

SECOND REGULAR SESSION

# HOUSE BILL NO. 2286

98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE PARKINSON.

5796H.011

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

To repeal section 303.025 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session and section 303.025 as enacted by house bill no. 111, ninety-sixth general assembly, first regular session, and to enact in lieu thereof one new section relating to motor vehicle financial responsibility, with penalty provisions.

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

Section A. Section 303.025 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session and section 303.025 as enacted by house bill no. 111, ninety-sixth general assembly, first regular session, are repealed and one new section enacted in lieu thereof, to be known as section 303.025, to read as follows:

303.025. 1. No owner of a motor vehicle registered in this state, or required to be registered in this state, shall operate, register or maintain registration of a motor vehicle, or permit another person to operate such vehicle, unless the owner maintains the financial responsibility which conforms to the requirements of the laws of this state. No nonresident shall operate or permit another person to operate in this state a motor vehicle registered to such nonresident unless the nonresident maintains the financial responsibility which conforms to the requirements of the laws of the nonresident's state of residence. Furthermore, no person shall operate a motor vehicle owned by another with the knowledge that the owner has not maintained financial responsibility unless such person has financial responsibility which covers the person's operation of the other's vehicle; however, no owner or nonresident shall be in violation of this subsection if he or she fails to maintain financial responsibility on a motor vehicle which is inoperable or being stored and not in operation. The director may prescribe rules and regulations for the implementation of this section.

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.

14           2. A motor vehicle owner shall maintain the owner's financial responsibility in a manner  
15 provided for in section 303.160, or with a motor vehicle liability policy which conforms to the  
16 requirements of the laws of this state. A nonresident motor vehicle owner shall maintain the  
17 owner's financial responsibility which conforms to the requirements of the laws of the  
18 nonresident's state of residence.

19           3. Any person who violates this section is guilty of a misdemeanor. A first violation of  
20 this section shall be punishable as a class D misdemeanor. A second or subsequent violation of  
21 this section shall be punishable by imprisonment in the county jail for a term not to exceed  
22 fifteen days and/or a fine not to exceed five hundred dollars. Prior pleas of guilty and prior  
23 findings of guilty shall be pleaded and proven in the same manner as required by section  
24 558.021. However, no person shall be found guilty of violating this section if the operator  
25 demonstrates to the court that he or she met the financial responsibility requirements of this  
26 section at the time the peace officer, commercial vehicle enforcement officer or commercial  
27 vehicle inspector wrote the citation. In addition to any other authorized punishment, the court  
28 shall notify the director of revenue of any person convicted pursuant to this section and shall do  
29 one of the following:

30           (1) Enter an order suspending the driving privilege as of the date of the court order. If  
31 the court orders the suspension of the driving privilege, the court shall require the defendant to  
32 surrender to it any driver's license then held by such person. The length of the suspension shall  
33 be as prescribed in subsection 2 of section 303.042. The court shall forward to the director of  
34 revenue the order of suspension of driving privilege and any license surrendered within ten days;

35           (2) Forward the record of the conviction for an assessment of four points;

36           (3) In lieu of an assessment of points, render an order of supervision as provided in  
37 section 302.303. An order of supervision shall not be used in lieu of points more than one time  
38 in any thirty-six-month period. Every court having jurisdiction pursuant to the provisions of this  
39 section shall forward a record of conviction to the Missouri state highway patrol, or at the written  
40 direction of the Missouri state highway patrol, to the department of revenue, in a manner  
41 approved by the director of the department of public safety. The director shall establish  
42 procedures for the record keeping and administration of this section; or

43           (4) For a nonresident, suspend the nonresident's driving privileges in this state in  
44 accordance with section 303.030 and notify the official in charge of the issuance of licenses and  
45 registration certificates in the state in which such nonresident resides in accordance with section  
46 303.080.

47           **4. Any person who fails to provide proof of financial responsibility in accordance**  
48 **with section 303.160 when required under this chapter shall have the motor vehicle such**  
49 **person was operating impounded until such time as the person provides valid proof of**

50 **financial responsibility and pays all fees, if any, incurred regarding the impoundment of**  
51 **such motor vehicle.**

52 **5.** Nothing in sections 303.010 to 303.050, 303.060, 303.140, 303.220, 303.290, 303.330  
53 and 303.370 shall be construed as prohibiting the department of insurance, financial institutions  
54 and professional registration from approving or authorizing those exclusions and limitations  
55 which are contained in automobile liability insurance policies and the uninsured motorist  
56 provisions of automobile liability insurance policies.

57 **[5.] 6.** If a court enters an order of suspension, the offender may appeal such order  
58 directly pursuant to chapter 512 and the provisions of section 302.311 shall not apply.

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16 requirements of the laws of this state. A nonresident motor vehicle owner shall maintain the  
17 owner's financial responsibility which conforms to the requirements of the laws of the  
18 nonresident's state of residence.

19 3. Any person who violates this section is guilty of a misdemeanor. A first violation of  
20 this section shall be punishable by a fine not to exceed three hundred dollars. A second or  
21 subsequent violation of this section shall be punishable by imprisonment in the county jail for  
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23 of guilty and prior findings of guilty shall be pleaded and proven in the same manner as required  
24 by section 558.021. However, no person shall be found guilty of violating this section if the  
25 operator demonstrates to the court that he or she met the financial responsibility requirements  
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