

FIRST REGULAR SESSION

# HOUSE BILL NO. 1176

## 98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE JONES.

1896H.021

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 302.304 and 302.309 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, sections 302.304 and 302.309 as enacted by senate bill no. 23, ninety-seventh general assembly, first regular session, and sections 302.302 and 302.525, RSMo, and to enact in lieu thereof four new sections relating to intoxication-related offenses, with penalty provisions.

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

Section A. Sections 302.304 and 302.309 as enacted by senate bill no. 491, ninety-  
2 seventh general assembly, second regular session, sections 302.304 and 302.309 as enacted by  
3 senate bill no. 23, ninety-seventh general assembly, first regular session, and sections 302.302  
4 and 302.525, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as  
5 sections 302.302, 302.304, 302.309, and 302.525, to read as follows:

302.302. 1. The director of revenue shall put into effect a point system for the  
2 suspension and revocation of licenses. Points shall be assessed only after a conviction or  
3 forfeiture of collateral. The initial point value is as follows:

- 4 (1) Any moving violation of a state law or county or municipal or federal traffic  
5 ordinance or regulation not listed in this section, other than a violation of vehicle equipment  
6 provisions or a court-ordered supervision as provided in section 302.303 2 points  
7 (except any violation of municipal stop sign ordinance where no accident is involved 1 point)  
8 (2) Speeding In violation of a state law 3 points  
9 In violation of a county or municipal ordinance 2 points  
10 (3) Leaving the scene of an accident in violation of section 577.060 12 points In  
11 violation of any county or municipal ordinance 6 points

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

- 12 (4) Careless and imprudent driving in violation of subsection 4 of section 304.016 4  
13 points  
14 In violation of a county or municipal ordinance 2 points
- 15 (5) Operating without a valid license in violation of subdivision (1) or (2) of subsection  
16 1 of section 302.020:  
17 (a) For the first conviction 2 points  
18 (b) For the second conviction 4 points  
19 (c) For the third conviction 6 points  
20 (6) Operating with a suspended or revoked license prior to restoration of operating  
21 privileges 12 points  
22 (7) Obtaining a license by misrepresentation 12 points  
23 (8) For the first conviction of driving while in an intoxicated condition or under the  
24 influence of controlled substances or drugs 8 points  
25 (9) For the second or subsequent conviction of any of the following offenses however  
26 combined: driving while in an intoxicated condition, driving under the influence of controlled  
27 substances or drugs or driving with a blood alcohol content of eight-hundredths of one percent  
28 or more by weight 12 points  
29 (10) For the first conviction for driving with blood alcohol content eight-hundredths of  
30 one percent or more by weight In violation of state law 8 points  
31 In violation of a county or municipal ordinance or federal law or regulation  
32 8 points  
33 (11) Any felony involving the use of a motor vehicle **except that a felony resulting**  
34 **from aggregate violations of alcohol regulations shall not be used to assign points under**  
35 **this subdivision** 12 points  
36 (12) Knowingly permitting unlicensed operator to operate a motor vehicle 4 points  
37 (13) For a conviction for failure to maintain financial responsibility pursuant to county  
38 or municipal ordinance or pursuant to section 303.025 4 points  
39 (14) Endangerment of a highway worker in violation of section 304.585 4 points  
40 (15) Aggravated endangerment of a highway worker in violation of section 304.585  
41 12 points  
42 (16) For a conviction of violating a municipal ordinance that prohibits tow truck  
43 operators from stopping at or proceeding to the scene of an accident unless they have been  
44 requested to stop or proceed to such scene by a party involved in such accident or by an officer  
45 of a public safety agency 4 points  
46 (17) Endangerment of an emergency responder in violation of section 304.894 4 points

47 (18) Aggravated endangerment of an emergency responder in violation of section  
48 304.894 12 points

49 2. The director shall, as provided in subdivision (5) of subsection 1 of this section, assess  
50 an operator points for a conviction pursuant to subdivision (1) or (2) of subsection 1 of section  
51 302.020, when the director issues such operator a license or permit pursuant to the provisions  
52 of sections 302.010 to 302.340.

53 3. An additional two points shall be assessed when personal injury or property damage  
54 results from any violation listed in subdivisions (1) to (13) of subsection 1 of this section and if  
55 found to be warranted and certified by the reporting court.

56 4. When any of the acts listed in subdivision (2), (3), (4) or (8) of subsection 1 of this  
57 section constitutes both a violation of a state law and a violation of a county or municipal  
58 ordinance, points may be assessed for either violation but not for both. Notwithstanding that an  
59 offense arising out of the same occurrence could be construed to be a violation of subdivisions  
60 (8), (9) and (10) of subsection 1 of this section, no person shall be tried or convicted for more  
61 than one offense pursuant to subdivisions (8), (9) and (10) of subsection 1 of this section for  
62 offenses arising out of the same occurrence.

