

Summary of SC91777, Ashley E. Morse v. Director of Revenue

Appeal from the Crawford County circuit court, Judge William C. Seay
Argued and submitted Oct. 18, 2011; opinion issued Nov. 15, 2011

Attorneys: The director was represented by John W. Grantham of the attorney general's office in Jefferson City, (573) 751-3321; Morse, who did not submit a brief or argue this case, did not have an attorney.

This summary is not part of the opinion of the Court. It has been prepared by the communications counsel for the convenience of the reader. It neither has been reviewed nor approved by the Supreme Court and should not be quoted or cited.

Overview: The director of revenue appeals the trial court's conclusion that a woman whose driver's license was suspended twice for the same incident of driving while intoxicated does not need to meet certain requirements for reinstatement of her driver's license. In a decision written by Chief Justice Richard B. Teitelman and joined by all participating judges, the Supreme Court of Missouri reverses the trial court's judgment. Giving the woman credit for her first "period of suspension" does not eliminate her obligation to offer proof of insurance or to pay reinstatement fees. Judge Cynthia L. Martin, a judge of the Missouri Court of Appeals, Western District, sat in this case by special designation to fill a then-vacancy on the Court.

Facts: Ashley Morse was arrested for driving while intoxicated. The state filed criminal charges against her, and she received a suspended imposition of sentence. Because she was younger than 21 years at the time, the director of revenue also administratively suspended her driver's license for 90 days pursuant to section 302.505.2, RSMo. She completed the administrative suspension and the other requirements for reinstatement of her license by completing a substance abuse traffic offender program, showing proof of liability insurance coverage and paying reinstatement fees. Morse subsequently violated the terms of probation in her criminal case and was convicted of driving while intoxicated. Following her conviction, the director assessed eight points against Morse's driver's license, suspended her license for 30 days pursuant to section 302.304, RSMo, and informed Morse that she again would be required to complete the substance abuse traffic offender program, show proof of liability insurance coverage and pay reinstatement fees. Morse sought review in the circuit court, which concluded that requiring Morse to fulfill the three requirements for reinstatement again would violate section 302.525, RSMo, by not giving her credit for her previous "period of suspension." The director appeals.

REVERSED.

Court en banc holds: The trial court erred in holding that giving Morse credit for her first "period of suspension" eliminates her obligation to offer proof of insurance and to pay reinstatement fees for her license to be reinstated. Section 302.525.4 requires the director to credit Morse's first "period of suspension" to her second suspension because both suspensions arose from the same occurrence. The director concedes that Morse does not have to complete the substance abuse traffic offender program again because section 302.540, RSMo, provides that completion of the treatment program must be credited if, as here, two suspensions arise out of the same occurrence. Although the phrase "period of suspension" is not defined in the statutes, its plain language meaning refers only to the length of time during which Morse's license was suspended, not to reinstatement requirements such as proof of insurance or payment of reinstatement fees.