

HCS HB 1540 -- INFRACTIONS

SPONSOR: Lipke

COMMITTEE ACTION: Voted "do pass" by the Committee on Crime Prevention by a vote of 10 to 0.

This substitute increases the penalty for certain traffic violations from an infraction to a class C misdemeanor. Any person operating a commercial vehicle in violation of Section 307.400, RSMo, will be guilty of a class B misdemeanor.

Beginning January 1, 2012, the substitute requires the judicial procedure for an infraction to be the same as for a misdemeanor. If a defendant fails to appear in court either solely for an infraction or for an infraction committed in the same course of conduct as a criminal offense or fails to respond to a notice of an infraction from the Central Violations Bureau, the court may issue a default judgment for court costs and fines for the infraction unless the court determines that good cause or excusable neglect exists for the defendant's failure to appear. A court may issue a warrant for failure to appear for any violation which is classified as an infraction.

The substitute repeals and re-enacts provisions regarding obeying signals or directions of a law enforcement officer while traveling on a road when the officer is enforcing any infraction.

The substitute contains an emergency clause for the provisions regarding judicial procedures for infractions and obeying signals or directions of a law enforcement agent while traveling on a road.

FISCAL NOTE: No impact on state funds in FY 2011, FY 2012, and FY 2013.

PROPOSERS: Supporters say that the bill addresses some confusion among county prosecutors regarding recent changes in the penalty for some traffic violations from a misdemeanor to an infraction on whether or not they have authority to file these charges.

Testifying for the bill were Representative Lipke; Office of State Courts Administrator; Missouri State Troopers Association; Missouri Office of Prosecution Services; Missouri Sheriffs Association; and Missouri Associate Circuit Judge Voluntary Fund.

OPPOSERS: There was no opposition voiced to the committee.