

SECOND REGULAR SESSION

HOUSE BILL NO. 2139

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE LADD BAKER.

Read 1st time March 11, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

4991L.011

AN ACT

To repeal section 544.045, RSMo, and to enact in lieu thereof one new section relating to licenses to operate motor vehicles deposited in lieu of bail.

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

Section A. Section 544.045, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 544.045, to read as follows:

544.045. 1. Any person arrested and charged with violating a traffic law of this state or a traffic ordinance of any county, city, town or village may, at the discretion of both the officer authorized by law or rule of court to accept bail and the person arrested, deposit his license to operate a motor vehicle with a member of the highway patrol or with the officer demanding bail in lieu of any other security for his appearance in court to answer any such charge, except when the charge is for driving while intoxicated, driving while under the influence of intoxicating liquor or drugs, leaving the scene of a motor vehicle accident, driving when his license is suspended or revoked, or for any charge made because of a motor vehicle accident in which a death has occurred.

2. Notwithstanding the fact that the officer authorized by law or rule of court to accept bail authorizes the person arrested to deposit his license to operate a motor vehicle as his security for his appearance in court, in lieu of depositing his license to operate a motor vehicle, the person arrested may decline to deposit his license to operate a motor vehicle as security and instead deposit a bond with the officer authorized by law or rule of court to accept bail or other such officer demanding bail in the amount of fifty dollars per traffic offense allegedly committed. The officer shall issue a receipt for such a bond to the person and deposit the bond with the judge, court clerk or other officer requiring security for a court appearance.

3. The judge, court clerk or other officer requiring security for an appearance shall accept

19 the bond or deposit of the license in lieu of bail and, if the license is accepted, shall issue a
20 receipt to the licensee for the license upon a form approved by the director of revenue. The
21 licensee may, until he has appeared at the proper time and place as stated in the receipt to answer
22 the charge placed against him, operate motor vehicles while in possession of the receipt, and the
23 receipt shall be accepted in lieu of the license as provided by section 302.181, RSMo. If a
24 continuance is requested and granted, the licensee shall be given a new receipt for his license.

25 4. Whether or not a license to operate a motor vehicle has been deposited in lieu of bail
26 pursuant to this section, if the driver fails to appear at the proper time to answer the charge
27 placed against him, the clerk of the court, or the judge of the court if there is no clerk, shall
28 within ten days notify the director of revenue of the failure to appear, and the director shall
29 thereafter withhold any renewal of the license or the issuance of a duplicate license to the
30 licensee until notified by the court that the charge has been reduced to final judgment.

31 **5. Notwithstanding the provisions of subsection 1 of this section to the contrary, no**
32 **officer authorized by rule of court to accept bail shall confiscate and hold a license to**
33 **operate a motor vehicle for any moving traffic violation unless:**

34 (1) The violator's license is an out of state license;

35 (2) The violator's license has been assessed more than four points pursuant to
36 section 302.302, RSMo;

37 (3) The violator currently has amounts due and owing for moving traffic violations
38 in another jurisdiction within the state;

39 (4) The violator was speeding in excess of twenty miles per hour over the posted
40 speed limit; or

41 (5) The violator fails to provide to the officer proof of financial responsibility as
42 defined in section 303.010, RSMo.