

FIRST REGULAR SESSION

SENATE BILL NO. 19

90TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR GOODE.

Pre-filed December 1, 1998, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

S0634.011

AN ACT

To repeal sections 303.041 and 303.043, RSMo 1994, and sections 302.302, 303.024, 303.025 and 303.026, RSMo Supp. 1998, relating to financial responsibility for motor vehicles, and to enact in lieu thereof eight new sections relating to the same subject, with penalty provisions and an effective date.

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

Section A. Sections 303.041 and 303.043, RSMo 1994, and sections 302.302, 303.024, 303.025 and 303.026, RSMo Supp. 1998, are repealed and eight new sections enacted in lieu thereof, to be known as sections 302.302, 302.303, 303.024, 303.025, 303.026, 303.041, 303.043 and 303.175, to read as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 traffic ordinance 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
 - In violation of a state law 3 points
 - In violation of a county or municipal ordinance 2 points

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

(3) Leaving the scene of an accident in violation of section 577.060, RSMo	12 points
In violation of any county or municipal ordinance	6 points
(4) Careless and imprudent driving in violation of subsection 4 of section 304.016, RSMo	4 points
In violation of a county or municipal ordinance	2 points
(5) Operating without a license after suspension or revocation and prior to restoration of operating privileges which have been suspended or revoked	12 points
(6) Obtaining a license by misrepresentation	12 points
(7) For the first conviction of driving while in an intoxicated condition or under the influence of controlled substances or drugs	8 points
(8) 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 content of ten-hundredths of one percent or more by weight	12 points
(9) For the first conviction for driving with blood alcohol content ten-hundredths of one percent or more by weight	
In violation of state law	8 points
In violation of a county or municipal ordinance	8 points
(10) Any felony involving the use of a motor vehicle	12 points
(11) Knowingly permitting an unlicensed operator to operate a motor vehicle	4 points
(12) For a conviction under section 303.025, RSMo, where the court does not suspend the license	4 points

2. An additional two points shall be assessed when personal injury or property damage results from any violation listed in subsection 1 of this section and if found to be warranted and certified by the reporting court.

3. When any of the acts listed in subdivision (2), (3), (4) or (7) of subsection 1 of this section constitutes both a violation of a state law and a violation of a county or municipal ordinance, points may be assessed for either violation but not for both. Notwithstanding that an offense arising out of the same occurrence could be construed to be a violation of subdivisions (7), (8) and

(9) of subsection 1 of this section, no person shall be tried or convicted for more than one offense pursuant to subdivisions (7), (8) and (9) of subsection 1 of this section for offenses arising out of the same occurrence.

4. The director of revenue shall put into effect a system for staying the assessment of points against an operator. The system shall provide that the satisfactory completion of a driver improvement program or, in the case of violations committed while operating a motorcycle, a motorcycle rider training course approved by the director of the department of public safety, by an operator, when so ordered and verified by any court having jurisdiction over any law of this state or county or municipal ordinance, regulating motor vehicles, other than a violation committed in a commercial motor vehicle as defined in section 302.700, shall be accepted by the director in lieu of the assessment of points for a violation pursuant to subdivision (1), (2), or (4) of subsection 1 of this section or pursuant to subsection 2 of this section. For the purposes of this subsection, the driver improvement program shall meet or exceed the standards of the National Safety Council's eight-hour "Defensive Driving Course" or, in the case of a violation which occurred during the operation of a motorcycle, the program shall meet the standards established by the director of the department of public safety pursuant to sections 302.133 to 302.138. The completion of a driver improvement program or a motorcycle rider training course shall not be accepted in lieu of points more than one time in any thirty-six-month period and shall be completed within sixty days of the date of conviction in order to be accepted in lieu of the assessment of points. Every court having jurisdiction pursuant to the provisions of this subsection shall, within fifteen days after completion of the driver improvement program or motorcycle rider training course by an operator, forward a record of the completion to the director, all other provisions of the law to the contrary notwithstanding. The director shall establish procedures for record keeping and the administration of this subsection.

302.303. 1. Whenever a court convicts a person of a violation of section 303.025, RSMo, or enters an order placing on supervision the person charged with the violation, the clerk of the court shall within ten days forward a report of the conviction or order or supervision to the director of revenue in a form prescribed by the department of revenue. In any case where the person charged with the violation fails to appear in court, the procedures provided in section 302.341, RSMo, shall apply.

