

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
CONFERENCE COMMITTEE SUBSTITUTE NO. 2 FOR
HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 254

98TH GENERAL ASSEMBLY

2015

1424S.06T

AN ACT

To repeal sections 301.130, 301.142, 301.196, 301.3097, 302.010, 302.525, 302.574, 478.007, 577.013, and 577.014, RSMo, section 302.060 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 302.304 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 302.309 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 577.001 as enacted by house bill no. 1371, ninety-seventh general assembly, second regular session, section 577.010 as enacted by house bill no. 1371, ninety-seventh general assembly, second regular session, and section 577.012 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, and to enact in lieu thereof seventeen new sections relating to motor vehicles, with an effective date for certain sections and penalty provisions.

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

Section A. Sections 301.130, 301.142, 301.196, 301.3097, 302.010, 302.525,
2 302.574, 478.007, 577.013, and 577.014, RSMo, section 302.060 as enacted by
3 senate bill no. 491, ninety-seventh general assembly, second regular session,
4 section 302.304 as enacted by senate bill no. 491, ninety-seventh general
5 assembly, second regular session, section 302.309 as enacted by senate bill no.
6 491, ninety-seventh general assembly, second regular session, section 577.001 as
7 enacted by house bill no. 1371, ninety-seventh general assembly, second regular
8 session, section 577.010 as enacted by house bill no. 1371, ninety-seventh general
9 assembly, second regular session, and section 577.012 as enacted by senate bill

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

10 no. 491, ninety-seventh general assembly, second regular session, are repealed
11 and seventeen new sections enacted in lieu thereof, to be known as sections
12 301.130, 301.142, 301.196, 301.474, 301.3097, 302.010, 302.060, 302.304, 302.309,
13 302.525, 302.574, 478.007, 577.001, 577.010, 577.012, 577.013, and 577.014, to
14 read as follows:

301.130. 1. The director of revenue, upon receipt of a proper application
2 for registration, required fees and any other information which may be required
3 by law, shall issue to the applicant a certificate of registration in such manner
4 and form as the director of revenue may prescribe and a set of license plates, or
5 other evidence of registration, as provided by this section. Each set of license
6 plates shall bear the name or abbreviated name of this state, the words "SHOW-
7 ME STATE", the month and year in which the registration shall expire, and an
8 arrangement of numbers or letters, or both, as shall be assigned from year to year
9 by the director of revenue. The plates shall also contain fully reflective material
10 with a common color scheme and design for each type of license plate issued
11 pursuant to this chapter. The plates shall be clearly visible at night, and shall
12 be aesthetically attractive. Special plates for qualified disabled veterans will
13 have the "DISABLED VETERAN" wording on the license plates in preference to
14 the words "SHOW-ME STATE" and special plates for members of the National
15 Guard will have the "NATIONAL GUARD" wording in preference to the words
16 "SHOW-ME STATE".

17 2. The arrangement of letters and numbers of license plates shall be
18 uniform throughout each classification of registration. The director may provide
19 for the arrangement of the numbers in groups or otherwise, and for other
20 distinguishing marks on the plates.

21 3. All property-carrying commercial motor vehicles to be registered at a
22 gross weight in excess of twelve thousand pounds, all passenger-carrying
23 commercial motor vehicles, local transit buses, school buses, trailers, semitrailers,
24 motorcycles, motortricycles, motorscooters and driveaway vehicles shall be
25 registered with the director of revenue as provided for in subsection 3 of section
26 301.030, or with the state highways and transportation commission as otherwise
27 provided in this chapter, but only one license plate shall be issued for each such
28 vehicle, except as provided in this subsection. The applicant for registration of
29 any property-carrying commercial vehicle registered at a gross weight in excess
30 of twelve thousand pounds may request and be issued two license plates for such
31 vehicle, and if such plates are issued, the director of revenue shall provide for

32 distinguishing marks on the plates indicating one plate is for the front and the
33 other is for the rear of such vehicle. The director may assess and collect an
34 additional charge from the applicant in an amount not to exceed the fee
35 prescribed for personalized license plates in subsection 1 of section 301.144.

36 4. The plates issued to manufacturers and dealers shall bear the letters
37 and numbers as prescribed by section 301.560, and the director may place upon
38 the plates other letters or marks to distinguish commercial motor vehicles and
39 trailers and other types of motor vehicles.

40 5. No motor vehicle or trailer shall be operated on any highway of this
41 state unless it shall have displayed thereon the license plate or set of license
42 plates issued by the director of revenue or the state highways and transportation
43 commission and authorized by section 301.140. Each such plate shall be securely
44 fastened to the motor vehicle or trailer in a manner so that all parts thereof shall
45 be plainly visible and reasonably clean so that the reflective qualities thereof are
46 not impaired. Each such plate may be encased in a transparent cover so long as
47 the plate is plainly visible and its reflective qualities are not impaired. License
48 plates shall be fastened to all motor vehicles except trucks, tractors, truck
49 tractors or truck-tractors licensed in excess of twelve thousand pounds on the
50 front and rear of such vehicles not less than eight nor more than forty-eight
51 inches above the ground, with the letters and numbers thereon right side up. The
52 license plates on trailers, motorcycles, motortricycles and motorscooters shall be
53 displayed on the rear of such vehicles **either horizontally or vertically**, with
54 the letters and numbers [thereon right side up] **plainly visible**. The license
55 plate on buses, other than school buses, and on trucks, tractors, truck tractors or
56 truck-tractors licensed in excess of twelve thousand pounds shall be displayed on
57 the front of such vehicles not less than eight nor more than forty-eight inches
58 above the ground, with the letters and numbers thereon right side up or if two
59 plates are issued for the vehicle pursuant to subsection 3 of this section,
60 displayed in the same manner on the front and rear of such vehicles. The license
61 plate or plates authorized by section 301.140, when properly attached, shall be
62 prima facie evidence that the required fees have been paid.

63 6. (1) The director of revenue shall issue annually or biennially a tab or
64 set of tabs as provided by law as evidence of the annual payment of registration
65 fees and the current registration of a vehicle in lieu of the set of
66 plates. Beginning January 1, 2010, the director may prescribe any additional
67 information recorded on the tab or tabs to ensure that the tab or tabs positively

68 correlate with the license plate or plates issued by the department of revenue for
69 such vehicle. Such tabs shall be produced in each license bureau office.

70 (2) The vehicle owner to whom a tab or set of tabs is issued shall affix and
71 display such tab or tabs in the designated area of the license plate, no more than
72 one per plate.

73 (3) A tab or set of tabs issued by the director of revenue when attached
74 to a vehicle in the prescribed manner shall be prima facie evidence that the
75 registration fee for such vehicle has been paid.

76 (4) Except as otherwise provided in this section, the director of revenue
77 shall issue plates for a period of at least six years.

78 (5) For those commercial motor vehicles and trailers registered pursuant
79 to section 301.041, the plate issued by the highways and transportation
80 commission shall be a permanent nonexpiring license plate for which no tabs
81 shall be issued. Nothing in this section shall relieve the owner of any vehicle
82 permanently registered pursuant to this section from the obligation to pay the
83 annual registration fee due for the vehicle. The permanent nonexpiring license
84 plate shall be returned to the highways and transportation commission upon the
85 sale or disposal of the vehicle by the owner to whom the permanent nonexpiring
86 license plate is issued, or the plate may be transferred to a replacement
87 commercial motor vehicle when the owner files a supplemental application with
88 the Missouri highways and transportation commission for the registration of such
89 replacement commercial motor vehicle. Upon payment of the annual registration
90 fee, the highways and transportation commission shall issue a certificate of
91 registration or other suitable evidence of payment of the annual fee, and such
92 evidence of payment shall be carried at all times in the vehicle for which it is
93 issued.

94 (6) Upon the sale or disposal of any vehicle permanently registered under
95 this section, or upon the termination of a lease of any such vehicle, the permanent
96 nonexpiring plate issued for such vehicle shall be returned to the highways and
97 transportation commission and shall not be valid for operation of such vehicle, or
98 the plate may be transferred to a replacement vehicle when the owner files a
99 supplemental application with the Missouri highways and transportation
100 commission for the registration of such replacement vehicle. If a vehicle which
101 is permanently registered under this section is sold, wrecked or otherwise
102 disposed of, or the lease terminated, the registrant shall be given credit for any
103 unused portion of the annual registration fee when the vehicle is replaced by the

104 purchase or lease of another vehicle during the registration year.

105 7. The director of revenue and the highways and transportation
106 commission may prescribe rules and regulations for the effective administration
107 of this section. No rule or portion of a rule promulgated under the authority of
108 this section shall become effective unless it has been promulgated pursuant to the
109 provisions of section 536.024.

110 8. Notwithstanding the provisions of any other law to the contrary, owners
111 of motor vehicles other than apportioned motor vehicles or commercial motor
112 vehicles licensed in excess of eighteen thousand pounds gross weight may apply
113 for special personalized license plates. Vehicles licensed for eighteen thousand
114 pounds that display special personalized license plates shall be subject to the
115 provisions of subsections 1 and 2 of section 301.030.

116 9. No later than January 1, 2009, the director of revenue shall commence
117 the reissuance of new license plates of such design as directed by the director
118 consistent with the terms, conditions, and provisions of this section and this
119 chapter. Except as otherwise provided in this section, in addition to all other fees
120 required by law, applicants for registration of vehicles with license plates that
121 expire during the period of reissuance, applicants for registration of trailers or
122 semitrailers with license plates that expire during the period of reissuance and
123 applicants for registration of vehicles that are to be issued new license plates
124 during the period of reissuance shall pay the cost of the plates required by this
125 subsection. The additional cost prescribed in this subsection shall not be charged
126 to persons receiving special license plates issued under section 301.073 or
127 301.443. Historic motor vehicle license plates registered pursuant to section
128 301.131 and specialized license plates are exempt from the provisions of this
129 subsection. Except for new, replacement, and transfer applications, permanent
130 nonexpiring license plates issued to commercial motor vehicles and trailers
131 registered under section 301.041 are exempt from the provisions of this
132 subsection.

301.142. 1. As used in sections 301.141 to 301.143, the following terms
2 mean:

- 3 (1) "Department", the department of revenue;
- 4 (2) "Director", the director of the department of revenue;
- 5 (3) "Other authorized health care practitioner" includes advanced practice
6 registered nurses licensed pursuant to chapter 335, physician assistants licensed
7 pursuant to chapter 334, chiropractors licensed pursuant to chapter 331,

8 podiatrists licensed pursuant to chapter 330, **assistant physicians, physical**
9 **therapists licensed pursuant to chapter 334**, and optometrists licensed
10 pursuant to chapter 336;

11 (4) "Physically disabled", a natural person who is blind, as defined in
12 section 8.700, or a natural person with medical disabilities which prohibits,
13 limits, or severely impairs one's ability to ambulate or walk, as determined by a
14 licensed physician or other authorized health care practitioner as follows:

15 (a) The person cannot ambulate or walk fifty or less feet without stopping
16 to rest due to a severe and disabling arthritic, neurological, orthopedic condition,
17 or other severe and disabling condition; or

18 (b) The person cannot ambulate or walk without the use of, or assistance
19 from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other
20 assistive device; or

21 (c) Is restricted by a respiratory or other disease to such an extent that
22 the person's forced respiratory expiratory volume for one second, when measured
23 by spirometry, is less than one liter, or the arterial oxygen tension is less than
24 sixty mm/hg on room air at rest; or

25 (d) Uses portable oxygen; or

26 (e) Has a cardiac condition to the extent that the person's functional
27 limitations are classified in severity as class III or class IV according to standards
28 set by the American Heart Association; or

29 (f) A person's age, in and of itself, shall not be a factor in determining
30 whether such person is physically disabled or is otherwise entitled to disabled
31 license plates and/or disabled windshield hanging placards within the meaning
32 of sections 301.141 to 301.143;

33 (5) "Physician", a person licensed to practice medicine pursuant to chapter
34 334;

35 (6) "Physician's statement", a statement personally signed by a duly
36 authorized person which certifies that a person is disabled as defined in this
37 section;

38 (7) "Temporarily disabled person", a disabled person as defined in this
39 section whose disability or incapacity is expected to last no more than one
40 hundred eighty days;

41 (8) "Temporary windshield placard", a placard to be issued to persons who
42 are temporarily disabled persons as defined in this section, certification of which
43 shall be indicated on the physician's statement;

44 (9) "Windshield placard", a placard to be issued to persons who are
45 physically disabled as defined in this section, certification of which shall be
46 indicated on the physician's statement.

47 2. Other authorized health care practitioners may furnish to a disabled
48 or temporarily disabled person a physician's statement for only those physical
49 health care conditions for which such health care practitioner is legally
50 authorized to diagnose and treat.

51 3. A physician's statement shall:

52 (1) Be on a form prescribed by the director of revenue;

53 (2) Set forth the specific diagnosis and medical condition which renders
54 the person physically disabled or temporarily disabled as defined in this section;

55 (3) Include the physician's or other authorized health care practitioner's
56 license number; and

57 (4) Be personally signed by the issuing physician or other authorized
58 health care practitioner.

59 4. If it is the professional opinion of the physician or other authorized
60 health care practitioner issuing the statement that the physical disability of the
61 applicant, user, or member of the applicant's household is permanent, it shall be
62 noted on the statement. Otherwise, the physician or other authorized health care
63 practitioner shall note on the statement the anticipated length of the disability
64 which period may not exceed one hundred eighty days. If the physician or health
65 care practitioner fails to record an expiration date on the physician's statement,
66 the director shall issue a temporary windshield placard for a period of thirty
67 days.

