

SENATE BILL NO. 746

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR MUNZLINGER.

Read 1st time January 21, 2014, and ordered printed.

TERRY L. SPIELER, Secretary.

5513S.011

AN ACT

To repeal section 302.302, RSMo, and to enact in lieu thereof one new section relating to automated traffic enforcement penalties.

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

Section A. Section 302.302, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 302.302, to read as follows:

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

- 2 (1) Any moving violation of a state law or county or
- 3 municipal or federal traffic ordinance or regulation
- 4 not listed in this section, other than a violation of
- 5 vehicle equipment provisions or a court-ordered
- 6 supervision as provided in section 302.303 2 points
- 7 (except any violation of municipal stop sign
- 8 ordinance where no accident is involved 1 point)
- 9 (2) Speeding
- 10 In violation of a state law 3 points
- 11 In violation of a county or municipal ordinance 2 points
- 12 (3) Leaving the scene of an accident in violation
- 13 of section 577.060 12 points
- 14 In violation of any county or municipal ordinance 6 points
- 15 (4) Careless and imprudent driving in violation of
- 16 subsection 4 of section 304.016 4 points
- 17 In violation of a county or municipal ordinance 2 points
- 18 (5) Operating without a valid license in violation of
- 19
- 20

- 21 subdivision (1) or (2) of subsection 1 of section 302.020:
- 22 (a) For the first conviction 2 points
- 23 (b) For the second conviction 4 points
- 24 (c) For the third conviction 6 points
- 25 (6) Operating with a suspended or revoked license prior to
- 26 restoration of operating privileges 12 points
- 27 (7) Obtaining a license by misrepresentation 12 points
- 28 (8) For the first conviction of driving while in an
- 29 intoxicated condition or under the influence of
- 30 controlled substances or drugs 8 points
- 31 (9) For the second or subsequent conviction of any
- 32 of the following offenses however combined: driving
- 33 while in an intoxicated condition, driving under the
- 34 influence of controlled substances or drugs or driving
- 35 with a blood alcohol content of eight-hundredths of one
- 36 percent or more by weight 12 points
- 37 (10) For the first conviction for driving with blood alcohol
- 38 content eight-hundredths of one percent or more
- 39 by weight
- 40 In violation of state law 8 points
- 41 In violation of a county or municipal ordinance or
- 42 federal law or regulation 8 points
- 43 (11) Any felony involving the use of a motor vehicle 12 points
- 44 (12) Knowingly permitting unlicensed operator to operate a
- 45 motor vehicle 4 points
- 46 (13) For a conviction for failure to maintain financial
- 47 responsibility pursuant to county or municipal ordinance
- 48 or pursuant to section 303.025 4 points
- 49 (14) Endangerment of a highway worker in violation of
- 50 section 304.585 4 points
- 51 (15) Aggravated endangerment of a highway worker in
- 52 violation of section 304.585 12 points
- 53 (16) For a conviction of violating a municipal ordinance
- 54 that prohibits tow truck operators from stopping at or
- 55 proceeding to the scene of an accident unless they have
- 56 been requested to stop or proceed to such scene by a party

57 involved in such accident or by an officer of a public
58 safety agency 4 points

59 (17) Endangerment of an emergency responder in violation
60 of section 304.894 4 points

61 (18) Aggravated endangerment of an emergency responder
62 in violation of section 304.894 12 points

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

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

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

79 5. The director of revenue shall put into effect a system for staying the
80 assessment of points against an operator. The system shall provide that the
81 satisfactory completion of a driver-improvement program or, in the case of
82 violations committed while operating a motorcycle, a motorcycle-rider training
83 course approved by the state highways and transportation commission, by an
84 operator, when so ordered and verified by any court having jurisdiction over any
85 law of this state or county or municipal ordinance, regulating motor vehicles,
86 other than a violation committed in a commercial motor vehicle as defined in
87 section 302.700 or a violation committed by an individual who has been issued a
88 commercial driver's license or is required to obtain a commercial driver's license
89 in this state or any other state, shall be accepted by the director in lieu of the
90 assessment of points for a violation pursuant to subdivision (1), (2) or (4) of
91 subsection 1 of this section or pursuant to subsection 3 of this section. The
92 operator shall be given the option to complete the driver-improvement program

93 through an online or in-person course. A court using a centralized violation
94 bureau established under section 476.385 may elect to have the bureau order and
95 verify completion of a driver-improvement program or motorcycle-rider training
96 course as prescribed by order of the court. For the purposes of this subsection,
97 the driver-improvement program shall meet or exceed the standards of the
98 National Safety Council's eight-hour "Defensive Driving Course" or, in the case
99 of a violation which occurred during the operation of a motorcycle, the program
100 shall meet the standards established by the state highways and transportation
101 commission pursuant to sections 302.133 to 302.137. The completion of a
102 driver-improvement program or a motorcycle-rider training course shall not be
103 accepted in lieu of points more than one time in any thirty-six-month period and
104 shall be completed within sixty days of the date of conviction in order to be
105 accepted in lieu of the assessment of points. Every court having jurisdiction
106 pursuant to the provisions of this subsection shall, within fifteen days after
107 completion of the driver-improvement program or motorcycle-rider training course
108 by an operator, forward a record of the completion to the director, all other
109 provisions of the law to the contrary notwithstanding. The director shall
110 establish procedures for record keeping and the administration of this subsection.

111 **6. Notwithstanding any other provision of law, all traffic laws**
112 **enforced through automated traffic enforcement systems shall be**
113 **considered infractions with a fine amount of no more than one hundred**
114 **thirty-five dollars and for which the director of revenue shall not assess**
115 **points pursuant to this section.**

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