2. The department of revenue shall keep records of such reports. However, reports of orders of supervision shall not be released to any outside source, except the affected driver and law enforcement agencies, and shall be used only to inform the director and the courts that such driver has previously been assigned court supervision.

303.024. 1. Each insurer issuing motor vehicle liability policies in this state, or an agent of the insurer, shall furnish an insurance identification card to the named insured for each motor

vehicle insured by a motor vehicle liability policy that complies with the requirements of sections 303.010 to 303.050, 303.060, 303.140, 303.220, 303.290, 303.330 and 303.370.

2. The insurance identification card shall include all of the following information:

- (1) The name and address of the insurer;
- (2) The name of the named insured;
- (3) The policy number;
- (4) The effective dates of the policy, including month, day and year;
- (5) A description of the insured motor vehicle, including year and make or at least five digits of the vehicle identification number or the word "Fleet" if the insurance policy covers five or more motor vehicles; and

(6) The statement "THIS CARD MUST BE CARRIED IN THE INSURED MOTOR VEHICLE FOR PRODUCTION UPON DEMAND" prominently displayed on the card.

3. A new insurance identification card shall be issued when the insured motor vehicle is changed, when an additional motor vehicle is insured, and when a new policy number is assigned. A replacement insurance identification card shall be issued at the request of the insured in the event of loss of the original insurance identification card.

4. The director shall furnish each self-insurer, as provided for in section 303.220, an insurance identification card for each motor vehicle so insured. The insurance identification card shall include all of the following information:

- (1) Name of the self-insurer;
- (2) The word "self-insured"; and
- (3) The statement "THIS CARD MUST BE CARRIED IN THE SELF-INSURED MOTOR VEHICLE FOR PRODUCTION UPON DEMAND" prominently displayed on the card.

5. An insurance identification card shall be carried in the insured motor vehicle at all times. The operator of an insured motor vehicle shall exhibit the insurance identification card on the demand of any peace officer, commercial vehicle enforcement officer or commercial vehicle inspector who lawfully stops such operator or investigates an accident while that officer or inspector is engaged in the performance of the officer's or inspector's duties. If the operator fails to exhibit an insurance identification card, the officer or inspector shall [notify the director of revenue, in the manner determined by the director, and the officer or inspector may] issue a citation to the operator [pursuant to subsection 6 of this section] **for a violation of section 303.025**. A motor vehicle liability insurance policy, a motor vehicle liability insurance binder, or receipt which contains the policy information required in subsection 2 of this section, shall be satisfactory evidence of insurance in lieu of an insurance identification card.

[6. Any person failing to exhibit an insurance identification card or other satisfactory evidence of insurance in lieu of such card upon the demand of any peace officer, commercial vehicle enforcement officer or commercial vehicle inspector pursuant to this section is guilty of a

class C misdemeanor. However, no person shall be found guilty of violating this section if the operator demonstrates to the court that he or she met the financial responsibility requirements of section 303.025 at the time the peace officer, commercial vehicle enforcement officer or commercial vehicle inspector wrote the citation.]

303.025. 1. No owner of a motor vehicle registered in this state, or required to be registered in this state, shall operate the vehicle, or authorize any other person to operate the vehicle, unless the owner maintains the financial responsibility as required in this section. Furthermore, no person shall operate a motor vehicle owned by another with the knowledge that the owner has not maintained financial responsibility unless such person has financial responsibility which covers the person's operation of the other's vehicle. [Any person who violates this section is guilty of a class C misdemeanor.]

2. A motor vehicle owner shall maintain the owner's financial responsibility in a manner provided for in section 303.160, or with a motor vehicle liability policy which conforms to the requirements of the laws of this state.

3. Any person who violates this section is guilty of a class C misdemeanor. In addition to any other authorized punishment, the court shall notify the director of revenue of any person convicted under this section and shall do one of the following:

(1) Suspend the operator's license or the driving privilege for the period of time provided in section 303.042. The court shall secure the license of the driver and remit the license to the director of revenue, and no points shall be assessed against the license;

(2) Assess four points against the license in accordance with section 302.302, RSMo; or

(3) Render an order of supervision as provided in section 302.303.

[3.] 4. Nothing in sections 303.010 to 303.050, 303.060, 303.140, 303.220, 303.290, 303.330 and 303.370 shall be construed as prohibiting the department of insurance from approving or authorizing those exclusions and limitations which are contained in automobile liability insurance policies and the uninsured motorist provisions of automobile liability insurance policies.

