

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 572**  
**98TH GENERAL ASSEMBLY**

4953H.09C

D. ADAM CRUMBLISS, Chief Clerk

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**AN ACT**

To repeal sections 67.287, 67.398, 79.490, 80.570, 479.020, 479.350, 479.353, 479.359, 479.360, and 479.368, RSMo, and to enact in lieu thereof twenty-four new sections relating to municipalities, with penalty provisions.

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

Section A. Sections 67.287, 67.398, 79.490, 80.570, 479.020, 479.350, 479.353, 2 479.359, 479.360, and 479.368, RSMo, are repealed and twenty-four new sections enacted in lieu 3 thereof, to be known as sections 67.287, 67.398, 71.980, 77.700, 77.703, 77.706, 77.709, 77.712, 4 77.715, 79.490, 80.570, 82.133, 82.136, 82.139, 82.142, 82.145, 82.148, 479.020, 479.350, 5 479.353, 479.359, 479.360, 479.368, and 1, to read as follows:

67.287. 1. As used in this section, the following terms mean:

2 (1) "Minimum standards", adequate and material provision of each of the items listed  
3 in subsection 2 of this section;

4 (2) "Municipality", any city, town, or village located in any county with a charter form  
5 of government and with more than nine hundred fifty thousand inhabitants;

6 (3) "Peace officer", any peace officer as defined in section 590.010 who is licensed under  
7 chapter 590.

8 2. Every municipality shall meet the following minimum standards within three years  
9 of August 28, 2015, by providing the following municipal services, financial services, and  
10 reports, except that the provision of subdivision (6) of this subsection shall be completed within  
11 six years:

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.

12 (1) A balanced annual budget listing anticipated revenues and expenditures, as required  
13 in section 67.010;

14 (2) An annual audit by a certified public accountant of the finances of the municipality  
15 that includes a report on the internal controls utilized by the municipality [and prepared by a  
16 qualified financial consultant that are implemented] to prevent misuse of public funds. The  
17 municipality also shall include its current procedures that show compliance with or reasonable  
18 exceptions to the recommended internal controls;

19 (3) A cash management and accounting system that accounts for all revenues and  
20 expenditures;

21 (4) Adequate levels of insurance to minimize risk to include:

22 (a) General liability coverage;

23 (b) If applicable, liability coverage with endorsements to cover emergency medical  
24 personnel and paramedics;

25 (c) If applicable, police professional liability coverage;

26 (d) Workers compensation benefits for injured employees under the provisions of chapter  
27 287; and

28 (e) Bonds for local officials as required by section 77.390, 79.260, 80.250, or local  
29 charter;

30 (5) Access to a complete set of ordinances adopted by the governing body available to  
31 the public within ten business days of a written request. An online version of the regulations or  
32 code shall satisfy this requirement for those ordinances that are codified;

33 (6) **If a municipality has a police department or contracts with another police**  
34 **department for public safety service**, a police department accredited or certified by the  
35 Commission on Accreditation for Law Enforcement Agencies or the Missouri Police Chiefs  
36 Association or a contract for police service with a police department accredited or certified by  
37 such entities;

38 (7) Written policies regarding the safe operation of emergency vehicles, including a  
39 policy on police pursuit;

40 (8) Written policies regarding the use of force by peace officers;

41 (9) Written general orders for a municipal police department unless contracting with  
42 another municipality or county for police services;

43 (10) Written policies for collecting and reporting all crime and police stop data for the  
44 municipality as required by law. Such policies shall be forwarded to the attorney general's office;

45 (11) Construction code review by existing staff, directly or by contract with a public or  
46 private agency. **The provisions of this subdivision shall not require the municipality to**  
47 **adopt an updated construction code;** and

48 (12) Information published annually on the website of the municipality indicating how  
49 the municipality met the standards in this subsection. If there is no municipal website, the  
50 information shall be submitted to the county for publication on its website, if it has a website.

