

FIRST REGULAR SESSION

HOUSE BILL NO. 1217

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SMITH.

2619L.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 traffic fines and court costs.

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Section A. Section 302.341, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 302.341, to read as follows: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 suspension shall remain in effect until the court with the subject pending charge requests setting aside the noncompliance suspension pending final disposition, or satisfactory evidence

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 of disposition of pending charges and payment of fine and court costs, if applicable, is furnished
19 to the director by the individual. The filing of financial responsibility with the bureau of safety
20 responsibility, department of revenue, shall not be required as a condition of reinstatement of a
21 driver's license suspended solely under the provisions of this section.

22 2. If any city, town, village, or county receives more than thirty percent of its annual
23 general operating revenue from fines and court costs for traffic violations, including amended
24 charges from any traffic violation, occurring within the city, town, village, or county, all
25 revenues from such violations in excess of thirty percent of the annual general operating revenue
26 of the city, town, village, or county shall be sent to the director of the department of revenue and
27 shall be distributed annually to the schools of the county in the same manner that proceeds of all
28 penalties, forfeitures and fines collected for any breach of the penal laws of the state are
29 distributed. The director of the department of revenue shall set forth by rule a procedure
30 whereby excess revenues as set forth above shall be sent to the department of revenue. If any
31 city, town, village, or county disputes a determination that it has received excess revenues
32 required to be sent to the department of revenue, such city, town, village, or county may submit
33 to an annual audit by the state auditor under the authority of Article IV, Section 13 of the
34 Missouri Constitution. An accounting of the percent of annual general operating revenue from
35 fines and court costs for traffic violations, including amended charges from any charged traffic
36 violation, occurring within the city, town, village, or county and charged in the municipal court
37 of that city, town, village, or county shall be included in the comprehensive annual financial
38 report submitted to the state auditor by the city, town, village, or county under section 105.145.
39 Any city, town, village, or county which fails to make an accurate or timely report, or to send
40 excess revenues from such violations to the director of the department of revenue by the date on
41 which the report is due to the state auditor shall suffer an immediate loss of jurisdiction of the
42 municipal court of said city, town, village, or county on all traffic-related charges until all
43 requirements of this section are satisfied. Any rule or portion of a rule, as that term is defined
44 in section 536.010, that is created under the authority delegated in this section shall become
45 effective only if it complies with and is subject to all of the provisions of chapter 536 and, if
46 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the
47 powers vested with the general assembly under chapter 536 to review, to delay the effective date,
48 or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of
49 rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid
50 and void.

51 **3. (1) The "Interim Committee on Traffic Fines and Court Costs" is hereby**
52 **created to make recommendations as to the maximum amount of total annual revenue a**
53 **city, town, village, or county should be allowed to receive from fines and court costs for**

54 traffic violations. The committee shall make recommendations as to whether the
55 restriction imposed under subsection 2 of this section is appropriate, or whether the
56 percentage should be raised or lowered. The committee shall visit municipalities identified
57 by the state auditor as being subject to state audit for compliance with this section during
58 2014 and 2015, and shall conduct hearings to determine whether a consolidation of
59 neighboring municipalities may be beneficial.

60 (2) The interim committee on traffic fines and court costs shall consist of the
61 following members:

62 (a) Two members of the senate, with one member appointed by the president pro
63 tempore of the senate and one member appointed by the minority leader of senate;

64 (b) Two members of the house of representatives, with one member appointed by
65 the speaker of the house of representatives and one member appointed by the minority
66 leader of the house of representatives; and

67 (c) Five members appointed jointly by the president pro tempore of the senate and
68 the speaker of the house of representatives, including, but not limited to, persons
69 representing municipal courts, the legal community, cities, towns, villages, or counties.

70 (3) All members shall be appointed no later than September 15, 2015. The first
71 meeting of the committee shall be conducted no later than October 1, 2015.

72 (4) No later than January 5, 2016, the committee shall submit a report to the
73 president pro tempore of the senate, the speaker of the house of representatives, and the
74 appropriate legislative committee of the general assembly regarding the results of the study
75 and any legislative recommendations.

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