

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 380

99TH GENERAL ASSEMBLY

1006H.02P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 479.020, 479.353, and 488.2250, RSMo, and to enact in lieu thereof six new sections relating to judicial proceedings.

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

Section A. Sections 479.020, 479.353, and 488.2250, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 302.335, 304.288, 479.020, 479.353, 479.354, and 488.2250, to read as follows:

302.335. 1. Except as otherwise provided in subsection 2 of this section, any motorist charged with a traffic violation in this state or any county or municipality of this state shall receive notification, in person, within twenty-four hours of the violation from a law enforcement officer employed by the law enforcement agency issuing the violation.

2. The in-person notification requirement of subsection 1 of this section shall not apply to:

- (1) Parking tickets;**
- (2) Violations under section 577.060;**
- (3) Incidents requiring further investigation; or**
- (4) Any other situation in which in-person notification is not possible.**

304.288. 1. As used in this section "automated traffic enforcement system" means a camera or optical device designed to record images that depict the motor vehicle, the motor vehicle operator, the license plate of the motor vehicle, or other images to establish evidence that the motor vehicle or its operator is not in compliance with a state law, ordinance, order, or other provision which is designated as a traffic infraction.

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.

6 **2. Beginning on the effective date of this section, no county, city, town, village,**
7 **municipality, state agency, or other political subdivision of this state may enact, adopt, or**
8 **enforce, or authorize any other entity to enact, adopt, or enforce, any law, ordinance,**
9 **regulation, order, or other provision that authorizes the use of an automated traffic**
10 **enforcement system or systems to establish evidence that a motor vehicle or its operator has**
11 **not paid any user fee or is not in compliance with traffic signals, traffic speeds, or other**
12 **traffic laws, ordinances, rules, or regulations on any public street, road, or highway within**
13 **this state or to impose or collect any civil or criminal fine, fee, user fee, or penalty for any**
14 **such noncompliance, except as permitted under subsection 3 of this section.**

15 **3. Any county, city, town, village, municipality, state agency, or other political**
16 **subdivision of this state that has an automated traffic enforcement system installation or**
17 **maintenance contract with a company or entity on the effective date of this section shall**
18 **arrange to complete or terminate the contract within one year after the effective date of**
19 **this section. The provisions of subsection 2 of this section shall apply to the county, city,**
20 **town, village, municipality, state agency, or other political subdivision after the termination**
21 **or completion of such installation or maintenance contracts.**

22 **4. Notwithstanding any other provision of law to the contrary, no county, city,**
23 **town, village, municipality, state agency, or political subdivision shall be exempted from**
24 **the provisions of this section except by explicit reference to, or modification of, this section.**

25 **5. This section shall not apply to any data or information recorded at weigh stations**
26 **managed by the department of transportation or the highway patrol.**

479.020. 1. Any city, town or village, including those operating under a constitutional
2 or special charter, may, and cities with a population of four hundred thousand or more shall,
3 provide by ordinance or charter for the selection, tenure and compensation of a municipal judge
4 or judges consistent with the provisions of this chapter who shall have original jurisdiction to
5 hear and determine all violations against the ordinances of the municipality. The method of
6 selection of municipal judges shall be provided by charter or ordinance. Each municipal judge
7 shall be selected for a term of not less than two years as provided by charter or ordinance.

8 2. Except where prohibited by charter or ordinance, the municipal judge may be a part-
9 time judge and may serve as municipal judge in more than one municipality.

10 3. No person shall serve as a municipal judge of any municipality with a population of
11 seven thousand five hundred or more or of any municipality in a county of the first class with a
12 charter form of government unless the person is licensed to practice law in this state unless, prior
13 to January 2, 1979, such person has served as municipal judge of that same municipality for at
14 least two years.

15 4. Notwithstanding any other statute, a municipal judge need not be a resident of the
16 municipality or of the circuit in which the municipal judge serves except where ordinance or
17 charter provides otherwise. Municipal judges shall be residents of Missouri.

18 5. Judges selected under the provisions of this section shall be municipal judges of the
19 circuit court and shall be divisions of the circuit court of the circuit in which the municipality,
20 or major geographical portion thereof, is located. The judges of these municipal divisions shall
21 be subject to the rules of the circuit court which are not inconsistent with the rules of the supreme
22 court. The presiding judge of the circuit shall have general administrative authority over the
23 judges and court personnel of the municipal divisions within the circuit.

24 6. No municipal judge shall hold any other office in the municipality which the
25 municipal judge serves as judge. The compensation of any municipal judge and other court
26 personnel shall not be dependent in any way upon the number of cases tried, the number of guilty
27 verdicts reached or the amount of fines imposed or collected.

