

(Vetoed by the Governor)

This bill changes the laws regarding driving offenses, commercial driver's licenses, the crime of assault of a mass transit employee, and highway designations.

DRIVING OFFENSES

The bill:

(1) Requires the court to order the Director of the Department of Revenue to issue a license to a person who is otherwise qualified and has been convicted more than twice of a crime relating to driving while intoxicated if the court finds that the person has not been convicted, pled guilty to, or been found guilty of and has no pending charges for any offense related to alcohol, controlled substances, or drugs; has no other alcohol-related enforcement contacts during the preceding 10 years; and his or her habits and conduct show that he or she no longer poses a threat to the public safety or to a person who is otherwise qualified and has pled guilty to or been convicted of the crime of involuntary manslaughter while operating a motor vehicle in an intoxicated condition or who has been convicted twice within a five-year period of driving while intoxicated or any other intoxication-related traffic offense if the court finds that he or she has not been convicted, pled guilty to, or been found guilty of and has no charges pending for any offense related to alcohol, controlled substances, or drugs; has no other alcohol-related enforcement contacts during the preceding five years; and his or her habits and conduct show he or she no longer poses a threat to public safety. Currently, the court may order the department director to do this (Section 302.060, RSMo);

(2) Requires a person to be given the option to complete a driver-improvement program through an online or in-person course to stay the assessment of points against a driver's license for specified violations (Section 302.302);

(3) Allows a person whose license is to be suspended for a first offense of driving while intoxicated or driving with excessive blood alcohol content to complete a 90-day period of restricted driving privilege in lieu of the suspension if he or she provides proof to the Department of Revenue that any vehicle operated by the person has a functioning, certified ignition interlock device. If the person fails to maintain proof of the device, the restricted driving privilege will be terminated. Upon completion of the 90-day period of restricted driving privilege, compliance with

other requirements of law, and filing proof of financial responsibility with the department, the license must be reinstated. If the monthly monitoring reports during the 90-day period indicate that the ignition interlock device has registered a confirmed blood alcohol concentration level above the alcohol setpoint or the reports indicate the device has been tampered with or circumvented, the license cannot be reinstated until the person completes an additional 30-day period of restricted driving privilege (Section 302.304);

(4) Repeals the provision that makes a person ineligible to receive a limited driving privilege if at the time of application he or she has previously been granted the privilege within the immediately preceding five years or his or her license has been suspended or revoked for the first time offense of failure to submit to a chemical test if the person has not completed the first 90 days of the revocation. The bill specifies that a person who has failed to submit to a chemical test is ineligible to receive a limited driving privilege unless the person files proof of installation with the department that any vehicle operated by him or her is equipped with a functioning, certified ignition interlock device if the person is not otherwise ineligible for a limited driving privilege (Section 302.309);

(5) Repeals the provisions requiring a person who has been convicted more than twice of driving while intoxicated and has had his or her license revoked for a period of 10 years without the ability to obtain a new license or a person who has been convicted twice for driving while intoxicated and has had his or her license revoked for a period of five years to apply for a limited driving privilege to serve at least 45 days of the disqualification or revocation before a circuit court or the department director can issue a limited driving privilege and repeals the provision requiring him or her to present evidence that he or she has not been convicted of any offense related to alcohol, controlled substances, or drugs during the preceding 45 days. A circuit court must grant a limited driving privilege to a person who otherwise is eligible, has filed proof of installation of a certified ignition interlock device, and has no alcohol-related enforcement contacts since the contact that resulted in his or her license denial (Section 302.309);

(6) Allows a person whose driving record shows no prior alcohol-related enforcement contacts in the immediately preceding five years to complete a 90-day period of restricted driving privilege in lieu of the suspension if he or she provides proof to the department that all vehicles operated by the person have a functioning, certified ignition interlock device. Upon completion of the restricted driving period, compliance with other

requirements of law, and filing proof of financial responsibility with the department, the license must be reinstated. If the monthly monitoring reports during the 90-day period indicate that the ignition interlock device has registered a confirmed blood alcohol concentration level above the alcohol setpoint or that the device has been tampered with or circumvented, the license cannot be reinstated until he or she completes an additional 30-day period of restricted driving privilege (Section 302.525); and

(7) Requires a person whose license has been revoked for the failure to submit to a chemical test and has a prior alcohol-related enforcement contact to provide proof to the department that any vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of license reinstatement. The device must be maintained on any motor vehicle operated by the person for a period of at least six months. If the monthly monitoring reports during the six-month period indicate that the device has registered a confirmed blood alcohol concentration level above the alcohol setpoint or indicate that the device has been tampered with or circumvented, the license cannot be reinstated until the person completes an additional six-month period of restricted driving privilege without any violations. Currently, any refusal results in a license revocation (Section 577.041).