63 5. The director of revenue shall put into effect a system for staying the assessment of  
64 points against an operator. The system shall provide that the satisfactory completion of a  
65 driver-improvement program or, in the case of violations committed while operating a  
66 motorcycle, a motorcycle-rider training course approved by the state highways and transportation  
67 commission, by an operator, when so ordered and verified by any court having jurisdiction over  
68 any law of this state or county or municipal ordinance, regulating motor vehicles, other than a  
69 violation committed in a commercial motor vehicle as defined in section 302.700 or a violation  
70 committed by an individual who has been issued a commercial driver's license or is required to  
71 obtain a commercial driver's license in this state or any other state, shall be accepted by the  
72 director in lieu of the assessment of points for a violation pursuant to subdivision (1), (2) or (4)  
73 of subsection 1 of this section or pursuant to subsection 3 of this section. The operator shall be  
74 given the option to complete the driver-improvement program through an online or in-person  
75 course. A court using a centralized violation bureau established under section 476.385 may elect  
76 to have the bureau order and verify completion of a driver-improvement program or  
77 motorcycle-rider training course as prescribed by order of the court. For the purposes of this  
78 subsection, the driver-improvement program shall meet or exceed the standards of the National  
79 Safety Council's eight-hour "Defensive Driving Course" or, in the case of a violation which  
80 occurred during the operation of a motorcycle, the program shall meet the standards established  
81 by the state highways and transportation commission pursuant to sections 302.133 to 302.137.  
82 The completion of a driver-improvement program or a motorcycle-rider training course shall not

83 be accepted in lieu of points more than one time in any thirty-six-month period and shall be  
84 completed within sixty days of the date of conviction in order to be accepted in lieu of the  
85 assessment of points. Every court having jurisdiction pursuant to the provisions of this  
86 subsection shall, within fifteen days after completion of the driver-improvement program or  
87 motorcycle-rider training course by an operator, forward a record of the completion to the  
88 director, all other provisions of the law to the contrary notwithstanding. The director shall  
89 establish procedures for record keeping and the administration of this subsection.

302.304. 1. The director shall notify by ordinary mail any operator of the point value  
2 charged against the operator's record when the record shows four or more points have been  
3 accumulated in a twelve-month period.

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

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

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

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

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

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

24

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

27 5. The period of suspension of the driver's license and driving privilege of any person  
28 under the provisions of subdivision (8) **or** (9) of subsection 1 of section 302.302 or who has  
29 accumulated sufficient points together with a conviction under subdivision (10) of subsection

30 1 of section 302.302 shall be thirty days, followed by a sixty-day period of restricted driving  
31 privilege as defined in section 302.010. Upon completion of such period of restricted driving  
32 privilege, upon compliance with other requirements of law and upon filing of proof of financial  
33 responsibility with the department of revenue, in accordance with chapter 303, the license and  
34 driving privilege shall be reinstated. If a person, otherwise subject to the provisions of this  
35 subsection, files proof of installation with the department of revenue that any vehicle operated  
36 by such person is equipped with a functioning, certified ignition interlock device, there shall be  
37 no period of suspension. However, in lieu of a suspension the person shall instead complete a  
38 ninety-day period of restricted driving privilege. If the person fails to maintain such proof of the  
39 device with the director of revenue as required, the restricted driving privilege shall be  
40 terminated. Upon completion of such ninety-day period of restricted driving privilege, upon  
41 compliance with other requirements of law, and upon filing of proof of financial responsibility  
42 with the department of revenue, in accordance with chapter 303, the license and driving privilege  
43 shall be reinstated. However, if the monthly monitoring reports during such ninety-day period  
44 indicate that the ignition interlock device has registered a confirmed blood alcohol concentration  
45 level above the alcohol setpoint established by the department of transportation or such reports  
46 indicate that the ignition interlock device has been tampered with or circumvented, then the  
47 license and driving privilege of such person shall not be reinstated until the person completes an  
48 additional thirty-day period of restricted driving privilege.

49 6. If the person fails to maintain proof of financial responsibility in accordance with  
50 chapter 303, or, if applicable, if the person fails to maintain proof that any vehicle operated is  
51 equipped with a functioning, certified ignition interlock device installed pursuant to subsection  
52 5 of this section, the person's driving privilege and license shall be resuspended.

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

66 revocation from the director, pass the complete driver examination and apply for a new license  
67 before again operating a motor vehicle upon the highways of this state.

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

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

76         10. Upon the issuance of a reinstatement or termination notice after a suspension or  
77 revocation of any person's license and driving privilege under the provisions of sections 302.010  
78 to 302.540, the accumulated point value shall be reduced to four points, except that the points  
79 of any person serving as a member of the Armed Forces of the United States outside the limits  
80 of the United States during a period of suspension or revocation shall be reduced to zero upon  
81 the date of the reinstatement or termination of notice. It shall be the responsibility of such  
82 member of the Armed Forces to submit copies of official orders to the director of revenue to  
83 substantiate such overseas service. Any other provision of sections 302.010 to 302.540 to the  
84 contrary notwithstanding, the effective date of the four points remaining on the record upon  
85 reinstatement or termination shall be the date of the reinstatement or termination notice.