68 5. A physician or other authorized health care practitioner who issues or
69 signs a physician's statement so that disabled plates or a disabled windshield
70 placard may be obtained shall maintain in such disabled person's medical chart
71 documentation that such a certificate has been issued, the date the statement was
72 signed, the diagnosis or condition which existed that qualified the person as
73 disabled pursuant to this section and shall contain sufficient documentation so
74 as to objectively confirm that such condition exists.

75 6. The medical or other records of the physician or other authorized
76 health care practitioner who issued a physician's statement shall be open to
77 inspection and review by such practitioner's licensing board, in order to verify
78 compliance with this section. Information contained within such records shall be
79 confidential unless required for prosecution, disciplinary purposes, or otherwise

80 required to be disclosed by law.

81 7. Owners of motor vehicles who are residents of the state of Missouri,
82 and who are physically disabled, owners of motor vehicles operated at least fifty
83 percent of the time by a physically disabled person, or owners of motor vehicles
84 used to primarily transport physically disabled members of the owner's household
85 may obtain disabled person license plates. Such owners, upon application,
86 accompanied by the documents and fees provided for in this section, a current
87 physician's statement which has been issued within ninety days preceding the
88 date the application is made and proof of compliance with the state motor vehicle
89 laws relating to registration and licensing of motor vehicles, shall be issued motor
90 vehicle license plates for vehicles, other than commercial vehicles with a gross
91 weight in excess of twenty-four thousand pounds, upon which shall be inscribed
92 the international wheelchair accessibility symbol and the word "DISABLED" in
93 addition to a combination of letters and numbers. Such license plates shall be
94 made with fully reflective material with a common color scheme and design, shall
95 be clearly visible at night, and shall be aesthetically attractive, as prescribed by
96 section 301.130.

97 8. The director shall further issue, upon request, to such applicant one,
98 and for good cause shown, as the director may define by rule and regulations, not
99 more than two, removable disabled windshield hanging placards for use when the
100 disabled person is occupying a vehicle or when a vehicle not bearing the
101 permanent handicap plate is being used to pick up, deliver, or collect the
102 physically disabled person issued the disabled motor vehicle license plate or
103 disabled windshield hanging placard.

104 9. No additional fee shall be paid to the director for the issuance of the
105 special license plates provided in this section, except for special personalized
106 license plates and other license plates described in this subsection. Priority for
107 any specific set of special license plates shall be given to the applicant who
108 received the number in the immediately preceding license period subject to the
109 applicant's compliance with the provisions of this section and any applicable rules
110 or regulations issued by the director. If determined feasible by the advisory
111 committee established in section 301.129, any special license plate issued
112 pursuant to this section may be adapted to also include the international
113 wheelchair accessibility symbol and the word "DISABLED" as prescribed in this
114 section and such plate may be issued to any applicant who meets the
115 requirements of this section and the other appropriate provision of this chapter,

116 subject to the requirements and fees of the appropriate provision of this chapter.

117 10. Any physically disabled person, or the parent or guardian of any such
118 person, or any not-for-profit group, organization, or other entity which transports
119 more than one physically disabled person, may apply to the director of revenue
120 for a removable windshield placard. The placard may be used in motor vehicles
121 which do not bear the permanent handicap symbol on the license plate. Such
122 placards must be hung from the front, middle rearview mirror of a parked motor
123 vehicle and may not be hung from the mirror during operation. These placards
124 may only be used during the period of time when the vehicle is being used by a
125 disabled person, or when the vehicle is being used to pick up, deliver, or collect
126 a disabled person. When there is no rearview mirror, the placard shall be
127 displayed on the dashboard on the driver's side.

128 11. The removable windshield placard shall conform to the specifications,
129 in respect to size, color, and content, as set forth in federal regulations published
130 by the Department of Transportation. The removable windshield placard shall
131 be renewed every four years. The director may stagger the expiration dates to
132 equalize workload. Only one removable placard may be issued to an applicant
133 who has been issued disabled person license plates. Upon request, one additional
134 windshield placard may be issued to an applicant who has not been issued
135 disabled person license plates.

136 12. A temporary windshield placard shall be issued to any physically
137 disabled person, or the parent or guardian of any such person who otherwise
138 qualifies except that the physical disability, in the opinion of the physician, is not
139 expected to exceed a period of one hundred eighty days. The temporary
140 windshield placard shall conform to the specifications, in respect to size, color,
141 and content, as set forth in federal regulations published by the Department of
142 Transportation. The fee for the temporary windshield placard shall be two
143 dollars. Upon request, and for good cause shown, one additional temporary
144 windshield placard may be issued to an applicant. Temporary windshield
145 placards shall be issued upon presentation of the physician's statement provided
146 by this section and shall be displayed in the same manner as removable
147 windshield placards. A person or entity shall be qualified to possess and display
148 a temporary removable windshield placard for six months and the placard may
149 be renewed once for an additional six months if a physician's statement pursuant
150 to this section is supplied to the director of revenue at the time of renewal.

151 13. Application for license plates or windshield placards issued pursuant

152 to this section shall be made to the director of revenue and shall be accompanied
153 by a statement signed by a licensed physician or other authorized health care
154 practitioner which certifies that the applicant, user, or member of the applicant's
155 household is a physically disabled person as defined by this section.

156 14. The placard shall be renewable only by the person or entity to which
157 the placard was originally issued. Any placard issued pursuant to this section
158 shall only be used when the physically disabled occupant for whom the disabled
159 plate or placard was issued is in the motor vehicle at the time of parking or when
160 a physically disabled person is being delivered or collected. A disabled license
161 plate and/or a removable windshield hanging placard are not transferable and
162 may not be used by any other person whether disabled or not.

163 15. At the time the disabled plates or windshield hanging placards are
164 issued, the director shall issue a registration certificate which shall include the
165 applicant's name, address, and other identifying information as prescribed by the
166 director, or if issued to an agency, such agency's name and address. This
167 certificate shall further contain the disabled license plate number or, for
168 windshield hanging placards, the registration or identifying number stamped on
169 the placard. The validated registration receipt given to the applicant shall serve
170 as the registration certificate.

171 16. The director shall, upon issuing any disabled registration certificate
172 for license plates and/or windshield hanging placards, provide information which
173 explains that such plates or windshield hanging placards are nontransferable,
174 and the restrictions explaining who and when a person or vehicle which bears or
175 has the disabled plates or windshield hanging placards may be used or be parked
176 in a disabled reserved parking space, and the penalties prescribed for violations
177 of the provisions of this act.

178 17. Every new applicant for a disabled license plate or placard shall be
179 required to present a new physician's statement dated no more than ninety days
180 prior to such application. Renewal applicants will be required to submit a
181 physician's statement dated no more than ninety days prior to such application
182 upon their first renewal occurring on or after August 1, 2005. Upon completing
183 subsequent renewal applications, a physician's statement dated no more than
184 ninety days prior to such application shall be required every fourth year. Such
185 physician's statement shall state the expiration date for the temporary windshield
186 placard. If the physician fails to record an expiration date on the physician's
187 statement, the director shall issue the temporary windshield placard for a period

188 of thirty days. The director may stagger the requirement of a physician's
189 statement on all renewals for the initial implementation of a four-year period.

190 18. The director of revenue upon receiving a physician's statement
191 pursuant to this subsection shall check with the state board of registration for the
192 healing arts created in section 334.120, or the Missouri state board of nursing
193 established in section 335.021, with respect to physician's statements signed by
194 advanced practice registered nurses, or the Missouri state board of chiropractic
195 examiners established in section 331.090, with respect to physician's statements
196 signed by licensed chiropractors, or with the board of optometry established in
197 section 336.130, with respect to physician's statements signed by licensed
198 optometrists, or the state board of podiatric medicine created in section 330.100,
199 with respect to physician's statements signed by physicians of the foot or
200 podiatrists to determine whether the physician is duly licensed and registered
201 pursuant to law. If such applicant obtaining a disabled license plate or placard
202 presents proof of disability in the form of a statement from the United States
203 Veterans' Administration verifying that the person is permanently disabled, the
204 applicant shall be exempt from the four-year certification requirement of this
205 subsection for renewal of the plate or placard. Initial applications shall be
206 accompanied by the physician's statement required by this
207 section. Notwithstanding the provisions of paragraph (f) of subdivision (4) of
208 subsection 1 of this section, any person seventy-five years of age or older who
209 provided the physician's statement with the original application shall not be
210 required to provide a physician's statement for the purpose of renewal of disabled
211 persons license plates or windshield placards.

212 19. The boards shall cooperate with the director and shall supply
213 information requested pursuant to this subsection. The director shall, in
214 cooperation with the boards which shall assist the director, establish a list of all
215 Missouri physicians and other authorized health care practitioners and of any
216 other information necessary to administer this section.

217 20. Where the owner's application is based on the fact that the vehicle is
218 used at least fifty percent of the time by a physically disabled person, the
219 applicant shall submit a statement stating this fact, in addition to the physician's
220 statement. The statement shall be signed by both the owner of the vehicle and
221 the physically disabled person. The applicant shall be required to submit this
222 statement with each application for license plates. No person shall willingly or
223 knowingly submit a false statement and any such false statement shall be

224 considered perjury and may be punishable pursuant to section 301.420.

225 21. The director of revenue shall retain all physicians' statements and all
226 other documents received in connection with a person's application for disabled
227 license plates and/or disabled windshield placards.

228 22. The director of revenue shall enter into reciprocity agreements with
229 other states or the federal government for the purpose of recognizing disabled
230 person license plates or windshield placards issued to physically disabled persons.

231 23. When a person to whom disabled person license plates or a removable
232 or temporary windshield placard or both have been issued dies, the personal
233 representative of the decedent or such other person who may come into or
234 otherwise take possession of the disabled license plates or disabled windshield
235 placard shall return the same to the director of revenue under penalty of
236 law. Failure to return such plates or placards shall constitute a class B
237 misdemeanor.

238 24. The director of revenue may order any person issued disabled person
239 license plates or windshield placards to submit to an examination by a
240 chiropractor, osteopath, or physician, or to such other investigation as will
241 determine whether such person qualifies for the special plates or placards.

242 25. If such person refuses to submit or is found to no longer qualify for
243 special plates or placards provided for in this section, the director of revenue
244 shall collect the special plates or placards, and shall furnish license plates to
245 replace the ones collected as provided by this chapter.

246 26. In the event a removable or temporary windshield placard is lost,
247 stolen, or mutilated, the lawful holder thereof shall, within five days, file with the
248 director of revenue an application and an affidavit stating such fact, in order to
249 purchase a new placard. The fee for the replacement windshield placard shall be
250 four dollars.

251 27. Fraudulent application, renewal, issuance, procurement or use of
252 disabled person license plates or windshield placards shall be a class A
253 misdemeanor. It is a class B misdemeanor for a physician, chiropractor,
254 podiatrist or optometrist to certify that an individual or family member is
255 qualified for a license plate or windshield placard based on a disability, the
256 diagnosis of which is outside their scope of practice or if there is no basis for the
257 diagnosis.

 301.196. 1. Beginning January 1, 2006, except as otherwise provided in
2 this section, the transferor of an interest in a motor vehicle or trailer listed on the

3 face of a Missouri title, excluding salvage titles and junking certificates, shall
4 notify the department of revenue of the transfer within thirty days of the date of
5 transfer. The notice shall be in a form determined by the department by rule and
6 shall contain:

7 (1) **The name of the transferor;**

8 (2) A description of the motor vehicle or trailer sufficient to identify it;

9 [(2)] (3) The vehicle identification number of the motor vehicle or trailer;

10 [(3)] (4) The name and address of the transferee;

11 [(4)] (5) The date of birth of the transferee, unless the transferee is not
12 a natural person;

13 [(5)] (6) The date of the transfer or sale;

14 [(6)] (7) The purchase price of the motor vehicle or trailer, if applicable;

15 [(7)] (8) The number of the transferee's drivers license, unless the
16 transferee does not have a drivers license;

17 [(8) The printed name and signature] (9) **The transferor's electronic**
18 **signature if transmitted electronically or the signatures** of the transferee
19 **and transferor if not submitted electronically. For the purposes of this**
20 **section, "transmitted electronically" shall have the same meaning as an**
21 **electronic signature as defined in section 432.205;**

22 [(9)] (10) Any other information required by the department by rule.

23 2. **A notice of sale substantially complying with the requirements**
24 **of this section is effective even though it contains minor errors which**
25 **are not materially misleading.**

26 3. For purposes of giving notice under this section, if the transfer occurs
27 by operation of law, the personal representative, receiver, trustee, sheriff, or other
28 representative or successor in interest of the person whose interest is transferred
29 shall be considered the transferor. Repossession by a creditor shall not be
30 considered a transfer of ownership requiring such notice.

31 [3.] 4. The requirements of this section shall not apply to transfers when
32 there is no complete change of ownership interest or upon award of ownership of
33 a motor vehicle or trailer made by court order, or transfers of ownership of a
34 motor vehicle or trailer to or between vehicle dealers, or transfers of ownership
35 of a motor vehicle or trailer to an insurance company due to a theft or casualty
36 loss, or transfers of beneficial ownership of a motor vehicle owned by a trust.

37 [4.] 5. Notification under this section is only required for transfers of
38 ownership that would otherwise require registration and an application for

39 certificate of title in this state under section 301.190, and is for informational
40 purposes only and does not constitute an assignment or release of any interest in
41 the vehicle.

