

SECOND REGULAR SESSION

HOUSE BILL NO. 1994

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BLACK.

6120H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 301, RSMo, by adding thereto one new section relating to the issuance of special identifying license plates for persistent driving while intoxicated offenders, with penalty provisions.

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

Section A. Chapter 301, RSMo, is amended by adding thereto one new section, to be
2 known as section 301.185, to read as follows:

301.185. 1. Upon any person's second or subsequent conviction of violating section
2 577.010 or 577.012 within ten years, as measured from the dates of previous arrests for
3 which convictions were obtained to the date of the current arrest for which a conviction
4 is obtained, the court shall issue an order requiring that the license plates of all motor
5 vehicles registered in such person's name be surrendered to the court. The court shall
6 notify the director of revenue within ten days after issuing any such order, and the director
7 shall revoke each such license plate upon receiving such notice. The court shall issue a
8 receipt for the surrendered license plate or plates. The court shall forward the
9 surrendered license plate or plates to the local fee office immediately upon receipt. For
10 purposes of this subsection, a plea of nolo contendere shall constitute a conviction.

11 2. Except as provided in subsection 3 of this section, no new license plate or plates
12 may be issued to a person subject to a court order issued under subsection 1 of this section
13 until such person has been issued a limited driving privilege in accordance with section
14 302.309 or the driver's license of such person has been reissued or reinstated, whichever
15 occurs first. Except as provided in this subsection or subsection 3 of this section, it shall
16 be a misdemeanor for such person to obtain a new license plate or plates.

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.

17 **3. (1) A person who is subject to a court order issued under subsection 1 of this**
18 **section may apply to the director for authorization to obtain a new license plate or plates**
19 **bearing a special series of numbers and letters so as to be identifiable by law enforcement**
20 **officers. Such license plate shall not, in and of itself, constitute probable cause to authorize**
21 **a traffic stop, search of a motor vehicle, or seizure. The director shall authorize the**
22 **issuance of such a special license plate only if he or she determines that there is another**
23 **member of such person's household who possesses a valid driver's license and that a co-**
24 **owner of the vehicle or a member of the offender's family, other than the offender, is**
25 **completely dependent upon the motor vehicle for the necessities of life and would be**
26 **subjected to undue hardship without such special license plate. In no event shall such**
27 **decision take more than five business days. A local fee office shall not issue any plates**
28 **except on written approval of the director, payment of a twenty-dollar fee for each vehicle**
29 **for which a special plate is issued, and compliance by the applicant with all applicable state**
30 **laws. The written authorization from the director shall specify the maximum number of**
31 **license plates a person may obtain.**

32 **(2) A motor vehicle owned or leased by a person subject to a court order issued**
33 **under subsection 1 of this section or for which a license plate has been issued subject to**
34 **subdivision (1) of this subsection may not be sold or conveyed unless the director**
35 **determines, upon receipt of proper application, that the proposed sale or conveyance is in**
36 **good faith, that the person subject to such court order will be deprived of custody or**
37 **control of the motor vehicle, and that the sale or conveyance is not for the purpose of**
38 **circumventing the provisions of this section. Upon making such determination, the**
39 **director shall transfer the certificate of title to such vehicle and issue a new certificate of**
40 **registration and license plate.**

41 **(3) If the title to a motor vehicle owned by a person subject to a court order issued**
42 **under subsection 1 of this section or for which a license plate has been issued under**
43 **subdivision (1) of this subsection is transferred by the foreclosure, cancellation of a**
44 **conditional sales contract, sale upon execution, or order of a court of competent**
45 **jurisdiction, the director shall transfer the certificate of title and issue a new license plate**
46 **to the new registered owner.**

47 **(4) Upon full restoration of the driving privileges of a person subject to a court**
48 **order under subsection 1 of this section, the director shall authorize the person to apply for**
49 **a regular issue license plate. The fee for a regular issue license plate shall be as provided**
50 **by this chapter. As a condition of obtaining any regular issue license plate, the person shall**
51 **surrender his or her special issue license plate to the local fee office.**

52 **(5) Nothing in this section shall be deemed to waive any lawful requirement for the**
53 **issuance of a license plate including, but not limited to, proof of financial responsibility.**

54 **(6) Display of a license plate issued under subdivision (1) of this subsection shall not**
55 **constitute probable cause for stopping or detaining a vehicle.**

56 **(7) Any person aggrieved by a decision of the director under subdivision (1) of this**
57 **subsection may file a complaint and request an administrative hearing.**

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