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

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

93         13. Notwithstanding any other provision of law to the contrary, if after two years from  
94 the effective date of any suspension or revocation issued under this chapter, except any  
95 suspension or revocation issued under section 302.410, 302.462, or 302.574, the person or  
96 nonresident has not paid the reinstatement fee of twenty dollars, the director shall reinstate such  
97 license or privilege to operate a motor vehicle in this state. Any person who has had his or her  
98 license suspended or revoked under section 302.410, 302.462, or 302.574, shall be required to  
99 pay the reinstatement fee.

100         14. No person who has had a license to operate a motor vehicle suspended or revoked  
101 as a result of an assessment of points for a violation under subdivision (8), (9) or (10) of

102 subsection 1 of section 302.302 shall have that license reinstated until such person has  
103 participated in and successfully completed a substance abuse traffic offender program defined  
104 in section 302.010, or a program determined to be comparable by the department of mental  
105 health. Assignment recommendations, based upon the needs assessment as described in  
106 subdivision (24) of section 302.010, shall be delivered in writing to the person with written  
107 notice that the person is entitled to have such assignment recommendations reviewed by the court  
108 if the person objects to the recommendations. The person may file a motion in the associate  
109 division of the circuit court of the county in which such assignment was given, on a printed form  
110 provided by the state courts administrator, to have the court hear and determine such motion  
111 pursuant to the provisions of chapter 517. The motion shall name the person or entity making  
112 the needs assessment as the respondent and a copy of the motion shall be served upon the  
113 respondent in any manner allowed by law. Upon hearing the motion, the court may modify or  
114 waive any assignment recommendation that the court determines to be unwarranted based upon  
115 a review of the needs assessment, the person's driving record, the circumstances surrounding the  
116 offense, and the likelihood of the person committing a like offense in the future, except that the  
117 court may modify but may not waive the assignment to an education or rehabilitation program  
118 of a person determined to be a prior or persistent offender as defined in section 577.001 or of a  
119 person determined to have operated a motor vehicle with fifteen-hundredths of one percent or  
120 more by weight in such person's blood. Compliance with the court determination of the motion  
121 shall satisfy the provisions of this section for the purpose of reinstating such person's license to  
122 operate a motor vehicle. The respondent's personal appearance at any hearing conducted  
123 pursuant to this subsection shall not be necessary unless directed by the court.

124 15. The fees for the program authorized in subsection 14 of this section, or a portion  
125 thereof to be determined by the department of mental health, shall be paid by the person enrolled  
126 in the program. Any person who is enrolled in the program shall pay, in addition to any fee  
127 charged for the program, a supplemental fee in an amount to be determined by the department  
128 of mental health for the purposes of funding the substance abuse traffic offender program defined  
129 in section 302.010 or a program determined to be comparable by the department of mental  
130 health. The administrator of the program shall remit to the division of alcohol and drug abuse  
131 of the department of mental health on or before the fifteenth day of each month the supplemental  
132 fee for all persons enrolled in the program, less two percent for administrative costs. Interest  
133 shall be charged on any unpaid balance of the supplemental fees due the division of alcohol and  
134 drug abuse pursuant to this section and shall accrue at a rate not to exceed the annual rate  
135 established pursuant to the provisions of section 32.065, plus three percentage points. The  
136 supplemental fees and any interest received by the department of mental health pursuant to this  
137 section shall be deposited in the mental health earnings fund which is created in section 630.053.

138           16. Any administrator who fails to remit to the division of alcohol and drug abuse of the  
139 department of mental health the supplemental fees and interest for all persons enrolled in the  
140 program pursuant to this section shall be subject to a penalty equal to the amount of interest  
141 accrued on the supplemental fees due the division pursuant to this section. If the supplemental  
142 fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the  
143 department of mental health within six months of the due date, the attorney general of the state  
144 of Missouri shall initiate appropriate action of the collection of said fees and interest accrued.  
145 The court shall assess attorney fees and court costs against any delinquent program.

146           17. Any person who has had a license to operate a motor vehicle suspended or revoked  
147 as a result of an assessment of points for a conviction for an intoxication-related traffic offense  
148 as defined under section 577.001, and who has a prior alcohol-related enforcement contact as  
149 defined under section 302.525, shall be required to file proof with the director of revenue that  
150 any motor vehicle operated by the person is equipped with a functioning, certified ignition  
151 interlock device as a required condition of reinstatement of the license. The ignition interlock  
152 device shall further be required to be maintained on all motor vehicles operated by the person  
153 for a period of not less than six months immediately following the date of reinstatement. If the  
154 monthly monitoring reports show that the ignition interlock device has registered any confirmed  
155 blood alcohol concentration readings above the alcohol setpoint established by the department  
156 of transportation or that the person has tampered with or circumvented the ignition interlock  
157 device **within the last three months of the six-month period of required installation of the**  
158 **ignition interlock device**, then the period for which the person must maintain the ignition  
159 interlock device following the date of reinstatement shall be extended for [an additional six  
160 months] **additional periods of three months until the person has completed three months**  
161 **with no violations as described in this section**. If the person fails to maintain such proof with  
162 the director, the license shall be resuspended or revoked and the person shall be guilty of a class  
163 A misdemeanor.

          302.304. 1. The director shall notify by ordinary mail any operator of the point value  
2 charged against the operator's record when the record shows four or more points have been  
3 accumulated in a twelve-month period.

