

FIRST REGULAR SESSION

# HOUSE BILL NO. 529

100TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE HAFFNER.

1170H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To repeal sections 302.341 and 479.360, RSMo, and to enact in lieu thereof two new sections relating to municipal courts, with penalty provisions.

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

Section A. Sections 302.341 and 479.360, RSMo, are repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 302.341 and 479.360, to read as follows:

302.341. 1. If a Missouri resident charged with a moving traffic violation of this state  
2 or any county or municipality of this state fails to dispose of the charges of which the resident  
3 is accused through authorized prepayment of fine and court costs and fails to appear on the return  
4 date or at any subsequent date to which the case has been continued, or without good cause fails  
5 to pay any fine or court costs assessed against the resident for any such violation within the  
6 period of time specified or in such installments as approved by the court or as otherwise provided  
7 by law, any court having jurisdiction over the charges shall within ten days of the failure to  
8 comply inform the defendant by ordinary mail at the last address shown on the court records that  
9 the court will order the director of revenue to suspend the defendant's driving privileges if the  
10 charges are not disposed of and fully paid within thirty days from the date of mailing. Thereafter,  
11 if the defendant fails to timely act to dispose of the charges and fully pay any applicable fines and  
12 court costs, the court shall notify the director of revenue of such failure and of the pending  
13 charges against the defendant. Upon receipt of this notification, the director shall suspend the  
14 license of the driver, effective immediately, and provide notice of the suspension to the driver  
15 at the last address for the driver shown on the records of the department of revenue. Such  
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

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 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.

479.360. 1. Every county, city, town, and village shall file with the state auditor,  
2 together with its report due under section 105.145, its certification of its substantial compliance  
3 signed by its municipal judge with the municipal court procedures set forth in this subsection  
4 during the preceding fiscal year. The procedures to be adopted and certified include the  
5 following:

6 (1) Defendants in custody pursuant to an initial arrest warrant issued by a municipal  
7 court have an opportunity to be heard by a judge in person, by telephone, or video conferencing  
8 as soon as practicable and not later than forty-eight hours on minor traffic violations and not later  
9 than seventy-two hours on other violations and, if not given that opportunity, are released;

10 (2) Defendants in municipal custody shall not be held more than twenty-four hours  
11 without a warrant after arrest;

12 (3) Defendants are not detained in order to coerce payment of fines and costs unless  
13 found to be in contempt after strict compliance by the court with the due process procedures  
14 mandated by Missouri supreme court rule 37.65 or its successor rule;

15 (4) The municipal court has established procedures to allow indigent defendants to  
16 present evidence of their financial condition and takes such evidence into account if determining  
17 fines and costs and establishing related payment requirements;

18 (5) The municipal court only assesses fines and costs as authorized by law;

19 (6) ~~[No additional charge shall be issued for the failure to appear for a minor traffic  
20 violation;~~

21 ~~——(7)]~~ The municipal court conducts proceedings in a courtroom that is open to the public  
22 and large enough to reasonably accommodate the public, parties, and attorneys;

23 ~~[(8)]~~ (7) The municipal court makes use of alternative payment plans;

24 ~~[(9)]~~ (8) The municipal court makes use of community service alternatives for which no  
25 associated costs are charged to the defendant; and

26 ~~[(10)]~~ (9) The municipal court has adopted an electronic payment system or payment by  
27 mail for the payment of minor traffic violations.

28 2. On or before December 31, 2015, the state auditor shall set forth by rule a procedure  
29 for including the addendum information required by this section. The rule shall also allow  
30 reasonable opportunity for demonstration of compliance.

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