28 7. Municipal judges shall be at least twenty-one years of age. No person shall serve as
29 municipal judge after that person has reached that person's seventy-fifth birthday.

30 8. Within six months after selection for the position, each municipal judge who is not
31 licensed to practice law in this state shall satisfactorily complete the course of instruction for
32 municipal judges prescribed by the supreme court. The state courts administrator shall certify
33 to the supreme court the names of those judges who satisfactorily complete the prescribed
34 course. If a municipal judge fails to complete satisfactorily the prescribed course within six
35 months after the municipal judge's selection as municipal judge, the municipal judge's office
36 shall be deemed vacant and such person shall not thereafter be permitted to serve as a municipal
37 judge, nor shall any compensation thereafter be paid to such person for serving as municipal
38 judge.

39 9. No municipal judge shall serve as a municipal judge in more than five municipalities
40 at one time. **A court that serves more than one municipality shall be treated as a single**
41 **municipality for the purposes of this subsection.**

 479.353. **1.** Notwithstanding any provisions to the contrary, the following conditions
2 shall apply to minor traffic violations and municipal ordinance violations:

3 (1) The court shall not assess a fine, if combined with the amount of court costs, totaling
4 in excess of:

5 (a) Two hundred twenty-five dollars for minor traffic violations; and

6 (b) For municipal ordinance violations committed within a twelve-month period
7 beginning with the first violation: two hundred dollars for the first municipal ordinance
8 violation, two hundred seventy-five dollars for the second municipal ordinance violation, three

9 hundred fifty dollars for the third municipal ordinance violation, and four hundred fifty dollars
10 for the fourth and any subsequent municipal ordinance violations;

11 (2) The court shall not sentence a person to confinement, except the court may sentence
12 a person to confinement for any violation involving alcohol or controlled substances, violations
13 endangering the health or welfare of others, or eluding or giving false information to a law
14 enforcement officer;

15 (3) A person shall not be placed in confinement for failure to pay a fine unless such
16 nonpayment violates terms of probation or unless the due process procedures mandated by
17 Missouri supreme court rule 37.65 or its successor rule are strictly followed by the court;

18 (4) Court costs that apply shall be assessed against the defendant unless the court finds
19 that the defendant is indigent based on standards set forth in determining such by the presiding
20 judge of the circuit. Such standards shall reflect model rules and requirements to be developed
21 by the supreme court; and

22 (5) No court costs shall be assessed if the defendant is found to be indigent under
23 subdivision (4) of this section or if the case is dismissed.

24 **2. When an individual has been held in custody on a notice to show cause warrant**
25 **for an underlying minor traffic violation, the court, on its own motion or on the motion of**
26 **any interested party, may review the original fine and sentence and waive or reduce such**
27 **fine or sentence when the court finds it reasonable given the circumstances of the case.**

479.354. For any notice to appear in court, citation, or summons on a minor traffic
2 **violation, the date and time the defendant is to appear in court shall be given when such**
3 **notice to appear in court, citation, or summons is first provided to the defendant. Failure**
4 **to provide such date and time shall render such notice to appear in court, citation, or**
5 **summons void.**

488.2250. 1. For all appeal transcripts of testimony given ~~for proceedings in any circuit~~
2 ~~court~~, the court reporter shall receive the sum of three dollars and fifty cents per legal page for
3 the preparation of a paper and an electronic version of the transcript.

4 2. In criminal cases where an appeal is taken by the defendant and it appears to the
5 satisfaction of the court that the defendant is unable to pay the costs of the transcript for the
6 purpose of perfecting the appeal, the court reporter shall receive a fee of two dollars and sixty
7 cents per legal page for the preparation of a paper and an electronic version of the transcript.

8 3. Any judge, in his or her discretion, may order a transcript of all or any part of the
9 evidence or oral proceedings and the court reporter shall receive the sum of two dollars and sixty
10 cents per legal page for the preparation of a paper and an electronic version of the transcript.

11 4. For purposes of this section, a legal page, other than the first page and the final page
12 of the transcript, shall be twenty-five lines, approximately eight and one-half inches by eleven

13 inches in size, with the left-hand margin of approximately one and one-half inches, and with the
14 right-hand margin of approximately one-half inch.

15 5. Notwithstanding any law to the contrary, the payment of court reporter's fees provided
16 in subsections 2 and 3 of this section shall be made by the state upon a voucher approved by the
17 court. The cost to prepare all other transcripts of testimony or proceedings shall be borne by the
18 party requesting their preparation and production, who shall reimburse the court reporter [the
19 ~~sum provided in subsection 1 of this section~~].

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