

HOUSE _____ **AMENDMENT NO.** _____**Offered By**

1 AMEND House Committee Substitute for House Bill Nos. 116 & 316, Section 168.071, Page 17, Line
2 114, by inserting after all of said section the following:

3 “302.341. 1. If a Missouri resident charged with a moving [traffic] violation, as defined in
4 section 302.010, of this state or any county or municipality of this state fails to dispose of the charges of
5 which the resident is accused through authorized prepayment of fine and court costs and fails to appear on
6 the return date or at any subsequent date to which the case has been continued, or without good cause fails
7 to pay any fine or court costs assessed against the resident for any such violation within the period of time
8 specified or in such installments as approved by the court or as otherwise provided by law, any court
9 having jurisdiction over the charges shall within ten days of the failure to comply inform the defendant by
10 ordinary mail at the last address shown on the court records that the court will order the director of
11 revenue to suspend the defendant's driving privileges if the charges are not disposed of and fully paid
12 within thirty days from the date of mailing. Thereafter, if the defendant fails to timely act to dispose of
13 the charges and fully pay any applicable fines and court costs, the court shall notify the director of revenue
14 of such failure and of the pending charges against the defendant. Upon receipt of this notification, the
15 director shall suspend the license of the driver, effective immediately, and provide notice of the
16 suspension to the driver at the last address for the driver shown on the records of the department of
17 revenue. Such suspension shall remain in effect until the court with the subject pending charge requests
18 setting aside the noncompliance suspension pending final disposition, or satisfactory evidence of
19 disposition of pending charges and payment of fine and court costs, if applicable, is furnished to the
20 director by the individual. Upon proof of disposition of charges and payment of fine and court costs, if
21 applicable, and payment of the reinstatement fee as set forth in section 302.304, the director shall return
22 the license and remove the suspension from the individual's driving record. The filing of financial
23 responsibility with the bureau of safety responsibility, department of revenue, shall not be required as a
24 condition of reinstatement of a driver's license suspended solely under the provisions of this section.

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

1 highway number. [The director of the department of revenue shall set forth by rule a procedure whereby
2 excess revenues as set forth above shall be sent to the department of revenue.]

3 3. The governing body of each fourth class city or village with over one hundred thousand dollars
4 in traffic revenues in the previous year in this state shall cause to be prepared an annual report of the fines
5 and court costs collected for cited moving violations whether finally adjudicated as a moving or
6 nonmoving violation occurring on state highways, along with the entity's annual general operating revenue
7 for the year, in such summary form as the state courts administrator's office shall prescribe by rule. In the
8 event the fines and court costs exceed thirty-five percent of the entity's general revenue for the year, the
9 entity shall include with the annual report payment of the excess revenues to the director of the
10 department of revenue. Within thirty days of receipt of payment of the excess revenues, the director of the
11 department of revenue shall disburse the excess to the proper schools, as provided in subsection 2 of this
12 section. If any city, town, or village disputes a determination that it has received excess revenues required
13 to be sent to the department of revenue, such city, town, or village may submit to an annual audit by the
14 state auditor under the authority of article IV, section 13 of the Missouri Constitution. [Any rule or portion
15 of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this
16 section shall become effective only if it complies with and is subject to all of the provisions of chapter 536
17 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the
18 powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to
19 disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority
20 and any rule proposed or adopted after August 28, 2009, shall be invalid and void.]

21 4. The department of revenue may promulgate rules necessary to implement the provisions of this
22 section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the
23 authority delegated in this section shall become effective only if it complies with and is subject to all of
24 the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
25 nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review,
26 to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then
27 the grant of rulemaking authority and any rule proposed or adopted after August 28, 2011, shall be invalid
28 and void.

29 5. In the event a city, town, or village fails to comply with subsections 2 and 3 of this section,
30 such entity shall be subject to a civil penalty in an amount of ten percent of excess revenues required to be
31 submitted that were not submitted, with such penalty to be distributed to the local schools where the
32 moving violation occurred.”; and

33
34 Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.