51 3. If any resident of a municipality has belief or knowledge that such municipality has  
52 failed to ensure that the standards listed in subsection 2 of this section are regularly provided and  
53 are likely to continue to be provided, he or she may make an affidavit before any person  
54 authorized to administer oaths setting forth the facts alleging the failure to meet the required  
55 standards and file the affidavit with the attorney general. It shall be the duty of the attorney  
56 general, if, in his or her opinion, the facts stated in the affidavit justify, to declare whether the  
57 municipality is operating below minimum standards, and if it is, the municipality shall have sixty  
58 days to rectify the deficiencies in services noted by the attorney general. If after sixty days the  
59 municipality is still deemed by the attorney general to have failed to rectify sufficient minimum  
60 standards to be in compliance with those specified by subsection 2 of this section, the attorney  
61 general may file suit in the circuit court of the county. If the court finds that the municipality is  
62 not in compliance with the minimum standards specified in subsection 2 of this section, the  
63 circuit court of the county shall order the following remedies:

64 (1) Appointment of an administrative authority for the municipality including, but not  
65 limited to, another political subdivision, the state, or a qualified private party to administer all  
66 revenues under the name of the municipality or its agents and all funds collected on behalf of the  
67 municipality. If the court orders an administrative authority to administer the revenues under this  
68 subdivision, it may send an order to the director of revenue or other party charged with  
69 distributing tax revenue, as identified by the attorney general, to distribute such revenues and  
70 funds to the administrative authority who shall use such revenues and existing funds to provide  
71 the services required under a plan approved by the court. The court shall enter an order directing  
72 all financial and other institutions holding funds of the municipality, as identified by the attorney  
73 general, to honor the directives of the administrative authority;

74 (2) If the court finds that the minimum standards specified in subsection 2 of this section  
75 still are not established at the end of ninety days from the time the court finds that the  
76 municipality is not in compliance with the minimum standards specified in subsection 2 of this  
77 section, the court may either enter an order disincorporating the municipality or order placed on  
78 the ballot the question of whether to disincorporate the municipality as provided in subdivisions  
79 (1), (2), (4), and (5) of subsection 3 of section 479.368. The court also shall place the question  
80 of disincorporation on the ballot as provided by subdivisions (1), (2), (4), and (5) of subsection  
81 3 of section 479.368 if at least twenty percent of the registered voters residing in the subject  
82 municipality or forty percent of the number of voters who voted in the last municipal election,  
83 whichever is lesser, submit a petition to the court while the matter is pending, seeking

84 disincorporation. The question shall be submitted to the voters in substantially the following  
85 form:

86 The city/town/village of ..... has failed to meet minimum standards of governance  
87 as required by law. Shall the city/town/village of ..... be dissolved?

88  YES  NO

89

90 If electors vote to disincorporate, the court shall determine the date upon which the  
91 disincorporation shall occur, taking into consideration a logical transition.

92 4. The court shall have ongoing jurisdiction to enforce its orders and carry out the  
93 remedies in subsection 3 of this section.

67.398. 1. The governing body of any city or village, or any county having a charter  
2 form of government, or any county of the first classification that contains part of a city with a  
3 population of at least three hundred thousand inhabitants, may enact ordinances to provide for  
4 the abatement of a condition of any lot or land that has the presence of a nuisance including, but  
5 not limited to, debris of any kind, weed cuttings, cut, fallen, or hazardous trees and shrubs,  
6 overgrown vegetation and noxious weeds which are seven inches or more in height, rubbish and  
7 trash, lumber not piled or stacked twelve inches off the ground, rocks or bricks, tin, steel, parts  
8 of derelict cars or trucks, broken furniture, any flammable material which may endanger public  
9 safety or any material or condition which is unhealthy or unsafe and declared to be a public  
10 nuisance.

11 2. The governing body of any home rule city with more than four hundred thousand  
12 inhabitants and located in more than one county may enact ordinances for the abatement of a  
13 condition of any lot or land that has vacant buildings or structures open to entry.

14 3. [Any ordinance authorized by this section may provide that if the owner fails to begin  
15 removing or abating the nuisance within a specific time which shall not be less than seven days  
16 of receiving notice that the nuisance has been ordered removed or abated, or upon failure to  
17 pursue the removal or abatement of such nuisance without unnecessary delay, the building  
18 commissioner or designated officer may cause the condition which constitutes the nuisance to  
19 be removed or abated. If the building commissioner or designated officer causes such condition  
20 to be removed or abated, the cost of such removal or abatement shall be certified to the city clerk  
21 or officer in charge of finance who shall cause the certified cost to be included in a special tax  
22 bill or added to the annual real estate tax bill, at the collecting official's option, for the property  
23 and the certified cost shall be collected by the city collector or other official collecting taxes in  
24 the same manner and procedure for collecting real estate taxes. If the certified cost is not paid,  
25 the tax bill shall be considered delinquent, and the collection of the delinquent bill shall be  
26 governed by the laws governing delinquent and back taxes. The tax bill from the date of its

27 issuance shall be deemed a personal debt against the owner and shall also be a lien on the  
 28 property until paid.] Any ordinance authorized by this section shall provide for service to  
 29 the owner or occupant of the property of written notice of the declaration of any type of  
 30 nuisances found on the property. If the owner of the property does not also occupy the  
 31 property, any notice of declaration of nuisance directed to the property owner shall  
 32 enumerate the specific nuisance or nuisances then existing on the property at the time of  
 33 the notice. No owner who does not also occupy the property shall be charged with causing  
 34 or permitting any nuisance for which specific notice was not given, unless such person  
 35 had knowledge of the existence of the nuisance. Such person shall not be prosecuted for  
 36 a nuisance abated within ten days of the written notice. Notices directed to a nonoccupant  
 37 property owner may be sent by first class mail to the last known address of such owner.

