

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 30 – Office of the Director
Chapter 2 – Driving While Intoxicated Records

PROPOSED AMENDMENT

11 CSR 30-2.010 Collection

PURPOSE: This establishes the rule relating to the collection of information for the [*driving while intoxicated offender system*] **Driving While Intoxicated Tracking System** mandated by sections 302.225 [*and 577.001–577.051*] **302.592 and Chapter 577, RSMo.**

(1) Records [*required to be*] filed with the Missouri State Highway Patrol **and/or the Missouri Department of Revenue pursuant to sections 302.225 and 302.592, RSMo,** shall be filed upon forms and according to procedures promulgated by the director of the Department of Public Safety and approved by the Missouri Supreme Court. The records shall be forwarded to the [*Missouri State Highway Patrol, General Headquarters, P.O. Box 1408, Jefferson City, MO 65102*] **Missouri Department of Revenue, P.O. Box 200, Jefferson City, MO 65105-0200.**

(2) The record forwarded by the clerk to the [*Missouri State Highway Patrol*] **Missouri Department of Revenue** [*involving any moving traffic violation conviction under the laws of this state, or county or municipal ordinance*] shall include, but not be limited to, the court date, the court, the court originating agency identifier (ORI) number, court case number, the name, address, race, sex and motor vehicle operator's or chauffeur's license number of the person who is the subject of the proceeding, the code or number identifying the particular arrest, the case disposition and any court action or requirements pertaining to and including, but not limited to, pleas of guilty, findings of guilty, suspended imposition of sentences, suspended execution of sentence, probation, conditional sentences and sentences of confinement. The record forwarded by the clerk involving a violation of state law, or county or municipal ordinance [*regulating alcohol- and/or drug-related driving offenses*] **pertaining to “intoxication-related traffic offense” as defined in section 577.001, RSMo,** shall include, in addition to the previously mentioned, the statute or ordinance number of the charge and the appropriate state charge code for the offense **as well as the applicable statute or ordinance number and appropriate state charge code of any court action or requirements as noted above.**

(3) The record(s) involving a violation of state law or county or municipal ordinance [*governing alcohol- and/or drug-related driving offenses*] **pertaining to “intoxication-related traffic offense” as defined in section 577.001, RSMo,** shall indicate if the case is being appealed. In the event the case is being appealed, the trial court, upon final adjudication of the case being appealed, within [*fifteen (15)*] **seven (7)** days thereafter, shall forward a record of the disposition to the [*Missouri State Highway Patrol, General Headquarters, P.O. Box 1408, Jefferson City, MO 65102*] **Missouri Department of**

Revenue, P.O. Box 200, Jefferson city, MO 65105-0200, who in turn will forward the record to the Misosuri State Highway Patrol, for inclusion in the [*Missouri Uniform Law Enforce-ment System records*] **Driving While Intoxicated Tracking System**. The record shall be clearly identified as in section (2) under the collection section.

(4) [*Final*] **Court** disposition records for **infraction**, misdemeanor [*traffic*] **or ordinance** violations will be recorded on the reverse side of the original copy of [*either the uniform traffic ticket or the uniform complaint and summons*] **the uniform citation** identified as the abstract of court record (Appendix A) or an approved record of conviction form (Appendix E). [*Final*] **Court** disposition records for felony [*traffic*] violations shall be recorded upon an approved record of conviction form. Unless otherwise specified, an approved record of conviction form shall be substantially the same as set forth and shown in these regulations, and the form shall be used as applicable and disposition information shall be reported in accordance with the requirements for the form as established by the [*Supreme Court Rule Num-ber 37.461*] **Missouri Supreme Court**. The Missouri State Highway Patrol **or Missouri Department of Revenue**, in order to maintain file integrity, may return to the originating court any disposition **record that is** submitted upon the wrong form, [*or which*] does not contain sufficient data, [*or which*] is not sufficiently legible **or contains erroneous information** to allow entry of a complete **and accurate** record of conviction **or disposition** into the [*Mis-souri Uniform Law Enforcement System*] **Driving While Intoxicated Tracking System**. [*records. The corrected record of conviction shall be returned to the Highway Patrol within fifteen (15) days of receipt by the court.*] **Records returned by the Missouri State Highway Patrol shall be corrected by the appropriate court clerk and re-submitted within fifteen (15) days of receipt by the court.**

