

HB 1475 -- MINOR TRAFFIC AND MUNICIPAL ORDINANCE VIOLATIONS

SPONSOR: Brattin

This bill modifies provisions relating to revenues collected in minor traffic and municipal ordinance violations and municipal court procedure in such cases.

The bill modifies the definition of the terms "annual general operating revenue" and "minor traffic violation" as applied in provisions regarding the assessment of fines in minor traffic violation and municipal ordinance violation cases. "Annual general operating revenue" now includes, rather than excludes, designated sales or use taxes, restricted user fees, grant funds, funds expended for technological assistance and other revenue designated for a specific purpose. "Minor traffic violation" now excludes, rather than includes, amended charges.

This bill specifies that a court shall not assess a fine and court costs in excess of \$500, rather than \$225, in minor traffic violations. For municipal ordinance violations committed within a 12-month period, a court shall not assess a fine and court costs in excess of \$300 for second offense ordinance violations, rather than \$275, \$400 for third offense ordinance violations, rather than \$350, and \$500 for fourth and subsequent ordinance violations, rather than \$450.

The bill repeals certain exemptions from paying court costs in minor traffic violations and municipal ordinance violations for defendants who are indigent.

Currently, not more than 30% of a municipality's annual general operating revenue can come from certain fines, penalties, and forfeitures. The bill repeals court costs for municipal ordinance violations from being included in the 30% calculation. This bill also removes a provision specifying that beginning January 1, 2016, the 30% limitation on municipal income shall be reduced to 20% except in St. Louis county, where it shall be reduced to 12.5%.

Currently, a county or town with a municipal court is required to file with the State Auditor a report demonstrating compliance with certain municipal court procedures. This bill repeals the requirement that the court establish procedures to allow indigent defendants to present evidence of their financial condition. The bill also repeals the municipal court requirements that community service alternatives are to be offered at no cost to the defendant, and that no additional charge shall be issued for the failure to appear for a minor traffic violation.

Finally, the bill repeals provisions which provide procedures to dissolve a municipal government when it fails to remit the revenue collected from certain fines, penalties, and forfeitures in excess of 20% to the Department of Revenue.

This bill is the same as SB 520 (2017).