

SECOND REGULAR SESSION

SENATE BILL NO. 948

89TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BENTLEY.

Read 1st time February 24, 1998, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

S3967.01I

AN ACT

To amend chapter 577, RSMo, by adding thereto one new section relating to motor vehicles.

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

Section A. Chapter 577, RSMo, is amended by adding thereto one new section, to be known as section 577.535, to read as follows:

577.535. 1. In addition to forfeiture proceedings pursuant to sections 513.600 to 513.645, RSMo, the governing body of any city or county may enact an ordinance which would subject to forfeiture any motor vehicle operated by a person with one or more prior convictions for an intoxication-related traffic offense, as defined in section 577.023, RSMo, who is prohibited from obtaining a license to operate a motor vehicle by the director of the department of revenue pursuant to subdivision (9) or (10) of section 302.060, RSMo, or who has the person's license to operate a motor vehicle suspended or revoked, as a result of a finding or a plea of guilty to:

(1) Any intoxication-related traffic offense as defined in section 577.023, RSMo;

or

(2) Involuntary manslaughter as a result of operating a motor vehicle while in an intoxicated condition as defined in section 565.024, RSMo.

Such forfeiture pursuant to this subsection shall only be allowed if such person operates a motor vehicle while the person's license to operate a motor vehicle is under such a suspension or revocation.

2. The ordinance allowing forfeitures pursuant to this section may also provide for the impoundment and forfeiture of a motor vehicle operated by any person who is

classified as a prior offender or persistent offender pursuant to section 577.023, RSMo, after the effective date of such ordinance, except that a judgment of forfeiture may only be rendered if there is a conviction of an intoxication-related traffic offense which causes the owner of the motor vehicle to be classified as a prior or persistent offender.

3. The ordinance allowing the forfeitures pursuant to this section may also provide for the impoundment and forfeiture of a motor vehicle operated by any person who has previously been convicted of two or more intoxication-related traffic offenses, as defined in section 577.023, RSMo, and who thereafter, pursuant to a chemical test conducted in accordance with sections 577.020 to 577.041, RSMo, is determined upon probable cause to have been driving a motor vehicle with a blood-alcohol concentration equal to or greater than the blood-alcohol percentage concentration specified in subsection 1 of section 302.520, RSMo, or any such person who, pursuant to section 577.041, RSMo, has been requested to submit to a chemical test as described pursuant to that section, and refused to submit to such test.

4. All forfeiture proceedings pursuant to this section shall be conducted in accordance with sections 513.600 to 513.645, RSMo, except the forfeiture proceeding shall be brought by the city or county attorney for the city or county which enacted such ordinance.

5. The ordinance shall also provide that any persons claiming an ownership interest in the motor vehicle subject to forfeiture shall have all the defenses to the forfeiture proceeding available to them which they may be entitled to raise pursuant to sections 513.600 to 513.645, RSMo. The ordinance shall further provide that, in the event the title documents registered with the department of revenue for the motor vehicle subject to forfeiture, at the time of the action giving rise to the forfeiture proceeding, list persons as owners or co-owners of the vehicle in addition to or other than the operator, and the nonoperator owner of the motor vehicle has not previously been the operator or the owner of, a motor vehicle which has been the subject of a forfeiture proceeding authorized by this section, the motor vehicle shall be returned to the nonoperator registered owner and all costs associated with the seizure, towing, storage and impoundment of the vehicle, and the payment of all court costs and reasonable attorney fees associated with the forfeiture proceeding shall be paid by the owners or the operator of the vehicle. To be entitled to return of the vehicle all owners shall execute a written agreement with the city or county stipulating and consenting to the seizure and forfeiture of the motor vehicle in the event such motor vehicle is subsequently operated by the same operator under circumstances which would allow the city or county to seek forfeiture of such vehicle pursuant to an ordinance authorized by this section.

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