COMMERCIAL DRIVER'S LICENSES

The bill changes the laws regarding commercial driver's licenses to conform with federal Motor Carrier Safety Administration regulations. The bill:

(1) Revises the definition of "disqualification" to include the suspension, revocation, or cancellation of a commercial driver's instruction permit (Section 302.700);

(2) Defines "electronic device" as a device that includes but is not limited to a cellular telephone, personal digital assistant, pager, computer, or any other device used to input, write, send, receive, or read text (Section 302.700);

(3) Defines "mobile telephone" as a mobile communication device that is classified as or uses any commercial mobile radio service, but does not include two-way or citizens band radio services (Section 302.700);

(4) Revises the definition of "serious traffic violation" to include a violation of state or local law on motor vehicle traffic control prohibiting texting or restricting or prohibiting the use of a hand-held mobile telephone while driving a commercial motor

vehicle (Section 302.700);

(5) Defines "texting" as manually entering text into or reading text from an electronic device including short message service, emailing, instant messaging, commanding or requesting access to a website, pressing more than a single button to initiate or terminate a call on a mobile telephone, or engaging in any other form of electronic text retrieval or entry (Section 302.700);

(6) Requires an applicant for a commercial driver's license to maintain the appropriate class of commercial driver's instruction permit issued by this state or another state for a minimum of 14 days prior to the date of completing skills testing (Section 302.720);

(7) Changes the laws regarding the amount of time a military member must be regularly employed to receive a waiver from the commercial motor vehicle driving skills test. Currently, the member must be regularly employed in a job requiring the operation of a commercial motor vehicle and have operated the vehicle for at least 60 days during the two years immediately preceding his or her application for a commercial driver's license. The bill requires the military member to be regularly employed in a military position within the last 90 days for the member to obtain the skills test waiver (Section 302.720);

(8) Changes nonresident commercial driver's licenses to nondomiciled commercial driver's licenses and changes the provisions for obtaining a nondomiciled commercial driver's license (Section 302.735);

(9) Requires a commercial driver's instruction permit to include the same information as a commercial driver's license and contain the words "CDL PERMIT" or "COMMERCIAL LEARNER PERMIT" (Section 302.740);

(10) Requires a disqualification period to be in addition to any other previous periods of disqualification in a manner consistent with specified federal law unless the major or serious violations are a result of the same incident (Section 302.755);

(11) Requires, by July 8, 2015, the Department of Revenue to comply with federal regulations regarding the commercial driver's license testing and commercial learner's permit standards rule issued by the Federal Motor Carrier Safety Administration (Section 302.767); and

(12) Prohibits a person from texting or using a hand-held mobile telephone while operating a moving commercial motor vehicle.

Currently, only a person younger than 21 years of age is prohibited from texting while driving. A person convicted of texting or using a hand-held mobile telephone while driving a commercial motor vehicle may have his or her commercial driver's license disqualified (Section 304.820).

IDLE REDUCTION TECHNOLOGY

Currently, a vehicle equipped with idle reduction technology is allowed to exceed the maximum gross vehicle weight limit and the axle weight limit by up to 400 pounds to compensate for the additional weight of the idle reduction technology. Under federal law, the total allowable weight exemption for idle reduction technology was recently increased to 550 pounds. The bill increases the weight limit for idle reduction technology to 550 pounds to reflect the new maximum federal limit (Section 304.180).

DRIVER IMPROVEMENT PROGRAMS

Currently, if a person chooses not to contest an alleged traffic violation, he or she pays the fine and costs for the violation to the central violations bureau and consents to the attendance at a driver-improvement program or motorcycle-rider training course ordered by the court. The bill allows the driver-improvement program or motorcycle-rider training course to be attended online or in person (Section 476.385).

ASSAULT OF A MASS TRANSIT SYSTEM EMPLOYEE

The bill:

(1) Specifies that a person commits the crime of assault of an employee of a mass transit system while in the scope of his or her duties in the first degree, a class B felony, if he or she attempts to kill or knowingly causes or attempts to cause serious physical injury to a mass transit system employee while in the scope of his or her duties (Section 565.087);

(2) Specifies that a person commits the crime in the second degree if a person knowingly causes or attempts to cause physical injury to a mass transit employee while in the scope of his or her duties by means of a deadly weapon or dangerous instrument or by means other than a deadly weapon or dangerous instrument; recklessly causes serious physical injury; operates a motor vehicle while in an intoxicated condition or under the influence of a controlled substance and in so doing acts with criminal negligence to cause physical injury to an employee; acts with criminal negligence to cause physical injury to an employee by means of a deadly weapon or dangerous instrument; purposely or recklessly places an employee in

apprehension of immediate serious physical injury; or acts with criminal negligence to create a substantial risk of death or serious physical injury to an employee. The crime is a class C felony unless committed under specified situations in which case it is a class D felony (Section 565.088); and

(3) Specifies that a person commits the crime in the third degree, a class B misdemeanor, if a person recklessly causes physical injury to an employee, purposely places an employee in apprehension of immediate physical injury, or knowingly causes or attempts to cause physical contact without the consent of the employee (Section 565.089).

HIGHWAY DESIGNATION

The portion of Interstate 70 in Montgomery County between mile marker 165.0 and 166.0 is designated as the "Graham's Picnic Rock Highway." The signs must not be erected until the next lane widening or pavement replacement project within that portion of the highway (Section 1).

The provisions of the bill regarding driving offenses become effective March 3, 2014.

The provisions of the bill regarding limited driving privileges in Section 302.309 contain an emergency clause and will become effective July 1, 2013, or upon its passage and approval, whichever occurs later.