

FIRST REGULAR SESSION

# HOUSE BILL NO. 552

## 97TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES CONWAY (104) (Sponsor), SPENCER, BAHR, LANT,  
REIBOLDT, FITZWATER, KOENIG, KORMAN, ZERR, GATSCHENBERGER, CORNEJO,  
FUNDERBURK, SOMMER, MARSHALL, HICKS AND RHOADS (Co-sponsors).

1338L011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 302.341, RSMo, and to enact in lieu thereof one new section relating to the distribution of revenues collected from traffic violations.

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Section A. Section 302.341, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 302.341, to read as follows:

302.341. 1. If a Missouri resident charged with a moving traffic violation 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

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.

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

26         2. If any city, town [or] , village, **or county** receives more than [thirty-five] **twenty**  
27 percent of its annual general operating revenue from fines and court costs for traffic violations,  
28 **including amended charges from any traffic violation**, occurring [on state highways] **within**  
29 **the city, town, village, or county**, all revenues from such violations in excess of [thirty-five]  
30 **twenty** percent of the annual general operating revenue of the city, town [or] , village, **or county**  
31 shall be sent to the director of the department of revenue and shall be distributed annually to the  
32 schools of the county in the same manner that proceeds of all penalties, forfeitures and fines  
33 collected for any breach of the penal laws of the state are distributed. [For the purpose of this  
34 section the words "state highways" shall mean any state or federal highway, including any such  
35 highway continuing through the boundaries of a city, town or village with a designated street  
36 name other than the state highway number.] The director of the department of revenue shall set  
37 forth by rule a procedure whereby excess revenues as set forth above shall be sent to the  
38 department of revenue. If any city, town, [or] village, **or county** disputes a determination that  
39 it has received excess revenues required to be sent to the department of revenue, such city, town,  
40 [or] , village, **or county** may submit to an annual audit by the state auditor under the authority  
41 of article IV, section 13 of the Missouri Constitution. **An accounting of the percent of annual**  
42 **general operating revenue from fines and court costs for traffic violations, including**  
43 **amended charges from any charged traffic violation, occurring within the city, town,**  
44 **village, or county and charged in the municipal court of that city, town, village, or county**  
45 **shall be included in the Comprehensive Annual Financial Report submitted to the state**  
46 **auditor by the city, town, village, or county under section 105.145. Any city, town, village,**  
47 **or county which fails to make an accurate or timely report, or to send excess revenues from**  
48 **such violations to the director of the department of revenue by the date on which the report**  
49 **is due to the state auditor shall suffer an immediate loss of jurisdiction of the municipal**  
50 **court of said city, town, village, or county on all traffic-related charges until all**  
51 **requirements of this section are satisfied.** Any rule or portion of a rule, as that term is defined

52 in section 536.010, that is created under the authority delegated in this section shall become  
53 effective only if it complies with and is subject to all of the provisions of chapter 536 and, if  
54 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the  
55 powers vested with the general assembly under chapter 536 to review, to delay the effective date,  
56 or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of  
57 rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid  
58 and void.

59 **3. As used in subsection 2 of this section, traffic violations shall include all**  
60 **ordinance violations which are detected through the use of an automated traffic**  
61 **enforcement system, regardless of whether the ordinance violation is prosecuted as a civil**  
62 **infraction or not. An "automated traffic enforcement system" means a camera, optical**  
63 **device, electronic system, or other surveillance system designed to record and produce**  
64 **photographic images, video, or other digital data of a motor vehicle, a motor vehicle's**  
65 **operator, or both, violating a traffic control signal, speed restriction, or other traffic law,**  
66 **ordinance or regulation. Automated traffic enforcement systems shall also include**  
67 **automated speed enforcement systems. The term "automated speed enforcement system"**  
68 **means a device with one or more motor vehicle sensors, including, but not limited to,**  
69 **photographic devices, radar devices, laser devices, or other electrical or mechanical**  
70 **devices, designed to record the speed of a motor vehicle and to obtain a clear photograph**  
71 **or other recorded image of the motor vehicle and the motor vehicle's license plate, which**  
72 **automatically produces one or more photographs, one or more microphotographs, a**  
73 **videotape, or other recorded image of a motor vehicle at the time it is used or operated in**  
74 **violation of the posted speed limit.**

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