

FIRST REGULAR SESSION

HOUSE BILL NO. 84

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES BERRY (Sponsor) AND NETH (Co-sponsor).

0296L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 302.341, RSMo, and to enact in lieu thereof one new section relating to fines and court costs for traffic violations.

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

Section A. Section 302.341, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 302.341.

302.341. 1. If a Missouri resident charged with a moving [traffic] violation, **as defined in section 302.010**, of this state or any county or municipality of this state fails to dispose of the charges of which the resident is accused through authorized prepayment of fine and court costs and fails to appear on the return date or at any subsequent date to which the case has been continued, or without good cause fails to pay any fine or court costs assessed against the resident for any such violation within the period of time specified or in such installments as approved by the court or as otherwise provided by law, any court having jurisdiction over the charges shall within ten days of the failure to comply inform the defendant by ordinary mail at the last address shown on the court records that the court will order the director of revenue to suspend the defendant's driving privileges if the charges are not disposed of and fully paid within thirty days from the date of mailing. Thereafter, if the defendant fails to timely act to dispose of the charges and fully pay any applicable fines and court costs, the court shall notify the director of revenue of such failure and of the pending charges against the defendant. Upon receipt of this notification, the director shall suspend the license of the driver, effective immediately, and provide notice of the suspension to the driver at the last address for the driver shown on the records of the department of revenue. Such suspension shall remain in effect until the court with the subject pending charge requests setting aside the noncompliance suspension pending final

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 disposition, or satisfactory evidence of disposition of pending charges and payment of fine and
19 court costs, if applicable, is furnished to the director by the individual. Upon proof of disposition
20 of charges and payment of fine and court costs, if applicable, and payment of the reinstatement
21 fee as set forth in section 302.304, the director shall return the license and remove the suspension
22 from the individual's driving record if the individual was not operating a commercial motor
23 vehicle or a commercial driver's license holder at the time of the offense. The filing of financial
24 responsibility with the bureau of safety responsibility, department of revenue, shall not be
25 required as a condition of reinstatement of a driver's license suspended solely under the
26 provisions of this section.

27 2. If any city, town or village **meets the criteria established in subsection 6 of this**
28 **section and** receives more than thirty-five percent of its annual general operating revenue from
29 fines and court costs for [traffic] **cited moving** violations occurring on state highways, **whether**
30 **the violation is adjudicated finally as a moving violation or nonmoving violation**, all
31 revenues from such violations in excess of thirty-five percent of the annual general operating
32 revenue of the city, town or village shall be sent to the director of the department of revenue and
33 shall be distributed annually to the schools of the county in the same manner that proceeds of all
34 penalties, forfeitures and fines collected for any breach of the penal laws of the state are
35 distributed. For the purpose of this section the words "state highways" shall mean any state or
36 federal highway, including any such highway continuing through the boundaries of a city, town
37 or village with a designated street name other than the state highway number. [The director of
38 the department of revenue shall set forth by rule a procedure whereby excess revenues as set
39 forth above shall be sent to the department of revenue.]

40 3. **The governing body of each city, town, or village that meets the criteria**
41 **established in subsection 6 of this section shall cause to be prepared an annual report of**
42 **the fines and court costs collected for cited moving violations whether finally adjudicated**
43 **as a moving or nonmoving violation occurring on state highways, along with the entity's**
44 **annual general revenue for the year, in such summary form as the department of revenue**
45 **shall prescribe by rule. In the event the fines and court costs exceed thirty-five percent of**
46 **the entity's general operating revenue for the year, the entity shall include with the annual**
47 **report payment of the excess revenues to the director of the department of revenue. The**
48 **payment of excess revenues shall be disbursed as provided in subsection 2 of this section.**
49 If any city, town, or village disputes a determination that it has received excess revenues required
50 to be sent to the department of revenue, such city, town, or village may submit to an annual audit
51 by the state auditor under the authority of article IV, section 13 of the Missouri Constitution.
52 [Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the
53 authority delegated in this section shall become effective only if it complies with and is subject

54 to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and
55 chapter 536 are nonseverable and if any of the powers vested with the general assembly under
56 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
57 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed
58 or adopted after August 28, 2009, shall be invalid and void.]

59 **4. The department of revenue may promulgate rules necessary to implement the**
60 **provisions of this section. Any rule or portion of a rule, as that term is defined in section**
61 **536.010, that is created under the authority delegated in this section shall become effective**
62 **only if it complies with and is subject to all of the provisions of chapter 536 and, if**
63 **applicable, section 536.028. This section and chapter 536 are nonseverable and if any of**
64 **the powers vested with the general assembly pursuant to chapter 536 to review, to delay**
65 **the effective date, or to disapprove and annul a rule are subsequently held**
66 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**
67 **after August 28, 2013, shall be invalid and void.**

68 **5. In the event a city, town, or village that meets the criteria established in**
69 **subsection 6 of this section fails to comply with subsections 2 and 3 of this section, such**
70 **entity shall be subject to a civil penalty in an amount up to one thousand dollars. The**
71 **department of revenue shall determine the amount of the penalty by taking into account**
72 **the size of the entity, the seriousness of the offense, and whether the city, town, or village**
73 **has violated the provisions of subsections 2 and 3 of this section previously. The director**
74 **of revenue or his or her designated representative shall administer and enforce the**
75 **provisions of this section and may develop, prescribe, and issue any forms, notices, or other**
76 **written documents to enforce such authority and to ensure that every city, town, or village**
77 **is in compliance with the provisions of subsections 2 and 3 of this section.**

78 **6. The provisions of subsections 2, 3, 4, and 5 of this section shall only apply to any**
79 **city, town, or village with:**

80 **(1) Less than two million dollars in general revenue, excluding fines and court costs**
81 **collected for cited moving violations whether finally adjudicated as a moving or nonmoving**
82 **violation; and**

83 **(2) Fines and court costs from cited moving violations, whether finally adjudicated**
84 **as a moving or nonmoving violation, in excess of seventy thousand dollars.**

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