

SENATE BILL NO. 533

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR NICOLA.

1899S.01I

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 302.309 and 302.341, RSMo, and to enact in lieu thereof two new sections relating to driver's licenses, with a delayed effective date.

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

Section A. Sections 302.309 and 302.341, RSMo, are
2 repealed and two new sections enacted in lieu thereof, to be
3 known as sections 302.309 and 302.341, to read as follows:

302.309. 1. Whenever any license is suspended
2 pursuant to sections 302.302 to 302.309, the director of
3 revenue shall return the license to the operator immediately
4 upon the termination of the period of suspension and upon
5 compliance with the requirements of chapter 303.

6 2. Any operator whose license is revoked pursuant to
7 **[these]** sections **302.302 to 302.309**, upon the termination of
8 the period of revocation, shall apply for a new license in
9 the manner prescribed by law.

10 3. (1) All circuit courts, the director of revenue,
11 or a commissioner operating under section 478.007 shall have
12 jurisdiction to hear applications and make eligibility
13 determinations granting limited driving privileges, except
14 as provided under subdivision (8) of this subsection. Any
15 application may be made in writing to the director of
16 revenue and the person's reasons for requesting the limited
17 driving privilege shall be made therein.

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 (2) When any court of record having jurisdiction or
19 the director of revenue finds that an operator is required
20 to operate a motor vehicle in connection with any of the
21 following:

22 (a) A business, occupation, or employment;

23 (b) Seeking medical treatment for such operator;

24 (c) Attending school or other institution of higher
25 education;

26 (d) Attending alcohol- or drug-treatment programs;

27 (e) Seeking the required services of a certified
28 ignition interlock device provider; [or]

29 (f) **Attending a place of worship;**

30 (g) **Traveling to and from essential businesses**
31 **including, but not limited to, grocery stores, supermarkets,**
32 **hardware stores, convenience and discount stores,**
33 **pharmacies, post offices and other shipping outlets, and gas**
34 **stations; or**

35 (h) Any other circumstance the court or director finds
36 would create an undue hardship on the operator,

37 the court or director may grant such limited driving
38 privilege as the circumstances of the case justify if the
39 court or director finds undue hardship would result to the
40 individual, and while so operating a motor vehicle within
41 the restrictions and limitations of the limited driving
42 privilege the driver shall not be guilty of operating a
43 motor vehicle without a valid license.

44 (3) An operator may make application to the proper
45 court in the county in which such operator resides or in the
46 county in which is located the operator's principal place of
47 business or employment. Any application for a limited
48 driving privilege made to a circuit court shall name the

49 director as a party defendant and shall be served upon the
50 director prior to the grant of any limited privilege, and
51 shall be accompanied by a copy of the applicant's driving
52 record as certified by the director. Any applicant for a
53 limited driving privilege shall have on file with the
54 department of revenue proof of financial responsibility as
55 required by chapter 303. Any application by a person who
56 transports persons or property as classified in section
57 302.015 may be accompanied by proof of financial
58 responsibility as required by chapter 303, but if proof of
59 financial responsibility does not accompany the application,
60 or if the applicant does not have on file with the
61 department of revenue proof of financial responsibility, the
62 court or the director has discretion to grant the limited
63 driving privilege to the person solely for the purpose of
64 operating a vehicle whose owner has complied with chapter
65 303 for that vehicle, and the limited driving privilege must
66 state such restriction. When operating such vehicle under
67 such restriction the person shall carry proof that the owner
68 has complied with chapter 303 for that vehicle.

69 (4) No limited driving privilege shall be issued to
70 any person otherwise eligible under the provisions of
71 subdivision (6) of this subsection if such person has a
72 license denial under paragraph (a) or (b) of subdivision (8)
73 of this subsection or on a license revocation resulting from
74 a conviction under subdivision (9) of subsection 1 of
75 section 302.302, or a license revocation under subdivision
76 (2) of subsection 2 of section 302.525, or section 302.574
77 or 577.041, until the applicant has filed proof with the
78 department of revenue that any motor vehicle operated by the
79 person is equipped with a functioning, certified ignition
80 interlock device as a required condition of limited driving

81 privilege. The ignition interlock device required for
82 obtaining a limited driving privilege under paragraph (a) or
83 (b) of subdivision (8) of this subsection shall have a photo
84 identification technology feature, and a court may require a
85 global positioning system feature for such device.

