

House _____ Amendment NO. _____

Offered By

1 AMEND House Bill No. 807, Page 1, in the Title, Line 3, by deleting all of said lines and inserting
2 in lieu thereof the words "court proceedings."; and

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4 Further amend said bill and page, Section A, Line 2, by inserting immediately after said line the
5 following:

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

28 2. If any city, town, village, or county receives more than thirty percent of its annual general
29 operating revenue from fines and court costs for traffic violations, including amended charges from
30 any traffic violation, occurring within the city, town, village, or county, all revenues from such
31 violations in excess of thirty percent of the annual general operating revenue of the city, town,
32 village, or county shall be sent to the director of the department of revenue and shall be distributed
33 annually to the schools of the county in the same manner that proceeds of all penalties, forfeitures
34 and fines collected for any breach of the penal laws of the state are distributed. The director of the
35 department of revenue shall set forth by rule a procedure whereby excess revenues as set forth above
36 shall be sent to the department of revenue. If any city, town, village, or county disputes a

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1 determination that it has received excess revenues required to be sent to the department of revenue,
2 such city, town, village, or county may submit to an annual audit by the state auditor under the
3 authority of Article IV, Section 13 of the Missouri Constitution. An accounting of the percent of
4 annual general operating revenue from fines and court costs for traffic violations, including amended
5 charges from any charged traffic violation, occurring within the city, town, village, or county and
6 charged in the municipal court of that city, town, village, or county shall be included in the
7 comprehensive annual financial report submitted to the state auditor by the city, town, village, or
8 county under section 105.145. Any city, town, village, or county which fails to make an accurate or
9 timely report, or to send excess revenues from such violations to the director of the department of
10 revenue by the date on which the report is due to the state auditor shall suffer an immediate loss of
11 jurisdiction of the municipal court of said city, town, village, or county on all traffic-related charges
12 until all requirements of this section are satisfied. Any rule or portion of a rule, as that term is
13 defined in section 536.010, that is created under the authority delegated in this section shall become
14 effective only if it complies with and is subject to all of the provisions of chapter 536 and, if
15 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers
16 vested with the general assembly under chapter 536 to review, to delay the effective date, or to
17 disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking
18 authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void."; and
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20 Further amend said bill, Page 3, Section 456.1-113, Line 3, by inserting immediately after said line
21 the following:
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23 "476.385. 1. The judges of the supreme court may appoint a committee consisting of at least
24 seven associate circuit judges, who shall meet en banc and establish and maintain a schedule of fines
25 to be paid for violations of sections 210.104, 577.070, and 577.073, and chapters 252, 301, 302, 304,
26 306, 307 and 390, with such fines increasing in proportion to the severity of the violation. The
27 associate circuit judges of each county may meet en banc and adopt the schedule of fines and
28 participation in the centralized bureau pursuant to this section. Notice of such adoption and
29 participation shall be given in the manner provided by supreme court rule. Upon order of the
30 supreme court, the associate circuit judges of each county may meet en banc and establish and
31 maintain a schedule of fines to be paid for violations of municipal ordinances for cities, towns and
32 villages electing to have violations of its municipal ordinances heard by associate circuit judges,
33 pursuant to section 479.040; and for traffic court divisions established pursuant to section 479.500.
34 The schedule of fines adopted for violations of municipal ordinances may be modified from time to
35 time as the associate circuit judges of each county en banc deem advisable. No fine established
36 pursuant to this subsection may exceed the maximum amount specified by statute or ordinance for
37 such violation.

38 2. In no event shall any schedule of fines adopted pursuant to this section include offenses
39 involving the following:

- 40 (1) Any violation resulting in personal injury or property damage to another person;
- 41 (2) Operating a motor vehicle while intoxicated or under the influence of intoxicants or
42 drugs;
- 43 (3) Operating a vehicle with a counterfeited, altered, suspended or revoked license;
- 44 (4) Fleeing or attempting to elude an officer.

45 3. There shall be a centralized bureau to be established by supreme court rule in order to
46 accept pleas of not guilty or guilty and payments of fines and court costs for violations of the laws
47 and ordinances described in subsection 1 of this section, made pursuant to a schedule of fines
48 established pursuant to this section. The centralized bureau shall collect, with any plea of guilty and

1 payment of a fine, all court costs which would have been collected by the court of the jurisdiction
2 from which the violation originated.

