, in the manner prescribed in this subsection, allow a
164 person who has had such person's license to operate a motor
165 vehicle revoked where that person cannot obtain a new
166 license for a period of ten years, as prescribed in
167 subdivision (9) of subsection 1 of section 302.060, to apply
168 for a limited driving privilege pursuant to this
169 subsection. Such person shall present evidence satisfactory
170 to the court or the director that such person's habits and
171 conduct show that the person no longer poses a threat to the
172 public safety of this state. A circuit court shall grant a
173 limited driving privilege to any individual who otherwise is

174 eligible to receive a limited driving privilege, has filed
175 proof of installation of a certified ignition interlock
176 device, and has had no alcohol-related enforcement contacts
177 since the alcohol-related enforcement contact that resulted
178 in the person's license denial.

179 (b) Provided that pursuant to the provisions of this
180 section, the applicant is not otherwise ineligible for a
181 limited driving privilege or convicted of acting with
182 criminal negligence while driving while intoxicated to cause
183 the death of another person, a circuit court or the director
184 may, in the manner prescribed in this subsection, allow a
185 person who has had such person's license to operate a motor
186 vehicle revoked where that person cannot obtain a new
187 license for a period of five years because of two
188 convictions of driving while intoxicated, as prescribed in
189 subdivision (10) of subsection 1 of section 302.060, to
190 apply for a limited driving privilege pursuant to this
191 subsection. Such person shall present evidence satisfactory
192 to the court or the director that such person's habits and
193 conduct show that the person no longer poses a threat to the
194 public safety of this state. Any person who is denied a
195 license permanently in this state because of an alcohol-
196 related conviction subsequent to a restoration of such
197 person's driving privileges pursuant to subdivision (9) **of**
198 **subsection 1** of section 302.060 shall not be eligible for
199 limited driving privilege pursuant to the provisions of this
200 subdivision. A circuit court shall grant a limited driving
201 privilege to any individual who otherwise is eligible to
202 receive a limited driving privilege, has filed proof of
203 installation of a certified ignition interlock device, and
204 has had no alcohol-related enforcement contacts since the

205 alcohol-related enforcement contact that resulted in the
206 person's license denial.

207 (9) A DWI docket or court established under section
208 478.007 may grant a limited driving privilege to a
209 participant in or graduate of the program who would
210 otherwise be ineligible for such privilege under another
211 provision of law.

212 4. Any person who has received notice of denial of a
213 request of limited driving privilege by the director of
214 revenue may make a request for a review of the director's
215 determination in the circuit court of the county in which
216 the person resides or the county in which is located the
217 person's principal place of business or employment within
218 thirty days of the date of mailing of the notice of denial.
219 Such review shall be based upon the records of the
220 department of revenue and other competent evidence and shall
221 be limited to a review of whether the applicant was
222 statutorily entitled to the limited driving privilege.

223 5. The director of revenue shall promulgate rules and
224 regulations necessary to carry out the provisions of this
225 section. Any rule or portion of a rule, as that term is
226 defined in section 536.010, that is created under the
227 authority delegated in this section shall become effective
228 only if it complies with and is subject to all of the
229 provisions of chapter 536 and, if applicable, section
230 536.028. This section and chapter 536 are nonseverable and
231 if any of the powers vested with the general assembly
232 pursuant to chapter 536 to review, to delay the effective
233 date or to disapprove and annul a rule are subsequently held
234 unconstitutional, then the grant of rulemaking authority and
235 any rule proposed or adopted after August 28, 2001, shall be
236 invalid and void.

302.341. 1. If a Missouri resident charged with a
2 moving traffic violation of this state or any county or
3 municipality of this state fails to dispose of the charges
4 of which the resident is accused through authorized
5 prepayment of fine and court costs and fails to appear on
6 the return date or at any subsequent date to which the case
7 has been continued, or without good cause fails to pay any
8 fine or court costs assessed against the resident for any
9 such violation within the period of time specified or in
10 such installments as approved by the court or as otherwise
11 provided by law, any court having jurisdiction over the
12 charges shall within ten days of the failure to comply
13 inform the defendant by ordinary mail at the last address
14 shown on the court records that the court **[will] shall** order
15 the director of revenue to suspend the defendant's driving
16 privileges if the charges are not disposed of and fully paid
17 within thirty days from the date of mailing. Thereafter, if
18 the defendant fails to timely act to dispose of the charges
19 and fully pay any applicable fines and court costs, the
20 court shall notify the director of revenue of such failure
21 and of the pending charges against the defendant. Upon
22 receipt of this notification, the director shall suspend the
23 license of the driver, effective immediately, and provide
24 notice of the suspension to the driver at the last address
25 for the driver shown on the records of the department of
26 revenue. Such suspension shall remain in effect until the
27 court with the subject pending charge requests setting aside
28 the noncompliance suspension pending final disposition, or
29 satisfactory evidence of disposition of pending charges and
30 payment of fine and court costs, if applicable, is furnished
31 to the director by the individual. The filing of financial
32 responsibility with the **[bureau of safety responsibility,]**

33 department of revenue[,] shall not be required as a
34 condition of reinstatement of a driver's license suspended
35 solely under the provisions of this [section] subsection.

36 2. The provisions of subsection 1 of this section
37 shall not apply to minor traffic violations as defined in
38 section 479.350; however, minor traffic violations shall be
39 subject to subsection 3 of this section. Minor traffic
40 violations shall not include nonmoving violations such as,
41 but not limited to, parking, standing, or stopping
42 violations, including expired meter violations.

43 3. If a Missouri resident charged with a minor traffic
44 violation of this state or any county or municipality of
45 this state fails to dispose of the charges of which the
46 resident is accused through authorized prepayment of fine
47 and court costs and fails to appear on two return dates, or
48 without good cause fails to pay any fine or court costs
49 assessed against the resident for any such violation within
50 the period of time specified or in such installments as
51 approved by the court or as otherwise provided by law, any
52 court having jurisdiction over the charges shall, within ten
53 days of the failure to comply, inform the defendant by
54 ordinary mail at the last address shown on the court records
55 that the court may order the director of revenue to suspend
56 the defendant's driving privileges if the charges are not
57 disposed of and fully paid within thirty days from the date
58 of mailing. Thereafter, if the defendant fails to timely
59 act to dispose of the charges and fully pay any applicable
60 fines and court costs, the court may notify the director of
61 revenue of such failure and of the pending charges against
62 the defendant. Upon receipt of this notification, the
63 director shall suspend the license of the driver and provide
64 notice of the suspension at the last address for the driver

65 shown on the records of the department of revenue. The
66 director shall, thirty-three days after mailing the
67 suspension notice, suspend the driving privileges of the
68 defendant. Such suspension shall remain in effect until the
69 court with the subject pending charge requests setting aside
70 the noncompliance suspension pending final disposition, or
71 satisfactory evidence of disposition of pending charges and
72 payment of fine and court costs, if applicable, is furnished
73 to the director by the individual. The filing of financial
74 responsibility with the department of revenue shall not be
75 required as a condition of reinstatement of a driver's
76 license suspended solely under the provisions of this
77 subsection.

78 4. Subsection 3 of this section shall not be
79 retroactive.

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

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