

FIRST REGULAR SESSION

# SENATE BILL NO. 327

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR ONDER.

Read 1st time January 27, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

1689S.011

## AN ACT

To repeal section 302.341, RSMo, and to enact in lieu thereof two new sections relating to municipal courts.

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

Section A. Section 302.341, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 302.341 and 479.155, to read as follows:

302.341. 1. For purposes of this section, the following terms mean:

(1) "Annual general operating revenue", revenue that can be used to pay any bill or obligation of a city, town, village, county, or other political subdivision, including general sales tax, general use tax, general property tax, fees from licenses and permits, fines, and penalties. General operating revenue does not include designated sales or use taxes, user fees, grant funds, or other revenue designated for a specific purpose;

(2) "Traffic violation", a moving violation as defined in section 302.010, a violation of the traffic ordinances of a city, town, village, or county, or a violation of the state vehicle laws.

2. If a Missouri resident charged with a moving [traffic] violation as defined in section 302.010 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

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

19 any such violation within the period of time specified or in such installments as  
20 approved by the court or as otherwise provided by law, any court having  
21 jurisdiction over the charges shall within ten days of the failure to comply inform  
22 the defendant by ordinary mail at the last address shown on the court records  
23 that the court will order the director of revenue to suspend the defendant's  
24 driving privileges if the charges are not disposed of and fully paid within thirty  
25 days from the date of mailing. Thereafter, if the defendant fails to timely act to  
26 dispose of the charges and fully pay any applicable fines and court costs, the  
27 court shall notify the director of revenue of such failure and of the pending  
28 charges against the defendant. Upon receipt of this notification, the director  
29 shall suspend the license of the driver, effective immediately, and provide notice  
30 of the suspension to the driver at the last address for the driver shown on the  
31 records of the department of revenue. Such suspension shall remain in effect  
32 until the court with the subject pending charge requests setting aside the  
33 noncompliance suspension pending final disposition, or satisfactory evidence of  
34 disposition of pending charges and payment of fine and court costs, if applicable,  
35 is furnished to the director by the individual. The filing of financial  
36 responsibility with the bureau of safety responsibility, department of revenue,  
37 shall not be required as a condition of reinstatement of a driver's license  
38 suspended solely under the provisions of this section.

39 [2.] **3.** If any city, town, **or** village[, or county] receives more than thirty  
40 percent of its annual general operating revenue from fines and court costs for  
41 traffic violations, including amended charges from any traffic violation, occurring  
42 within the city, town, **or** village[, or county], all revenues from such violations in  
43 excess of thirty percent of the annual general operating revenue of the city, town,  
44 **or** village[, or county] shall be sent to the director of the department of revenue  
45 and shall be distributed annually to the schools of the county in the same manner  
46 that proceeds of all penalties, forfeitures and fines collected for any breach of the  
47 penal laws of the state are distributed.

48 **4.** The director of the department of revenue shall set forth by rule a  
49 procedure whereby excess revenues as [set forth above] **provided under**  
50 **subsection 3 of this section** shall be sent to the department of revenue, **and**  
51 **any procedure or form necessary to verify the city, town, or village has**  
52 **sent the correct amount of excess revenues in accordance with this**  
53 **section.** If any city, town, **or** village[, or county] disputes a determination that  
54 it has received excess revenues required to be sent to the department of revenue,

55 such city, town, **or** village[, or county] may submit to an annual audit by the  
56 state auditor under the authority of Article IV, Section 13 of the Missouri  
57 Constitution. An accounting of the percent of annual general operating revenue  
58 from fines and court costs for traffic violations, including amended charges from  
59 any charged traffic violation, occurring within the city, town, **or** village[, or  
60 county] and charged in the municipal court of that city, town, **or** village[, or  
61 county] shall be included in the [comprehensive] annual financial report  
62 submitted to the state auditor by the city, town, **or** village[, or county] under  
63 section 105.145.

64 **5.** Any city, town, **or** village[, or county] which fails to make an accurate  
65 [or] **and** timely report, or to send excess revenues from such violations to the  
66 director of the department of revenue by [the date on which the report is due to  
67 the state auditor] **the last day of the second month immediately following**  
68 **the end of the city, town, or village's fiscal year** shall suffer an immediate  
69 loss of jurisdiction of the municipal court of said city, town, **or** village[, or county]  
70 on all [traffic-related] charges **involving traffic violations** until all  
71 requirements of this section are satisfied. **The department of revenue shall**  
72 **notify the office of state courts administrator when a city, town, or**  
73 **village fails to send its excess revenues in accordance with this**  
74 **section. The state auditor shall notify the office of state courts**  
75 **administrator when a city, town, or village fails to make a timely and**  
76 **accurate report as required under this section and shall notify the state**  
77 **courts administrator when a city, town, or village, which was reported**  
78 **as being noncompliant, has fulfilled the requirements of this section by**  
79 **sending an accurate financial report to the auditor. In order for a**  
80 **municipality that has failed to timely send its excess revenues to the**  
81 **department of revenue to have its court jurisdiction restored, the city,**  
82 **town, or village, shall pay to the director of the department, in addition**  
83 **to any excess revenues owed by the city, town, or village, interest on**  
84 **the revenues at the rate determined by section 32.065 from the day the**  
85 **revenues were due to the department. Once the department of revenue**  
86 **receives all revenues and interest payments owed by the city, town, or**  
87 **village, the department shall notify the office of state courts**  
88 **administrator of the municipality's compliance with this section. When**  
89 **a city, town, or village is reported to the office of state courts**  
90 **administrator as failing to comply with this section, the state courts**

91 administrator shall ensure the jurisdiction of the municipal court over  
92 traffic violations is suspended, and shall reinstate a municipal court's  
93 jurisdiction when notified that the city, town, or village is in  
94 compliance with this section.

95           6. Any rule or portion of a rule, as that term is defined in section 536.010,  
96 that is created under the authority delegated in this section shall become effective  
97 only if it complies with and is subject to all of the provisions of chapter 536 and,  
98 if applicable, section 536.028. This section and chapter 536 are nonseverable and  
99 if any of the powers vested with the general assembly under chapter 536 to  
100 review, to delay the effective date, or to disapprove and annul a rule are  
101 subsequently held unconstitutional, then the grant of rulemaking authority and  
102 any rule proposed or adopted after August 28, 2009, shall be invalid and void.

          479.155. 1. By December 31, 2015, the presiding judge of each  
2 municipal division of a circuit court shall report to the office of state  
3 courts administrator the name and address of the municipal division  
4 and any other information regarding the municipal division requested  
5 by the state courts administrator on a standardized form developed by  
6 the state courts administrator.

7           2. Whenever a municipality elects to abolish or establish a  
8 municipal division, the presiding judge of the municipal division shall  
9 notify the state courts administrator, and the presiding judge of any  
10 new municipal division shall complete the report required under  
11 subsection 1 of this section within ninety days of the establishment of  
12 the division.

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