71.980. Notwithstanding any provision to the contrary, the state shall not be held  
 2 liable for the debts of a municipality that is financially insolvent. For purposes of this  
 3 section, a municipality is financially insolvent if it is not paying its debts as they become  
 4 due, unless such debts are the subject of a bona fide dispute, or is unable to pay its debts  
 5 as they become due.

77.700. 1. Notwithstanding any provision of sections 72.400 to 72.430, the county  
 2 governing body of any county in which a city of the third classification is located shall  
 3 disincorporate the city as provided in this section and sections 77.700 to 77.715.

4 2. The county governing body shall order an election upon the question of  
 5 disincorporation of a city of the third classification upon petition of twenty-five percent of  
 6 the voters of the city.

7 3. The county governing body shall give notice of the election by publication in a  
 8 newspaper of general circulation published in the city or, if there is no such newspaper in  
 9 the city, then in the newspaper in the county published nearest the city. The notice shall  
 10 contain a copy of the petition and the names of the petitioners. No election on the question  
 11 of disincorporation shall be held until the notice has been published for four weeks  
 12 successively.

13 4. The question shall be submitted in substantially the following form:

14 Shall the city of . . . . . be dissolved?

15 5. Upon the affirmative vote of fifty percent and one of those persons voting on the  
 16 question, the county governing body shall disincorporate the city.

77.703. No dissolution of the corporation shall invalidate or affect any right  
 2 accruing to the corporation or to any person or invalidate or affect any contract entered  
 3 into or imposed on the corporation.

77.706. Whenever the county governing body shall dissolve any city of the third classification, the county governing body shall appoint some competent person to act as trustee for the corporation so dissolved, and such trustee, before entering upon the discharge of his or her duties, shall take and subscribe an oath that he or she will faithfully discharge the duties of his or her office and shall give bond with sufficient security, to be approved by the governing body, to the use of such disincorporated city, conditioned for the faithful discharge of his or her duty.

77.709. The trustee shall have power to prosecute and defend to final judgment all suits instituted by or against the corporation, collect all moneys due the same, liquidate all lawful demands against the same, and for that purpose shall sell any property belonging to the corporation, or so much thereof as may be necessary, and generally to do all acts requisite to bring to a speedy close all the affairs of the corporation.

77.712. The trustee shall employ counsel whenever necessary in the discharge of his or her duties and shall make a report of the proceedings to the county governing body at each regular term thereof, and the trustee shall receive for his or her services such compensation as the governing body shall think reasonable.

77.715. When the trustee shall have closed the affairs of the corporation and shall have paid all debts due by the corporation, he or she shall pay over to the county treasurer all money remaining in his or her hands, take receipt therefor, and deliver to the clerk of the county governing body all books, papers, records, and deeds belonging to the dissolved corporation.

79.490. 1. The county governing body of any county in which a city of the fourth class is located shall disincorporate such city as provided in this section.

2. (1) Except as provided in subdivision (2) of this subsection, the county governing body shall order an election upon the question of disincorporation of a fourth class city upon petition of one-half of the voters of the city.

(2) Notwithstanding any provision of sections 72.400 to 72.430, in any county the county governing body shall order an election upon the question of disincorporation of a fourth class city upon petition of twenty-five percent of the voters of the city.

3. The county governing body shall give notice of the election by publication in a newspaper of general circulation published in the city or, if there is no such newspaper in the city, then in the newspaper in the county published nearest the city. The notice shall contain a copy of the petition and the names of the petitioners. No election on the question of disincorporation shall be held until the notice has been published for four weeks successively.

4. The question shall be submitted in substantially the following form:

Shall the city of . . . . . be dissolved?

16           5. **(1) Except as provided in subdivision (2) of this subsection**, upon the affirmative  
17 vote of sixty percent of those persons voting on the question, the county governing body shall  
18 disincorporate the city.

