

SECOND REGULAR SESSION

HOUSE BILL NO. 1749

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE RODEN.

5319H.021

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 302.302 and 476.385, RSMo, and sections 302.020 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, and 302.020 as enacted by house bill no. 111, ninety-sixth general assembly, first regular session, and to enact in lieu thereof three new sections relating to the traffic offenses, with penalty provisions.

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

Section A. Sections 302.302 and 476.385, RSMo, and sections 302.020 as enacted by
2 senate bill no. 491, ninety-seventh general assembly, second regular session, and section 302.020
3 as enacted by house bill no. 111, ninety-sixth general assembly, first regular session, are repealed
4 and three new sections enacted in lieu thereof, to be known as sections 302.020, 302.302, and
5 476.385, to read as follows:

302.020. 1. Unless otherwise provided for by law, it shall be unlawful for any person,
2 except those expressly exempted by section 302.080, to:

3 (1) Operate any vehicle upon any highway in this state unless the person has a valid
4 license;

5 (2) Operate a motorcycle or motortricycle upon any highway of this state unless such
6 person has a valid license that shows the person has successfully passed an examination for the
7 operation of a motorcycle or motortricycle as prescribed by the director. The director may
8 indicate such upon a valid license issued to such person, or shall issue a license restricting the
9 applicant to the operation of a motorcycle or motortricycle if the actual demonstration, required
10 by section 302.173, is conducted on such vehicle;

11 (3) Authorize or knowingly permit a motorcycle or motortricycle owned by such person
12 or under such person's control to be driven upon any highway by any person whose license does

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.

13 not indicate that the person has passed the examination for the operation of a motorcycle or
14 motortricycle or has been issued an instruction permit therefor;

15 (4) Operate a motor vehicle with an instruction permit or license issued to another
16 person.

17 2. Every person operating or riding as a passenger on any motorcycle or motortricycle,
18 as defined in section 301.010, upon any highway of this state shall wear protective headgear at
19 all times the vehicle is in motion. The protective headgear shall meet reasonable standards and
20 specifications established by the director. **No person eighteen years of age or older shall be
21 cited and fined more than one time during a twenty-four hour time period for failing to
22 wear protective headgear as required under this subsection. No person eighteen year of
23 age or older shall be stopped, inspected, or detained solely to determine compliance with
24 this subsection.**

25 3. Notwithstanding the provisions of section 302.340 any person convicted of violating
26 subdivision (1) or (2) of subsection 1 of this section is guilty of a misdemeanor. A first violation
27 of subdivision (1) or (2) of subsection 1 of this section shall be punishable as a class D
28 misdemeanor. A second violation of subdivision (1) or (2) of subsection 1 of this section shall
29 be punishable as a class A misdemeanor. Any person convicted a third or subsequent time of
30 violating subdivision (1) or (2) of subsection 1 of this section is guilty of a class E felony.
31 Notwithstanding the provisions of section 302.340, violation of subdivisions (3) and (4) of
32 subsection 1 of this section is a misdemeanor, the first violation punishable as a class D
33 misdemeanor, a second or subsequent violation of this section punishable as a class C
34 misdemeanor, and the penalty for failure to wear protective headgear as required by subsection
35 2 of this section is an infraction for which a fine not to exceed twenty-five dollars may be
36 imposed. Notwithstanding all other provisions of law and court rules to the contrary, no court
37 costs shall be imposed upon any person due to such violation. No points shall be assessed
38 pursuant to section 302.302 for a failure to wear such protective headgear. Prior pleas of guilty
39 and prior findings of guilty shall be pleaded and proven in the same manner as required by
40 section 558.021.

302.020. 1. Unless otherwise provided for by law, it shall be unlawful for any person,
2 except those expressly exempted by section 302.080, to:

3 (1) Operate any vehicle upon any highway in this state unless the person has a valid
4 license;

5 (2) Operate a motorcycle or motortricycle upon any highway of this state unless such
6 person has a valid license that shows the person has successfully passed an examination for the
7 operation of a motorcycle or motortricycle as prescribed by the director. The director may
8 indicate such upon a valid license issued to such person, or shall issue a license restricting the

9 applicant to the operation of a motorcycle or motortricycle if the actual demonstration, required
10 by section 302.173, is conducted on such vehicle;

11 (3) Authorize or knowingly permit a motorcycle or motortricycle owned by such person
12 or under such person's control to be driven upon any highway by any person whose license does
13 not indicate that the person has passed the examination for the operation of a motorcycle or
14 motortricycle or has been issued an instruction permit therefor;

15 (4) Operate a motor vehicle with an instruction permit or license issued to another
16 person.