303.026. 1. The director shall inform each owner who registers a motor vehicle of the following:

(1) The existence of the requirement that every motor vehicle owner in the state must maintain his financial responsibility;

(2) The requirement that every motor vehicle owner show an insurance identification card, or a copy thereof, or other proof of financial responsibility at the time of vehicle registration; this notice shall be given at least thirty days prior to the month for renewal and shall be shown in bold, colored print;

(3) The penalties which apply to violations of the requirement to maintain financial

responsibility;

(4) The benefits of maintaining coverages in excess of those which are required[;

(5) The director's authority to conduct samples of Missouri motor vehicle owners to insure compliance].

2. No motor vehicle owner shall be issued registration for a vehicle unless the owner, or his authorized agent, signs an affidavit provided by the director of revenue at the time of registration of the vehicle certifying that such owner has and will maintain, during the period of registration, financial responsibility with respect to each motor vehicle that is owned, licensed or operated on the streets or highways. The affidavit need not be notarized, but it shall be acknowledged by the person processing the form. The affidavit shall state clearly and in bold print the following: "Any false affidavit is a crime under section 575.050 of Missouri law." In addition, every motor vehicle owner shall show proof of such financial responsibility by presenting his or her insurance identification card, as described in section 303.024, or a copy thereof, or some other proof of financial responsibility in the form prescribed by the director of revenue at the time of registration unless such owner registers his vehicle in conjunction with a reciprocity agreement entered into by the Missouri highway reciprocity commission pursuant to sections 301.271 to 301.279, RSMo, or unless the owner insures the vehicle according to the requirements of the division of motor carrier and railroad safety pursuant to section 390.126, RSMo.

3. The director shall annually select for financial responsibility verification, a sample of the motor vehicle registrations or licenses which is statistically significant to determine the number of insured motorists in the state of Missouri, or to insure compliance. The director may utilize a variety of sampling techniques including but not limited to the processing of uniform traffic tickets, point system warning letters, [and] random surveys of motor vehicle registrations, **and court ordered supervision**. The director of revenue may verify the financial responsibility of any person reported under section 303.040.

4. Upon determination that the information provided by the owner or authorized agent is inaccurate, the director shall notify the owner of the need to provide, within thirty days, information establishing the existence of the required financial responsibility as of the date of such notice. Failure to provide such information shall result in the suspension of all registrations of the owner's motor vehicles failing to meet such requirements, as is provided in section 303.041.

303.041. [1.] If the director determines that the operator or owner of a motor vehicle has not maintained the financial responsibility required in section 303.025 as a result of a financial responsibility verification sample as provided for in section 303.026, or as a result of an accident report as required by section 303.040, or either, the director shall thirty-three days after mailing notice to the owner or operator suspend the license of the owner or operator, or both, and all registrations of the owner's motor vehicles failing to meet such requirement. The notice of suspension shall be mailed to the person at the last known address shown on the department's

records, and to the address provided by the accident report if that address differs from the address of record. The notice is deemed received three days after mailing. The notice of suspension shall clearly specify the reason and statutory grounds for the suspension and the effective date of the suspension, the right of the person to request a hearing, the procedure for requesting a hearing, and the date by which that request for a hearing must be made.

[2. If any person shall neglect or refuse to surrender his license or registration within fifteen days of the suspension or revocation date, a fee of twenty-five dollars shall be assessed for each month or portion thereof that the license or registration is not surrendered, not to exceed three hundred dollars.]

303.043. Whenever a suspension is imposed under section 303.041, the following reinstatement fees shall be paid prior to the end of the period of suspension provided in subsection 2 of section 303.042, and in the event such reinstatement fees are not paid the period of suspension shall be extended until such fees have been paid:

(1) If the person's driving record shows no prior failure to maintain the required financial responsibility as provided for in section 303.025, the reinstatement fee shall be [two hundred] **twenty** dollars;

(2) If the person's driving record shows one prior suspension for failure to maintain the required financial responsibility as provided for in section 303.025, the reinstatement fee shall be [four] **two** hundred dollars;

(3) If the person's driving record shows two or more prior suspensions for failure to maintain the required financial responsibility as provided for in section 303.025, the reinstatement fee shall be [eight] **four** hundred dollars.

303.175. Every motor vehicle liability policy issued to meet the requirements of this chapter shall have a minimum term of three months. Each policy payment collected by the insurer shall cover a period of at least one month. This section shall not be construed to interfere with the cancellation and renewal provisions of section 379.110, RSMo.

Section B. The provisions of this act shall become effective on January 1, 2000.

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