19           **(2) Notwithstanding any provision of sections 72.400 to 72.430, in any county upon**  
20 **the affirmative vote of fifty percent and one of those persons voting on the question, the**  
21 **county governing body shall disincorporate the city.**

80.570. 1. The county governing body of each county shall have power to disincorporate  
2 any town or village which they may have incorporated as provided in this section.

3           2. **(1) Except as provided in subdivision (2) of this subsection**, the county governing  
4 body shall order an election upon the question of disincorporation of a town or village upon  
5 petition of one-half of the voters of the town or village.

6           **(2) Notwithstanding any provision of sections 72.400 to 72.430, in any county the**  
7 **county governing body shall order an election upon the question of disincorporation of a**  
8 **town or village upon petition of twenty-five percent of the voters of the town or village.**

9           3. The county governing body shall give notice of the election by publication in a  
10 newspaper of general circulation published in the town or village or, if there is no such  
11 newspaper in the town or village, then in the newspaper in the county published nearest the town  
12 or village. The notice shall contain a copy of the petition and the names of the petitioners. No  
13 election on the question of disincorporation shall be held until the notice has been published for  
14 eight weeks successively.

15           4. The question shall be submitted in substantially the following form as the case may  
16 be:

17           Shall the town of . . . . . be dissolved?; or

18           Shall the village of . . . . . be dissolved?

19           5. **(1) Except as provided in subdivision (2) of this subsection**, upon the affirmative  
20 vote of sixty percent of those persons voting on the question, the county governing body shall  
21 disincorporate the town or village.

22           **(2) Notwithstanding any provision of sections 72.400 to 72.430, in any county upon**  
23 **the affirmative vote of fifty percent and one of those persons voting on the question, the**  
24 **county governing body shall disincorporate the town or village.**

25           6. Any county governing body may, in its discretion, on the application of any person  
26 or persons owning a tract of land containing five acres or more in a town or village, used only  
27 for agricultural purposes, to diminish the limits of such town or village by excluding any such  
28 tract of land from said corporate limits; provided, that such application shall be accompanied by  
29 a petition asking such change and signed by a majority of the voters in such town or village. And

30 thereafter such tract of land so excluded shall not be deemed or held to be any part of such town  
31 or village.

**82.133. 1. Notwithstanding any provision of sections 72.400 to 72.430, the county governing body of any county in which a constitutional charter or home rule city is located shall disincorporate the city as provided in sections 82.133 to 82.145.**

**2. The county governing body shall order an election upon the question of disincorporation of a constitutional charter or home rule city upon petition of twenty-five percent of the voters of the city.**

**3. The county governing body shall give notice of the election by publication in a newspaper of general circulation published in the city or, if there is no such newspaper in the city, then in the newspaper in the county published nearest the city. The notice shall contain a copy of the petition and the names of the petitioners. No election on the question of disincorporation shall be held until the notice has been published for four weeks successively.**

**4. The question shall be submitted in substantially the following form:**

**Shall the city of . . . . . be dissolved?**

**5. Upon the affirmative vote of fifty percent and one of those persons voting on the question, the county governing body shall disincorporate the city.**

**82.136. No dissolution of the corporation shall invalidate or affect any right accruing to the corporation or to any person, or invalidate or affect any contract entered into or imposed on the corporation.**

**82.139. Whenever the county governing body shall dissolve any constitutional charter or home rule city, the county governing body shall appoint some competent person to act as trustee for the corporation so dissolved, and the trustee, before entering upon the discharge of his or her duties, shall take and subscribe an oath that he or she will faithfully discharge the duties of the office and shall give bond with sufficient security, to be approved by the governing body, to the use of the disincorporated city, conditioned for the faithful discharge of the trustee's duty.**

**82.142. The trustee shall have power to prosecute and defend to final judgment all suits instituted by or against the corporation, collect all moneys due the same, liquidate all lawful demands against the same, and for that purpose shall sell any property belonging to the corporation, or so much thereof as may be necessary, and generally to do all acts requisite to bring to a speedy close all the affairs of the corporation.**

**82.145. The trustee shall employ counsel whenever necessary in the discharge of his or her duties and shall make a report of the proceedings to the county governing body at**

3 each regular term thereof, and the trustee shall receive for his or her services such  
4 compensation as the governing body shall think reasonable.

82.148. When the trustee shall have closed the affairs of the corporation, and shall  
2 have paid all debts due by the corporation, he or she shall pay over to the county treasurer  
3 all moneys remaining in his or her hands, take receipt therefor, and deliver to the clerk of  
4 the county governing body all books, papers, records, and deeds belonging to the dissolved  
5 corporation.

