

FIRST REGULAR SESSION

SENATE BILL NO. 5

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHMITT.

Pre-filed December 1, 2014, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0455S.03I

AN ACT

To repeal section 302.341, RSMo, and to enact in lieu thereof one new section relating to the distribution of revenues from traffic violations, with an existing penalty provision.

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Section A. Section 302.341, RSMo, is repealed and one new section
2 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
2 of this state or any county or municipality of this state fails to dispose of the
3 charges of which the resident is accused through authorized prepayment of fine
4 and court costs and fails to appear on the return date or at any subsequent date
5 to which the case has been continued, or without good cause fails to pay any fine
6 or court costs assessed against the resident for any such violation within the
7 period of time specified or in such installments as approved by the court or as
8 otherwise provided by law, any court having jurisdiction over the charges shall
9 within ten days of the failure to comply inform the defendant by ordinary mail
10 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
12 are not disposed of and fully paid within thirty days from the date of
13 mailing. Thereafter, if the defendant fails to timely act to dispose of the charges
14 and fully pay any applicable fines and court costs, the court shall notify the
15 director of revenue of such failure and of the pending charges against the
16 defendant. Upon receipt of this notification, the director shall suspend the
17 license of the driver, effective immediately, and provide notice of the suspension
18 to the driver at the last address for the driver shown on the records of the

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 department of revenue. Such suspension shall remain in effect until the court
20 with the subject pending charge requests setting aside the noncompliance
21 suspension pending final disposition, or satisfactory evidence of disposition of
22 pending charges and payment of fine and court costs, if applicable, is furnished
23 to the director by the individual. The filing of financial responsibility with the
24 bureau of safety responsibility, department of revenue, shall not be required as
25 a condition of reinstatement of a driver's license suspended solely under the
26 provisions of this section.

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

55 of the provisions of chapter 536 and, if applicable, section 536.028. This section
56 and chapter 536 are nonseverable and if any of the powers vested with the
57 general assembly under chapter 536 to review, to delay the effective date, or to
58 disapprove and annul a rule are subsequently held unconstitutional, then the
59 grant of rulemaking authority and any rule proposed or adopted after August 28,
60 2009, shall be invalid and void.

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Unofficial

Bill

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