

CHAPTER 342: ALCOHOL-RELATED TRAFFIC OFFENSES

SECTION 342.010: DEFINITIONS

As used in this Chapter, the following terms shall have these prescribed meanings:

DRIVE, DRIVING, OPERATES OR OPERATING: Physically driving or operating a motor vehicle.

INTOXICATED CONDITION: A person is in an "*intoxicated condition*" when he/she is under the influence of alcohol, a controlled substance, or drug, or any combination thereof.

LAW ENFORCEMENT OFFICER OR ARRESTING OFFICER: Includes the definition of Law Enforcement Officer in Subdivision (17) of Section 556.061, RSMo.

SECTION 342.020: DRIVING WHILE INTOXICATED

A person commits the offense of "*driving while intoxicated*" if he/she operates a motor vehicle while in an intoxicated or drugged condition. No person convicted of or pleading guilty to the offense of driving while intoxicated shall be granted a suspended imposition of sentence for such offense, unless such person shall be placed on probation for a minimum of two (2) years.

SECTION 342.030: DRIVING WITH EXCESSIVE BLOOD ALCOHOL CONTENT

A. A person commits the offense of "*driving with excessive blood alcohol content*" if such person operates a motor vehicle in this Village with eight-hundredths of one percent (.08%) or more by weight of alcohol in such person's blood.

B. As used in this Section, "*percent by weight of alcohol*" in the blood shall be based upon grams of alcohol per one hundred (100) milliliters of blood or two hundred ten (210) liters of breath and may be shown by chemical analysis of the person's blood, breath, saliva or urine. For the purposes of determining the alcoholic content of a person's blood under this Section, the test shall be conducted in accordance with the provisions of Sections 577.020 to 577.041, RSMo.

**SECTION 342.040: CHEMICAL TEST FOR ALCOHOL CONTENT--
CONSENT IMPLIED--ADMINISTERED, WHEN, HOW**

A. Any person who operates a motor vehicle upon the public roadways of this Village shall be deemed to have given consent to, subject to the provisions of Sections 577.020 to 577.041, RSMo., a chemical test or tests of the person's breath, blood, saliva or urine for the purpose of determining the alcohol or drug content of the person's blood if arrested for any offense arising out of acts which the arresting officer had reasonable grounds to believe were committed while the person was driving a motor vehicle while in an intoxicated or drugged condition. The test shall be administered at the direction of the arresting Law Enforcement Officer whenever the person has been arrested for the offense.

B. The implied consent to submit to the chemical tests listed in Subsection (1) of this Section shall be limited to not more than two (2) such tests arising from the same arrest, incident or charge.

C. Chemical analysis of the person's breath, blood, saliva, or urine to be considered valid pursuant to the provisions of Sections 577.020 to 577.041, RSMo., shall be performed according to methods approved by the State Department of Health by licensed medical personnel or by a person possessing a valid permit issued by the State Department of Health for this purpose.

D. The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person at the choosing and expense of the person to be tested, administer a test in addition to any administered at the direction of a Law Enforcement Officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test taken at the direction of a Law Enforcement Officer.

E. Upon the request of the person who is tested, full information concerning the test shall be made available to him/her.

**SECTION 342.050: CONSUMPTION OF ALCOHOLIC BEVERAGES IN
MOVING MOTOR VEHICLE, PROHIBITED WHEN**

A. No person shall consume any alcoholic beverage while operating a moving motor vehicle upon the highways, as defined in Section 301.010, RSMo.

B. Any person found guilty of violating the provisions of this Section is guilty of an infraction.

C. Any infraction under this Section shall not reflect on any records with the Department of Revenue.