(5) An approved record of conviction form, [*at the discretion of the director of the Depart-ment of Public Safety,*] may be either a manual reporting form or an automated reporting method or form. [*Records of conviction generated by the courts in paper format will be forwarded to the Missouri State Highway Patrol. Those records reported in an electronic format will be submitted to the Department of Revenue. Once processed, the Department of Revenue will forward records of conviction reported electronically to the Missouri State Highway Patrol.*] **Disposition records furnished by the courts to the Missouri Department of Revenue, whether manual or electronic, will be forwarded by the Department of Revenue to the Missouri State Highway Patrol within fifteen (15) days of receipt in a manner approved by both agencies.** When reporting records of conviction for traffic offenses in an electronic format, the name of the court clerk is not required. Instead, courts shall use their originating agency identifier (ORI) number. The format of the record of conviction form, either paper or electronic shall be substantially the same as set forth and shown in these regulations and the form shall be used as applicable and disposition information shall be reported in accordance with the requirements of the form. [*The Department of Revenue, in order to maintain file integrity, may return to the originating court any record that is not submitted in the correct format, reported erroneously, or which does not contain sufficient data.*]

(6) The dispositions forwarded by the clerk involving a violation of state law, or county or municipal ordinance relating to offenses involving *[alcohol- and/or drug-related driving violations]* an **“intoxication-related traffic offense”** as defined in section **577.001, RSMo**, shall state if the defendant was represented by counsel, or if not represented by counsel, whether or not *[s/he]* **they** waived *[his/her]* **their** right to counsel.

(7) All agencies in the state of Missouri authorized by law to enforce the provisions of Chapters 302 and 577, RSMo or any other law of this state, or county or municipal ordinance regulating the operation of motor vehicles, *[shall]* **are to** use only *[those uniform traffic tickets or uniform complaint and summonses]* **the uniform citation** currently approved for use by the Missouri Supreme Court.

(8) Any uniform *[traffic ticket or complaint and summons]* **citation** submitted to the court shall clearly show the *[police department]***law enforcement agency’s** name and originating agency identifier (ORI) number in the upper left-hand corner and the unique *[traffic ticket]* **uniform citation** number in the upper right-hand corner on the front side of each page.

(9) The Missouri State Highway Patrol *[shall]* serve as the central repository for the assignment of a unique number to every *[traffic ticket and complaint and summons]* **uniform citation** issued for use in the state of Missouri by any court, law enforcement agency or other issuing authority. Every court, law enforcement agency or other issuing authority desirous of ordering uniform traffic tickets, prior to submission of each order of traffic tickets or complaint and summonses to a supplier or vendor, must contact the Missouri State Highway Patrol, General Headquarters, PO Box 1408, Jefferson City, MO 65102, (573) 751-3313, extension 185 or 189, in order that a set of unique numbers can be assigned to each set to be ordered.

AUTHORITY: sections 302.225 and 577.001–577.051, RSMo 2000. Original rule filed Jan. 13, 1983, effective April 11, 1983. Amended: Filed Dec. 4, 1984, effective May 11, 1985. Amended: Filed Aug. 15, 1986, effective Jan. 29, 1987. Amended: Filed March 13, 2001, effective Aug. 30, 2001.*

**Original authority: 302.225, RSMo 1939, amended 1951, 1961, 1978, 1982, 1989, 1997; 577.001–577.051, RSMo. Please see Missouri Revised Statutes 2000.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Public Safety, ATTN: Nathan Weinert, P.O. Box 749, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*