479.020. 1. Any city, town or village, including those operating under a constitutional  
2 or special charter, may, and cities with a population of four hundred thousand or more shall,  
3 provide by ordinance or charter for the selection, tenure and compensation of a municipal judge  
4 or judges consistent with the provisions of this chapter who shall have original jurisdiction to  
5 hear and determine all violations against the ordinances of the municipality. The method of  
6 selection of municipal judges shall be provided by charter or ordinance. Each municipal judge  
7 shall be selected for a term of not less than two years as provided by charter or ordinance.

8 2. Except where prohibited by charter or ordinance, the municipal judge may be a part-  
9 time judge and may serve as municipal judge in more than one municipality.

10 3. No person shall serve as a municipal judge of any municipality with a population of  
11 seven thousand five hundred or more or of any municipality in a county of the first class with a  
12 charter form of government unless the person is licensed to practice law in this state unless, prior  
13 to January 2, 1979, such person has served as municipal judge of that same municipality for at  
14 least two years.

15 4. Notwithstanding any other statute, a municipal judge need not be a resident of the  
16 municipality or of the circuit in which the municipal judge serves except where ordinance or  
17 charter provides otherwise. Municipal judges shall be residents of Missouri.

18 5. Judges selected under the provisions of this section shall be municipal judges of the  
19 circuit court and shall be divisions of the circuit court of the circuit in which the municipality,  
20 or major geographical portion thereof, is located. The judges of these municipal divisions shall  
21 be subject to the rules of the circuit court which are not inconsistent with the rules of the supreme  
22 court. The presiding judge of the circuit shall have general administrative authority over the  
23 judges and court personnel of the municipal divisions within the circuit.

24 6. No municipal judge shall hold any other office in the municipality which the  
25 municipal judge serves as judge. The compensation of any municipal judge and other court  
26 personnel shall not be dependent in any way upon the number of cases tried, the number of guilty  
27 verdicts reached or the amount of fines imposed or collected.

28 7. Municipal judges shall be at least twenty-one years of age. No person shall serve as  
29 municipal judge after that person has reached that person's seventy-fifth birthday.

30           8. Within six months after selection for the position, each municipal judge who is not  
31 licensed to practice law in this state shall satisfactorily complete the course of instruction for  
32 municipal judges prescribed by the supreme court. The state courts administrator shall certify  
33 to the supreme court the names of those judges who satisfactorily complete the prescribed  
34 course. If a municipal judge fails to complete satisfactorily the prescribed course within six  
35 months after the municipal judge's selection as municipal judge, the municipal judge's office  
36 shall be deemed vacant and such person shall not thereafter be permitted to serve as a municipal  
37 judge, nor shall any compensation thereafter be paid to such person for serving as municipal  
38 judge.

39           **9. No municipal judge shall serve as a municipal judge in more than three**  
40 **municipalities at one time.**

479.350. For purposes of sections 479.350 to 479.372, the following terms mean:

2           (1) "Annual general operating revenue", revenue that can be used to pay any bill or  
3 obligation of a county, city, town, or village, including general sales tax; general use tax; general  
4 property tax; fees from licenses and permits; unrestricted user fees; fines, court costs, bond  
5 forfeitures, and penalties. Annual general operating revenue does not include designated sales  
6 or use taxes; restricted user fees; grant funds; funds expended by a political subdivision for  
7 technological assistance in collecting, storing, and disseminating criminal history record  
8 information and facilitating criminal identification activities for the purpose of sharing criminal  
9 justice-related information among political subdivisions; or other revenue designated for a  
10 specific purpose;

11           (2) "Court costs", costs, fees, or surcharges which are retained by a county, city, town,  
12 or village upon a finding of guilty or plea of guilty, and shall exclude any costs, fees, or  
13 surcharges disbursed to the state or other entities by a county, city, town, or village **and any**  
14 **certified cost to be included in a special tax bill or added to the annual real estate tax bill**  
15 **under section 67.398;**

16           (3) "Minor traffic violation", a municipal or county **traffic** ordinance violation  
17 prosecuted that does not involve an accident or injury, that does not involve the operation of a  
18 commercial motor vehicle, and for which **no points are assessed by the department of revenue**  
19 **or** the department of revenue is authorized to assess [no more than] **one to** four points to a  
20 person's driving record upon conviction. **Minor traffic violation shall include amended**  
21 **charges for any minor traffic violation.** Minor traffic violation shall exclude a violation for  
22 exceeding the speed limit by more than nineteen miles per hour or a violation occurring within  
23 a construction zone or school zone;