86 (5) The court order or the director's grant of the
87 limited or restricted driving privilege shall indicate the
88 termination date of the privilege, which shall be not later
89 than the end of the period of suspension or revocation. The
90 court order or the director's grant of the limited or
91 restricted driving privilege shall also indicate whether a
92 functioning, certified ignition interlock device is required
93 as a condition of operating a motor vehicle with the limited
94 driving privilege. A copy of any court order shall be sent
95 by the clerk of the court to the director, and a copy shall
96 be given to the driver which shall be carried by the driver
97 whenever such driver operates a motor vehicle. The director
98 of revenue upon granting a limited driving privilege shall
99 give a copy of the limited driving privilege to the
100 applicant. The applicant shall carry a copy of the limited
101 driving privilege while operating a motor vehicle. A
102 conviction which results in the assessment of points
103 pursuant to section 302.302, other than a violation of a
104 municipal stop sign ordinance where no accident is involved,
105 against a driver who is operating a vehicle pursuant to a
106 limited driving privilege terminates the privilege, as of
107 the date the points are assessed to the person's driving
108 record. If the date of arrest is prior to the issuance of
109 the limited driving privilege, the privilege shall not be
110 terminated. Failure of the driver to maintain proof of
111 financial responsibility, as required by chapter 303, or to
112 maintain proof of installation of a functioning, certified

113 ignition interlock device, as applicable, shall terminate
114 the privilege. The director shall notify by ordinary mail
115 the driver whose privilege is so terminated.

116 (6) Except as provided in subdivision (8) of this
117 subsection, no person is eligible to receive a limited
118 driving privilege whose license at the time of application
119 has been suspended or revoked for the following reasons:

120 (a) A conviction of any felony in the commission of
121 which a motor vehicle was used and such conviction occurred
122 within the five-year period prior to the date of
123 application. However, any felony conviction for leaving the
124 scene of an accident under section 577.060 shall not render
125 the applicant ineligible for a limited driving privilege
126 under this section;

127 (b) Ineligibility for a license because of the
128 provisions of subdivision (1), (2), (4), (5), (6), (7), (8),
129 (9), or (10) of subsection 1 of section 302.060; or

130 (c) Due to a suspension pursuant to subdivision (8) or
131 (10) of subsection 1 of section 302.302 or subsection 2 of
132 section 302.525.

133 (7) No person who possesses a commercial driver's
134 license shall receive a limited driving privilege issued for
135 the purpose of operating a commercial motor vehicle if such
136 person's driving privilege is suspended, revoked, cancelled,
137 denied, or disqualified. Nothing in this section shall
138 prohibit the issuance of a limited driving privilege for the
139 purpose of operating a noncommercial motor vehicle provided
140 that pursuant to the provisions of this section, the
141 applicant is not otherwise ineligible for a limited driving
142 privilege.

143 (8) (a) Provided that pursuant to the provisions of
144 this section, the applicant is not otherwise ineligible for

145 a limited driving privilege, a circuit court or the director
146 may, in the manner prescribed in this subsection, allow a
147 person who has had such person's license to operate a motor
148 vehicle revoked where that person cannot obtain a new
149 license for a period of ten years, as prescribed in
150 subdivision (9) of subsection 1 of section 302.060, to apply
151 for a limited driving privilege pursuant to this
152 subsection. Such person shall present evidence satisfactory
153 to the court or the director that such person's habits and
154 conduct show that the person no longer poses a threat to the
155 public safety of this state. A circuit court shall grant a
156 limited driving privilege to any individual who otherwise is
157 eligible to receive a limited driving privilege, has filed
158 proof of installation of a certified ignition interlock
159 device, and has had no alcohol-related enforcement contacts
160 since the alcohol-related enforcement contact that resulted
161 in the person's license denial.

162 (b) Provided that pursuant to the provisions of this
163 section, the applicant is not otherwise ineligible for a
164 limited driving privilege or convicted of acting with
165 criminal negligence while driving while intoxicated to cause
166 the death of another person, a circuit court or the director
167 may, in the manner prescribed in this subsection, allow a
168 person who has had such person's license to operate a motor
169 vehicle revoked where that person cannot obtain a new
170 license for a period of five years because of two
171 convictions of driving while intoxicated, as prescribed in
172 subdivision (10) of subsection 1 of section 302.060, to
173 apply for a limited driving privilege pursuant to this
174 subsection. Such person shall present evidence satisfactory
175 to the court or the director that such person's habits and
176 conduct show that the person no longer poses a threat to the

177 public safety of this state. Any person who is denied a
178 license permanently in this state because of an alcohol-
179 related conviction subsequent to a restoration of such
180 person's driving privileges pursuant to subdivision (9) **of**
181 **subsection 1** of section 302.060 shall not be eligible for
182 limited driving privilege pursuant to the provisions of this
183 subdivision. A circuit court shall grant a limited driving
184 privilege to any individual who otherwise is eligible to
185 receive a limited driving privilege, has filed proof of
186 installation of a certified ignition interlock device, and
187 has had no alcohol-related enforcement contacts since the
188 alcohol-related enforcement contact that resulted in the
189 person's license denial.

190 (9) A DWI docket or court established under section
191 478.007 may grant a limited driving privilege to a
192 participant in or graduate of the program who would
193 otherwise be ineligible for such privilege under another
194 provision of law.

195 4. Any person who has received notice of denial of a
196 request of limited driving privilege by the director of
197 revenue may make a request for a review of the director's
198 determination in the circuit court of the county in which
199 the person resides or the county in which is located the
200 person's principal place of business or employment within
201 thirty days of the date of mailing of the notice of denial.
202 Such review shall be based upon the records of the
203 department of revenue and other competent evidence and shall
204 be limited to a review of whether the applicant was
205 statutorily entitled to the limited driving privilege.