17 2. Every person operating or riding as a passenger on any motorcycle or motortricycle,
18 as defined in section 301.010, upon any highway of this state shall wear protective headgear at
19 all times the vehicle is in motion. The protective headgear shall meet reasonable standards and
20 specifications established by the director. **No person shall be stopped, inspected, or detained**
21 **solely to determine compliance with this subsection.**

22 3. Notwithstanding the provisions of section 302.340 any person convicted of violating
23 subdivision (1) or (2) of subsection 1 of this section is guilty of a misdemeanor. A first violation
24 of subdivision (1) or (2) of subsection 1 of this section shall be punishable by a fine not to exceed
25 three hundred dollars. A second violation of subdivision (1) or (2) of subsection 1 of this section
26 shall be punishable by imprisonment in the county jail for a term not to exceed one year and/or
27 a fine not to exceed one thousand dollars. Any person convicted a third or subsequent time of
28 violating subdivision (1) or (2) of subsection 1 of this section is guilty of a class D felony.
29 Notwithstanding the provisions of section 302.340, violation of subdivisions (3) and (4) of
30 subsection 1 of this section is a misdemeanor, the first violation punishable by a fine not to
31 exceed three hundred dollars, a second or subsequent violation of this section punishable as a
32 class C misdemeanor, and the penalty for failure to wear protective headgear as required by
33 subsection 2 of this section is an infraction for which a fine not to exceed twenty-five dollars
34 may be imposed. Notwithstanding all other provisions of law and court rules to the contrary, no
35 court costs shall be imposed upon any person due to such violation. No points shall be assessed
36 pursuant to section 302.302 for a failure to wear such protective headgear. Prior pleas of guilty
37 and prior findings of guilty shall be pleaded and proven in the same manner as required by
38 section 558.021.

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

4 (1) [Any moving violation of a state law or county or municipal or federal traffic
5 ordinance or regulation not listed in this section, other than a violation of vehicle equipment
6 provisions or a court-ordered supervision as provided in section 302.303. 2 points

- 7 (except any violation of municipal stop sign ordinance where no accident is involved.1 point)
- 8 (2) Speeding
- 9 In violation of a state law..... 3 points
- 10 In violation of a county or municipal ordinance. 2 points
- 11 (3)] Leaving the scene of an accident in violation of section 577.060. 12 points
- 12 In violation of any county or municipal ordinance. 6 points
- 13 [(4)] (2) Careless and imprudent driving in violation of subsection 4 of
- 14 section 304.016. 4 points
- 15 [In violation of a county or municipal ordinance..... 2 points
- 16 (5)] (3) Operating without a valid license in violation of subdivision (1) or (2) of
- 17 subsection 1 of section 302.020:
- 18 (a) [For the first conviction..... 2 points
- 19 (b)] For the second conviction. 4 points
- 20 [(c)] (b) For the third conviction..... 6 points
- 21 [(6)] (4) Operating with a suspended or revoked license prior to restoration of operating
- 22 privileges. 12 points
- 23 [(7)] (5) Obtaining a license by misrepresentation. 12 points
- 24 [(8)] (6) For the first conviction of driving while in an intoxicated condition or under the
- 25 influence of controlled substances or drugs..... 8 points
- 26 [(9)] (7) For the second or subsequent conviction of any of the following offenses
- 27 however combined: driving while in an intoxicated condition, driving under the influence of
- 28 controlled substances or drugs or driving with a blood alcohol content of eight-hundredths of one
- 29 percent or more by weight. 12 points
- 30 [(10)] (8) For the first conviction for driving with blood alcohol content eight-hundredths
- 31 of one percent or more by weight In violation of state law. 8 points
- 32 In violation of a county or municipal ordinance or federal law or regulation. 8 points
- 33 [(11)] (9) Any felony involving the use of a motor vehicle 12 points
- 34 [(12)] (10) Knowingly permitting unlicensed operator to operate a motor
- 35 vehicle. 4 points
- 36 [(13)] (11) For a conviction for failure to maintain financial responsibility pursuant to
- 37 county or municipal ordinance or pursuant to section 303.025..... 4 points
- 38 [(14)] (12) Endangerment of a highway worker in violation of
- 39 section 304.585. 4 points
- 40 [(15)] (13) Aggravated endangerment of a highway worker in violation of section
- 41 304.585..... 12 points

42 [(16)] **(14)** For a conviction of violating a municipal ordinance that prohibits tow truck
 43 operators from stopping at or proceeding to the scene of an accident unless they have been
 44 requested to stop or proceed to such scene by a party involved in such accident or by an officer
 45 of a public safety agency. 4 points

46 [(17)] **(15)** Endangerment of an emergency responder in violation of
 47 section 304.894. 4 points

48 [(18)] **(16)** Aggravated endangerment of an emergency responder in violation of section
 49 304.894.. 12 points

50 2. The director shall, as provided in subdivision [(5)] **(3)** of subsection 1 of this section,
 51 assess an operator points for a conviction pursuant to subdivision (1) or (2) of subsection 1 of
 52 section 302.020, when the director issues such operator a license or permit pursuant to the
 53 provisions of sections 302.010 to 302.340.