24           (4) "**Municipal ordinance violation**", a **municipal or county ordinance violation**  
25 **prosecuted for which penalties are authorized by statute under sections 64.160, 64.200,**

26 **64.295, 64.487, 64.690, 64.895, 67.398, 71.285, 89.120, and 89.490. Municipal ordinance**  
27 **violation shall include amended charges for municipal ordinance violations;**

28 **(5) "Persistent ordinance offender", a person who has been found guilty two or**  
29 **more times of the same ordinance violation in the twelve months preceding the commission**  
30 **of the present offense;**

31 **(6) "Prior ordinance offender", a person who has been found guilty of the same**  
32 **ordinance violation in the twelve months preceding the commission of the present offense.**

479.353. **Notwithstanding any provisions to the contrary,** the following conditions  
2 shall apply to minor traffic violations **and municipal ordinance violations:**

3 (1) The court shall not assess a fine, if combined with the amount of court costs, totaling  
4 in excess of three hundred dollars **for minor traffic violations or totaling in excess of five**  
5 **hundred dollars for all other municipal ordinance violations, except by the consent of a**  
6 **defendant represented by counsel or unless the court finds the defendant is a prior**  
7 **ordinance offender;**

8 (2) The court shall not sentence a person to confinement, except the court may sentence  
9 a person to confinement for [violations] **any violation** involving alcohol or controlled  
10 substances, [violations] endangering the health or welfare of others, [and] **or** eluding or giving  
11 false information to a law enforcement officer, **and when the person is found to be a persistent**  
12 **ordinance offender;**

13 (3) A person shall not be placed in confinement for failure to pay a fine unless such  
14 nonpayment violates terms of probation **or unless the due process procedures mandated by**  
15 **Missouri Supreme Court Rule 37.65 or its successor rule are strictly followed by the court;**

16 (4) Court costs that apply shall be assessed against the defendant unless the court finds  
17 that the defendant is indigent based on standards set forth in determining such by the presiding  
18 judge of the circuit. Such standards shall reflect model rules and requirements to be developed  
19 by the supreme court; [and]

20 (5) No court costs shall be assessed if **the defendant is found to be indigent under**  
21 **subdivision (4) of this section or if the case is dismissed;**

22 (6) **The court may sentence a prior ordinance offender to a fine not exceeding five**  
23 **hundred dollars; and**

24 (7) **The court may sentence a persistent ordinance offender to a term of**  
25 **incarceration not to exceed five days.**

479.359. 1. Every county, city, town, and village shall annually calculate the percentage  
2 of its annual general operating revenue received from fines, bond forfeitures, and court costs for  
3 **municipal ordinance violations and** minor traffic violations, including amended charges for  
4 any **municipal ordinance violations and** minor traffic violations, whether the violation was

5 prosecuted in municipal court, associate circuit court, or circuit court, occurring within the  
6 county, city, town, or village. If the percentage is more than thirty percent, the excess amount  
7 shall be sent to the director of the department of revenue. The director of the department of  
8 revenue shall set forth by rule a procedure whereby excess revenues as set forth in this section  
9 shall be sent to the department of revenue. The department of revenue shall distribute these  
10 moneys annually to the schools of the county in the same manner that proceeds of all fines  
11 collected for any breach of the penal laws of this state are distributed.

12       2. Beginning January 1, 2016, the percentage specified in subsection 1 of this section  
13 shall be reduced from thirty percent to twenty percent, unless any county, city, town, or village  
14 has a fiscal year beginning on any date other than January first, in which case the reduction shall  
15 begin on the first day of the immediately following fiscal year except that any county with a  
16 charter form of government and with more than nine hundred fifty thousand inhabitants and any  
17 city, town, or village with boundaries found within such county shall be reduced from thirty  
18 percent to twelve and one-half percent.

19       3. An addendum to the annual financial report submitted to the state auditor by the  
20 county, city, town, or village **that has chosen to have a municipal court division** under section  
21 105.145 shall contain an accounting of:

22       (1) Annual general operating revenue as defined in section 479.350;

23       (2) The total revenues from fines, bond forfeitures, and court costs for **municipal**  
24 **ordinance violations and** minor traffic violations occurring within the county, city, town, or  
25 village, including amended charges from any **municipal ordinance violations and** minor traffic  
26 violations;

27       (3) The percent of annual general operating revenue from fines, bond forfeitures, and  
28 court costs for **municipal ordinance violations and** minor traffic violations occurring within  
29 the county, city, town, or village, including amended charges from any charged **municipal**  
30 **ordinance violations and** minor traffic violation, charged in the municipal court of that county,  
31 city, town, or village; and

32       (4) Said addendum shall be certified and signed by a representative with knowledge of  
33 the subject matter as to the accuracy of the addendum contents, under oath and under the penalty  
34 of perjury, and witnessed by a notary public.

