

FIRST REGULAR SESSION

HOUSE BILL NO. 740

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE JONES.

1458H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 302.341 and 476.385, RSMo, and to enact in lieu thereof two new sections relating to suspending a driver's license for failure to appear.

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

Section A. Sections 302.341 and 476.385, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 302.341 and 476.385, to read as follows: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] **may** 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 **at the request of the prosecutor having original jurisdiction**. 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] **may** 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

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

23 2. If any city, town, village, or county receives more than thirty percent of its annual
24 general operating revenue from fines and court costs for traffic violations, including amended
25 charges from any traffic violation, occurring within the city, town, village, or county, all revenues
26 from such violations in excess of thirty percent of the annual general operating revenue of the
27 city, town, village, or county shall be sent to the director of the department of revenue and shall
28 be distributed annually to the schools of the county in the same manner that proceeds of all
29 penalties, forfeitures and fines collected for any breach of the penal laws of the state are
30 distributed. The director of the department of revenue shall set forth by rule a procedure
31 whereby excess revenues as set forth above shall be sent to the department of revenue. If any
32 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 105.145.
40 Any city, town, village, or county which fails to make an accurate or timely report, or to send
41 excess revenues from such violations to the director of the department of revenue by the date on
42 which the report is due to the state auditor shall suffer an immediate loss of jurisdiction of the
43 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.

476.385. 1. The judges of the supreme court may appoint a committee consisting of at
2 least seven associate circuit judges, who shall meet en banc and establish and maintain a

3 schedule of fines to be paid for violations of sections 210.104, 577.070, and 577.073, and
4 chapters 252, 301, 302, 304, 306, 307 and 390, with such fines increasing in proportion to the
5 severity of the violation. The associate circuit judges of each county may meet en banc and
6 adopt the schedule of fines and participation in the centralized bureau pursuant to this section.
7 Notice of such adoption and participation shall be given in the manner provided by supreme
8 court rule. Upon order of the supreme court, the associate circuit judges of each county may
9 meet en banc and establish and maintain a schedule of fines to be paid for violations of
10 municipal ordinances for cities, towns and villages electing to have violations of its municipal
11 ordinances heard by associate circuit judges, pursuant to section 479.040; and for traffic court
12 divisions established pursuant to section 479.500. The schedule of fines adopted for violations
13 of municipal ordinances may be modified from time to time as the associate circuit judges of
14 each county en banc deem advisable. No fine established pursuant to this subsection may exceed
15 the maximum amount specified by statute or ordinance for such violation.

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

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

23 3. There shall be a centralized bureau to be established by supreme court rule in order
24 to accept pleas of not guilty or guilty and payments of fines and court costs for violations of the
25 laws and ordinances described in subsection 1 of this section, made pursuant to a schedule of
26 fines established pursuant to this section. The centralized bureau shall collect, with any plea of
27 guilty and payment of a fine, all court costs which would have been collected by the court of the
28 jurisdiction from which the violation originated.

29 4. If a person elects not to contest the alleged violation, the person shall send payment
30 in the amount of the fine and any court costs established for the violation to the centralized
31 bureau. Such payment shall be payable to the central violations bureau, shall be made by mail
32 or in any other manner established by the centralized bureau, and shall constitute a plea of guilty,
33 waiver of trial and a conviction for purposes of section 302.302, and for purposes of imposing
34 any collateral consequence of a criminal conviction provided by law. By paying the fine and
35 costs, the person also consents to attendance either online or in person at any driver-improvement
36 program or motorcycle-rider training course ordered by the court and consents to verification of
37 such attendance as directed by the bureau. Notwithstanding any provision of law to the contrary,
38 the prosecutor shall not be required to sign any information, ticket or indictment if disposition

39 is made pursuant to this subsection. In the event that any payment is made pursuant to this
40 section by credit card or similar method, the centralized bureau may charge an additional fee in
41 order to reflect any transaction cost, surcharge or fee imposed on the recipient of the credit card
42 payment by the credit card company.

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

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

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

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

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

73 8. Any person who receives a notice of violation subject to this section who fails to
74 dispose of such violation as provided by this section shall be guilty of failure to appear provided

75 by section 544.665; and may be subject to suspension of driving privileges in the manner
76 provided by section 302.341. The centralized bureau shall notify the appropriate prosecutor of
77 any person who fails to either pay the prescribed fine and court costs, or plead not guilty and
78 request a trial within the time allotted by this section, for purposes of application of section
79 544.665. The centralized bureau shall also notify the department of revenue of any failure to
80 appear subject to section 302.341, and the [department shall thereupon] **prosecutor shall**
81 **determine whether to** suspend the license of the driver in the manner provided by section
82 302.341], as if notified by the court].

83 9. In addition to the remedies provided by subsection 8 of this section, the centralized
84 bureau and the courts may use the remedies provided by sections 488.010 to 488.020 for the
85 collection of court costs payable to courts, in order to collect fines and court costs for violations
86 subject to this section.

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