42 [5.] **6.** Retail sales made by licensed dealers including sales of new
43 vehicles shall be reported pursuant to the provisions of section 301.280.

**301.474. 1. Any person who has been awarded the military
2 service award known as the "Korea Defense Service Medal" may apply
3 for special motor vehicle license plates for any motor vehicle such
4 person owns, either solely or jointly, other than an apportioned motor
5 vehicle or a commercial motor vehicle licensed in excess of eighteen
6 thousand pounds gross weight.**

7 **2. Any such person shall make application for the special license
8 plates on a form provided by the director of revenue and furnish such
9 proof as a recipient of the Korea Defense Service Medal as the director
10 may require.**

11 **3. Upon presentation of such proof of eligibility, payment of a
12 fifteen dollar fee in addition to the regular registration fees, and
13 presentation of any documents which may be required by law the
14 director of revenue shall issue to the vehicle owner a special
15 personalized license plate which shall bear the words "KOREA
16 DEFENSE SERVICE MEDAL" at the bottom of the plate in a manner
17 prescribed by the director of revenue. Such license plates shall be
18 made with fully reflective material with a common color scheme and
19 design, shall be clearly visible at night, and shall be aesthetically
20 attractive as prescribed by section 301.130.**

21 **4. Such plates shall also bear an image of the Korea Defense
22 Service Medal.**

23 **5. Notwithstanding the provisions of section 301.144, no
24 additional fee shall be charged for the personalization of license plates
25 issued under this section.**

26 **6. There shall be no limit on the number of license plates any
27 person qualified under this section may obtain so long as each set of
28 license plates issued under this section is issued for vehicles owned
29 solely or jointly by such person.**

30 **7. License plates issued under the provisions of this section shall
31 not be transferable to any other person except that any registered co-
32 owner of the motor vehicle shall be entitled to operate the motor**

33 **vehicle with such plates for the duration of the year licensed in the**
34 **event of the death of the qualified person.**

35 **8. The director may consult with any organization which**
36 **represents the interests of persons receiving the Korea Defense Service**
37 **Medal when formulating the design for the special license plates**
38 **described in this section.**

39 **9. The director shall make all necessary rules and regulations for**
40 **the administration of this section and shall design all necessary forms**
41 **required by this section. Any rule or portion of a rule, as that term is**
42 **defined in section 536.010, that is created under the authority delegated**
43 **in this section shall become effective only if it complies with and is**
44 **subject to all of the provisions of chapter 536 and, if applicable, section**
45 **536.028. This section and chapter 536 are nonseverable and if any of**
46 **the powers vested with the general assembly under chapter 536 to**
47 **review, to delay the effective date, or to disapprove and annul a rule**
48 **are subsequently held unconstitutional, then the grant of rulemaking**
49 **authority and any rule proposed or adopted after August 28, 2015, shall**
50 **be invalid and void.**

301.3097. 1. Any vehicle owner may apply for "God Bless America"
2 license plates for any motor vehicle the person owns, either solely or jointly, other
3 than an apportioned motor vehicle or a commercial motor vehicle licensed in
4 excess of eighteen thousand pounds gross weight. Upon making a ten dollar
5 contribution to the World War [II] I memorial trust fund the vehicle owner may
6 apply for the "God Bless America" plate. If the contribution is made directly to
7 the Missouri veterans' commission they shall issue the individual making the
8 contribution a receipt, verifying the contribution, that may be used to apply for
9 the "God Bless America" license plate. If the contribution is made directly to the
10 director of revenue pursuant to section 301.3031, the director shall note the
11 contribution and the owner may then apply for the "God Bless America"
12 plate. The applicant for such plate must pay a fifteen dollar fee in addition to the
13 regular registration fees and present any other documentation required by law
14 for each set of "God Bless America" plates issued pursuant to this
15 section. Notwithstanding the provisions of section 301.144, no additional fee
16 shall be charged for the personalization of license plates issued pursuant to this
17 section. The "God Bless America" plate shall bear the emblem of the American
18 flag in a form prescribed by the director of revenue and shall have the words

19 "GOD BLESS AMERICA" in place of the words "SHOW-ME-STATE". Such
20 license plates shall be made with fully reflective material with a common color
21 scheme and design, shall be clearly visible at night, and shall be aesthetically
22 attractive, as prescribed by section 301.130.

23 2. The director of revenue may promulgate rules and regulations for the
24 administration of this section. Any rule or portion of a rule, as that term is
25 defined in section 536.010, that is created under the authority delegated in this
26 section shall become effective only if it complies with and is subject to all of the
27 provisions of chapter 536 and, if applicable, section 536.028. This section and
28 chapter 536 are nonseverable and if any of the powers vested with the general
29 assembly pursuant to chapter 536 to review, to delay the effective date or to
30 disapprove and annul a rule are subsequently held unconstitutional, then the
31 grant of rulemaking authority and any rule proposed or adopted after August 28,
32 2002, shall be invalid and void.

 302.010. Except where otherwise provided, when used in this chapter, the
2 following words and phrases mean:

3 (1) "Circuit court", each circuit court in the state;

4 (2) "Commercial motor vehicle", a motor vehicle designed or regularly used
5 for carrying freight and merchandise, or more than fifteen passengers;

6 (3) "Conviction", any final conviction; also a forfeiture of bail or collateral
7 deposited to secure a defendant's appearance in court, which forfeiture has not
8 been vacated, shall be equivalent to a conviction, except that when any conviction
9 as a result of which points are assessed pursuant to section 302.302 is appealed,
10 the term "conviction" means the original judgment of conviction for the purpose
11 of determining the assessment of points, and the date of final judgment affirming
12 the conviction shall be the date determining the beginning of any license
13 suspension or revocation pursuant to section 302.304;

14 (4) "Criminal history check", a search of criminal records, including
15 criminal history record information as defined in section 43.500, maintained by
16 the Missouri state highway patrol in the Missouri criminal records repository or
17 by the Federal Bureau of Investigation as part of its criminal history records,
18 including, but not limited to, any record of conviction, plea of guilty or nolo
19 contendere, or finding of guilty in any state for any offense related to alcohol,
20 controlled substances, or drugs;

21 (5) "Director", the director of revenue acting directly or through the
22 director's authorized officers and agents;

23 (6) "Farm tractor", every motor vehicle designed and used primarily as a
24 farm implement for drawing plows, mowing machines and other implements of
25 husbandry;

26 (7) "Highway", any public thoroughfare for vehicles, including state roads,
27 county roads and public streets, avenues, boulevards, parkways, or alleys in any
28 municipality;

29 (8) "Incompetent to drive a motor vehicle", a person who has become
30 physically incapable of meeting the prescribed requirements of an examination
31 for an operator's license, or who has been adjudged by a probate division of the
32 circuit court in a capacity hearing of being incapacitated;

33 (9) "License", a license issued by a state to a person which authorizes a
34 person to operate a motor vehicle;

35 (10) "Motor vehicle", any self-propelled vehicle not operated exclusively
36 upon tracks except motorized bicycles, as defined in section 307.180;

37 (11) "Motorcycle", a motor vehicle operated on two wheels; however, this
38 definition shall not include motorized bicycles as defined in section 301.010;

39 (12) "Motortricycle", a motor vehicle operated on three wheels, including
40 a motorcycle operated with any conveyance, temporary or otherwise, requiring the
41 use of a third wheel;

42 (13) "Moving violation", that character of traffic violation where at the
43 time of violation the motor vehicle involved is in motion, except that the term
44 does not include the driving of a motor vehicle without a valid motor vehicle
45 registration license, or violations of sections 304.170 to 304.240, inclusive,
46 relating to sizes and weights of vehicles;

47 (14) "Municipal court", every division of the circuit court having original
48 jurisdiction to try persons for violations of city ordinances;

49 (15) "Nonresident", every person who is not a resident of this state;

50 (16) "Operator", every person who is in actual physical control of a motor
51 vehicle upon a highway;

52 (17) "Owner", a person who holds the legal title of a vehicle or in the event
53 a vehicle is the subject of an agreement for the conditional sale or lease thereof
54 with the right of purchase upon performance of the conditions stated in the
55 agreement and with an immediate right of possession vested in the conditional
56 vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession,
57 then such conditional vendee or lessee or mortgagor shall be deemed the owner
58 for the purpose of sections 302.010 to 302.540;

59 (18) "Record" includes, but is not limited to, papers, documents, facsimile
60 information, microphotographic process, electronically generated or electronically
61 recorded information, digitized images, deposited or filed with the department of
62 revenue;

63 (19) "Residence address", "residence", or "resident address" shall be the
64 location at which a person has been physically present, and that the person
65 regards as home. A residence address is a person's true, fixed, principal, and
66 permanent home, to which a person intends to return and remain, even though
67 currently residing elsewhere;

68 (20) "Restricted driving privilege", a **sixty-day** driving privilege issued
69 by the director of revenue following a suspension of driving privileges for the
70 limited purpose of driving in connection with the driver's business, occupation,
71 employment, formal program of secondary, postsecondary or higher education, or
72 for an alcohol education or treatment program or certified ignition interlock
73 provider, **or a ninety-day "interlock restricted privilege" issued by the**
74 **director of revenue for the limited purpose of driving in connection**
75 **with the driver's business, occupation, employment, seeking medical**
76 **treatment for such driver or a dependent family member, attending**
77 **school or other institution of higher education, attending alcohol or**
78 **drug treatment programs, seeking the required services of a certified**
79 **ignition interlock provider, fulfilling court obligations, including**
80 **required appearances and probation and parole obligations, religious**
81 **services, the care of a child or children, including scheduled visitation**
82 **or custodial obligations pursuant to a court order, fueling requirements**
83 **for any vehicle utilized, and seeking basic nutritional requirements;**

84 (21) "School bus", when used in sections 302.010 to 302.540, means any
85 motor vehicle, either publicly or privately owned, used to transport students to
86 and from school, or to transport pupils properly chaperoned to and from any place
87 within the state for educational purposes. The term "school bus" shall not include
88 a bus operated by a public utility, municipal corporation or common carrier
89 authorized to conduct local or interstate transportation of passengers when such
90 bus is not traveling a specific school bus route but is:

91 (a) On a regularly scheduled route for the transportation of fare-paying
92 passengers; or

93 (b) Furnishing charter service for the transportation of persons enrolled
94 as students on field trips or other special trips or in connection with other special

95 events;

96 (22) "School bus operator", an operator who operates a school bus as
97 defined in subdivision (21) of this section in the transportation of any
98 schoolchildren and who receives compensation for such service. The term "school
99 bus operator" shall not include any person who transports schoolchildren as an
100 incident to employment with a school or school district, such as a teacher, coach,
101 administrator, secretary, school nurse, or janitor unless such person is under
102 contract with or employed by a school or school district as a school bus operator;

103 (23) "Signature", any method determined by the director of revenue for the
104 signing, subscribing or verifying of a record, report, application, driver's license,
105 or other related document that shall have the same validity and consequences as
106 the actual signing by the person providing the record, report, application, driver's
107 license or related document;

108 (24) "Substance abuse traffic offender program", a program certified by the
109 division of alcohol and drug abuse of the department of mental health to provide
110 education or rehabilitation services pursuant to a professional assessment
111 screening to identify the individual needs of the person who has been referred to
112 the program as the result of an alcohol- or drug-related traffic offense. Successful
113 completion of such a program includes participation in any education or
114 rehabilitation program required to meet the needs identified in the assessment
115 screening. The assignment recommendations based upon such assessment shall
116 be subject to judicial review as provided in subsection 14 of section 302.304 and
117 subsections 1 and 5 of section 302.540;

118 (25) "Vehicle", any mechanical device on wheels, designed primarily for
119 use, or used on highways, except motorized bicycles, vehicles propelled or drawn
120 by horses or human power, or vehicles used exclusively on fixed rails or tracks,
121 or cotton trailers or motorized wheelchairs operated by handicapped persons.