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

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



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

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

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

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

24

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

27           5. The period of suspension of the driver's license and driving privilege of any person  
28 under the provisions of subdivision (8) **and (9)** of subsection 1 of section 302.302 or who has  
29 accumulated sufficient points together with a conviction under subdivision (10) of subsection  
30 1 of section 302.302 shall be thirty days, followed by a sixty-day period of restricted driving  
31 privilege as defined in section 302.010. Upon completion of such period of restricted driving  
32 privilege, upon compliance with other requirements of law and upon filing of proof of financial  
33 responsibility with the department of revenue, in accordance with chapter 303, the license and  
34 driving privilege shall be reinstated. If a person, otherwise subject to the provisions of this  
35 subsection, files proof of installation with the department of revenue that any vehicle operated  
36 by such person is equipped with a functioning, certified ignition interlock device, there shall be  
37 no period of suspension. However, in lieu of a suspension the person shall instead complete a  
38 ninety-day period of restricted driving privilege. If the person fails to maintain such proof of the  
39 device with the director of revenue as required, the restricted driving privilege shall be  
40 terminated. Upon completion of such ninety-day period of restricted driving privilege, upon  
41 compliance with other requirements of law, and upon filing of proof of financial responsibility  
42 with the department of revenue, in accordance with chapter 303, the license and driving privilege  
43 shall be reinstated. However, if the monthly monitoring reports during such ninety-day period  
44 indicate that the ignition interlock device has registered a confirmed blood alcohol concentration  
45 level above the alcohol setpoint established by the department of transportation or such reports  
46 indicate that the ignition interlock device has been tampered with or circumvented, then the

47 license and driving privilege of such person shall not be reinstated until the person completes an  
48 additional thirty-day period of restricted driving privilege.

49         6. If the person fails to maintain proof of financial responsibility in accordance with  
50 chapter 303, or, if applicable, if the person fails to maintain proof that any vehicle operated is  
51 equipped with a functioning, certified ignition interlock device installed pursuant to subsection  
52 5 of this section, the person's driving privilege and license shall be resuspended.

53         7. The director shall revoke the license and driving privilege of any person when the  
54 person's driving record shows such person has accumulated twelve points in twelve months or  
55 eighteen points in twenty-four months or twenty-four points in thirty-six months. The revocation  
56 period of any person whose license and driving privilege have been revoked under the provisions  
57 of sections 302.010 to 302.540 and who has filed proof of financial responsibility with the  
58 department of revenue in accordance with chapter 303 and is otherwise eligible, shall be  
59 terminated by a notice from the director of revenue after one year from the effective date of the  
60 revocation. Unless proof of financial responsibility is filed with the department of revenue,  
61 except as provided in subsection 2 of section 302.541, the revocation shall remain in effect for  
62 a period of two years from its effective date. If the person fails to maintain proof of financial  
63 responsibility in accordance with chapter 303, the person's license and driving privilege shall be  
64 rerevoked. Any person whose license and driving privilege have been revoked under the  
65 provisions of sections 302.010 to 302.540 shall, upon receipt of the notice of termination of the  
66 revocation from the director, pass the complete driver examination and apply for a new license  
67 before again operating a motor vehicle upon the highways of this state.

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

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

76         10. Upon the issuance of a reinstatement or termination notice after a suspension or  
77 revocation of any person's license and driving privilege under the provisions of sections 302.010  
78 to 302.540, the accumulated point value shall be reduced to four points, except that the points  
79 of any person serving as a member of the Armed Forces of the United States outside the limits  
80 of the United States during a period of suspension or revocation shall be reduced to zero upon  
81 the date of the reinstatement or termination of notice. It shall be the responsibility of such  
82 member of the Armed Forces to submit copies of official orders to the director of revenue to

83 substantiate such overseas service. Any other provision of sections 302.010 to 302.540 to the  
84 contrary notwithstanding, the effective date of the four points remaining on the record upon  
85 reinstatement or termination shall be the date of the reinstatement or termination notice.

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

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

93 13. Notwithstanding any other provision of law to the contrary, if after two years from  
94 the effective date of any suspension or revocation issued under this chapter, the person or  
95 nonresident has not paid the reinstatement fee of twenty dollars, the director shall reinstate such  
96 license or privilege to operate a motor vehicle in this state.

97 14. No person who has had a license to operate a motor vehicle suspended or revoked  
98 as a result of an assessment of points for a violation under subdivision (8), (9) or (10) of  
99 subsection 1 of section 302.302 shall have that license reinstated until such person has  
100 participated in and successfully completed a substance abuse traffic offender program defined  
101 in section 302.010, or a program determined to be comparable by the department of mental  
102 health. Assignment recommendations, based upon the needs assessment as described in  
103 subdivision (24) of section 302.010, shall be delivered in writing to the person with written  
104 notice that the person is entitled to have such assignment recommendations reviewed by the court  
105 if the person objects to the recommendations. The person may file a motion in the associate  
106 division of the circuit court of the county in which such assignment was given, on a printed form  
107 provided by the state courts administrator, to have the court hear and determine such motion  
108 pursuant to the provisions of chapter 517. The motion shall name the person or entity making  
109 the needs assessment as the respondent and a copy of the motion shall be served upon the  
110 respondent in any manner allowed by law. Upon hearing the motion, the court may modify or  
111 waive any assignment recommendation that the court determines to be unwarranted based upon  
112 a review of the needs assessment, the person's driving record, the circumstances surrounding the  
113 offense, and the likelihood of the person committing a like offense in the future, except that the  
114 court may modify but may not waive the assignment to an education or rehabilitation program  
115 of a person determined to be a prior or persistent offender as defined in section 577.023 or of a  
116 person determined to have operated a motor vehicle with fifteen-hundredths of one percent or  
117 more by weight in such person's blood. Compliance with the court determination of the motion  
118 shall satisfy the provisions of this section for the purpose of reinstating such person's license to

