

FIRST REGULAR SESSION

HOUSE BILL NO. 401

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES DUSENBERG (Sponsor), NANCE, KRAUS, PRATT, YATES, GRISAMORE, YOUNG AND MEINERS (Co-sponsors).

Read 1st time January 11, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

0957L.01I

AN ACT

To repeal section 302.302, RSMo, and to enact in lieu thereof one new section relating to tow truck operators, with penalty provisions.

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Section A. Section 302.302, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 302.302, to read as follows: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

(1) Any moving violation of a state law or county or municipal or federal traffic ordinance or regulation not listed in this section, other than a violation of vehicle equipment provisions or a court-ordered supervision as provided in section 302.303 . . . . . 2 points (except any violation of municipal stop sign ordinance where no accident is involved . . . . . 1 point)

(2) Speeding In violation of a state law . . . . . 3 points In violation of a county or municipal ordinance . . . . . 2 points

(3) Leaving the scene of an accident in violation of section 577.060, RSMo . . . . . 12 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.

15 In violation of any county or municipal ordinance ..... 6 points

16 (4) Careless and imprudent driving in violation of subsection 4 of

17 section 304.016, RSMo ..... 4 points

18 In violation of a county or municipal ordinance ..... 2 points

19 (5) Operating without a valid license in violation of subdivision (1) or

20 (2) of subsection 1 of section 302.020:

21 (a) For the first conviction ..... 2 points

22 (b) For the second conviction ..... 4 points

23 (c) For the third conviction ..... 6 points

24 (6) Operating with a suspended or revoked license prior to restoration of

25 operating privileges ..... 12 points

26 (7) Obtaining a license by misrepresentation ..... 12 points

27 (8) For the first conviction of driving while in an intoxicated condition

28 or under the influence of controlled substances or drugs ..... 8 points

29 (9) For the second or subsequent conviction of any of the following

30 offenses however combined: driving while in an intoxicated condition, driving

31 under the influence of controlled substances or drugs or driving with a blood

32 alcohol content of eight-hundredths of one percent or more by weight ..... 12 points

33 (10) For the first conviction for driving with blood alcohol content

34 eight-hundredths of one percent or more by weight

35 In violation of state law ..... 8 points

36 In violation of a county or municipal ordinance or federal law or regulation ..... 8 points

37 (11) Any felony involving the use of a motor vehicle ..... 12 points

38 (12) Knowingly permitting unlicensed operator to operate a motor

39 vehicle ..... 4 points

40 (13) For a conviction for failure to maintain financial responsibility

41 pursuant to county or municipal ordinance or pursuant to section 303.025,

42 RSMo ..... 4 points

43 (14) Endangerment of a highway worker in violation of section

44 304.585, RSMo ..... 4 points

45 (15) Aggravated endangerment of a highway worker in violation of

46 section 304.585, RSMo ..... 12 points

47 **(16) For a conviction of violating an ordinance in any home rule city**

48 **with more than four hundred thousand inhabitants and located in more**

49 **than one county that prohibits tow truck operators from stopping at or**

50 **proceeding to the scene of an accident unless they have been requested to**  
 51 **stop or proceed to such scene by a party involved in such accident or by an**  
 52 **officer of a public safety agency . . . . . 4 points**

53         2. The director shall, as provided in subdivision (5) of subsection 1 of this section, assess  
 54 an operator points for a conviction pursuant to subdivision (1) or (2) of subsection 1 of section  
 55 302.020, when the director issues such operator a license or permit pursuant to the provisions  
 56 of sections 302.010 to 302.340.

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

60         4. When any of the acts listed in subdivision (2), (3), (4) or (8) of subsection 1 of this  
 61 section constitutes both a violation of a state law and a violation of a county or municipal  
 62 ordinance, points may be assessed for either violation but not for both. Notwithstanding that an  
 63 offense arising out of the same occurrence could be construed to be a violation of subdivisions  
 64 (8), (9) and (10) of subsection 1 of this section, no person shall be tried or convicted for more  
 65 than one offense pursuant to subdivisions (8), (9) and (10) of subsection 1 of this section for  
 66 offenses arising out of the same occurrence.

67         5. The director of revenue shall put into effect a system for staying the assessment of  
 68 points against an operator. The system shall provide that the satisfactory completion of a  
 69 driver-improvement program or, in the case of violations committed while operating a  
 70 motorcycle, a motorcycle-rider training course approved by the state highways and transportation  
 71 commission, by an operator, when so ordered and verified by any court having jurisdiction over  
 72 any law of this state or county or municipal ordinance, regulating motor vehicles, other than a  
 73 violation committed in a commercial motor vehicle as defined in section 302.700 or a violation  
 74 committed by an individual who has been issued a commercial driver's license or is required to  
 75 obtain a commercial driver's license in this state or any other state, shall be accepted by the  
 76 director in lieu of the assessment of points for a violation pursuant to subdivision (1), (2) or (4)  
 77 of subsection 1 of this section or pursuant to subsection 3 of this section. For the purposes of  
 78 this subsection, the driver-improvement program shall meet or exceed the standards of the  
 79 National Safety Council's eight-hour "Defensive Driving Course" or, in the case of a violation  
 80 which occurred during the operation of a motorcycle, the program shall meet the standards  
 81 established by the state highways and transportation commission pursuant to sections 302.133  
 82 to 302.137. The completion of a driver-improvement program or a motorcycle-rider training  
 83 course shall not be accepted in lieu of points more than one time in any thirty-six-month period  
 84 and shall be completed within sixty days of the date of conviction in order to be accepted in lieu  
 85 of the 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.

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