3 4. If a person elects not to contest the alleged violation, the person shall send payment in the
4 amount of the fine and any court costs established for the violation to the centralized bureau. Such
5 payment shall be payable to the central violations bureau, shall be made by mail or in any other
6 manner established by the centralized bureau, and shall constitute a plea of guilty, waiver of trial and
7 a conviction for purposes of section 302.302, and for purposes of imposing any collateral
8 consequence of a criminal conviction provided by law. By paying the fine and costs, the person also
9 consents to attendance either online or in person at any driver-improvement program or
10 motorcycle-rider training course ordered by the court and consents to verification of such attendance
11 as directed by the bureau. Notwithstanding any provision of law to the contrary, the prosecutor shall
12 not be required to sign any information, ticket or indictment if disposition is made pursuant to this
13 subsection. In the event that any payment is made pursuant to this section by credit card or similar
14 method, the centralized bureau may charge an additional fee in order to reflect any transaction cost,
15 surcharge or fee imposed on the recipient of the credit card payment by the credit card company.

16 5. If a person elects to plead not guilty, such person shall send the plea of not guilty to the
17 centralized bureau. The bureau shall send such plea and request for trial to the prosecutor having
18 original jurisdiction over the offense. Any trial shall be conducted at the location designated by the
19 court. The clerk of the court in which the case is to be heard shall notify in writing such person of
20 the date certain for the disposition of such charges. The prosecutor shall not be required to sign any
21 information, ticket or indictment until the commencement of any proceeding by the prosecutor with
22 respect to the notice of violation.

23 6. In courts adopting a schedule of fines pursuant to this section, any person receiving a
24 notice of violation pursuant to this section shall also receive written notification of the following:

25 (1) The fine and court costs established pursuant to this section for the violation or
26 information regarding how the person may obtain the amount of the fine and court costs for the
27 violation;

28 (2) That the person must respond to the notice of violation by paying the prescribed fine and
29 court costs, or pleading not guilty and appearing at trial, and that other legal penalties prescribed by
30 law may attach for failure to appear and dispose of the violation. The supreme court may modify the
31 suggested forms for uniform complaint and summons for use in courts adopting the procedures
32 provided by this section, in order to accommodate such required written notifications.

33 7. Any moneys received in payment of fines and court costs pursuant to this section shall not
34 be considered to be state funds, but shall be held in trust by the centralized bureau for benefit of
35 those persons or entities entitled to receive such funds pursuant to this subsection. All amounts paid
36 to the centralized bureau shall be maintained by the centralized bureau, invested in the manner
37 required of the state treasurer for state funds by sections 30.240, 30.250, 30.260 and 30.270, and
38 disbursed as provided by the constitution and laws of this state. Any interest earned on such fund
39 shall be payable to the director of the department of revenue for deposit into a revolving fund to be
40 established pursuant to this subsection. The state treasurer shall be the custodian of the revolving
41 fund, and shall make disbursements, as allowed by lawful appropriations, only to the judicial branch
42 of state government for goods and services related to the administration of the judicial system.

43 8. Any person who receives a notice of violation subject to this section who fails to dispose
44 of such violation as provided by this section shall be guilty of failure to appear provided by section
45 544.665; and may be subject to suspension of driving privileges in the manner provided by section
46 302.341. The centralized bureau shall notify the appropriate prosecutor of any person who fails to
47 either pay the prescribed fine and court costs, or plead not guilty and request a trial within the time
48 allotted by this section, for purposes of application of section 544.665. The centralized bureau shall

1 also notify the department of revenue of any failure to appear subject to section 302.341, and the
2 [department shall thereupon] prosecutor shall determine whether to suspend the license of the driver
3 in the manner provided by section 302.341[, as if notified by the court].

4 9. In addition to the remedies provided by subsection 8 of this section, the centralized bureau
5 and the courts may use the remedies provided by sections 488.010 to 488.020 for the collection of
6 court costs payable to courts, in order to collect fines and court costs for violations subject to this
7 section."; and

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