119 operate a motor vehicle. The respondent's personal appearance at any hearing conducted  
120 pursuant to this subsection shall not be necessary unless directed by the court.

121           15. The fees for the program authorized in subsection 14 of this section, or a portion  
122 thereof to be determined by the department of mental health, shall be paid by the person enrolled  
123 in the program. Any person who is enrolled in the program shall pay, in addition to any fee  
124 charged for the program, a supplemental fee in an amount to be determined by the department  
125 of mental health for the purposes of funding the substance abuse traffic offender program defined  
126 in section 302.010 and section 577.001 or a program determined to be comparable by the  
127 department of mental health. The administrator of the program shall remit to the division of  
128 alcohol and drug abuse of the department of mental health on or before the fifteenth day of each  
129 month the supplemental fee for all persons enrolled in the program, less two percent for  
130 administrative costs. Interest shall be charged on any unpaid balance of the supplemental fees  
131 due the division of alcohol and drug abuse pursuant to this section and shall accrue at a rate not  
132 to exceed the annual rate established pursuant to the provisions of section 32.065, plus three  
133 percentage points. The supplemental fees and any interest received by the department of mental  
134 health pursuant to this section shall be deposited in the mental health earnings fund which is  
135 created in section 630.053.

136           16. Any administrator who fails to remit to the division of alcohol and drug abuse of the  
137 department of mental health the supplemental fees and interest for all persons enrolled in the  
138 program pursuant to this section shall be subject to a penalty equal to the amount of interest  
139 accrued on the supplemental fees due the division pursuant to this section. If the supplemental  
140 fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the  
141 department of mental health within six months of the due date, the attorney general of the state  
142 of Missouri shall initiate appropriate action of the collection of said fees and interest accrued.  
143 The court shall assess attorney fees and court costs against any delinquent program.

144           17. Any person who has had a license to operate a motor vehicle suspended or revoked  
145 as a result of an assessment of points for a conviction for an intoxication-related traffic offense  
146 as defined under section 577.023, and who has a prior alcohol-related enforcement contact as  
147 defined under section 302.525, shall be required to file proof with the director of revenue that  
148 any motor vehicle operated by the person is equipped with a functioning, certified ignition  
149 interlock device as a required condition of reinstatement of the license. The ignition interlock  
150 device shall further be required to be maintained on all motor vehicles operated by the person  
151 for a period of not less than six months immediately following the date of reinstatement. If the  
152 monthly monitoring reports show that the ignition interlock device has registered any confirmed  
153 blood alcohol concentration readings above the alcohol setpoint established by the department  
154 of transportation or that the person has tampered with or circumvented the ignition interlock

155 device **within the last three months of the six-month period of required installation of the**  
156 **ignition interlock device**, then the period for which the person must maintain the ignition  
157 interlock device following the date of reinstatement shall be extended for [an additional six  
158 months] **additional periods of three months until the person has completed three months**  
159 **with no violations as described in this section**. If the person fails to maintain such proof with  
160 the director, the license shall be resuspended or revoked and the person shall be guilty of a class  
161 A misdemeanor.

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

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

7 3. (1) All circuit courts, the director of revenue, or a commissioner operating under  
8 section 478.007 shall have jurisdiction to hear applications and make eligibility determinations  
9 granting limited driving privileges, except as provided under subdivision (8) of this subsection.  
10 Any application may be made in writing to the director of revenue and the person's reasons for  
11 requesting the limited driving privilege shall be made therein.

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

- 14 (a) A business, occupation, or employment;
- 15 (b) Seeking medical treatment for such operator;
- 16 (c) Attending school or other institution of higher education;
- 17 (d) Attending alcohol or drug treatment programs;
- 18 (e) Seeking the required services of a certified ignition interlock device provider; or
- 19 (f) Any other circumstance the court or director finds would create an undue hardship

20 on the operator,

21  
22 the court or director may grant such limited driving privilege as the circumstances of the case  
23 justify if the court or director finds undue hardship would result to the individual, and while so  
24 operating a motor vehicle within the restrictions and limitations of the limited driving privilege  
25 the driver shall not be guilty of operating a motor vehicle without a valid license.