302.060. 1. The director shall not issue any license and shall immediately
2 deny any driving privilege:

3 (1) To any person who is under the age of eighteen years, if such person
4 operates a motor vehicle in the transportation of persons or property as classified
5 in section 302.015;

6 (2) To any person who is under the age of sixteen years, except as
7 hereinafter provided;

8 (3) To any person whose license has been suspended, during such
9 suspension, or to any person whose license has been revoked, until the expiration

10 of one year after such license was revoked;

11 (4) To any person who is an habitual drunkard or is addicted to the use
12 of narcotic drugs;

13 (5) To any person who has previously been adjudged to be incapacitated
14 and who at the time of application has not been restored to partial capacity;

15 (6) To any person who, when required by this law to take an examination,
16 has failed to pass such examination;

17 (7) To any person who has an unsatisfied judgment against such person,
18 as defined in chapter 303, until such judgment has been satisfied or the financial
19 responsibility of such person, as described in section 303.120, has been
20 established;

21 (8) To any person whose application shows that the person has been
22 convicted within one year prior to such application of violating the laws of this
23 state relating to failure to stop after an accident and to disclose the person's
24 identity or driving a motor vehicle without the owner's consent;

25 (9) To any person who has been convicted more than twice of violating
26 state law, or a county or municipal ordinance where the defendant was
27 represented by or waived the right to an attorney in writing, relating to driving
28 while intoxicated; except that, after the expiration of ten years from the date of
29 conviction of the last offense of violating such law or ordinance relating to driving
30 while intoxicated, a person who was so convicted may petition the circuit court
31 of the county in which such last conviction was rendered and the court shall
32 review the person's habits and conduct since such conviction, including the
33 results of a criminal history check as defined in section 302.010. If the court
34 finds that the petitioner has not been found guilty of, and has no pending charges
35 for any offense related to alcohol, controlled substances or drugs and has no other
36 alcohol-related enforcement contacts as defined in section 302.525 during the
37 preceding ten years and that the petitioner's habits and conduct show such
38 petitioner to no longer pose a threat to the public safety of this state, the court
39 shall order the director to issue a license to the petitioner if the petitioner is
40 otherwise qualified pursuant to the provisions of sections 302.010 to 302.540. No
41 person may obtain a license pursuant to the provisions of this subdivision
42 through court action more than one time;

43 (10) To any person who has been found guilty of acting with criminal
44 negligence while driving while intoxicated to cause the death of another person,
45 or to any person who has been convicted twice within a five-year period of

46 violating state law, county or municipal ordinance of driving while intoxicated,
47 or any other intoxication-related traffic offense as defined in section 577.001,
48 except that, after the expiration of five years from the date of conviction of the
49 last offense of violating such law or ordinance, a person who was so convicted may
50 petition the circuit court of the county in which such last conviction was rendered
51 and the court shall review the person's habits and conduct since such conviction,
52 including the results of a criminal history check as defined in section 302.010. If
53 the court finds that the petitioner has not been found guilty of, and has no
54 pending charges for any offense related to alcohol, controlled substances, or drugs
55 and has no other alcohol-related enforcement contacts as defined in section
56 302.525 during the preceding five years, and that the petitioner's habits and
57 conduct show such petitioner to no longer pose a threat to the public safety of this
58 state, the court shall order the director to issue a license to the petitioner if the
59 petitioner is otherwise qualified pursuant to the provisions of sections 302.010 to
60 302.540;

61 (11) To any person who is otherwise disqualified pursuant to the
62 provisions of chapter 302, chapter 303, or section 544.046;

63 (12) To any person who is under the age of eighteen years, if such person's
64 parents or legal guardians file a certified document with the department of
65 revenue stating that the director shall not issue such person a driver's
66 license. Each document filed by the person's parents or legal guardians shall be
67 made upon a form furnished by the director and shall include identifying
68 information of the person for whom the parents or legal guardians are denying
69 the driver's license. The document shall also contain identifying information of
70 the person's parents or legal guardians. The document shall be certified by the
71 parents or legal guardians to be true and correct. This provision shall not apply
72 to any person who is legally emancipated. The parents or legal guardians may
73 later file an additional document with the department of revenue which
74 reinstates the person's ability to receive a driver's license.

75 2. Any person whose license is reinstated under the provisions of
76 subdivision (9) or (10) of subsection 1 of this section shall be required to file proof
77 with the director of revenue that any motor vehicle operated by the person is
78 equipped with a functioning, certified ignition interlock device as a required
79 condition of reinstatement. The ignition interlock device required for
80 reinstatement under this subsection and for obtaining a limited driving privilege
81 under paragraph (a) or (b) of subdivision (8) of subsection 3 of section 302.309

82 shall have a photo identification technology feature, and a court may require a
83 global positioning system feature for such device. The ignition interlock device
84 shall further be required to be maintained on all motor vehicles operated by the
85 person for a period of not less than six months immediately following the date of
86 reinstatement. If the monthly monitoring reports show that the ignition interlock
87 device has registered any confirmed blood alcohol concentration readings above
88 the alcohol setpoint established by the department of transportation or that the
89 person has tampered with or circumvented the ignition interlock device **within**
90 **the last three months of the six-month period of required installation**
91 **of the ignition interlock device**, then the period for which the person must
92 maintain the ignition interlock device following the date of reinstatement shall
93 be extended [for an additional six months] **until the person has completed**
94 **three consecutive months with no violations as described in this**
95 **section**. If the person fails to maintain such proof with the director, the license
96 shall be suspended [for the remainder of the six-month period or] until proof as
97 required by this section is filed with the director. [Upon the completion of the six-
98 month period, the license shall be shown as reinstated, if the person is otherwise
99 eligible.]

100 3. Any person who petitions the court for reinstatement of his or her
101 license pursuant to subdivision (9) or (10) of subsection 1 of this section shall
102 make application with the Missouri state highway patrol as provided in section
103 43.540, and shall submit two sets of fingerprints collected pursuant to standards
104 as determined by the highway patrol. One set of fingerprints shall be used by the
105 highway patrol to search the criminal history repository and the second set shall
106 be forwarded to the Federal Bureau of Investigation for searching the federal
107 criminal history files. At the time of application, the applicant shall supply to the
108 highway patrol the court name and case number for the court where he or she has
109 filed his or her petition for reinstatement. The applicant shall pay the fee for the
110 state criminal history check pursuant to section 43.530 and pay the appropriate
111 fee determined by the Federal Bureau of Investigation for the federal criminal
112 history record. The Missouri highway patrol, upon receipt of the results of the
113 criminal history check, shall forward a copy of the results to the circuit court
114 designated by the applicant and to the department. Notwithstanding the
115 provisions of section 610.120, all records related to any criminal history check
116 shall be accessible and available to the director and the court.

302.304. 1. The director shall notify by ordinary mail any operator of the

2 point value charged against the operator's record when the record shows four or
3 more points have been accumulated in a twelve-month period.

4 2. In an action to suspend or revoke a license or driving privilege under
5 this section points shall be accumulated on the date of conviction. No case file
6 of any conviction for a driving violation for which points may be assessed
7 pursuant to section 302.302 may be closed until such time as a copy of the record
8 of such conviction is forwarded to the department of revenue.

9 3. The director shall suspend the license and driving privileges of any
10 person whose driving record shows the driver has accumulated eight points in
11 eighteen months.

12 4. The license and driving privilege of any person whose license and
13 driving privilege have been suspended under the provisions of sections 302.010
14 to 302.540 except those persons whose license and driving privilege have been
15 suspended under the provisions of subdivision (8) of subsection 1 of section
16 302.302 or has accumulated sufficient points together with a conviction under
17 subdivision (10) of subsection 1 of section 302.302 and who has filed proof of
18 financial responsibility with the department of revenue, in accordance with
19 chapter 303, and is otherwise eligible, shall be reinstated as follows:

20 (1) In the case of an initial suspension, thirty days after the effective date
21 of the suspension;

22 (2) In the case of a second suspension, sixty days after the effective date
23 of the suspension;

24 (3) In the case of the third and subsequent suspensions, ninety days after
25 the effective date of the suspension.

26 Unless proof of financial responsibility is filed with the department of revenue,
27 a suspension shall continue in effect for two years from its effective date.

28 5. The period of suspension of the driver's license and driving privilege of
29 any person under the provisions of subdivision (8) of subsection 1 of section
30 302.302 or who has accumulated sufficient points together with a conviction
31 under subdivision (10) of subsection 1 of section 302.302 shall be thirty days,
32 followed by a sixty-day period of restricted driving privilege as defined in section
33 302.010. Upon completion of such period of restricted driving privilege, upon
34 compliance with other requirements of law and upon filing of proof of financial
35 responsibility with the department of revenue, in accordance with chapter 303,
36 the license and driving privilege shall be reinstated. If a person, otherwise
37 subject to the provisions of this subsection, files proof of installation with the

38 department of revenue that any vehicle operated by such person is equipped with
39 a functioning, certified ignition interlock device, there shall be no period of
40 suspension. However, in lieu of a suspension the person shall instead complete
41 a ninety-day period of restricted driving privilege. If the person fails to maintain
42 such proof of the device with the director of revenue as required, the restricted
43 driving privilege shall be terminated. Upon completion of such ninety-day period
44 of restricted driving privilege, upon compliance with other requirements of law,
45 and upon filing of proof of financial responsibility with the department of
46 revenue, in accordance with chapter 303, the license and driving privilege shall
47 be reinstated. However, if the monthly monitoring reports during such ninety-
48 day period indicate that the ignition interlock device has registered a confirmed
49 blood alcohol concentration level above the alcohol setpoint established by the
50 department of transportation or such reports indicate that the ignition interlock
51 device has been tampered with or circumvented, then the license and driving
52 privilege of such person shall not be reinstated until the person completes an
53 additional thirty-day period of restricted driving privilege.

54 6. If the person fails to maintain proof of financial responsibility in
55 accordance with chapter 303, or, if applicable, if the person fails to maintain proof
56 that any vehicle operated is equipped with a functioning, certified ignition
57 interlock device installed pursuant to subsection 5 of this section, the person's
58 driving privilege and license shall be resuspended.

59 7. The director shall revoke the license and driving privilege of any person
60 when the person's driving record shows such person has accumulated twelve
61 points in twelve months or eighteen points in twenty-four months or twenty-four
62 points in thirty-six months. The revocation period of any person whose license
63 and driving privilege have been revoked under the provisions of sections 302.010
64 to 302.540 and who has filed proof of financial responsibility with the department
65 of revenue in accordance with chapter 303 and is otherwise eligible, shall be
66 terminated by a notice from the director of revenue after one year from the
67 effective date of the revocation. Unless proof of financial responsibility is filed
68 with the department of revenue, except as provided in subsection 2 of section
69 302.541, the revocation shall remain in effect for a period of two years from its
70 effective date. If the person fails to maintain proof of financial responsibility in
71 accordance with chapter 303, the person's license and driving privilege shall be
72 rerevoked. Any person whose license and driving privilege have been revoked
73 under the provisions of sections 302.010 to 302.540 shall, upon receipt of the

74 notice of termination of the revocation from the director, pass the complete driver
75 examination and apply for a new license before again operating a motor vehicle
76 upon the highways of this state.

77 8. If, prior to conviction for an offense that would require suspension or
78 revocation of a person's license under the provisions of this section, the person's
79 total points accumulated are reduced, pursuant to the provisions of section
80 302.306, below the number of points required for suspension or revocation
81 pursuant to the provisions of this section, then the person's license shall not be
82 suspended or revoked until the necessary points are again obtained and
83 accumulated.

84 9. If any person shall neglect or refuse to surrender the person's license,
85 as provided herein, the director shall direct the state highway patrol or any peace
86 or police officer to secure possession thereof and return it to the director.

87 10. Upon the issuance of a reinstatement or termination notice after a
88 suspension or revocation of any person's license and driving privilege under the
89 provisions of sections 302.010 to 302.540, the accumulated point value shall be
90 reduced to four points, except that the points of any person serving as a member
91 of the Armed Forces of the United States outside the limits of the United States
92 during a period of suspension or revocation shall be reduced to zero upon the date
93 of the reinstatement or termination of notice. It shall be the responsibility of
94 such member of the Armed Forces to submit copies of official orders to the
95 director of revenue to substantiate such overseas service. Any other provision of
96 sections 302.010 to 302.540 to the contrary notwithstanding, the effective date of
97 the four points remaining on the record upon reinstatement or termination shall
98 be the date of the reinstatement or termination notice.

99 11. No credit toward reduction of points shall be given during periods of
100 suspension or revocation or any period of driving under a limited driving privilege
101 granted by a court or the director of revenue.

102 12. Any person or nonresident whose license or privilege to operate a
103 motor vehicle in this state has been suspended or revoked under this or any other
104 law shall, before having the license or privilege to operate a motor vehicle
105 reinstated, pay to the director a reinstatement fee of twenty dollars which shall
106 be in addition to all other fees provided by law.

107 13. Notwithstanding any other provision of law to the contrary, if after
108 two years from the effective date of any suspension or revocation issued under
109 this chapter, except any suspension or revocation issued under section 302.410,

110 302.462, or 302.574, the person or nonresident has not paid the reinstatement fee
111 of twenty dollars, the director shall reinstate such license or privilege to operate
112 a motor vehicle in this state. Any person who has had his or her license
113 suspended or revoked under section 302.410, 302.462, or 302.574, shall be
114 required to pay the reinstatement fee.

115 14. No person who has had a license to operate a motor vehicle suspended
116 or revoked as a result of an assessment of points for a violation under subdivision
117 (8), (9) or (10) of subsection 1 of section 302.302 shall have that license reinstated
118 until such person has participated in and successfully completed a substance
119 abuse traffic offender program defined in section 302.010, or a program
120 determined to be comparable by the department of mental health. Assignment
121 recommendations, based upon the needs assessment as described in subdivision
122 (24) of section 302.010, shall be delivered in writing to the person with written
123 notice that the person is entitled to have such assignment recommendations
124 reviewed by the court if the person objects to the recommendations. The person
125 may file a motion in the associate division of the circuit court of the county in
126 which such assignment was given, on a printed form provided by the state courts
127 administrator, to have the court hear and determine such motion pursuant to the
128 provisions of chapter 517. The motion shall name the person or entity making
129 the needs assessment as the respondent and a copy of the motion shall be served
130 upon the respondent in any manner allowed by law. Upon hearing the motion,
131 the court may modify or waive any assignment recommendation that the court
132 determines to be unwarranted based upon a review of the needs assessment, the
133 person's driving record, the circumstances surrounding the offense, and the
134 likelihood of the person committing a like offense in the future, except that the
135 court may modify but may not waive the assignment to an education or
136 rehabilitation program of a person determined to be a prior or persistent offender
137 as defined in section 577.001 or of a person determined to have operated a motor
138 vehicle with fifteen-hundredths of one percent or more by weight in such person's
139 blood. Compliance with the court determination of the motion shall satisfy the
140 provisions of this section for the purpose of reinstating such person's license to
141 operate a motor vehicle. The respondent's personal appearance at any hearing
142 conducted pursuant to this subsection shall not be necessary unless directed by
143 the court.

