

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for  
2 Senate Bill No. 5, Page 1, Section A, Line 3, by inserting immediately after said line the following:

3 "302.341. 1. If a Missouri resident charged with a moving traffic violation of this state or  
4 any county or municipality of this state fails to dispose of the charges of which the resident is  
5 accused through authorized prepayment of fine and court costs and fails to appear on the return date  
6 or at any subsequent date to which the case has been continued, or without good cause fails to pay  
7 any fine or court costs assessed against the resident for any such violation within the period of time  
8 specified or in such installments as approved by the court or as otherwise provided by law, any court  
9 having jurisdiction over the charges shall within ten days of the failure to comply inform the  
10 defendant by ordinary mail at the last address shown on the court records that the court will order the  
11 director of revenue to suspend the defendant's driving privileges if the charges are not disposed of  
12 and fully paid within thirty days from the date of mailing. Thereafter, if the defendant fails to timely  
13 act to dispose of the charges and fully pay any applicable fines and court costs, the court shall notify  
14 the director of revenue of such failure and of the pending charges against the defendant. Upon  
15 receipt of this notification, the director shall suspend the license of the driver, effective immediately,  
16 and provide notice of the suspension to the driver at the last address for the driver shown on the  
17 records of the department of revenue. Such suspension shall remain in effect until the court with the  
18 subject pending charge requests setting aside the noncompliance suspension pending final  
19 disposition, or satisfactory evidence of disposition of pending charges and payment of fine and court  
20 costs, if applicable, is furnished to the director by the individual. The filing of financial  
21 responsibility with the bureau of safety responsibility, department of revenue, shall not be required  
22 as a condition of reinstatement of a driver's license suspended solely under the provisions of this  
23 section.

24 2. [If any city, town, village, or county receives more than thirty percent of its annual general  
25 operating revenue from fines and court costs for traffic violations, including amended charges from  
26 any traffic violation, occurring within the city, town, village, or county, all revenues from such  
27 violations in excess of thirty percent of the annual general operating revenue of the city, town,  
28 village, or county shall be sent to the director of the department of revenue and shall be distributed  
29 annually to the schools of the county in the same manner that proceeds of all penalties, forfeitures  
30 and fines collected for any breach of the penal laws of the state are distributed. The director of the  
31 department of revenue shall set forth by rule a procedure whereby excess revenues as set forth above  
32 shall be sent to the department of revenue. If any city, town, village, or county disputes a  
33 determination that it has received excess revenues required to be sent to the department of revenue,  
34 such city, town, village, or county may submit to an annual audit by the state auditor under the  
35 authority of Article IV, Section 13 of the Missouri Constitution. An accounting of the percent of  
36 annual general operating revenue from fines and court costs for traffic violations, including amended

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1 charges from any charged traffic violation, occurring within the city, town, village, or county and  
2 charged in the municipal court of that city, town, village, or county shall be included in the  
3 comprehensive annual financial report submitted to the state auditor by the city, town, village, or  
4 county under section 105.145. Any city, town, village, or county which fails to make an accurate or  
5 timely report, or to send excess revenues from such violations to the director of the department of  
6 revenue by the date on which the report is due to the state auditor shall suffer an immediate loss of  
7 jurisdiction of the municipal court of said city, town, village, or county on all traffic-related charges  
8 until all requirements of this section are satisfied. Any rule or portion of a rule, as that term is  
9 defined in section 536.010, that is created under the authority delegated in this section shall become  
10 effective only if it complies with and is subject to all of the provisions of chapter 536 and, if  
11 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers  
12 vested with the general assembly under chapter 536 to review, to delay the effective date, or to  
13 disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking  
14 authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.] The  
15 provisions of subsection 1 of this section shall not apply to minor traffic offenses as defined in  
16 section 479.350."; and

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18 Further amend said Substitute, Pages 1-2, Section 479.020, Lines 1-40, by removing all of said  
19 section from the substitute; and

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21 Further amend said substitute, Page 2, Section 479.155, Line 8, by removing all of said line and  
22 inserting in lieu thereof the following:

23 "of the supreme court and shall complete"; and

24  
25 Further amend said substitute, Page 3, Section 479.350, Line 4, by inserting after the word "fines,"  
26 the following:

27 "court costs,"; and

28  
29 Further amend said substitute, said page, said section, Line 12, by removing the word "fees" and  
30 inserting in lieu thereof the following:

31 "costs, fees, or surcharges"; and

32  
33 Further amend said substitute, said page, said section, Line 14, by inserting immediately after the  
34 word "a" the words "municipal or county ordinance"; and

35  
36 Further amend said substitute, Page 3, Section 479.353, Line 10, by inserting after said line the  
37 following:

38 "479.356. If a person fails to pay court costs, fines, fees, or other sums ordered by a  
39 municipal court, to be paid to the state or political subdivision, a municipal court may report any  
40 such delinquencies in excess of twenty-five dollars to the director of the department of revenue if  
41 submitted through the fine collection center administered by the office of state court administrator  
42 and request that the department seek a setoff of an income tax refund as provided by sections  
43 143.782 to 143.788. The department shall promulgate rules necessary to effectuate the purpose of the  
44 offset program."; and

45  
46 Further amend said substitute, Page 4, Section 479.359, Line 17, by removing the word "or" in the  
47 first instance and inserting in lieu thereof the word "and"; and

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1 Further amend said substitute, said page, said section, Line 24, by removing all of said line and  
 2 inserting in lieu thereof the following:

3 "(1) Defendants in custody pursuant to an initial arrest warrant issued by a municipal court  
 4 have an"; and