26 (3) An operator may make application to the proper court in the county in which such  
27 operator resides or in the county in which is located the operator's principal place of business or  
28 employment. Any application for a limited driving privilege made to a circuit court shall name  
29 the director as a party defendant and shall be served upon the director prior to the grant of any

30 limited privilege, and shall be accompanied by a copy of the applicant's driving record as  
31 certified by the director. Any applicant for a limited driving privilege shall have on file with the  
32 department of revenue proof of financial responsibility as required by chapter 303. Any  
33 application by a person who transports persons or property as classified in section 302.015 may  
34 be accompanied by proof of financial responsibility as required by chapter 303, but if proof of  
35 financial responsibility does not accompany the application, or if the applicant does not have on  
36 file with the department of revenue proof of financial responsibility, the court or the director has  
37 discretion to grant the limited driving privilege to the person solely for the purpose of operating  
38 a vehicle whose owner has complied with chapter 303 for that vehicle, and the limited driving  
39 privilege must state such restriction. When operating such vehicle under such restriction the  
40 person shall carry proof that the owner has complied with chapter 303 for that vehicle.

41 (4) No limited driving privilege shall be issued to any person otherwise eligible under  
42 the provisions of [paragraph (a) of] subdivision (6) of this subsection [on a license revocation  
43 resulting from a conviction under subdivision (9) of subsection 1 of section 302.302, or] **if such**  
44 **person has** a license denial under paragraph (a) or (b) of subdivision (8) of this subsection[, or  
45 a license revocation under paragraph (g) of subdivision (6) of this subsection,] until the applicant  
46 has filed proof with the department of revenue that any motor vehicle operated by the person is  
47 equipped with a functioning, certified ignition interlock device as a required condition of limited  
48 driving privilege. The ignition interlock device required for obtaining a limited driving privilege  
49 under paragraph (a) or (b) of subdivision (8) of this subsection shall have a photo identification  
50 technology feature, and a court may require a global positioning system feature for such device.

51 (5) The court order or the director's grant of the limited or restricted driving privilege  
52 shall indicate the termination date of the privilege, which shall be not later than the end of the  
53 period of suspension or revocation. The court order or the director's grant of the limited or  
54 restricted driving privilege shall also indicate whether a functioning, certified ignition interlock  
55 device is required as a condition of operating a motor vehicle with the limited driving privilege.  
56 A copy of any court order shall be sent by the clerk of the court to the director, and a copy shall  
57 be given to the driver which shall be carried by the driver whenever such driver operates a motor  
58 vehicle. The director of revenue upon granting a limited driving privilege shall give a copy of  
59 the limited driving privilege to the applicant. The applicant shall carry a copy of the limited  
60 driving privilege while operating a motor vehicle. A conviction which results in the assessment  
61 of points pursuant to section 302.302, other than a violation of a municipal stop sign ordinance  
62 where no accident is involved, against a driver who is operating a vehicle pursuant to a limited  
63 driving privilege terminates the privilege, as of the date the points are assessed to the person's  
64 driving record. If the date of arrest is prior to the issuance of the limited driving privilege, the  
65 privilege shall not be terminated. Failure of the driver to maintain proof of financial

66 responsibility, as required by chapter 303, or to maintain proof of installation of a functioning,  
67 certified ignition interlock device, as applicable, shall terminate the privilege. The director shall  
68 notify by ordinary mail the driver whose privilege is so terminated.

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

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

77 (b)] A conviction of any felony in the commission of which a motor vehicle was used  
78 **except for a felony resulting from aggregate driving while intoxicated or driving under the**  
79 **influence offenses;**

80 [(c)] (b) Ineligibility for a license because of the provisions of subdivision (1), (2), (4),  
81 (5), (6), (7), (8), (9), **or** (10) [or (11)] of subsection 1 of section 302.060; **or**

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

85 (e) Due to a revocation for failure to submit to a chemical test pursuant to section  
86 302.574 or due to a refusal to submit to a chemical test in any other state, unless such person has  
87 completed the first ninety days of such revocation and files proof of installation with the  
88 department of revenue that any vehicle operated by such person is equipped with a functioning,  
89 certified ignition interlock device, provided the person is not otherwise ineligible for a limited  
90 driving privilege;

91 (f) Due to a suspension pursuant to subsection 2 of section 302.525 and who has not  
92 completed the first thirty days of such suspension, provided the person is not otherwise ineligible  
93 for a limited driving privilege; or

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

97 (7) No person who possesses a commercial driver's license shall receive a limited driving  
98 privilege issued for the purpose of operating a commercial motor vehicle if such person's driving  
99 privilege is suspended, revoked, cancelled, denied, or disqualified. Nothing in this section shall  
100 prohibit the issuance of a limited driving privilege for the purpose of operating a noncommercial

101 motor vehicle provided that pursuant to the provisions of this section, the applicant is not  
102 otherwise ineligible for a limited driving privilege.