144 15. The fees for the program authorized in subsection 14 of this section,
145 or a portion thereof to be determined by the department of mental health, shall

146 be paid by the person enrolled in the program. Any person who is enrolled in the
147 program shall pay, in addition to any fee charged for the program, a supplemental
148 fee in an amount to be determined by the department of mental health for the
149 purposes of funding the substance abuse traffic offender program defined in
150 section 302.010 or a program determined to be comparable by the department of
151 mental health. The administrator of the program shall remit to the division of
152 alcohol and drug abuse of the department of mental health on or before the
153 fifteenth day of each month the supplemental fee for all persons enrolled in the
154 program, less two percent for administrative costs. Interest shall be charged on
155 any unpaid balance of the supplemental fees due the division of alcohol and drug
156 abuse pursuant to this section and shall accrue at a rate not to exceed the annual
157 rate established pursuant to the provisions of section 32.065, plus three
158 percentage points. The supplemental fees and any interest received by the
159 department of mental health pursuant to this section shall be deposited in the
160 mental health earnings fund which is created in section 630.053.

161 16. Any administrator who fails to remit to the division of alcohol and
162 drug abuse of the department of mental health the supplemental fees and interest
163 for all persons enrolled in the program pursuant to this section shall be subject
164 to a penalty equal to the amount of interest accrued on the supplemental fees due
165 the division pursuant to this section. If the supplemental fees, interest, and
166 penalties are not remitted to the division of alcohol and drug abuse of the
167 department of mental health within six months of the due date, the attorney
168 general of the state of Missouri shall initiate appropriate action of the collection
169 of said fees and interest accrued. The court shall assess attorney fees and court
170 costs against any delinquent program.

171 17. Any person who has had a license to operate a motor vehicle
172 suspended or revoked as a result of an assessment of points for a conviction for
173 an intoxication-related traffic offense as defined under section 577.001, and who
174 has a prior alcohol-related enforcement contact as defined under section 302.525,
175 shall be required to file proof with the director of revenue that any motor vehicle
176 operated by the person is equipped with a functioning, certified ignition interlock
177 device as a required condition of reinstatement of the license. The ignition
178 interlock device shall further be required to be maintained on all motor vehicles
179 operated by the person for a period of not less than six months immediately
180 following the date of reinstatement. If the monthly monitoring reports show that
181 the ignition interlock device has registered any confirmed blood alcohol

182 concentration readings above the alcohol setpoint established by the department
183 of transportation or that the person has tampered with or circumvented the
184 ignition interlock device **within the last three months of the six-month**
185 **period of required installation of the ignition interlock device**, then the
186 period for which the person must maintain the ignition interlock device following
187 the date of reinstatement shall be extended [for an additional six months] **until**
188 **the person has completed three consecutive months with no violations**
189 **as described in this section.** If the person fails to maintain such proof with
190 the director, the license shall be resuspended or revoked and the person shall be
191 guilty of a class A misdemeanor.

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

5 2. Any operator whose license is revoked pursuant to these sections, upon
6 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
9 operating under section 478.007 shall have jurisdiction to hear applications and
10 make eligibility determinations granting limited driving privileges, except as
11 provided under subdivision (8) of this subsection. Any application may be made
12 in writing to the director of revenue and the person's reasons for requesting the
13 limited driving privilege shall be made therein.

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

17 (a) A business, occupation, or employment;

18 (b) Seeking medical treatment for such operator;

19 (c) Attending school or other institution of higher education;

20 (d) Attending alcohol or drug treatment programs;

21 (e) Seeking the required services of a certified ignition interlock device
22 provider; or

23 (f) Any other circumstance the court or director finds would create an
24 undue hardship on the operator,

25 the court or director may grant such limited driving privilege as the
26 circumstances of the case justify if the court or director finds undue hardship

27 would result to the individual, and while so operating a motor vehicle within the
28 restrictions and limitations of the limited driving privilege the driver shall not
29 be guilty of operating a motor vehicle without a valid license.

30 (3) An operator may make application to the proper court in the county
31 in which such operator resides or in the county in which is located the operator's
32 principal place of business or employment. Any application for a limited driving
33 privilege made to a circuit court shall name the director as a party defendant and
34 shall be served upon the director prior to the grant of any limited privilege, and
35 shall be accompanied by a copy of the applicant's driving record as certified by
36 the director. Any applicant for a limited driving privilege shall have on file with
37 the department of revenue proof of financial responsibility as required by chapter
38 303. Any application by a person who transports persons or property as classified
39 in section 302.015 may be accompanied by proof of financial responsibility as
40 required by chapter 303, but if proof of financial responsibility does not
41 accompany the application, or if the applicant does not have on file with the
42 department of revenue proof of financial responsibility, the court or the director
43 has discretion to grant the limited driving privilege to the person solely for the
44 purpose of operating a vehicle whose owner has complied with chapter 303 for
45 that vehicle, and the limited driving privilege must state such restriction. When
46 operating such vehicle under such restriction the person shall carry proof that the
47 owner has complied with chapter 303 for that vehicle.

48 (4) No limited driving privilege shall be issued to any person otherwise
49 eligible under the provisions of [paragraph (a) of] subdivision (6) of this
50 subsection [on a license revocation resulting from a conviction under subdivision
51 (9) of subsection 1 of section 302.302, or] **if such person has** a license denial
52 under paragraph (a) or (b) of subdivision (8) of this subsection[, or a license
53 revocation under paragraph (g) of subdivision (6) of this subsection,] **or on a**
54 **license revocation resulting from a conviction under subdivision (9) of**
55 **subsection 1 of section 302.302, or a license revocation under**
56 **subdivision (2) of subsection 2 of section 302.525, or sections 302.574 or**
57 **577.041**, until the applicant has filed proof with the department of revenue that
58 any motor vehicle operated by the person is equipped with a functioning, certified
59 ignition interlock device as a required condition of limited driving privilege. The
60 ignition interlock device required for obtaining a limited driving privilege under
61 paragraph (a) or (b) of subdivision (8) of this subsection shall have a photo
62 identification technology feature, and a court may require a global positioning

63 system feature for such device.

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

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

89 (a) [A conviction of violating the provisions of section 577.010 or 577.012,
90 or any similar provision of any federal or state law, or a municipal or county law
91 where the judge in such case was an attorney and the defendant was represented
92 by or waived the right to an attorney in writing, until the person has completed
93 the first thirty days of a suspension or revocation imposed pursuant to this
94 chapter;

95 (b)] A conviction of any felony in the commission of which a motor vehicle
96 was used **and such conviction occurred within the five year period prior**
97 **to the date of application. However, any felony conviction for leaving**
98 **the scene of an accident under section 577.060 shall not render the**

99 **applicant ineligible for a limited driving privilege under this section;**

100 [(c)] (b) Ineligibility for a license because of the provisions of subdivision
101 (1), (2), (4), (5), (6), (7), (8), (9), **or** (10) [or (11)] of subsection 1 of section 302.060;
102 **or**

103 [(d) Because of operating a motor vehicle under the influence of narcotic
104 drugs, a controlled substance as defined in chapter 195, or having left the scene
105 of an accident as provided in section 577.060;

106 (e) Due to a revocation for failure to submit to a chemical test pursuant
107 to section 302.574 or due to a refusal to submit to a chemical test in any other
108 state, unless such person has completed the first ninety days of such revocation
109 and files proof of installation with the department of revenue that any vehicle
110 operated by such person is equipped with a functioning, certified ignition
111 interlock device, provided the person is not otherwise ineligible for a limited
112 driving privilege;

113 [(f)] (c) Due to a suspension pursuant to **subdivision (8) or (10) of**
114 **subsection 1 of section 302.302 or** subsection 2 of section 302.525 [and who
115 has not completed the first thirty days of such suspension, provided the person
116 is not otherwise ineligible for a limited driving privilege; or

117 (g) Due to a revocation pursuant to subsection 2 of section 302.525 if such
118 person has not completed the first forty-five days of such revocation, provided the
119 person is not otherwise ineligible for a limited driving privilege].

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

127 (8) (a) Provided that pursuant to the provisions of this section, the
128 applicant is not otherwise ineligible for a limited driving privilege, a circuit court
129 or the director may, in the manner prescribed in this subsection, allow a person
130 who has had such person's license to operate a motor vehicle revoked where that
131 person cannot obtain a new license for a period of ten years, as prescribed in
132 subdivision (9) of subsection 1 of section 302.060, to apply for a limited driving
133 privilege pursuant to this subsection. Such person shall present evidence
134 satisfactory to the court or the director that such person's habits and conduct

135 show that the person no longer poses a threat to the public safety of this state.
136 A circuit court shall grant a limited driving privilege to any individual who
137 otherwise is eligible to receive a limited driving privilege, has filed proof of
138 installation of a certified ignition interlock device, and has had no alcohol-related
139 enforcement contacts since the alcohol-related enforcement contact that resulted
140 in the person's license denial.

141 (b) Provided that pursuant to the provisions of this section, the applicant
142 is not otherwise ineligible for a limited driving privilege or convicted of acting
143 with criminal negligence while driving while intoxicated to cause the death of
144 another person, a circuit court or the director may, in the manner prescribed in
145 this subsection, allow a person who has had such person's license to operate a
146 motor vehicle revoked where that person cannot obtain a new license for a period
147 of five years because of two convictions of driving while intoxicated, as prescribed
148 in subdivision (10) of subsection 1 of section 302.060, to apply for a limited
149 driving privilege pursuant to this subsection. Such person shall present evidence
150 satisfactory to the court or the director that such person's habits and conduct
151 show that the person no longer poses a threat to the public safety of this
152 state. Any person who is denied a license permanently in this state because of
153 an alcohol-related conviction subsequent to a restoration of such person's driving
154 privileges pursuant to subdivision (9) of section 302.060 shall not be eligible for
155 limited driving privilege pursuant to the provisions of this subdivision. A circuit
156 court shall grant a limited driving privilege to any individual who otherwise is
157 eligible to receive a limited driving privilege, has filed proof of installation of a
158 certified ignition interlock device, and has had no alcohol-related enforcement
159 contacts since the alcohol-related enforcement contact that resulted in the
160 person's license denial.

161 (9) A DWI docket or court established under section 478.007 may grant
162 a limited driving privilege to a participant in or graduate of the program who
163 would otherwise be ineligible for such privilege under another provision of law.
164 [The DWI docket or court shall not grant a limited driving privilege to a
165 participant during his or her initial forty-five days of participation.]

166 4. Any person who has received notice of denial of a request of limited
167 driving privilege by the director of revenue may make a request for a review of
168 the director's determination in the circuit court of the county in which the person
169 resides or the county in which is located the person's principal place of business
170 or employment within thirty days of the date of mailing of the notice of

171 denial. Such review shall be based upon the records of the department of revenue
172 and other competent evidence and shall be limited to a review of whether the
173 applicant was statutorily entitled to the limited driving privilege.

174 5. The director of revenue shall promulgate rules and regulations
175 necessary to carry out the provisions of this section. Any rule or portion of a rule,
176 as that term is defined in section 536.010, that is created under the authority
177 delegated in this section shall become effective only if it complies with and is
178 subject to all of the provisions of chapter 536 and, if applicable, section
179 536.028. This section and chapter 536 are nonseverable and if any of the powers
180 vested with the general assembly pursuant to chapter 536 to review, to delay the
181 effective date or to disapprove and annul a rule are subsequently held
182 unconstitutional, then the grant of rulemaking authority and any rule proposed
183 or adopted after August 28, 2001, shall be invalid and void.

302.525. 1. The license suspension or revocation shall become effective
2 fifteen days after the subject person has received the notice of suspension or
3 revocation as provided in section 302.520, or is deemed to have received the notice
4 of suspension or revocation by mail as provided in section 302.515. If a request
5 for a hearing is received by or postmarked to the department within that fifteen-
6 day period, the effective date of the suspension or revocation shall be stayed until
7 a final order is issued following the hearing; provided, that any delay in the
8 hearing which is caused or requested by the subject person or counsel
9 representing that person without good cause shown shall not result in a stay of
10 the suspension or revocation during the period of delay.

11 2. The period of license suspension or revocation under this section shall
12 be as follows:

13 (1) If the person's driving record shows no prior alcohol-related
14 enforcement contacts during the immediately preceding five years, the period of
15 suspension shall be thirty days after the effective date of suspension, followed by
16 a sixty-day period of restricted driving privilege as defined in section 302.010 and
17 issued by the director of revenue. The restricted driving privilege shall not be
18 issued until he or she has filed proof of financial responsibility with the
19 department of revenue, in accordance with chapter 303, and is otherwise
20 eligible. The restricted driving privilege shall indicate whether a functioning,
21 certified ignition interlock device is required as a condition of operating a motor
22 vehicle. A copy of the restricted driving privilege shall be given to the person and
23 such person shall carry a copy of the restricted driving privilege while operating

24 a motor vehicle. In no case shall restricted driving privileges be issued pursuant
25 to this section or section 302.535 until the person has completed the first thirty
26 days of a suspension under this section. If a person otherwise subject to the
27 provisions of this subdivision files proof of installation with the department of
28 revenue that any vehicle that he or she operates is equipped with a functioning,
29 certified ignition interlock device, there shall be no period of
30 suspension. However, in lieu of a suspension the person shall instead complete
31 a ninety-day period of restricted driving privilege. Upon completion of such
32 ninety-day period of restricted driving privilege, compliance with other
33 requirements of law, and filing of proof of financial responsibility with the
34 department of revenue, in accordance with chapter 303, the license and driving
35 privilege shall be reinstated. However, if the monthly monitoring reports during
36 such ninety-day period indicate that the ignition interlock device has registered
37 a confirmed blood alcohol concentration level above the alcohol setpoint
38 established by the department of transportation or such reports indicate that the
39 ignition interlock device has been tampered with or circumvented, then the
40 license and driving privilege of such person shall not be reinstated until the
41 person completes an additional thirty-day period of restricted driving privilege.
42 If the person fails to maintain such proof of the device with the director of
43 revenue as required, the restricted driving privilege shall be terminated;

44 (2) The period of revocation shall be one year if the person's driving record
45 shows one or more prior alcohol-related enforcement contacts during the
46 immediately preceding five years;

47 (3) In no case shall restricted driving privileges be issued under this
48 section to any person whose driving record shows one or more prior alcohol-
49 related enforcement contacts until the person has [completed the first thirty days
50 of a suspension under this section and has] filed proof with the department of
51 revenue that any motor vehicle operated by the person is equipped with a
52 functioning, certified ignition interlock device as a required condition of the
53 restricted driving privilege. If the person fails to maintain such proof the
54 restricted driving privilege shall be terminated.

