

Summary of SC93742, Jeffrey S. Amick v. Director of Revenue

Appeal from the St. Louis County circuit court, Judge Thomas J. Prebil
Argued and submitted March 19, 2014; opinion issued April 15, 2014

Attorneys: Amick, of Florissant, represented himself; and the director was represented by Daniel N. McPherson of the attorney general's office in Jefferson City, (573) 751-3321.

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: A man convicted of felony driving while intoxicated appeals the circuit court's dismissal of his petition for limited driving privileges. In a unanimous decision written by Judge Richard B. Teitelman, the Supreme Court of Missouri affirms the judgment. The statute allowing participants and graduates of DWI court programs to obtain limited driving privileges on different terms than non-participants does not violate equal protection because such a classification is rationally related to the state's legitimate safety interest in protecting the public from drunken drivers.

Facts: After Jeffrey Amick was convicted of felony driving while intoxicated, the director of revenue suspended his driving privileges for a minimum of 10 years beginning in November 2008. In August 2013, Amick filed a petition for limited driving privileges. The circuit court dismissed the petition, determining Amick was statutorily ineligible for limited driving privileges pursuant to section 302.309.3(6)(b) due to his felony conviction. Amick appeals.

AFFIRMED.

Court en banc holds: Neither subdivision (6)(b) or (9) of section 302.309.3, RSMo, violates equal protection because allowing graduates and participants of DWI court programs the opportunity to obtain limited driving privileges while denying the same opportunity to non-participants is rationally related to the state's legitimate interest in protecting the public from drunken drivers. Because the statute does not classify on the basis of race, national origin, gender or any other arbitrary personal characteristic and limits the privilege of driving – which is not a fundamental right – Amick's claim of an equal protection violation is subject to rational-basis review and will be upheld if it is justified by any set of facts. There is a rational relationship between the state's legitimate interest in promoting public safety and the legislature's decision to permit graduates and participants in DWI court programs to obtain reinstatement of driving privileges on different terms than non-participants. That there may be alternative means to achieve the state's interest in public safety does not undermine this rationality.