

FIRST REGULAR SESSION

HOUSE BILL NO. 1071

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BRATTIN.

1974H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 302.341, 479.359, and 479.368, RSMo, and to enact in lieu thereof three new sections relating to minor traffic violation.

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

Section A. Sections 302.341, 479.359, and 479.368, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 302.341, 479.359, and 479.368, to read as follows: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

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.

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. 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. The provisions of subsection 1 of this section shall not apply to minor traffic~~
23 ~~violations as defined in section 479.350.]~~

479.359. 1. Every county, city, town, and village shall annually calculate the percentage
2 of its annual general operating revenue received from fines, bond forfeitures, and court costs for
3 municipal ordinance violations ~~[and minor traffic violations]~~, including amended charges for any
4 municipal ordinance violations ~~[and minor traffic violations]~~, whether the violation was
5 prosecuted in municipal court, associate circuit court, or circuit court, occurring within the
6 county, city, town, or village. If the percentage is more than thirty percent, the excess amount
7 shall be sent to the director of the department of revenue. The director of the department of
8 revenue shall set forth by rule a procedure whereby excess revenues as set forth in this section
9 shall be sent to the department of revenue. The department of revenue shall distribute these
10 moneys annually to the schools of the county in the same manner that proceeds of all fines
11 collected for any breach of the penal laws of this state are distributed.

12 2. Beginning January 1, 2016, the percentage specified in subsection 1 of this section
13 shall be reduced from thirty percent to twenty percent, unless any county, city, town, or village
14 has a fiscal year beginning on any date other than January first, in which case the reduction shall
15 begin on the first day of the immediately following fiscal year except that any county with a
16 charter form of government and with more than nine hundred fifty thousand inhabitants and any
17 city, town, or village with boundaries found within such county shall be reduced from thirty
18 percent to twelve and one-half percent.

19 3. An addendum to the annual financial report submitted to the state auditor under
20 section 105.145 by the county, city, town, or village that has chosen to have a municipal court
21 division shall contain an accounting of:

22 (1) Annual general operating revenue ~~[as defined in section 479.350]~~;

23 (2) The total revenues from fines, bond forfeitures, and court costs for municipal
24 ordinance violations ~~[and minor traffic violations]~~ occurring within the county, city, town, or
25 village, including amended charges from any municipal ordinance violations ~~[and minor traffic~~
26 ~~violations]~~;

27 (3) The percent of annual general operating revenue from fines, bond forfeitures, and
28 court costs for municipal ordinance violations ~~[and minor traffic violations]~~ occurring within the
29 county, city, town, or village, including amended charges from any charged municipal ordinance

30 violations [~~and minor traffic violation~~], charged in the municipal court of that county, city, town,
31 or village; and

32 (4) Said addendum shall be certified and signed by a representative with knowledge of
33 the subject matter as to the accuracy of the addendum contents, under oath and under the penalty
34 of perjury, and witnessed by a notary public.

35 4. On or before December 31, 2015, the state auditor shall set forth by rule a procedure
36 for including the addendum information required by this section. The rule shall also allow
37 reasonable opportunity for demonstration of compliance without unduly burdensome
38 calculations.

479.368. 1. (1) Except for county sales taxes deposited in the county sales tax trust fund
2 as defined in section 66.620, any county, city, town, or village failing to timely file the required
3 addendums or remit the required excess revenues, if applicable, after the time period provided
4 by the notice by the director of the department of revenue or any final determination on excess
5 revenue by the court in a judicial proceeding, whichever is later, shall not receive from that date
6 any amount of moneys to which the county, city, town, or village would otherwise be entitled
7 to receive from revenues from local sales tax as defined in section 32.085.

8 (2) If any county, city, town, or village has failed to timely file the required addendums,
9 the director of the department of revenue shall hold any moneys the noncompliant city, town,
10 village, or county would otherwise be entitled to from local sales tax as defined in section 32.085
11 until a determination is made by the director of revenue that the noncompliant city, town, village,
12 or county has come into compliance with the provisions of sections 479.359 and 479.360.

13 (3) If any county, city, town, or village has failed to remit the required excess revenue
14 to the director of the department of revenue such general local sales tax revenues shall be
15 distributed as provided in subsection 1 of section 479.359 by the director of the department of
16 revenue in the amount of excess revenues that the county, city, town, or village failed to remit.