55 3. For purposes of this section, "alcohol-related enforcement contacts"
56 shall include any suspension or revocation under sections 302.500 to 302.540, any
57 suspension or revocation entered in this or any other state for a refusal to submit
58 to chemical testing under an implied consent law, and any conviction in this or
59 any other state for a violation which involves driving while intoxicated, driving

60 while under the influence of drugs or alcohol, or driving a vehicle while having
61 an unlawful alcohol concentration.

62 4. Where a license is suspended or revoked under this section and the
63 person is also convicted on charges arising out of the same occurrence for a
64 violation of section 577.010 or 577.012 or for a violation of any county or
65 municipal ordinance prohibiting driving while intoxicated or alcohol-related
66 traffic offense, both the suspension or revocation under this section and any other
67 suspension or revocation arising from such convictions shall be imposed, but the
68 period of suspension or revocation under sections 302.500 to 302.540 shall be
69 credited against any other suspension or revocation arising from such convictions,
70 and the total period of suspension or revocation shall not exceed the longer of the
71 two suspension or revocation periods.

72 5. Any person who has had a license to operate a motor vehicle revoked
73 under this section or suspended under this section with one or more prior alcohol-
74 related enforcement contacts showing on their driver record shall be required to
75 file proof with the director of revenue that any motor vehicle operated by that
76 person is equipped with a functioning, certified ignition interlock device as a
77 required condition of reinstatement. The ignition interlock device shall further
78 be required to be maintained on all motor vehicles operated by the person for a
79 period of not less than six months immediately following the date of
80 reinstatement. If the monthly monitoring reports show that the ignition interlock
81 device has registered any confirmed blood alcohol concentration readings above
82 the alcohol setpoint established by the department of transportation or that the
83 person has tampered with or circumvented the ignition interlock device **within**
84 **the last three months of the six-month period of required installation**
85 **of the ignition interlock device**, then the period for which the person must
86 maintain the ignition interlock device following the date of reinstatement shall
87 be extended [for an additional six months] **until the person has completed**
88 **three consecutive months with no violations as described in this**
89 **section**. If the person fails to maintain such proof with the director, the license
90 shall be suspended or revoked, [as applicable] **until proof as required by this**
91 **section is filed with the director, and the person shall be guilty of a**
92 **class A misdemeanor**.

302.574. 1. If a person who was operating a vehicle refuses upon the
2 request of the officer to submit to any chemical test under section 577.041, the
3 officer shall, on behalf of the director of revenue, serve the notice of license

4 revocation personally upon the person and shall take possession of any license to
5 operate a vehicle issued by this state which is held by that person. The officer
6 shall issue a temporary permit, on behalf of the director of revenue, which is valid
7 for fifteen days and shall also give the person notice of his or her right to file a
8 petition for review to contest the license revocation.

9 2. Such officer shall make a certified report under penalties of perjury for
10 making a false statement to a public official. The report shall be forwarded to the
11 director of revenue and shall include the following:

12 (1) That the officer has:

13 (a) Reasonable grounds to believe that the arrested person was driving a
14 motor vehicle while in an intoxicated condition; or

15 (b) Reasonable grounds to believe that the person stopped, being under
16 the age of twenty-one years, was driving a motor vehicle with a blood alcohol
17 content of two-hundredths of one percent or more by weight; or

18 (c) Reasonable grounds to believe that the person stopped, being under the
19 age of twenty-one years, was committing a violation of the traffic laws of the
20 state, or political subdivision of the state, and such officer has reasonable grounds
21 to believe, after making such stop, that the person had a blood alcohol content of
22 two-hundredths of one percent or greater;

23 (2) That the person refused to submit to a chemical test;

24 (3) Whether the officer secured the license to operate a motor vehicle of
25 the person;

26 (4) Whether the officer issued a fifteen-day temporary permit;

27 (5) Copies of the notice of revocation, the fifteen-day temporary permit,
28 and the notice of the right to file a petition for review. The notices and permit
29 may be combined in one document; and

30 (6) Any license, which the officer has taken into possession, to operate a
31 motor vehicle.

32 3. Upon receipt of the officer's report, the director shall revoke the license
33 of the person refusing to take the test for a period of one year; or if the person is
34 a nonresident, such person's operating permit or privilege shall be revoked for one
35 year; or if the person is a resident without a license or permit to operate a motor
36 vehicle in this state, an order shall be issued denying the person the issuance of
37 a license or permit for a period of one year.

38 4. If a person's license has been revoked because of the person's refusal
39 to submit to a chemical test, such person may petition for a hearing before a

40 circuit division or associate division of the court in the county in which the arrest
41 or stop occurred. The person may request such court to issue an order staying
42 the revocation until such time as the petition for review can be heard. If the
43 court, in its discretion, grants such stay, it shall enter the order upon a form
44 prescribed by the director of revenue and shall send a copy of such order to the
45 director. Such order shall serve as proof of the privilege to operate a motor vehicle
46 in this state and the director shall maintain possession of the person's license to
47 operate a motor vehicle until termination of any revocation under this
48 section. Upon the person's request, the clerk of the court shall notify the
49 prosecuting attorney of the county and the prosecutor shall appear at the hearing
50 on behalf of the director of revenue. At the hearing, the court shall determine
51 only:

52 (1) Whether the person was arrested or stopped;

53 (2) Whether the officer had:

54 (a) Reasonable grounds to believe that the person was driving a motor
55 vehicle while in an intoxicated or drugged condition; or

56 (b) Reasonable grounds to believe that the person stopped, being under
57 the age of twenty-one years, was driving a motor vehicle with a blood alcohol
58 content of two-hundredths of one percent or more by weight; or

59 (c) Reasonable grounds to believe that the person stopped, being under the
60 age of twenty-one years, was committing a violation of the traffic laws of the
61 state, or political subdivision of the state, and such officer had reasonable
62 grounds to believe, after making such stop, that the person had a blood alcohol
63 content of two-hundredths of one percent or greater; and

64 (3) Whether the person refused to submit to the test.

65 5. If the court determines any issue not to be in the affirmative, the court
66 shall order the director to reinstate the license or permit to drive.

67 6. Requests for review as provided in this section shall go to the head of
68 the docket of the court wherein filed.

69 7. No person who has had a license to operate a motor vehicle suspended
70 or revoked under the provisions of this section shall have that license reinstated
71 until such person has participated in and successfully completed a substance
72 abuse traffic offender program defined in section 302.010, or a program
73 determined to be comparable by the department of mental health. Assignment
74 recommendations, based upon the needs assessment as described in subdivision
75 (24) of section 302.010, shall be delivered in writing to the person with written

76 notice that the person is entitled to have such assignment recommendations
77 reviewed by the court if the person objects to the recommendations. The person
78 may file a motion in the associate division of the circuit court of the county in
79 which such assignment was given, on a printed form provided by the state courts
80 administrator, to have the court hear and determine such motion under the
81 provisions of chapter 517. The motion shall name the person or entity making
82 the needs assessment as the respondent and a copy of the motion shall be served
83 upon the respondent in any manner allowed by law. Upon hearing the motion,
84 the court may modify or waive any assignment recommendation that the court
85 determines to be unwarranted based upon a review of the needs assessment, the
86 person's driving record, the circumstances surrounding the offense, and the
87 likelihood of the person committing a similar offense in the future, except that
88 the court may modify but may not waive the assignment to an education or
89 rehabilitation program of a person determined to be a prior or persistent offender
90 as defined in section 577.001, or of a person determined to have operated a motor
91 vehicle with a blood alcohol content of fifteen-hundredths of one percent or more
92 by weight. Compliance with the court determination of the motion shall satisfy
93 the provisions of this section for the purpose of reinstating such person's license
94 to operate a motor vehicle. The respondent's personal appearance at any hearing
95 conducted under this subsection shall not be necessary unless directed by the
96 court.

97 8. The fees for the substance abuse traffic offender program, or a portion
98 thereof, to be determined by the division of alcohol and drug abuse of the
99 department of mental health, shall be paid by the person enrolled in the program.
100 Any person who is enrolled in the program shall pay, in addition to any fee
101 charged for the program, a supplemental fee to be determined by the department
102 of mental health for the purposes of funding the substance abuse traffic offender
103 program defined in section 302.010. The administrator of the program shall
104 remit to the division of alcohol and drug abuse of the department of mental
105 health on or before the fifteenth day of each month the supplemental fee for all
106 persons enrolled in the program, less two percent for administrative
107 costs. Interest shall be charged on any unpaid balance of the supplemental fees
108 due to the division of alcohol and drug abuse under this section, and shall accrue
109 at a rate not to exceed the annual rates established under the provisions of
110 section 32.065, plus three percentage points. The supplemental fees and any
111 interest received by the department of mental health under this section shall be

112 deposited in the mental health earnings fund, which is created in section 630.053.

113 9. Any administrator who fails to remit to the division of alcohol and drug
114 abuse of the department of mental health the supplemental fees and interest for
115 all persons enrolled in the program under this section shall be subject to a
116 penalty equal to the amount of interest accrued on the supplemental fees due to
117 the division under this section. If the supplemental fees, interest, and penalties
118 are not remitted to the division of alcohol and drug abuse of the department of
119 mental health within six months of the due date, the attorney general of the state
120 of Missouri shall initiate appropriate action for the collection of said fees and
121 accrued interest. The court shall assess attorneys' fees and court costs against
122 any delinquent program.

123 10. Any person who has had a license to operate a motor vehicle revoked
124 under this section and who has a prior alcohol-related enforcement contact, as
125 defined in section 302.525, shall be required to file proof with the director of
126 revenue that any motor vehicle operated by the person is equipped with a
127 functioning, certified ignition interlock device as a required condition of license
128 reinstatement. Such ignition interlock device shall further be required to be
129 maintained on all motor vehicles operated by the person for a period of not less
130 than six months immediately following the date of reinstatement. If the monthly
131 monitoring reports show that the ignition interlock device has registered any
132 confirmed blood alcohol concentration readings above the alcohol setpoint
133 established by the department of transportation or that the person has tampered
134 with or circumvented the ignition interlock device **within the last three**
135 **months of the six-month period of required installation of the ignition**
136 **interlock device**, then the period for which the person must maintain the
137 ignition interlock device following the date of reinstatement shall be extended [for
138 an additional six months] **until the person has completed three**
139 **consecutive months with no violations as described in this section**. If
140 the person fails to maintain such proof with the director as required by this
141 section, the license shall be rerevoked **until proof as required by this section**
142 **is filed with the director**, and the person shall be guilty of a class A
143 misdemeanor.

144 11. The revocation period of any person whose license and driving
145 privilege has been revoked under this section and who has filed proof of financial
146 responsibility with the department of revenue in accordance with chapter 303 and
147 is otherwise eligible shall be terminated by a notice from the director of revenue

148 after one year from the effective date of the revocation. Unless proof of financial
149 responsibility is filed with the department of revenue, the revocation shall remain
150 in effect for a period of two years from its effective date. If the person fails to
151 maintain proof of financial responsibility in accordance with chapter 303, the
152 person's license and driving privilege shall be rerevoked.

153 12. A person commits the offense of failure to maintain proof with the
154 Missouri department of revenue if, when required to do so, he or she fails to file
155 proof with the director of revenue that any vehicle operated by the person is
156 equipped with a functioning, certified ignition interlock device or fails to file proof
157 of financial responsibility with the department of revenue in accordance with
158 chapter 303. The offense of failure to maintain proof with the Missouri
159 department of revenue is a class A misdemeanor.

478.007. 1. Any circuit court, or any county with a charter form of
2 government and with more than six hundred thousand but fewer than seven
3 hundred thousand inhabitants with a county municipal court established under
4 section 66.010, may establish a docket or court to provide an alternative for the
5 judicial system to dispose of cases in which a person has pleaded guilty to driving
6 while intoxicated or driving with excessive blood alcohol content and:

7 (1) The person was operating a motor vehicle with at least fifteen-
8 hundredths of one percent or more by weight of alcohol in such person's blood; or

9 (2) The person has previously pleaded guilty to or has been found guilty
10 of one or more intoxication-related traffic offenses as defined by section 577.023;
11 or

12 (3) The person has two or more previous alcohol-related enforcement
13 contacts as defined in section 302.525.

