

FIRST REGULAR SESSION

HOUSE BILL NO. 332

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BARNES.

0713H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 302.341, RSMo, and to enact in lieu thereof one new section relating to the distribution of revenues from traffic violations.

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Section A. Section 302.341, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 302.341, to read as follows: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

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

23 2. If any city, town, village, or county receives more than [thirty] **ten** percent of its
24 annual general operating revenue from fines and court costs for traffic violations, including
25 amended charges from any traffic violation, occurring within the city, town, village, or county,
26 all revenues from such violations in excess of [thirty] **ten** percent of the annual general operating
27 revenue of the city, town, village, or county shall be sent to the director of the department of
28 revenue and shall be distributed annually to the schools of the county in the same manner that
29 proceeds of all penalties, forfeitures and fines collected for any breach of the penal laws of the
30 state are distributed. The director of the department of revenue shall set forth by rule a
31 procedure whereby excess revenues as set forth above shall be sent to the department of revenue.
32 If any city, town, village, or county disputes a determination that it has received excess revenues
33 required to be sent to the department of revenue, such city, town, village, or county may submit
34 to an annual audit by the state auditor under the authority of Article IV, Section 13 of the
35 Missouri Constitution. An accounting of the percent of annual general operating revenue from
36 fines and court costs for traffic violations, including amended charges from any charged traffic
37 violation, occurring within the city, town, village, or county and charged in the municipal court
38 of that city, town, village, or county shall be included in the comprehensive annual financial
39 report submitted to the state auditor by the city, town, village, or county under section
40 105.145. Any city, town, village, or county which fails to make an accurate or timely report, or
41 to send excess revenues from such violations to the director of the department of revenue by the
42 date on which the report is due to the state auditor shall suffer an immediate loss of jurisdiction
43 of the municipal court of said city, town, village, or county on all traffic-related charges until all
44 requirements of this section are satisfied. Any rule or portion of a rule, as that term is defined
45 in section 536.010, that is created under the authority delegated in this section shall become
46 effective only if it complies with and is subject to all of the provisions of chapter 536 and, if
47 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the
48 powers vested with the general assembly under chapter 536 to review, to delay the effective date,
49 or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of
50 rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid
51 and void.

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