

# SENATE BILL NO. 560

## 103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR GREGORY (15).

2044S.01I

KRISTINA MARTIN, Secretary

### AN ACT

To repeal section 304.012, RSMo, and to enact in lieu thereof two new sections relating to stunt driving, with penalty provisions.

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

Section A. Section 304.012, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 304.012 and 304.145, to read as follows:

304.012. 1. Every person operating a motor vehicle on the roads and highways of this state shall drive the vehicle in a careful and prudent manner and at a rate of speed so as not to endanger the property of another or the life or limb of any person and shall exercise the highest degree of care.

2. **No person operating a motor vehicle on the roads and highways of this state shall perform stunt driving, as such term is defined in section 304.145.**

3. Any person who violates the provisions of this section is guilty of a class B misdemeanor, unless an accident is involved then it shall be a class A misdemeanor.

304.145. 1. **As used in this section, the following terms mean:**

(1) **"Aggravated offender", a person who has been found guilty of:**

(a) **Three or more violations of this section committed on separate occasions; or**

7           (b) Two or more violations of this section committed  
8 on separate occasions where in at least one of the  
9 violations the defendant was operating a vehicle and another  
10 person was injured or killed;

11           (2) "Burnout", a maneuver performed while operating a  
12 motor vehicle whereby the wheels of the motor vehicle are  
13 spun, resulting in friction causing the motor vehicle's  
14 tires to heat up and emit smoke;

15           (3) "Chronic offender", a person who has been found  
16 guilty of:

17           (a) Four or more violations of this section committed  
18 on separate occasions; or

19           (b) Three or more violations of this section committed  
20 on separate occasions where in at least one of the  
21 violations the defendant was operating a vehicle and another  
22 person was injured or killed; or

23           (c) Two or more violations of this section committed  
24 on separate occasions where in both of the violations the  
25 defendant was operating a vehicle and another person was  
26 injured or killed;

27           (4) "Donut", a motor vehicle maneuver in which the  
28 front or rear of the motor vehicle is rotated around the  
29 opposite set of wheels in a motion that may cause a curved  
30 skid-mark pattern of rubber on the driving surface, or the  
31 tires to heat up and emit smoke, or both;

32           (5) "Drag race", the operation of two or more motor  
33 vehicles from a point side by side in a competitive attempt  
34 to outgain or outdistance each other, or the operation of  
35 one or more motor vehicles over a common selected course,  
36 for the purpose of comparing the relative speeds, power, or  
37 acceleration of such motor vehicles within a certain  
38 distance or time limit;

39           (6) "Drifting", a motor vehicle maneuver in which the  
40 motor vehicle is steered so that it makes a controlled skid  
41 sideways through a turn with the front wheels oriented in a  
42 direction opposite the turn;

43           (7) "Habitual offender", a person who has been found  
44 guilty of:

45           (a) Five or more violations of this section committed  
46 on separate occasions; or

47           (b) Four or more violations of this section committed  
48 on separate occasions where in at least one of the  
49 violations the defendant was operating a vehicle and another  
50 person was injured or killed; or

51           (c) Three or more violations of this section committed  
52 on separate occasions where in at least two of the  
53 violations the defendant was operating a vehicle and another  
54 person was injured or killed;

55           (8) "Highway", any public thoroughfare for vehicles,  
56 including state roads, county roads and public streets,  
57 avenues, boulevards, parkways, or alleys in any municipality;

58           (9) "Persistent offender", a person who has been found  
59 guilty of:

60           (a) Two or more violations of this section committed  
61 on separate occasions; or

62           (b) One violation of this section where the defendant  
63 was operating a vehicle and another person was injured or  
64 killed;

65           (10) "Prior offender", a person who has been found  
66 guilty of a violation of this section where such prior  
67 offense occurred within five years of the violation for  
68 which the person is charged;

69           (11) "Race", the operation of one or more motor  
70 vehicles arising from a challenge to demonstrate superiority

71 of a motor vehicle or driver, and the acceptance of or  
72 competitive response to that challenge, either through a  
73 prior arrangement or in immediate response, in which the  
74 competitor attempts to outgain or outdistance another motor  
75 vehicle, to prevent another motor vehicle from passing, to  
76 arrive at a given destination ahead of another motor  
77 vehicle, to test the physical stamina or endurance of  
78 drivers, to exhibit speed or acceleration, or to set a speed  
79 or acceleration record;

80 (12) "Street takeover", the act of disrupting the  
81 regular flow of traffic for the purpose of performing,  
82 facilitating, or spectating stunt driving;

83 (13) "Stunt driving", to operate a motor vehicle  
84 performing a race, a drag race, a burnout, a donut, a  
85 wheelie, or drifting;

86 (14) "Wheelie", a motor vehicle maneuver whereby a  
87 vehicle is ridden for a distance with the front or rear  
88 wheel or wheels raised off the ground.

89 2. Except as otherwise permitted by law, no person  
90 shall:

91 (1) Perform stunt driving in connection with a street  
92 takeover; or

93 (2) Perform or participate in a street takeover.

94 3. Violation of this section shall be a class A  
95 misdemeanor for a first offense, a class E felony for a  
96 second offense, and a class D felony for a third or  
97 subsequent offense.

98 4. No defendant alleged and proved to be a prior  
99 offender, persistent offender, aggravated offender, chronic  
100 offender, or habitual offender shall be granted a suspended  
101 imposition of sentence or be sentenced to pay a fine in lieu  
102 of imprisonment.

103           5. No defendant alleged and proven to be a prior  
104 offender shall be granted probation or parole until he or  
105 she has served a minimum of ten days imprisonment, unless as  
106 a condition of such probation or parole the person performs  
107 at least thirty days of community service under the  
108 supervision of the court in a jurisdiction that has a  
109 recognized program for community service.

110           6. No defendant alleged and proven to be an aggravated  
111 offender shall be eligible for probation or parole until he  
112 or she has served a minimum of thirty days imprisonment.

113           7. No defendant alleged and proven to be a chronic or  
114 habitual offender shall be eligible for probation or parole  
115 until he or she has served a minimum of one year  
116 imprisonment.

117           8. Prior pleas of guilty and prior findings of guilty  
118 shall be pleaded and proven in the same manner as required  
119 by section 558.021.

120           9. This section shall not apply with regard to events  
121 sanctioned by a political subdivision or private entity with  
122 responsibility for maintenance and control of the portion of  
123 highway or private property on which the motor vehicle  
124 operation occurs.

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