14 2. This docket or court shall combine judicial supervision, drug testing,
15 continuous alcohol monitoring, **or verifiable breath alcohol testing**
16 **performed a minimum of four times per day**, substance abuse traffic
17 offender program compliance, and treatment of DWI court participants. The court
18 may assess any and all necessary costs for participation in DWI court against the
19 participant. Any money received from such assessed costs by a court from a
20 defendant shall not be considered court costs, charges, or fines. This docket or
21 court may operate in conjunction with a drug court established pursuant to
22 sections 478.001 to 478.006.

23 3. If the division of probation and parole is otherwise unavailable to assist
24 in the judicial supervision of any person who wishes to enter a DWI court, a

25 court-approved private probation service may be utilized by the DWI court to fill
26 the division's role. In such case, any and all necessary additional costs may be
27 assessed against the participant. No person shall be rejected from participating
28 in DWI court solely for the reason that the person does not reside in the city or
29 county where the applicable DWI court is located but the DWI court can base
30 acceptance into a treatment court program on its ability to adequately provide
31 services for the person or handle the additional caseload.

577.001. As used in this chapter, the following terms mean:

- 2 (1) "Aggravated offender", a person who has been found guilty of:
- 3 (a) Three or more intoxication-related traffic offenses committed on
4 separate occasions; or
- 5 (b) Two or more intoxication-related traffic offenses committed on separate
6 occasions where at least one of the intoxication-related traffic offenses is an
7 offense committed in violation of any state law, county or municipal ordinance,
8 any federal offense, or any military offense in which the defendant was operating
9 a vehicle while intoxicated and another person was injured or killed;
- 10 (2) "Aggravated boating offender", a person who has been found guilty of:
- 11 (a) Three or more intoxication-related boating offenses; or
- 12 (b) Has been found guilty of one or more intoxication-related boating
13 offenses committed on separate occasions where at least one of the
14 intoxication-related traffic offenses is an offense committed in violation of any
15 state law, county or municipal ordinance, any federal offense, or any military
16 offense in which the defendant was operating a vessel while intoxicated and
17 another person was injured or killed;
- 18 (3) "All-terrain vehicle", any motorized vehicle manufactured and used
19 exclusively for off-highway use which is fifty inches or less in width, with an
20 unladen dry weight of one thousand pounds or less, traveling on three, four or
21 more low pressure tires, with a seat designed to be straddled by the operator, or
22 with a seat designed to carry more than one person, and handlebars for steering
23 control;
- 24 (4) "Court", any circuit, associate circuit, or municipal court, including
25 traffic court, but not any juvenile court or drug court;
- 26 (5) "Chronic offender", a person who has been found guilty of:
- 27 (a) Four or more intoxication-related traffic offenses committed on
28 separate occasions; or
- 29 (b) Three or more intoxication-related traffic offenses committed on

30 separate occasions where at least one of the intoxication-related traffic offenses
31 is an offense committed in violation of any state law, county or municipal
32 ordinance, any federal offense, or any military offense in which the defendant was
33 operating a vehicle while intoxicated and another person was injured or killed;
34 or

35 (c) Two or more intoxication-related traffic offenses committed on separate
36 occasions where both intoxication-related traffic offenses were offenses committed
37 in violation of any state law, county or municipal ordinance, any federal offense,
38 or any military offense in which the defendant was operating a vehicle while
39 intoxicated and another person was injured or killed;

40 (6) "Chronic boating offender", a person who has been found guilty of:

41 (a) Four or more intoxication-related boating offenses; or

42 (b) Three or more intoxication-related boating offenses committed on
43 separate occasions where at least one of the intoxication-related boating offenses
44 is an offense committed in violation of any state law, county or municipal
45 ordinance, any federal offense, or any military offense in which the defendant was
46 operating a vessel while intoxicated and another person was injured or killed; or

47 (c) Two or more intoxication-related boating offenses committed on
48 separate occasions where both intoxication-related boating offenses were offenses
49 committed in violation of any state law, county or municipal ordinance, any
50 federal offense, or any military offense in which the defendant was operating a
51 vessel while intoxicated and another person was injured or killed;

52 (7) **"Continuous alcohol monitoring", automatically testing breath,**
53 **blood, or transdermal alcohol concentration levels and tampering**
54 **attempts at least once every hour, regardless of the location of the**
55 **person who is being monitored, and regularly transmitting the**
56 **data. Continuous alcohol monitoring shall be considered an electronic**
57 **monitoring service under subsection 3 of section 217.690;**

58 (8) "Controlled substance", a drug, substance, or immediate precursor in
59 schedules I to V listed in section 195.017;

60 [(8)] (9) "Drive", "driving", "operates" or "operating", means physically
61 driving or operating a vehicle or vessel;

62 [(9)] (10) "Flight crew member", the pilot in command, copilots, flight
63 engineers, and flight navigators;

64 [(10)] (11) "Habitual offender", a person who has been found guilty of:

65 (a) Five or more intoxication-related traffic offenses committed on

66 separate occasions; or

67 (b) Four or more intoxication-related traffic offenses committed on
68 separate occasions where at least one of the intoxication-related traffic offenses
69 is an offense committed in violation of any state law, county or municipal
70 ordinance, any federal offense, or any military offense in which the defendant was
71 operating a vehicle while intoxicated and another person was injured or killed;
72 or

73 (c) Three or more intoxication-related traffic offenses committed on
74 separate occasions where at least two of the intoxication-related traffic offenses
75 were offenses committed in violation of any state law, county or municipal
76 ordinance, any federal offense, or any military offense in which the defendant was
77 operating a vehicle while intoxicated and another person was injured or killed;
78 or

79 (d) While driving while intoxicated, the defendant acted with criminal
80 negligence to:

81 a. Cause the death of any person not a passenger in the vehicle operated
82 by the defendant, including the death of an individual that results from the
83 defendant's vehicle leaving a highway, as defined by section 301.010, or the
84 highway's right-of-way; or

85 b. Cause the death of two or more persons; or

86 c. Cause the death of any person while he or she has a blood alcohol
87 content of at least eighteen-hundredths of one percent by weight of alcohol in
88 such person's blood;

89 **[(11)] (12)** "Habitual boating offender", a person who has been found
90 guilty of:

91 (a) Five or more intoxication-related boating offenses; or

92 (b) Four or more intoxication-related boating offenses committed on
93 separate occasions where at least one of the intoxication-related boating offenses
94 is an offense committed in violation of any state law, county or municipal
95 ordinance, any federal offense, or any military offense in which the defendant was
96 operating a vessel while intoxicated and another person was injured or killed; or

97 (c) Three or more intoxication-related boating offenses committed on
98 separate occasions where at least two of the intoxication-related boating offenses
99 were offenses committed in violation of any state law, county or municipal
100 ordinance, any federal offense, or any military offense in which the defendant was
101 operating a vessel while intoxicated and another person was injured or killed; or

102 (d) While boating while intoxicated, the defendant acted with criminal
103 negligence to:

104 a. Cause the death of any person not a passenger in the vessel operated
105 by the defendant, including the death of an individual that results from the
106 defendant's vessel leaving the water; or

107 b. Cause the death of two or more persons; or

108 c. Cause the death of any person while he or she has a blood alcohol
109 content of at least eighteen-hundredths of one percent by weight of alcohol in
110 such person's blood;

111 [(12)] (13) "Intoxicated" or "intoxicated condition", when a person is
112 under the influence of alcohol, a controlled substance, or drug, or any combination
113 thereof;

114 [(13)] (14) "Intoxication-related boating offense", operating a vessel while
115 intoxicated; boating while intoxicated; operating a vessel with excessive blood
116 alcohol content or an offense in which the defendant was operating a vessel while
117 intoxicated and another person was injured or killed in violation of any state law,
118 county or municipal ordinance, any federal offense, or any military offense;

119 [(14)] (15) "Intoxication-related traffic offense", driving while intoxicated,
120 driving with excessive blood alcohol content or an offense in which the defendant
121 was operating a vehicle while intoxicated and another person was injured or
122 killed in violation of any state law, county or municipal ordinance, any federal
123 offense, or any military offense;

124 [(15)] (16) "Law enforcement officer" or "arresting officer", includes the
125 definition of law enforcement officer in section 556.061 and military policemen
126 conducting traffic enforcement operations on a federal military installation under
127 military jurisdiction in the state of Missouri;

128 [(16)] (17) "Operate a vessel", to physically control the movement of a
129 vessel in motion under mechanical or sail power in water;

130 [(17)] (18) "Persistent offender", a person who has been found guilty of
131 two or more intoxication-related traffic offenses committed on separate occasions;

132 [(18)] (19) "Persistent boating offender", a person who has been found
133 guilty of two or more intoxication-related boating offenses committed on separate
134 occasions;

135 [(19)] (20) "Prior offender", a person who has been found guilty of one
136 intoxication-related traffic offense, where such prior offense occurred within five
137 years of the occurrence of the intoxication-related traffic offense for which the

138 person is charged;

139 [(20)] (21) "Prior boating offender", a person who has been found guilty
140 of one intoxication-related boating offense, where such prior offense occurred
141 within five years of the occurrence of the intoxication-related boating offense for
142 which the person is charged.

 577.010. 1. A person commits the offense of driving while intoxicated if
2 he or she operates a vehicle while in an intoxicated condition.

3 2. The offense of driving while intoxicated is:

4 (1) A class B misdemeanor;

5 (2) A class A misdemeanor if:

6 (a) The defendant is a prior offender; or

7 (b) A person less than seventeen years of age is present in the vehicle;

8 (3) A class E felony if:

9 (a) The defendant is a persistent offender; or

10 (b) While driving while intoxicated, the defendant acts with criminal
11 negligence to cause physical injury to another person;

12 (4) A class D felony if:

13 (a) The defendant is an aggravated offender;

14 (b) While driving while intoxicated, the defendant acts with criminal
15 negligence to cause physical injury to a law enforcement officer or emergency
16 personnel; or

17 (c) While driving while intoxicated, the defendant acts with criminal
18 negligence to cause serious physical injury to another person;

19 (5) A class C felony if:

20 (a) The defendant is a chronic offender;

21 (b) While driving while intoxicated, the defendant acts with criminal
22 negligence to cause serious physical injury to a law enforcement officer or
23 emergency personnel; or

24 (c) While driving while intoxicated, the defendant acts with criminal
25 negligence to cause the death of another person;

26 (6) A class B felony if:

27 (a) The defendant is a habitual offender; or

28 (b) While driving while intoxicated, the defendant acts with criminal
29 negligence to cause the death of a law enforcement officer or emergency
30 personnel;

31 (7) A class A felony if the defendant is a habitual offender as a result of

32 being found guilty of an act described under paragraph (d) of subdivision [(10)]
33 (11) of section 577.001 and is found guilty of a subsequent violation of such
34 paragraph.

35 3. Notwithstanding the provisions of subsection 2 of this section, a person
36 found guilty of the offense of driving while intoxicated as a first offense shall not
37 be granted a suspended imposition of sentence:

38 (1) Unless such person shall be placed on probation for a minimum of two
39 years; or

40 (2) In a circuit where a DWI court or docket created under section 478.007
41 or other court-ordered treatment program is available, and where the offense was
42 committed with fifteen-hundredths of one percent or more by weight of alcohol in
43 such person's blood, unless the individual participates and successfully completes
44 a program under such DWI court or docket or other court-ordered treatment
45 program.

46 4. **If a person is found guilty of a second or subsequent offense**
47 **of driving while intoxicated, the court may order the person to submit**
48 **to a period of continuous alcohol monitoring or verifiable breath**
49 **alcohol testing performed a minimum of four times per day as a**
50 **condition of probation.**

51 5. If a person is not granted a suspended imposition of sentence for the
52 reasons described in subsection 3 of this section:

53 (1) If the individual operated the vehicle with fifteen-hundredths to
54 twenty-hundredths of one percent by weight of alcohol in such person's blood, the
55 required term of imprisonment shall be not less than forty-eight hours;

56 (2) If the individual operated the vehicle with greater than twenty-
57 hundredths of one percent by weight of alcohol in such person's blood, the
58 required term of imprisonment shall be not less than five days.

59 [5.] 6. A person found guilty of the offense of driving while intoxicated:

60 (1) As a prior offender, persistent offender, aggravated offender, chronic
61 offender, or habitual offender shall not be granted a suspended imposition of
62 sentence or be sentenced to pay a fine in lieu of a term of imprisonment, section
63 557.011 to the contrary notwithstanding;

64 (2) As a prior offender shall not be granted parole or probation until he
65 or she has served a minimum of ten days imprisonment:

66 (a) Unless as a condition of such parole or probation such person performs
67 at least thirty days of community service under the supervision of the court in

68 those jurisdictions which have a recognized program for community service; or

69 (b) The offender participates in and successfully completes a program
70 established under section 478.007 or other court-ordered treatment program, if
71 available, and as part of either program, the offender performs at least thirty
72 days of community service under the supervision of the court;

73 (3) As a persistent offender shall not be eligible for parole or probation
74 until he or she has served a minimum of thirty days imprisonment:

75 (a) Unless as a condition of such parole or probation such person performs
76 at least sixty days of community service under the supervision of the court in
77 those jurisdictions which have a recognized program for community service; or

78 (b) The offender participates in and successfully completes a program
79 established under section 478.007 or other court-ordered treatment program, if
80 available, and as part of either program, the offender performs at least sixty days
81 of community service under the supervision of the court;

82 (4) As an aggravated offender shall not be eligible for parole or probation
83 until he or she has served a minimum of sixty days imprisonment;

84 (5) As a chronic offender shall not be eligible for parole or probation until
85 he or she has served a minimum of two years imprisonment; **and**

86 **(6) Any probation or parole granted under this subsection may**
87 **include a period of continuous alcohol monitoring or verifiable breath**
88 **alcohol testing performed a minimum of four times per day.**

577.012. 1. A person commits the offense of driving with excessive blood
2 alcohol content if such person operates:

3 (1) A vehicle while having eight-hundredths of one percent or more by
4 weight of alcohol in his or her blood; or

5 (2) A commercial motor vehicle while having four one-hundredths of one
6 percent or more by weight of alcohol in his or her blood.