206 5. The director of revenue shall promulgate rules and
207 regulations necessary to carry out the provisions of this
208 section. Any rule or portion of a rule, as that term is

209 defined in section 536.010, that is created under the
210 authority delegated in this section shall become effective
211 only if it complies with and is subject to all of the
212 provisions of chapter 536 and, if applicable, section
213 536.028. This section and chapter 536 are nonseverable and
214 if any of the powers vested with the general assembly
215 pursuant to chapter 536 to review, to delay the effective
216 date or to disapprove and annul a rule are subsequently held
217 unconstitutional, then the grant of rulemaking authority and
218 any rule proposed or adopted after August 28, 2001, shall be
219 invalid and void.

302.341. 1. If a Missouri resident charged with a
2 moving traffic violation of this state or any county or
3 municipality of this state fails to dispose of the charges
4 of which the resident is accused through authorized
5 prepayment of fine and court costs and fails to appear on
6 the return date or at any subsequent date to which the case
7 has been continued, or without good cause fails to pay any
8 fine or court costs assessed against the resident for any
9 such violation within the period of time specified or in
10 such installments as approved by the court or as otherwise
11 provided by law, any court having jurisdiction over the
12 charges shall within ten days of the failure to comply
13 inform the defendant by ordinary mail at the last address
14 shown on the court records that the court **[will] may** order
15 the director of revenue to suspend the defendant's driving
16 privileges if the charges are not disposed of and fully paid
17 within thirty days from the date of mailing. Thereafter, if
18 the defendant fails to timely act to dispose of the charges
19 and fully pay any applicable fines and court costs, the
20 court **[shall] may** notify the director of revenue of such
21 failure and of the pending charges against the defendant.

22 Upon receipt of this notification, the director shall
23 suspend the license of the driver, effective immediately,
24 and provide notice of the suspension to the driver at the
25 last address for the driver shown on the records of the
26 department of revenue. Such suspension shall remain in
27 effect until the court with the subject pending charge
28 requests setting aside the noncompliance suspension pending
29 final disposition, or satisfactory evidence of disposition
30 of pending charges and payment of fine and court costs, if
31 applicable, is furnished to the director by the individual.
32 The filing of financial responsibility with the [bureau of
33 safety responsibility,] department of revenue[,] shall not
34 be required as a condition of reinstatement of a driver's
35 license suspended solely under the provisions of this
36 [section] subsection.

37 2. The provisions of subsection 1 of this section
38 shall not apply to minor traffic violations as defined in
39 section 479.350; **however, minor traffic violations shall be**
40 **subject to subsection 3 of this section.**

41 3. **If a Missouri resident charged with a minor traffic**
42 **violation of this state or any county or municipality of**
43 **this state fails to dispose of the charges of which the**
44 **resident is accused through authorized prepayment of fine**
45 **and court costs and fails to appear on two return dates, or**
46 **without good cause fails to pay any fine or court costs**
47 **assessed against the resident for any such violation within**
48 **the period of time specified or in such installments as**
49 **approved by the court or as otherwise provided by law, any**
50 **court having jurisdiction over the charges shall, within ten**
51 **days of the failure to comply, inform the defendant by**
52 **ordinary mail at the last address shown on the court records**
53 **that the court may order the director of revenue to suspend**

54 the defendant's driving privileges if the charges are not
55 disposed of and fully paid within thirty days from the date
56 of mailing. Thereafter, if the defendant fails to timely
57 act to dispose of the charges and fully pay any applicable
58 fines and court costs, the court may notify the director of
59 revenue of such failure and of the pending charges against
60 the defendant. Upon receipt of this notification, the
61 director shall suspend the license of the driver, effective
62 immediately, and provide notice of the suspension to the
63 driver at the last address for the driver shown on the
64 records of the department of revenue. Such suspension shall
65 remain in effect until the court with the subject pending
66 charge requests setting aside the noncompliance suspension
67 pending final disposition, or satisfactory evidence of
68 disposition of pending charges and payment of fine and court
69 costs, if applicable, is furnished to the director by the
70 individual. The filing of financial responsibility with the
71 department of revenue shall not be required as a condition
72 of reinstatement of a driver's license suspended solely
73 under the provisions of this subsection.

74 4. Where a defendant is charged exclusively with minor
75 traffic violations, as such term is defined in section
76 479.350, any suspension under this section shall be
77 accompanied by issuance from the director of revenue of a
78 temporary driving permit for thirty days for all purposes
79 identified under subdivision (2) of subsection 3 of section
80 302.309, unless the director finds the defendant is
81 ineligible for such privileges under the provisions of
82 section 302.309.

83 5. Subsections 3 and 4 of this section shall not be
84 retroactive.

Section B. The repeal and reenactment of sections
2 302.309 and 302.341 of this act shall become effective on
3 January 1, 2026.

