

HOUSE _____ **AMENDMENT NO.** _____

Offered By

1 AMEND House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No.
2 480, Page 31 and 32, Section 302.341, Line 1 though 46, by deleting all of said section and lines
3 and inserting in lieu there of the following:
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5 “302.341. 1. If a Missouri resident charged with a moving [traffic] violation, as defined
6 in section 302.010, of this state or any county or municipality of this state fails to dispose of the
7 charges of which the resident is accused through authorized prepayment of fine and court costs
8 and fails to appear on the return date or at any subsequent date to which the case has been
9 continued, or without good cause fails to pay any fine or court costs assessed against the resident
10 for any such violation within the period of time specified or in such installments as approved by
11 the court or as otherwise provided by law, any court having jurisdiction over the charges shall
12 within ten days of the failure to comply inform the defendant by ordinary mail at the last address
13 shown on the court records that the court will order the director of revenue to suspend the
14 defendant's driving privileges if the charges are not disposed of and fully paid within thirty days
15 from the date of mailing. Thereafter, if the defendant fails to timely act to dispose of the charges
16 and fully pay any applicable fines and court costs, the court shall notify the director of revenue of
17 such failure and of the pending charges against the defendant. Upon receipt of this notification,
18 the director shall suspend the license of the driver, effective immediately, and provide notice of
19 the suspension to the driver at the last address for the driver shown on the records of the
20 department of revenue. Such suspension shall remain in effect until the court with the subject
21 pending charge requests setting aside the noncompliance suspension pending final disposition, or
22 satisfactory evidence of disposition of pending charges and payment of fine and court costs, if
23 applicable, is furnished to the director by the individual. Upon proof of disposition of charges and
24 payment of fine and court costs, if applicable, and payment of the reinstatement fee as set forth in
25 section 302.304, the director shall return the license and remove the suspension from the
26 individual's driving record if the individual was not operating a commercial motor vehicle or a
27 commercial driver's license holder at the time of the offense.

28 The filing of financial responsibility with the bureau of safety responsibility, department of

1 revenue, shall not be required as a condition of reinstatement of a driver's license suspended solely
2 under the provisions of this section.

3 2. If any city, town or village meets the criteria established in subsection 6 of this section
4 and receives more than thirty-five percent of its annual general operating revenue from fines and
5 court costs for [traffic] cited moving violations occurring on state highways, whether the violation
6 is adjudicated finally as a moving or nonmoving violation, all revenues from such violations in
7 excess of thirty-five percent of the annual general operating revenue of the city, town or village
8 shall be sent to the director of the department of revenue and shall be distributed annually to the
9 schools of the county in the same manner that proceeds of all penalties, forfeitures and fines
10 collected for any breach of the penal laws of the state are distributed. For the purpose of this
11 section the words "state highways" shall mean any state or federal highway, including any such
12 highway continuing through the boundaries of a city, town or village with a designated street
13 name other than the state highway number. [The director of the department of revenue shall set
14 forth by rule a procedure whereby excess revenues as set forth above shall be sent to the
15 department of revenue.]

16 3. The governing body of each city, town, or village that meets the criteria established in
17 subsection 6 of this section shall cause to be prepared an annual report of the fines and court costs
18 collected for cited moving violations whether finally adjudicated as a moving or nonmoving
19 violation occurring on state highways, along with the entity's annual general revenue for the year,
20 in such summary form as the department of revenue shall prescribe by rule. In the event the fines
21 and court costs exceed thirty-five percent of the entity's general operating revenue for the year, the
22 entity shall include with the annual report payment of the excess revenues to the director of the
23 department of revenue. The payment of excess revenues shall be disbursed as provided in
24 subsection 2 of this section. If any city, town, or village disputes a determination that it has
25 received excess revenues required to be sent to the department of revenue, such city, town, or
26 village may submit to an annual audit by the state auditor under the authority of article IV, section
27 13 of the Missouri Constitution. [Any rule or portion of a rule, as that term is defined in section
28 536.010, that is created under the authority delegated in this section shall become effective only if
29 it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
30 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the
31 general assembly under chapter 536 to review, to delay the effective date, or to disapprove and
32 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any
33 rule proposed or adopted after August 28, 2009, shall be invalid and void.]

34 4. The department of revenue may promulgate rules necessary to implement the
35 provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010,
36 that is created under the authority delegated in this section shall become effective only if it

1 complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
2 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the
3 general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove
4 and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and
5 any rule proposed or adopted after August 28, 2012, shall be invalid and void.

6 5. In the event a city, town, or village that meets the criteria established in subsection 6 of
7 this section fails to comply with subsections 2 and 3 of this section, such entity shall be subject to
8 a civil penalty in an amount up to one thousand dollars. The department of revenue shall
9 determine the amount of the penalty by taking into account the size of the entity, the seriousness
10 of the offense, and whether the city, town, or village has violated the provisions of subsections 2
11 and 3 of this section previously. The director of revenue or his or her designated representative
12 shall administer and enforce the provisions of this section and may develop, prescribe, and issue
13 any forms, notices, or other written documents to enforce such authority and to ensure that every
14 city, town, or village is in compliance with the provisions of subsections 2 and 3 of this section.

15 6. The provisions of subsections 2, 3, 4, and 5 of this section shall only apply to any city,
16 town, or village with:

17 (1) Less than two million dollars in general revenue, excluding fines and court costs
18 collected for cited moving violations whether finally adjudicated as a moving or nonmoving
19 violation; and

20 (2) Fines and court costs from cited moving violations, whether finally adjudicated as a
21 moving or nonmoving violation, in excess of seventy thousand dollars.”; and

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23 Further amend said bill by amending the title, enacting clause, and intersectional references
24 accordingly.
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