

SECOND REGULAR SESSION

HOUSE BILL NO. 2686

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MUNTZEL.

5453H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 303, RSMo, by adding thereto one new section relating to the uninsured vehicle enforcement and compliance incentive program, with penalty provisions.

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

Section A. Chapter 303, RSMo, is amended by adding thereto one new section, to be
2 known as section 303.425, to read as follows:

**303.425. 1. This section shall be known and may be cited as the "Uninsured Vehicle
2 Enforcement and Compliance Incentive Program".**

3 2. As used in this section, the following terms mean:

**4 (1) "Automatic license plate reader system", a system of one or more mobile or law-
5 enforcement-controlled cameras combined with computer algorithms to convert images of
6 registration plates into computer-readable data;**

**7 (2) "Database", the motorist insurance identification database established under
8 section 303.406;**

**9 (3) "Law enforcement agency", the Missouri state highway patrol, any county
10 sheriff department, or any municipal police department;**

11 (4) "Motor vehicle financial responsibility law", chapter 303;

**12 (5) "Program", the uninsured vehicle enforcement and compliance incentive
13 program established under this section.**

**14 3. There is hereby created the "Uninsured Vehicle Enforcement and Compliance
15 Incentive Program" in the department of revenue for the purpose of using technology and
16 software to aid in detection of offenses involving uninsured motorists and noncompliance
17 with the motor vehicle financial responsibility law.**

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.

18 **4. The department of revenue and any law enforcement agency are authorized to:**

19 **(1) Enter into contractual agreements with automated license plate reader system**
20 **providers;**

21 **(2) Use automatic license plate reader systems and individual automatic license**
22 **plate reader system units to access and collect data for the detection, analysis, investigation,**
23 **and enforcement of the motor vehicle financial responsibility law; and**

24 **(3) Access the database to determine whether the owner of a vehicle is in**
25 **compliance with the motor vehicle financial responsibility law.**

26 **5. Any data collected and stored by law enforcement pursuant to the program shall**
27 **be considered evidence if noncompliance with the motor vehicle financial responsibility law**
28 **is confirmed. A law enforcement officer may verify by affidavit that a photograph**
29 **generated by an automatic license plate reader system unit identifies a particular vehicle**
30 **operating on, or having previously operated on, a public highway or other public place and**
31 **that the database indicated the vehicle was not in compliance with the motor vehicle**
32 **financial responsibility law at the time such vehicle was being operated. The affidavit shall**
33 **constitute probable cause for prosecution.**

34 **6. (1) A court and any prosecutor may access information from the database to**
35 **confirm compliance with motor vehicle financial responsibility law.**

36 **(2) Any person who presents proof to the court that he or she was in proper**
37 **compliance with the motor vehicle financial responsibility law at the time of the alleged**
38 **offense shall be entitled to dismissal of the charge. If proof of proper compliance is**
39 **presented at least one business day before the first scheduled court appearance date, the**
40 **charge shall be dismissed without court costs.**

41 **(3) The court may, in its discretion, grant any person charged with a violation of**
42 **the motor vehicle financial responsibility law a suspended imposition of sentence or**
43 **suspended execution of sentence.**

44 **(4) Upon notification from a court stating that a motor vehicle was operated**
45 **without complying with the motor vehicle financial responsibility law, the department of**
46 **revenue shall suspend the registration of the owner of such motor vehicle. The court or**
47 **prosecutor shall forward a copy of the photograph from the automatic license plate reader**
48 **system unit and note where the motor vehicle was being operated.**

49 **7. A person whose registration is suspended through the program may obtain**
50 **reinstatement upon proof of compliance with the motor vehicle financial responsibility law**
51 **and upon payment to the department of revenue of a nonrefundable reinstatement fee of**
52 **five hundred dollars. The reinstatement fee may be replaced by a diversion participation**
53 **fee of no less than two hundred dollars if the person:**

- 54 **(1) Responds within the time noted on the notice of violation;**
55 **(2) Agrees to secure insurance coverage as required by the motor vehicle financial**
56 **responsibility law within the time provided in the notice of violation; and**
57 **(3) Agrees that such coverage shall be maintained for a minimum of one year.**
58 **8. Any and all fees paid to automated license plate reader system providers shall**
59 **come from violator fees generated by the program. The department of revenue shall**
60 **reimburse a portion of each fee to the law enforcement agency that noted the**
61 **noncompliance. The department of revenue shall deposit fees, net of any program**
62 **operating costs, in the state transportation fund established under section 226.225**
63 **quarterly.**
64 **9. Data collected or retained through the use of an automated license plate reader**
65 **system pursuant to the program shall be retained by a law enforcement agency only for use**
66 **as evidence of a violation of the motor vehicle financial responsibility law, and, if the data**
67 **is not or no longer needed as evidence of a violation, the data shall be deleted or destroyed.**
68 **Data collected or retained through the use of an automated license plate reader system**
69 **shall not be used by any individual or agency for any purpose other than enforcement of**
70 **the motor vehicle financial responsibility law. No law enforcement agency or other entity**
71 **authorized to operate under the program shall sell captured license plate data for any**
72 **purpose or share it for any purpose not expressly authorized under this section.**
73 **10. This section shall not be construed to prohibit the use of any automated license**
74 **plate reader system by an individual or entity for purposes not otherwise prohibited by**
75 **law.**
76 **11. To participate in the program, an automatic license plate reader provider shall**
77 **be fully certified by the international justice and public safety network and have**
78 **experience operating similar programs.**
79 **12. One year after the implementation of the program, and every year thereafter,**
80 **the department of revenue and each law enforcement agency participating in the program**
81 **shall issue a report to the general assembly. The report shall evaluate program operations**
82 **and may include any information or recommendations for improving the program. The**
83 **department of revenue may, by rule, require each law enforcement agency participating**
84 **in the program to provide information to the department for the report, and, if so, law**
85 **enforcement agencies shall not be required to issue a report to the general assembly.**

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