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

114 (b) Provided that pursuant to the provisions of this section, the applicant is not otherwise  
115 ineligible for a limited driving privilege or convicted of acting with criminal negligence while  
116 driving while intoxicated to cause the death of another person, a circuit court or the director may,  
117 in the manner prescribed in this subsection, allow a person who has had such person's license to  
118 operate a motor vehicle revoked where that person cannot obtain a new license for a period of  
119 five years because of two convictions of driving while intoxicated, as prescribed in subdivision  
120 (10) of subsection 1 of section 302.060, to apply for a limited driving privilege pursuant to this  
121 subsection. Such person shall present evidence satisfactory to the court or the director that such  
122 person's habits and conduct show that the person no longer poses a threat to the public safety of  
123 this state. Any person who is denied a license permanently in this state because of an  
124 alcohol-related conviction subsequent to a restoration of such person's driving privileges  
125 pursuant to subdivision (9) of section 302.060 shall not be eligible for limited driving privilege  
126 pursuant to the provisions of this subdivision. A circuit court shall grant a limited driving  
127 privilege to any individual who otherwise is eligible to receive a limited driving privilege, has  
128 filed proof of installation of a certified ignition interlock device, and has had no alcohol-related  
129 enforcement contacts since the alcohol-related enforcement contact that resulted in the person's  
130 license denial.

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

135 4. Any person who has received notice of denial of a request of limited driving privilege  
136 by the director of revenue may make a request for a review of the director's determination in the



137 circuit court of the county in which the person resides or the county in which is located the  
138 person's principal place of business or employment within thirty days of the date of mailing of  
139 the notice of denial. Such review shall be based upon the records of the department of revenue  
140 and other competent evidence and shall be limited to a review of whether the applicant was  
141 statutorily entitled to the limited driving privilege.

142 5. The director of revenue shall promulgate rules and regulations necessary to carry out  
143 the provisions of this section. Any rule or portion of a rule, as that term is defined in section  
144 536.010, that is created under the authority delegated in this section shall become effective only  
145 if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section  
146 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the  
147 general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove  
148 and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority  
149 and any rule proposed or adopted after August 28, 2001, shall be invalid and void.

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

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

7 3. (1) All circuit courts, the director of revenue, or a commissioner operating under  
8 section 478.007 shall have jurisdiction to hear applications and make eligibility determinations  
9 granting limited driving privileges, except as provided under subdivision (8) of this subsection.  
10 Any application may be made in writing to the director of revenue and the person's reasons for  
11 requesting the limited driving privilege shall be made therein.

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

- 14 (a) A business, occupation, or employment;
- 15 (b) Seeking medical treatment for such operator;
- 16 (c) Attending school or other institution of higher education;
- 17 (d) Attending alcohol or drug treatment programs;
- 18 (e) Seeking the required services of a certified ignition interlock device provider; or
- 19 (f) Any other circumstance the court or director finds would create an undue hardship  
20 on the operator,

21

22 the court or director may grant such limited driving privilege as the circumstances of the case  
23 justify if the court or director finds undue hardship would result to the individual, and while so

24 operating a motor vehicle within the restrictions and limitations of the limited driving privilege  
25 the driver shall not be guilty of operating a motor vehicle without a valid license.

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

41 (4) No limited driving privilege shall be issued to any person otherwise eligible under  
42 the provisions of [paragraph (a) of] subdivision (6) of this subsection [on a license revocation  
43 resulting from a conviction under subdivision (9) of subsection 1 of section 302.302, or] **if such**  
44 **person has** a license denial under paragraph (a) or (b) of subdivision (8) of this subsection[, or  
45 a license revocation under paragraph (g) of subdivision (6) of this subsection,] until the applicant  
46 has filed proof with the department of revenue that any motor vehicle operated by the person is  
47 equipped with a functioning, certified ignition interlock device as a required condition of limited  
48 driving privilege. The ignition interlock device required for obtaining a limited driving privilege  
49 under paragraph (a) or (b) of subdivision (8) of this subsection shall have photo identification  
50 technology and global positioning system features.

51 (5) The court order or the director's grant of the limited or restricted driving privilege  
52 shall indicate the termination date of the privilege, which shall be not later than the end of the  
53 period of suspension or revocation. The court order or the director's grant of the limited or  
54 restricted driving privilege shall also indicate whether a functioning, certified ignition interlock  
55 device is required as a condition of operating a motor vehicle with the limited driving privilege.  
56 A copy of any court order shall be sent by the clerk of the court to the director, and a copy shall  
57 be given to the driver which shall be carried by the driver whenever such driver operates a motor  
58 vehicle. The director of revenue upon granting a limited driving privilege shall give a copy of  
59 the limited driving privilege to the applicant. The applicant shall carry a copy of the limited

60 driving privilege while operating a motor vehicle. A conviction which results in the assessment  
61 of points pursuant to section 302.302, other than a violation of a municipal stop sign ordinance  
62 where no accident is involved, against a driver who is operating a vehicle pursuant to a limited  
63 driving privilege terminates the privilege, as of the date the points are assessed to the person's  
64 driving record. If the date of arrest is prior to the issuance of the limited driving privilege, the  
65 privilege shall not be terminated. Failure of the driver to maintain proof of financial  
66 responsibility, as required by chapter 303, or to maintain proof of installation of a functioning,  
67 certified ignition interlock device, as applicable, shall terminate the privilege. The director shall  
68 notify by ordinary mail the driver whose privilege is so terminated.