7 2. As used in this section, percent by weight of alcohol in the blood shall
8 be based upon grams of alcohol per one hundred milliliters of blood or two
9 hundred ten liters of breath and may be shown by chemical analysis of the
10 person's blood, breath, saliva or urine. For the purposes of determining the
11 alcoholic content of a person's blood under this section, the test shall be
12 conducted in accordance with the provisions of sections 577.020 to 577.041.

13 3. The offense of driving with excessive blood alcohol content is:

14 (1) A class B misdemeanor;

15 (2) A class A misdemeanor if the defendant is alleged and proved to be a

16 prior offender;

17 (3) A class E felony if the defendant is alleged and proved to be a
18 persistent offender;

19 (4) A class D felony if the defendant is alleged and proved to be an
20 aggravated offender;

21 (5) A class C felony if the defendant is alleged and proved to be a chronic
22 offender;

23 (6) A class B felony if the defendant is alleged and proved to be a habitual
24 offender.

25 4. A person found guilty of the offense of driving with an excessive blood
26 alcohol content as a first offense shall not be granted a suspended imposition of
27 sentence:

28 (1) Unless such person shall be placed on probation for a minimum of two
29 years; or

30 (2) In a circuit where a DWI court or docket created under section 478.007
31 or other court-ordered treatment program is available, and where the offense was
32 committed with fifteen-hundredths of one percent or more by weight of alcohol in
33 such person's blood, unless the individual participates in and successfully
34 completes a program under such DWI court or docket or other court-ordered
35 treatment program.

36 5. If a person is not granted a suspended imposition of sentence for the
37 reasons described in subsection 4 of this section:

38 (1) If the individual operated the vehicle with fifteen-hundredths to
39 twenty-hundredths of one percent by weight of alcohol in such person's blood, the
40 required term of imprisonment shall be not less than forty-eight hours;

41 (2) If the individual operated the vehicle with greater than twenty-
42 hundredths of one percent by weight of alcohol in such person's blood, the
43 required term of imprisonment shall be not less than five days.

44 **6. If a person is found guilty of a second or subsequent offense**
45 **of driving with an excessive blood alcohol content, the court may order**
46 **the person to submit to a period of continuous alcohol monitoring or**
47 **verifiable breath alcohol testing performed a minimum of four times**
48 **per day as a condition of probation.**

49 7. A person found guilty of driving with excessive blood alcohol content:

50 (1) As a prior offender, persistent offender, aggravated offender, chronic
51 offender or habitual offender shall not be granted a suspended imposition of

52 sentence or be sentenced to pay a fine in lieu of a term of imprisonment, section
53 557.011 to the contrary notwithstanding;

54 (2) As a prior offender shall not be granted parole or probation until he
55 or she has served a minimum of ten days imprisonment:

56 (a) Unless as a condition of such parole or probation such person performs
57 at least thirty days of community service under the supervision of the court in
58 those jurisdictions which have a recognized program for community service; or

59 (b) The offender participates in and successfully completes a program
60 established under section 478.007 or other court-ordered treatment program, if
61 available, and as part of either program, the offender performs at least thirty
62 days of community service under the supervision of the court;

63 (3) As a persistent offender shall not be granted parole or probation until
64 he or she has served a minimum of thirty days imprisonment:

65 (a) Unless as a condition of such parole or probation such person performs
66 at least sixty days of community service under the supervision of the court in
67 those jurisdictions which have a recognized program for community service; or

68 (b) The offender participates in and successfully completes a program
69 established under section 478.007 or other court-ordered treatment program, if
70 available, and as part of either program, the offender performs at least sixty days
71 of community service under the supervision of the court;

72 (4) As an aggravated offender shall not be eligible for parole or probation
73 until he or she has served a minimum of sixty days imprisonment;

74 (5) As a chronic offender shall not be eligible for parole or probation until
75 he or she has served a minimum of two years imprisonment; **and**

76 **(6) Any probation or parole granted under this subsection may**
77 **include a period of continuous alcohol monitoring or verifiable breath**
78 **alcohol testing performed a minimum of four times per day.**

577.013. 1. A person commits the offense of boating while intoxicated if
2 he or she operates a vessel while in an intoxicated condition.

3 2. The offense of boating while intoxicated is:

4 (1) A class B misdemeanor;

5 (2) A class A misdemeanor if:

6 (a) The defendant is a prior boating offender; or

7 (b) A person less than seventeen years of age is present in the vessel;

8 (3) A class E felony if:

9 (a) The defendant is a persistent boating offender; or

10 (b) While boating while intoxicated, the defendant acts with criminal
11 negligence to cause physical injury to another person;

12 (4) A class D felony if:

13 (a) The defendant is an aggravated boating offender;

14 (b) While boating while intoxicated, the defendant acts with criminal
15 negligence to cause physical injury to a law enforcement officer or emergency
16 personnel; or

17 (c) While boating while intoxicated, the defendant acts with criminal
18 negligence to cause serious physical injury to another person;

19 (5) A class C felony if:

20 (a) The defendant is a chronic boating offender;

21 (b) While boating while intoxicated, the defendant acts with criminal
22 negligence to cause serious physical injury to a law enforcement officer or
23 emergency personnel; or

24 (c) While boating while intoxicated, the defendant acts with criminal
25 negligence to cause the death of another person;

26 (6) A class B felony if:

27 (a) The defendant is a habitual boating offender; or

28 (b) While boating while intoxicated, the defendant acts with criminal
29 negligence to cause the death of a law enforcement officer or emergency
30 personnel;

31 (7) A class A felony if the defendant is a habitual offender as a result of
32 being found guilty of an act described under paragraph (d) of subdivision [(11)]
33 (12) of section 577.001 and is found guilty of a subsequent violation of such
34 paragraph.

35 3. Notwithstanding the provisions of subsection 2 of this section, a person
36 found guilty of the offense of boating while intoxicated as a first offense shall not
37 be granted a suspended imposition of sentence:

38 (1) Unless such person shall be placed on probation for a minimum of two
39 years; or

40 (2) In a circuit where a DWI court or docket created under section 478.007
41 or other court-ordered treatment program is available, and where the offense was
42 committed with fifteen-hundredths of one percent or more by weight of alcohol in
43 such person's blood, unless the individual participates in and successfully
44 completes a program under such DWI court or docket or other court-ordered
45 treatment program.

46 **4. If a person is found guilty of a second or subsequent offense**
47 **of boating while intoxicated, the court may order the person to submit**
48 **to a period of continuous alcohol monitoring or verifiable breath**
49 **alcohol testing performed a minimum of four times per day as a**
50 **condition of probation.**

51 **5.** If a person is not granted a suspended imposition of sentence for the
52 reasons described in subsection 3 of this section:

53 (1) If the individual operated the vessel with fifteen-hundredths to
54 twenty-hundredths of one percent by weight of alcohol in such person's blood, the
55 required term of imprisonment shall be not less than forty-eight hours;

56 (2) If the individual operated the vessel with greater than twenty-
57 hundredths of one percent by weight of alcohol in such person's blood, the
58 required term of imprisonment shall be not less than five days.

59 **[5.] 6.** A person found guilty of the offense of boating while intoxicated:

60 (1) As a prior boating offender, persistent boating offender, aggravated
61 boating offender, chronic boating offender or habitual boating offender shall not
62 be granted a suspended imposition of sentence or be sentenced to pay a fine in
63 lieu of a term of imprisonment, section 557.011 to the contrary notwithstanding;

64 (2) As a prior boating offender shall not be granted parole or probation
65 until he or she has served a minimum of ten days imprisonment:

66 (a) Unless as a condition of such parole or probation such person performs
67 at least two hundred forty hours of community service under the supervision of
68 the court in those jurisdictions which have a recognized program for community
69 service; or

70 (b) The offender participates in and successfully completes a program
71 established under section 478.007 or other court-ordered treatment program, if
72 available;

73 (3) As a persistent offender shall not be eligible for parole or probation
74 until he or she has served a minimum of thirty days imprisonment:

75 (a) Unless as a condition of such parole or probation such person performs
76 at least four hundred eighty hours of community service under the supervision
77 of the court in those jurisdictions which have a recognized program for community
78 service; or

79 (b) The offender participates in and successfully completes a program
80 established under section 478.007 or other court-ordered treatment program, if
81 available;

82 (4) As an aggravated boating offender shall not be eligible for parole or
83 probation until he or she has served a minimum of sixty days imprisonment;

84 (5) As a chronic boating offender shall not be eligible for parole or
85 probation until he or she has served a minimum of two years imprisonment; **and**

86 **(6) Any probation or parole granted under this subsection may**
87 **include a period of continuous alcohol monitoring or verifiable breath**
88 **alcohol testing performed a minimum of four times per day.**

577.014. 1. A person commits the offense of boating with excessive blood
2 alcohol content if he or she operates a vessel while having eight-hundredths of
3 one percent or more by weight of alcohol in his or her blood.

4 2. As used in this section, percent by weight of alcohol in the blood shall
5 be based upon grams of alcohol per one hundred milliliters of blood or two
6 hundred ten liters of breath and may be shown by chemical analysis of the
7 person's blood, breath, saliva or urine. For the purposes of determining the
8 alcoholic content of a person's blood under this section, the test shall be
9 conducted in accordance with the provisions of sections 577.020 to 577.041.

10 3. The offense of boating with excessive blood alcohol content is:

11 (1) A class B misdemeanor;

12 (2) A class A misdemeanor if the defendant is alleged and proved to be a
13 prior boating offender;

14 (3) A class E felony if the defendant is alleged and proved to be a
15 persistent boating offender;

16 (4) A class D felony if the defendant is alleged and proved to be an
17 aggravated boating offender;

18 (5) A class C felony if the defendant is alleged and proved to be a chronic
19 boating offender;

20 (6) A class B felony if the defendant is alleged and proved to be a habitual
21 boating offender.

22 4. A person found guilty of the offense of boating with excessive blood
23 alcohol content as a first offense shall not be granted a suspended imposition of
24 sentence:

25 (1) Unless such person shall be placed on probation for a minimum of two
26 years; or

27 (2) In a circuit where a DWI court or docket created under section 478.007
28 or other court-ordered treatment program is available, and where the offense was
29 committed with fifteen-hundredths of one percent or more by weight of alcohol in

30 such person's blood unless the individual participates in and successfully
31 completes a program under such DWI court or docket or other court-ordered
32 treatment program.

33 5. When a person is not granted a suspended imposition of sentence for
34 the reasons described in subsection 4 of this section:

35 (1) If the individual operated the vessel with fifteen-hundredths to
36 twenty-hundredths of one percent by weight of alcohol in such person's blood, the
37 required term of imprisonment shall be not less than forty-eight hours;

38 (2) If the individual operated the vessel with greater than twenty-
39 hundredths of one percent by weight of alcohol in such person's blood, the
40 required term of imprisonment shall be not less than five days.

41 **6. If a person is found guilty of a second or subsequent offense**
42 **of boating with an excessive blood alcohol content, the court may order**
43 **the person to submit to a period of continuous alcohol monitoring or**
44 **verifiable breath alcohol testing performed a minimum of four times**
45 **per day as a condition of probation.**

46 7. A person found guilty of the offense of boating with excessive blood
47 alcohol content:

48 (1) As a prior boating offender, persistent boating offender, aggravated
49 boating offender, chronic boating offender or habitual boating offender shall not
50 be granted a suspended imposition of sentence or be sentenced to pay a fine in
51 lieu of a term of imprisonment, section 557.011 to the contrary notwithstanding;

52 (2) As a prior boating offender, shall not be granted parole or probation
53 until he or she has served a minimum of ten days imprisonment:

54 (a) Unless as a condition of such parole or probation such person performs
55 at least two hundred forty hours of community service under the supervision of
56 the court in those jurisdictions which have a recognized program for community
57 service; or

58 (b) The offender participates in and successfully completes a program
59 established under section 478.007 or other court-ordered treatment program, if
60 available;

61 (3) As a persistent boating offender, shall not be granted parole or
62 probation until he or she has served a minimum of thirty days imprisonment:

63 (a) Unless as a condition of such parole or probation such person performs
64 at least four hundred eighty hours of community service under the supervision
65 of the court in those jurisdictions which have a recognized program for community

66 service; or

67 (b) The offender participates in and successfully completes a program
68 established under section 478.007 or other court-ordered treatment program, if
69 available;

70 (4) As an aggravated boating offender, shall not be eligible for parole or
71 probation until he or she has served a minimum of sixty days imprisonment;

72 (5) As a chronic boating offender, shall not be eligible for parole or
73 probation until he or she has served a minimum of two years imprisonment; **and**

74 **(6) Any probation or parole granted under this subsection may**
75 **include a period of continuous alcohol monitoring or verifiable breath**
76 **alcohol testing performed a minimum of four times per day.**

Section B. The repeal and reenactment of sections 302.010, 302.060,
2 302.304, 302.309, 302.525, 302.574, 577.001, 577.010, 577.012, 577.013, and
3 577.014 of this act shall become effective on January 1, 2017.

✓

Bill

Copy