

FIRST REGULAR SESSION

# HOUSE BILL NO. 173

## 101ST GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVE ELLEBRACHT.

0150H.011

DANA RADEMAN MILLER, Chief Clerk

---

### AN ACT

To repeal section 479.353, RSMo, and to enact in lieu thereof one new section relating to fines for traffic violations, with penalty provisions.

---

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

Section A. Section 479.353, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 479.353, to read as follows:

479.353. 1. Notwithstanding any provisions to the contrary, the following conditions shall apply to minor traffic violations and municipal ordinance violations:

(1) The court shall not assess a fine, if combined with the amount of court costs, totaling in excess of:

(a) Two hundred twenty-five dollars for minor traffic violations; and

(b) For municipal ordinance violations committed within a twelve-month period beginning with the first violation: two hundred dollars for the first municipal ordinance violation, two hundred seventy-five dollars for the second municipal ordinance violation, three hundred fifty dollars for the third municipal ordinance violation, and four hundred fifty dollars for the fourth and any subsequent municipal ordinance violations;

(2) The court shall not sentence a person to confinement, except the court may sentence a person to confinement for any violation involving alcohol or controlled substances, violations endangering the health or welfare of others, or eluding or giving false information to a law enforcement officer;

(3) A person shall not be placed in confinement for failure to pay a fine unless such nonpayment violates terms of probation or unless the due process procedures mandated by Missouri supreme court rule 37.65 or its successor rule are strictly followed by the court;

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 (4) Court costs that apply shall be assessed against the defendant unless the court finds  
19 that the defendant is indigent based on standards set forth in determining such by the presiding  
20 judge of the circuit. Such standards shall reflect model rules and requirements to be developed  
21 by the supreme court; and

22 (5) No court costs shall be assessed if the defendant is found to be indigent under  
23 subdivision (4) of this section or if the case is dismissed.

24 2. If an individual has been held in custody on a notice to show cause or an arrest warrant  
25 for an underlying minor traffic violation, the court, on its own motion or on the motion of any  
26 interested party, may review the original fine and sentence and waive or reduce such fine or  
27 sentence if the court finds it reasonable given the circumstances of the case.

28 **3. The limits on fines that may be imposed under subdivision (1) of subsection 1 of**  
29 **this section shall not apply if the defendant is represented by counsel and has entered into**  
30 **a plea agreement with the court.**

✓