54 3. An additional two points shall be assessed when personal injury or property damage
 55 results from any violation listed in subdivisions (1) to [(13)] **(11)** of subsection 1 of this section
 56 and if found to be warranted and certified by the reporting court.

57 4. When any of the acts listed in subdivision (2)[, (3), (4)] or [(8)] **(6)** of subsection 1 of
 58 this section constitutes both a violation of a state law and a violation of a county or municipal
 59 ordinance, points may be assessed for either violation but not for both. Notwithstanding that an
 60 offense arising out of the same occurrence could be construed to be a violation of subdivisions
 61 [(8), (9) and (10)] **(6), (7), and (8)** of subsection 1 of this section, no person shall be tried or
 62 convicted for more than one offense pursuant to subdivisions [(8), (9) and (10)] **(6), (7), and (8)**
 63 of subsection 1 of this section for offenses arising out of the same occurrence.

64 5. The director of revenue shall put into effect a system for staying the assessment of
 65 points against an operator. The system shall provide that the satisfactory completion of a
 66 driver-improvement program or, in the case of violations committed while operating a
 67 motorcycle, a motorcycle-rider training course approved by the state highways and transportation
 68 commission, by an operator, when so ordered and verified by any court having jurisdiction over
 69 any law of this state or county or municipal ordinance, regulating motor vehicles, other than a
 70 violation committed in a commercial motor vehicle as defined in section 302.700 or a violation
 71 committed by an individual who has been issued a commercial driver's license or is required to
 72 obtain a commercial driver's license in this state or any other state, shall be accepted by the
 73 director in lieu of the assessment of points for a violation pursuant to subdivision [(1),] (2) [or
 74 (4)] of subsection 1 of this section or pursuant to subsection 3 of this section. The operator shall
 75 be given the option to complete the driver-improvement program through an online or in-person
 76 course. A court using a centralized violation bureau established under section 476.385 may elect
 77 to have the bureau order and verify completion of a driver-improvement program or

78 motorcycle-rider training course as prescribed by order of the court. For the purposes of this
79 subsection, the driver-improvement program shall meet or exceed the standards of the National
80 Safety Council's eight-hour "Defensive Driving Course" or, in the case of a violation which
81 occurred during the operation of a motorcycle, the program shall meet the standards established
82 by the state highways and transportation commission pursuant to sections 302.133 to 302.137.
83 The completion of a driver-improvement program or a motorcycle-rider training course shall not
84 be accepted in lieu of points more than one time in any thirty-six-month period and shall be
85 completed within sixty days of the date of conviction in order to be accepted in lieu of the
86 assessment of points. Every court having jurisdiction pursuant to the provisions of this
87 subsection shall, within fifteen days after completion of the driver-improvement program or
88 motorcycle-rider training course by an operator, forward a record of the completion to the
89 director, all other provisions of the law to the contrary notwithstanding. The director shall
90 establish procedures for record keeping and the administration of this subsection.

476.385. 1. The judges of the supreme court may appoint a committee consisting of at
2 least seven associate circuit judges, who shall meet en banc and establish and maintain a
3 schedule of fines to be paid for violations of sections 210.104, 577.070, and 577.073, and
4 chapters 252, 301, 302, 304, 306, 307 and 390, with such fines increasing in proportion to the
5 severity of the violation. The associate circuit judges of each county [may] **shall** meet en banc
6 and adopt the schedule of fines [and participation in the centralized bureau] pursuant to this
7 section. [Notice of such adoption and participation shall be given in the manner provided by
8 supreme court rule. Upon order of the supreme court, the associate circuit judges of each county
9 may meet en banc and establish and maintain a schedule of fines to be paid for violations of
10 municipal ordinances for cities, towns and villages electing to have violations of its municipal
11 ordinances] **The associate circuit judges of each county shall choose to either participate**
12 **in the centralized bureau or have violations** heard by associate circuit judges, pursuant to
13 section 479.040; and for traffic court divisions established pursuant to section 479.500. [The
14 schedule of fines adopted for violations of municipal ordinances may be modified from time to
15 time as the associate circuit judges of each county en banc deem advisable. No fine established
16 pursuant to this subsection may exceed the maximum amount specified by statute or ordinance
17 for such violation] **Notwithstanding any other provision of law, there shall be no deviation**
18 **from the schedule of fines established and maintained by the Supreme Court under this**
19 **subsection and individual political subdivisions, including counties and municipalities,**
20 **shall be strictly prohibited from establishing any traffic offense not on the schedule of fines**
21 **and prohibited from modifying any fine on the schedule.**

22 2. In no event shall any schedule of fines adopted pursuant to this section include
23 offenses involving the following:

- 24 (1) Any violation resulting in personal injury or property damage to another person;
25 (2) Operating a motor vehicle while intoxicated or under the influence of intoxicants or
26 drugs;
- 27 (3) Operating a vehicle with a counterfeited, altered, suspended or revoked license;
28 (4) Fleeing or attempting to elude an officer.
- 29 3. There shall be a centralized bureau to be established by supreme court rule in order
30 to accept pleas of not guilty or guilty and payments of fines and court costs for violations of the
31 laws and ordinances described in subsection 1 of this section, made pursuant to a schedule of
32 fines established pursuant to this section. The centralized bureau shall collect, with any plea of
33 guilty and payment of a fine, all court costs which would have been collected by the court of the
34 jurisdiction from which the violation originated.
- 35 4. If a person elects not to contest the alleged violation, the person shall send payment
36 in the amount of the fine and any court costs established for the violation to the centralized
37 bureau. Such payment shall be payable to the central violations bureau, shall be made by mail
38 or in any other manner established by the centralized bureau, and shall constitute a plea of guilty,
39 waiver of trial and a conviction for purposes of section 302.302, and for purposes of imposing
40 any collateral consequence of a criminal conviction provided by law. By paying the fine and
41 costs, the person also consents to attendance either online or in person at any driver-improvement
42 program or motorcycle-rider training course ordered by the court and consents to verification of
43 such attendance as directed by the bureau. Notwithstanding any provision of law to the contrary,
44 the prosecutor shall not be required to sign any information, ticket or indictment if disposition
45 is made pursuant to this subsection. In the event that any payment is made pursuant to this
46 section by credit card or similar method, the centralized bureau may charge an additional fee in
47 order to reflect any transaction cost, surcharge or fee imposed on the recipient of the credit card
48 payment by the credit card company.
- 49 5. If a person elects to plead not guilty, such person shall send the plea of not guilty to
50 the centralized bureau. The bureau shall send such plea and request for trial to the prosecutor
51 having original jurisdiction over the offense. Any trial shall be conducted at the location
52 designated by the court. The clerk of the court in which the case is to be heard shall notify in
53 writing such person of the date certain for the disposition of such charges. The prosecutor shall
54 not be required to sign any information, ticket or indictment until the commencement of any
55 proceeding by the prosecutor with respect to the notice of violation.
- 56 6. [In courts adopting a schedule of fines pursuant to this section,] Any person receiving
57 a notice of violation pursuant to this section shall also receive written notification of the
58 following:

59 (1) The fine and court costs established pursuant to this section for the violation or
60 information regarding how the person may obtain the amount of the fine and court costs for the
61 violation;

62 (2) That the person must respond to the notice of violation by paying the prescribed fine
63 and court costs, or pleading not guilty and appearing at trial, and that other legal penalties
64 prescribed by law may attach for failure to appear and dispose of the violation. The supreme
65 court may modify the suggested forms for uniform complaint and summons for use in courts
66 adopting the procedures provided by this section, in order to accommodate such required written
67 notifications.

68 7. Any moneys received in payment of fines and court costs pursuant to this section shall
69 not be considered to be state funds, but shall be held in trust by the centralized bureau for benefit
70 of those persons or entities entitled to receive such funds pursuant to this subsection. All
71 amounts paid to the centralized bureau shall be maintained by the centralized bureau, invested
72 in the manner required of the state treasurer for state funds by sections 30.240, 30.250, 30.260
73 and 30.270, and disbursed as provided by the constitution and laws of this state. Any interest
74 earned on such fund shall be payable to the director of the department of revenue for deposit into
75 a revolving fund to be established pursuant to this subsection. The state treasurer shall be the
76 custodian of the revolving fund, and shall make disbursements, as allowed by lawful
77 appropriations, only to the judicial branch of state government for goods and services related to
78 the administration of the judicial system.

79 8. Any person who receives a notice of violation subject to this section who fails to
80 dispose of such violation as provided by this section shall be guilty of failure to appear provided
81 by section 544.665; and may be subject to suspension of driving privileges in the manner
82 provided by section 302.341. The centralized bureau shall notify the appropriate prosecutor of
83 any person who fails to either pay the prescribed fine and court costs, or plead not guilty and
84 request a trial within the time allotted by this section, for purposes of application of section
85 544.665. The centralized bureau shall also notify the department of revenue of any failure to
86 appear subject to section 302.341, and the department shall thereupon suspend the license of the
87 driver in the manner provided by section 302.341, as if notified by the court.

88 9. In addition to the remedies provided by subsection 8 of this section, the centralized
89 bureau and the courts may use the remedies provided by sections 488.010 to 488.020 for the
90 collection of court costs payable to courts, in order to collect fines and court costs for violations
91 subject to this section.

✓