5  
 6 Further amend said substitute, said page, said section, Lines 28-30, by removing all of said line and  
 7 inserting in lieu thereof the following:

8 "(2) Defendants in municipal custody shall not be held more than twenty-four hours without  
 9 a warrant after an arrest;"; and

10  
 11 Further amend said substitute, said page, said section, Lines 35-37, by removing all of said lines and  
 12 inserting in lieu thereof the following:

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

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 15 Further amend said substitute, said page, said section, by renumbering the subsections accordingly;  
 16 and

17  
 18 Further amend said Substitute, Page 5, Section 479.362, Lines 1-4, by removing said lines and  
 19 inserting in lieu thereof the following:

20 "479.362. 1. The auditor shall transmit to the director of the department of revenue whether  
 21 or not the addendum required by section 479.359 was timely filed. The director of the department of  
 22 revenue shall review the information filed in the addendum as required by section 479.359 and shall  
 23 determine"; and

24  
 25 Further amend said substitute, said page, said section, Line 10, by removing the word "auditor" and  
 26 inserting in lieu thereof the following:

27 "director of the department of revenue"; and

28  
 29 Further amend said substitute, Page 6, said section, Lines 15-16, by removing all of said lines and  
 30 inserting in lieu thereof the following:

31 "the director of the department of revenue, the director shall determine whether the county,  
 32 city, town, or village failed to pay any excess amount required. If so, the director shall send the  
 33 notice of failure to pay"; and

34  
 35 Further amend said substitute, said page, said section, Line 19, by removing the word "auditor" and  
 36 inserting in lieu thereof the following:

37 "director of the department of revenue"; and

38  
 39 Further amend said substitute, said page, said section, Line 21 by deleting the words "state auditor"  
 40 and inserting in lieu thereof the words "director of the department of revenue"

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 42 Further amend said substitute, said page, said section, Line 23, by removing the phrase "and the state  
 43 auditor"; and

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 45 Further amend said substitute, said page, said section, Line 28, by removing the phrase "state  
 46 auditor's" and insert in lieu thereof the following:

47 "director of the department of revenue's"; and

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1 Further amend said substitute, said page, said section, Lines 33-35, by removing all of said lines and  
2 inserting in lieu thereof the following:

3 "5. If any county, city, town, or village has failed to make an accurate or timely report under  
4 section 105.145 or send excess revenue to the director of the department of revenue and the sixty-day  
5 period described in subsection 1 of this section has passed or there has been a final adjudication of  
6 the case, whichever is later, the county, city, town, or village shall have five business days to become  
7 compliant with the provisions of this section after which time any matters pending in the municipal  
8 court shall"; and

9  
10 Further amend said substitute, said page, said section, Line 37, by inserting immediately after the  
11 word "court" the following:

12 "until such county, city, town, or village is compliant with the provisions of this section"; and

13  
14 Further amend said substitute, said page, said section, Line 38, by removing all of said line and  
15 inserting in lieu thereof the following:

16 "matter reassigned to other divisions within the court shall be considered excess revenue.  
17 The excess revenue shall be paid to the director of the department of revenue"; and

18  
19 Further amend said substitute, said page, said section, Line 40, by inserting immediately after  
20 "revenue" the following:

21  
22 "If the noncompliant county, city, town, or village thereafter makes an accurate report under section  
23 105.145 or sends excess revenue to the director of the department of revenue, the municipal court  
24 shall be eligible to hear cases initiated on the day after the director of revenue receives the report or  
25 excess revenue. All fines, bond forfeitures, and court costs generated from these cases shall be  
26 subject to section 479.359."; and

27  
28 Further amend said substitute, said page, said section, Line 40, by inserting immediately after said  
29 line the following:

30 "6. The state auditor shall have the authority to audit any addendum and any supporting  
31 documents submitted to the department of revenue by any county, city, town, or village."; and

32  
33 Further amend said substitute, Page 6, Section 479.368, Lines 1-2, by deleting said lines and  
34 inserting in lieu thereof the following:

35  
36 "479.368. 1. Except for county sales taxes deposited in the "County Sales Tax Trust Fund"  
37 as defined in section 66.620, any county, city, town, or village failing to timely file the required  
38 addendum and remit the required excess revenues, if applicable, after the time period provided by  
39 the notice by the auditor or any final"; and

40  
41 Further amend said bill, page, and section, Line 9, by inserting immediately after said line the  
42 following:

43  
44 "2. Any city, town, village, or county that participates in the distribution of local sales tax in  
45 sections 66.600 to 66.630 and fails to timely file the required addendum and remit the required  
46 excess revenues, if applicable, as required by section 479.359 shall not receive any amount of  
47 monies to which said city, town, village, or county would otherwise be entitled under 66.600 to  
48 66.630. The director of revenue shall hold any disbursements to the noncompliant city, town,

1 village, or county authorized under sections 66.600 to 66.630. No disbursements to the  
2 noncompliant city, town, village, or county shall be permitted until a determination is made by the  
3 director of revenue that the noncompliant city, town, village, or county has come into compliance  
4 with the provisions of section 479.359. If a noncompliant city, town, village, or county becomes  
5 disincorporated, any monies shall be distributed to the schools of the county in the same manner that  
6 proceeds of all penalties, forfeitures, and fines collected for any breach of the penal laws of the state  
7 are distributed." ; and

8  
9 Further amend said bill and section, Page 7, Line 10, by deleting the number "2." and inserting in lieu  
10 thereof the number "3."; and

11  
12 Further amend said substitute, Pages 7-9, Section 302.341, Lines 1-59, by removing all of said  
13 section from the substitute; and

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

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