35       4. On or before December 31, 2015, the state auditor shall set forth by rule a procedure  
36 for including the addendum information required by this section. The rule shall also allow  
37 reasonable opportunity for demonstration of compliance without unduly burdensome  
38 calculations.

479.360. 1. Every county, city, town, and village shall file with the state auditor,  
2 together with its report due under section 105.145, its certification of its substantial compliance

3 signed by its municipal judge with the municipal court procedures set forth in this subsection  
4 during the preceding fiscal year. The procedures to be adopted and certified include the  
5 following:

6 (1) Defendants in custody pursuant to an initial arrest warrant issued by a municipal  
7 court have an opportunity to be heard by a judge in person, by telephone, or video conferencing  
8 as soon as practicable and not later than forty-eight hours on minor traffic violations and not later  
9 than seventy-two hours on other violations and, if not given that opportunity, are released;

10 (2) Defendants in municipal custody shall not be held more than twenty-four hours  
11 without a warrant after arrest;

12 (3) Defendants are not detained in order to coerce payment of fines and costs **unless**  
13 **found to be in contempt after strict compliance by the court with the due process**  
14 **procedures mandated by Missouri Supreme Court Rule 37.65 or its successor rule;**

15 (4) The municipal court has established procedures to allow indigent defendants to  
16 present evidence of their financial condition and takes such evidence into account if determining  
17 fines and costs and establishing related payment requirements;

18 (5) The municipal court only assesses fines and costs as authorized by law;

19 (6) No additional charge shall be issued for the failure to appear for a minor traffic  
20 violation;

21 (7) The municipal court conducts proceedings in a courtroom that is open to the public  
22 and large enough to reasonably accommodate the public, parties, and attorneys;

23 (8) The municipal court makes use of alternative payment plans [and] ;

24 **(9) The municipal court makes use of community service alternatives for which no**  
25 **associated costs are charged to the defendant;** and

26 [(9)] **(10)** The municipal court has adopted an electronic payment system or payment  
27 by mail for the payment of minor traffic violations.

28 2. On or before December 31, 2015, the state auditor shall set forth by rule a procedure  
29 for including the addendum information required by this section. The rule shall also allow  
30 reasonable opportunity for demonstration of compliance.

479.368. 1. (1) Except for county sales taxes deposited in the county sales tax trust fund  
2 as defined in section 66.620, any county, city, town, or village failing to timely file the required  
3 addendums or remit the required excess revenues, if applicable, after the time period provided  
4 by the notice by the director of the department of revenue or any final determination on excess  
5 revenue by the court in a judicial proceeding, whichever is later, shall not receive from that date  
6 any amount of moneys to which the county, city, town, or village would otherwise be entitled  
7 to receive from revenues from local sales tax as defined in section 32.085.

8 (2) If any county, city, town, or village has failed to timely file the required addendums,  
9 the director of the department of revenue shall hold any moneys the noncompliant city, town,  
10 village, or county would otherwise be entitled to from local sales tax as defined in section 32.085  
11 until a determination is made by the director of revenue that the noncompliant city, town, village,  
12 or county has come into compliance with the provisions of sections 479.359 and 479.360.

13 (3) If any county, city, town, or village has failed to remit the required excess revenue  
14 to the director of the department of revenue such general local sales tax revenues shall be  
15 distributed as provided in subsection 1 of section 479.359 by the director of the department of  
16 revenue in the amount of excess revenues that the county, city, town, or village failed to remit.

17

18 Upon a noncompliant city, town, village, or county coming into compliance with the provisions  
19 of sections 479.359 and 479.360, the director of the department of revenue shall disburse any  
20 remaining balance of funds held under this subsection after satisfaction of amounts due under  
21 section 479.359. Moneys held by the director of the department of revenue under this subsection  
22 shall not be deemed to be state funds and shall not be commingled with any funds of the state.

