

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Bill No. 735, Page 1, Section A, Line 5, by
2 inserting after all of said section and line the following:

3
4 "302.535. 1. Any person aggrieved by a decision of the department may file a petition for
5 trial de novo by the circuit court. The burden of proof shall be on the state to adduce the evidence.
6 Such trial shall be conducted pursuant to the Missouri rules of civil procedure and not as an appeal
7 of an administrative decision pursuant to chapter 536. The petition shall be filed in the circuit court
8 of the county where the arrest occurred. The case shall be decided by the judge sitting without a
9 jury. Until January 1, 2002, the presiding judge of the circuit court may assign a traffic judge,
10 pursuant to section 479.500, RSMo 1994, a circuit judge or an associate circuit judge to hear such
11 petition. After January 1, 2002, pursuant to local court rule pursuant to article V, section 15 of the
12 Missouri Constitution, the case may be assigned to a circuit judge or an associate circuit judge, or to
13 a traffic judge pursuant to section 479.500.

14 2. The filing of a petition for trial de novo shall [not] result in a stay of the suspension or
15 revocation order and, beginning June 1, 2017, the department shall issue a temporary driving permit
16 which shall be valid until a final order is issued following the date of the disposition of the petition
17 for a trial de novo. [A restricted driving privilege as defined in section 302.010 shall be issued in
18 accordance with subsection 2 of section 302.525, if the person's driving record shows no prior
19 alcohol-related enforcement contact during the immediately preceding five years. Such restricted
20 driving privilege shall terminate on the date of the disposition of the petition for trial de novo.

21 3. In addition to the restricted driving privilege as permitted in subsection 2 of this section,
22 the department may upon the filing of a petition for trial de novo issue a restricted driving privilege
23 as defined in section 302.010. In determining whether to issue such a restrictive driving privilege,
24 the department shall consider the number and the seriousness of prior convictions and the entire
25 driving record of the driver.

26 4. Such time of restricted driving privilege pending disposition of trial de novo shall be
27 counted toward any time of restricted driving privilege imposed pursuant to section 302.525.
28 Nothing in this subsection shall be construed to prevent a person from maintaining his restricted
29 driving privilege for an additional sixty days in order to meet the conditions imposed by section
30 302.540 for reinstating a person's driver's license.]; and

31
32 Further amend said bill, Page 8, Section 600.101, Line 8, by inserting after all of said section and
33 line the following:

34
35 "Section B. The repeal and reenactment of section 302.535 of this act shall become effective on
36 June 1, 2017."; and

Standing Action Taken _____ Date _____

Select Action Taken _____ Date _____

- 1 Further amend said bill by amending the title, enacting clause, and intersectional references
- 2 accordingly.
- 3