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18 Upon a noncompliant city, town, village, or county coming into compliance with the provisions
19 of sections 479.359 and 479.360, the director of the department of revenue shall disburse any
20 remaining balance of funds held under this subsection after satisfaction of amounts due under
21 section 479.359. Moneys held by the director of the department of revenue under this subsection
22 shall not be deemed to be state funds and shall not be commingled with any funds of the state.

23 2. (1) Any city, town, village, or county that participates in the distribution of local sales
24 tax in sections 66.600 to 66.630 and fails to timely file the required addendums or remit the
25 required excess revenues, if applicable, after the time period provided by the notice by the
26 director of the department of revenue or any final determination on excess revenue by the court
27 in a judicial proceeding, whichever is later, shall not receive any amount of moneys to which said

28 city, town, village, or county would otherwise be entitled under sections 66.600 to 66.630. The
29 director of the department of revenue shall notify the county to which the duties of the director
30 have been delegated under section 66.601 of any noncompliant city, town, village, or county and
31 the county shall remit to the director of the department of revenue any moneys to which said city,
32 town, village, or county would otherwise be entitled. No disbursements to the noncompliant city,
33 town, village, or county shall be permitted until a determination is made by the director of
34 revenue that the noncompliant city, town, village, or county has come into compliance with the
35 provisions of sections 479.359 and 479.360.

36 (2) If such county, city, town, or village has failed to timely file the required addendums,
37 the director of the department of revenue shall hold any moneys the noncompliant city, town,
38 village, or county would otherwise be entitled to under sections 66.600 to 66.630 until a
39 determination is made by the director of revenue that the noncompliant city, town, village, or
40 county has come into compliance with the provisions of sections 479.359 and 479.360.

41 (3) If any county, city, town, or village has failed to remit the required excess revenue
42 to the director of the department of revenue, the director shall distribute such moneys the county,
43 city, town, or village would otherwise be entitled to under sections 66.600 to 66.630 in the
44 amount of excess revenues that the city, town, village, or county failed to remit as provided in
45 subsection 1 of section 479.359.

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47 Upon a noncompliant city, town, village, or county coming into compliance with the provisions
48 of sections 479.359 and 479.360, the director of the department of revenue shall disburse any
49 remaining balance of funds held under this subsection after satisfaction of amounts due under
50 section 479.359 and shall notify the county to which the duties of the director have been
51 delegated under section 66.601 that such compliant city, town, village, or county is entitled to
52 distributions under sections 66.600 to 66.630. If a noncompliant city, town, village, or county
53 becomes disincorporated, any moneys held by the director of the department of revenue shall be
54 distributed to the schools of the county in the same manner that proceeds of all penalties,
55 forfeitures, and fines collected for any breach of the penal laws of the state are distributed.
56 Moneys held by the director of the department of revenue under this subsection shall not be
57 deemed to be state funds and shall not be commingled with any funds of the state.

58 3. In addition to the provisions of subsection 1 of this section, any county that fails to
59 remit the required excess revenue as required by section 479.359 shall have an election upon the
60 question of disincorporation under Article VI, Section 5 of the Constitution of Missouri, and any
61 such city, town, or village that fails to remit the required excess revenue as required by section
62 479.359 shall have an election upon the question of disincorporation according to the following
63 procedure:

64 (1) The election upon the question of disincorporation of such city, town, or village shall
65 be held on the next general election day, as defined by section 115.121;

66 (2) The director of the department of revenue shall notify the election authorities
67 responsible for conducting the election according to the terms of section 115.125 and the county
68 governing body in which the city, town, or village is located not later than 5:00 p.m. on the tenth
69 Tuesday prior to the election of the amount of the excess revenues due;

70 (3) The question shall be submitted to the voters of such city, town, or village in
71 substantially the following form:

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73 The city/town/village of has kept more revenue from fines, bond forfeitures, and court
74 costs for municipal ordinance violations [~~and minor traffic violations~~] than is permitted by state
75 law and failed to remit those revenues to the county school fund. Shall the city/town/village of
76 be dissolved?

77

[] YES [] NO

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(4) Upon notification by the director of the department of revenue, the county governing
79 body in which the city, town, or village is located shall give notice of the election for eight
80 consecutive weeks prior to the election by publication in a newspaper of general circulation
81 published in the city, town, or village, or if there is no such newspaper in the city, town, or
82 village, then in the newspaper in the county published nearest the city, town, or village; and

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(5) Upon the affirmative vote of a majority of those persons voting on the question, the
84 county governing body shall disincorporate the city, town, or village.

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