

SECOND REGULAR SESSION

# HOUSE BILL NO. 1187

97TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE BERRY.

4165H.011

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

To repeal section 302.341, RSMo, and to enact in lieu thereof one new section relating to fines and court costs for traffic violations.

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

Section A. Section 302.341, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 302.341, to read as follows:

302.341. 1. If a Missouri resident charged with a moving [traffic] violation, **as defined in section 302.010**, 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 aside the noncompliance suspension pending final

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, or satisfactory evidence of disposition of pending charges and payment of fine and  
19 court costs, if applicable, is furnished to the director by the individual. The filing of financial  
20 responsibility with the bureau of safety responsibility, department of revenue, shall not be  
21 required as a condition of reinstatement of a driver's license suspended solely under the  
22 provisions of this section.

23       2. If any city, town, village, or county **meets the criteria established in subsection 6**  
24 **of this section and** receives more than thirty percent of its annual general operating revenue  
25 from fines and court costs for [traffic] **cited moving** violations, [including amended charges from  
26 any traffic violation,] occurring [within the city, town, village, or county] **on state highways,**  
27 **whether the violation is adjudicated finally as a moving violation or nonmoving violation,**  
28 all revenues from such violations in excess of thirty percent of the annual general operating  
29 revenue of the city, town, village, or county shall be sent to the director of the department of  
30 revenue and shall be distributed annually to the schools of the county in the same manner that  
31 proceeds of all penalties, forfeitures and fines collected for any breach of the penal laws of the  
32 state are distributed. [The director of the department of revenue shall set forth by rule a procedure  
33 whereby excess revenues as set forth above shall be sent to the department of revenue.]

34       3. **The governing body of each city, town, village, or county that meets the criteria**  
35 **established in subsection 6 of this section shall cause to be prepared an annual report of**  
36 **the fines and court costs collected for cited moving violations whether finally adjudicated**  
37 **as a moving or nonmoving violation occurring on state highways, along with the entity's**  
38 **annual general revenue for the year, in such summary form as the department of revenue**  
39 **shall prescribe by rule. In the event the fines and court costs exceed thirty percent of the**  
40 **entity's general operating revenue for the year, the entity shall include with the annual**  
41 **report payment of the excess revenues to the director of the department of revenue. The**  
42 **payment of excess revenues shall be disbursed as provided in subsection 2 of this section.**  
43 If any city, town, village, or county disputes a determination that it has received excess revenues  
44 required to be sent to the department of revenue, such city, town, village, or county may submit  
45 to an annual audit by the state auditor under the authority of Article IV, Section 13 of the  
46 Missouri Constitution. An accounting of the percent of annual general operating revenue from  
47 fines and court costs for traffic violations, including amended charges from any charged traffic  
48 violation, occurring within the city, town, village, or county and charged in the municipal court  
49 of that city, town, village, or county shall be included in the comprehensive annual financial  
50 report submitted to the state auditor by the city, town, village, or county under section 105.145.  
51 Any city, town, village, or county which fails to make an accurate or timely report, or to send  
52 excess revenues from such violations to the director of the department of revenue by the date on  
53 which the report is due to the state auditor shall suffer an immediate loss of jurisdiction of the

54 municipal court of said city, town, village, or county on all traffic-related charges until all  
55 requirements of this section are satisfied. [Any rule or portion of a rule, as that term is defined  
56 in section 536.010, that is created under the authority delegated in this section shall become  
57 effective only if it complies with and is subject to all of the provisions of chapter 536 and, if  
58 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the  
59 powers vested with the general assembly under chapter 536 to review, to delay the effective date,  
60 or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of  
61 rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid  
62 and void.]

63 **4. The department of revenue may promulgate rules necessary to implement the**  
64 **provisions of this section. Any rule or portion of a rule, as that term is defined in section**  
65 **536.010, that is created under the authority delegated in this section shall become effective**  
66 **only if it complies with and is subject to all of the provisions of chapter 536 and, if**  
67 **applicable, section 536.028. This section and chapter 536 are nonseverable and if any of**  
68 **the powers vested with the general assembly under chapter 536 to review, to delay the**  
69 **effective date, or to disapprove and annul a rule are subsequently held unconstitutional,**  
70 **then the grant of rulemaking authority and any rule proposed or adopted after August 28,**  
71 **2014, shall be invalid and void.**

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

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

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

87 **(2) Fines and court costs from cited moving violations, whether finally adjudicated**  
88 **as a moving or nonmoving violation, in excess of seventy thousand dollars.**

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