23 2. (1) Any city, town, village, or county that participates in the distribution of local sales  
24 tax in sections 66.600 to 66.630 and fails to timely file the required addendums or remit the  
25 required excess revenues, if applicable, after the time period provided by the notice by the  
26 director of the department of revenue or any final determination on excess revenue by the court  
27 in a judicial proceeding, whichever is later, shall not receive any amount of moneys to which said  
28 city, town, village, or county would otherwise be entitled under **sections** 66.600 to 66.630. The  
29 director of the department of revenue shall notify the county to which the duties of the director  
30 have been delegated under section 66.601 of any noncompliant city, town, village, or county and  
31 the county shall remit to the director of the department of revenue any moneys to which said city,  
32 town, village, or county would otherwise be entitled. No disbursements to the noncompliant city,  
33 town, village, or county shall be permitted until a determination is made by the director of  
34 revenue that the noncompliant city, town, village, or county has come into compliance with the  
35 provisions of sections 479.359 and 479.360.

36 (2) If such county, city, town, or village has failed to timely file the required addendums,  
37 the director of the department of revenue shall hold any moneys the noncompliant city, town,  
38 village, or county would otherwise be entitled to under sections 66.600 to 66.630 until a  
39 determination is made by the director of revenue that the noncompliant city, town, village, or  
40 county has come into compliance with the provisions of sections 479.359 and 479.360.

41 (3) If any county, city, town, or village has failed to remit the required excess revenue  
42 to the director of the department of revenue, the director shall distribute such moneys the county,  
43 city, town, or village would otherwise be entitled to under sections 66.600 to 66.630 in the

44 amount of excess revenues that the city, town, village, or county failed to remit as provided in  
45 subsection 1 of section 479.359.

46

47 Upon a noncompliant city, town, village, or county coming into compliance with the provisions  
48 of sections 479.359 and 479.360, the director of the department of revenue shall disburse any  
49 remaining balance of funds held under this subsection after satisfaction of amounts due under  
50 section 479.359 and shall notify the county to which the duties of the director have been  
51 delegated under section 66.601 that such compliant city, town, village, or county is entitled to  
52 distributions under sections 66.600 to 66.630. If a noncompliant city, town, village, or county  
53 becomes disincorporated, any moneys held by the director of the department of revenue shall be  
54 distributed to the schools of the county in the same manner that proceeds of all penalties,  
55 forfeitures, and fines collected for any breach of the penal laws of the state are distributed.  
56 Moneys held by the director of the department of revenue under this subsection shall not be  
57 deemed to be state funds and shall not be commingled with any funds of the state.

58 3. In addition to the provisions of subsection 1 of this section, any county that fails to  
59 remit the required excess revenue as required by section 479.359 shall have an election upon the  
60 question of disincorporation under Article VI, Section 5 of the Constitution of Missouri, and any  
61 such city, town, or village that fails to remit the required excess revenue as required by section  
62 479.359 shall have an election upon the question of disincorporation according to the following  
63 procedure:

64 (1) The election upon the question of disincorporation of such city, town, or village shall  
65 be held on the next general election day, as defined by section 115.121;

66 (2) The director of the department of revenue shall notify the election authorities  
67 responsible for conducting the election according to the terms of section 115.125 and the county  
68 governing body in which the city, town, or village is located not later than 5:00 p.m. on the tenth  
69 Tuesday prior to the election of the amount of the excess revenues due;

70 (3) The question shall be submitted to the voters of such city, town, or village in  
71 substantially the following form:

72 The city/town/village of ..... has kept more revenue from fines, bond forfeitures, and court  
73 costs for **municipal ordinance violations and** minor traffic violations than is permitted by state  
74 law and failed to remit those revenues to the county school fund. Shall the city/town/village of  
75 ..... be dissolved?

76  YES  NO

77 (4) Upon notification by the director of the department of revenue, the county governing  
78 body in which the city, town, or village is located shall give notice of the election for eight  
79 consecutive weeks prior to the election by publication in a newspaper of general circulation

80 published in the city, town, or village, or if there is no such newspaper in the city, town, or  
81 village, then in the newspaper in the county published nearest the city, town, or village; and

82 (5) Upon the affirmative vote of [sixty percent] a **majority** of those persons voting on  
83 the question, the county governing body shall disincorporate the city, town, or village.

**Section 1. Any court automation system used by a municipal court in this state shall  
2 not include electronic records that disclose the home address of a party, or use a data  
3 element that discloses the home address of a party, when such party is a county, state, or  
4 federal parole officer, a federal pretrial officer, a peace officer under section 590.010, a  
5 person vested by article V, section 1 of the Missouri Constitution with the judicial power  
6 of the state, a member of the federal judiciary, an elected official, or a member of such  
7 person's immediate family if any such person notifies such court automation system of his  
8 or her status. Upon receiving such notice, the court automation system shall protect the  
9 confidentiality of the home address of such a person and his or her immediate family as  
10 required by this section.**

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