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

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

77 (b)] A conviction of any felony in the commission of which a motor vehicle was used  
78 **except for a felony resulting from aggregate driving while intoxicated or driving under the**  
79 **influence offenses;**

80 [(c)] (b) Ineligibility for a license because of the provisions of subdivision (1), (2), (4),  
81 (5), (6), (7), (8), (9), **or** (10) [or (11)] of subsection 1 of section 302.060; **or**

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

85 (e) Due to a revocation for failure to submit to a chemical test pursuant to section  
86 577.041 or due to a refusal to submit to a chemical test in any other state, unless such person has  
87 completed the first ninety days of such revocation and files proof of installation with the  
88 department of revenue that any vehicle operated by such person is equipped with a functioning,  
89 certified ignition interlock device, provided the person is not otherwise ineligible for a limited  
90 driving privilege;

91 (f) Due to a suspension pursuant to subsection 2 of section 302.525 and who has not  
92 completed the first thirty days of such suspension, provided the person is not otherwise ineligible  
93 for a limited driving privilege; or

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

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

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

114 (b) Provided that pursuant to the provisions of this section, the applicant is not otherwise  
115 ineligible for a limited driving privilege or convicted of involuntary manslaughter while  
116 operating a motor vehicle in an intoxicated condition, a circuit court or the director may, in the  
117 manner prescribed in this subsection, allow a person who has had such person's license to operate  
118 a motor vehicle revoked where that person cannot obtain a new license for a period of five years  
119 because of two convictions of driving while intoxicated, as prescribed in subdivision (10) of  
120 subsection 1 of section 302.060, to apply for a limited driving privilege pursuant to this  
121 subsection. Such person shall present evidence satisfactory to the court or the director that such  
122 person's habits and conduct show that the person no longer poses a threat to the public safety of  
123 this state. Any person who is denied a license permanently in this state because of an  
124 alcohol-related conviction subsequent to a restoration of such person's driving privileges  
125 pursuant to subdivision (9) of section 302.060 shall not be eligible for limited driving privilege  
126 pursuant to the provisions of this subdivision. A circuit court shall grant a limited driving  
127 privilege to any individual who otherwise is eligible to receive a limited driving privilege, has  
128 filed proof of installation of a certified ignition interlock device, and has had no alcohol-related

129 enforcement contacts since the alcohol-related enforcement contact that resulted in the person's  
130 license denial.

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

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

142 5. The director of revenue shall promulgate rules and regulations necessary to carry out  
143 the provisions of this section. Any rule or portion of a rule, as that term is defined in section  
144 536.010, that is created under the authority delegated in this section shall become effective only  
145 if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section  
146 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the  
147 general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove  
148 and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority  
149 and any rule proposed or adopted after August 28, 2001, shall be invalid and void.

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

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

11 (1) If the person's driving record shows no prior alcohol-related enforcement contacts  
12 during the immediately preceding five years, the period of suspension shall be thirty days after  
13 the effective date of suspension, followed by a sixty-day period of restricted driving privilege as  
14 defined in section 302.010 and issued by the director of revenue. The restricted driving privilege  
15 shall not be issued until he or she has filed proof of financial responsibility with the department

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

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

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

46 3. For purposes of this section, "alcohol-related enforcement contacts" shall include any  
47 suspension or revocation under sections 302.500 to 302.540, any suspension or revocation  
48 entered in this or any other state for a refusal to submit to chemical testing under an implied  
49 consent law, and any conviction in this or any other state for a violation which involves driving  
50 while intoxicated, driving while under the influence of drugs or alcohol, or driving a vehicle  
51 while having an unlawful alcohol concentration.

52           4. Where a license is suspended or revoked under this section and the person is also  
53 convicted on charges arising out of the same occurrence for a violation of section 577.010 or  
54 577.012 or for a violation of any county or municipal ordinance prohibiting driving while  
55 intoxicated or alcohol-related traffic offense, both the suspension or revocation under this section  
56 and any other suspension or revocation arising from such convictions shall be imposed, but the  
57 period of suspension or revocation under sections 302.500 to 302.540 shall be credited against  
58 any other suspension or revocation arising from such convictions, and the total period of  
59 suspension or revocation shall not exceed the longer of the two suspension or revocation periods.

60           5. Any person who has had a license to operate a motor vehicle revoked under this  
61 section or suspended under this section with one or more prior alcohol-related enforcement  
62 contacts showing on their driver record shall be required to file proof with the director of revenue  
63 that any motor vehicle operated by that person is equipped with a functioning, certified ignition  
64 interlock device as a required condition of reinstatement. The ignition interlock device shall  
65 further be required to be maintained on all motor vehicles operated by the person for a period of  
66 not less than six months immediately following the date of reinstatement. If the monthly  
67 monitoring reports show that the ignition interlock device has registered any confirmed blood  
68 alcohol concentration readings above the alcohol setpoint established by the department of  
69 transportation or that the person has tampered with or circumvented the ignition interlock device  
70 **within the last three months of the six-month period of required installation of the ignition**  
71 **interlock device**, then the period for which the person must maintain the ignition interlock  
72 device following the date of reinstatement shall be extended for [an additional six months]  
73 **additional periods of three months until the person has completed three months with no**  
74 **violations as described in this section.** If the person fails to maintain such proof with the  
75 director, the license shall be resuspended or revoked, as applicable.

✓