

SECOND REGULAR SESSION

# SENATE BILL NO. 1196

91ST GENERAL ASSEMBLY

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INTRODUCED BY SENATOR KENNEDY.

Read 1st time February 25, 2002, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

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## AN ACT

To repeal sections 137.298 and 302.341, RSMo, and to enact in lieu thereof three new sections relating to the regulation of traffic violations.

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

Section A. Sections 137.298 and 302.341, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 137.298, 301.026 and 302.341, to read as follows:

137.298. Other provisions of law to the contrary notwithstanding, any city **or county** may by ordinance include as a charge on bills issued for personal property taxes any outstanding **vehicle-related fees and fines, including traffic and** parking violations, **assessed or** issued on any vehicle for which personal property tax is to be paid and, if required by ordinance, such charge shall be collected with and in the same payment as personal property taxes are collected by [the collector of revenue of such] the city **or county**. No personal property tax bill shall be considered paid unless all charges for parking violations **and other vehicle-related fees and fines** are also paid in full and the [collector of revenue] **city or county** shall not issue a paid personal property receipt until all such charges are paid.

**301.026. 1. No state registration license to operate any motor vehicle in this state shall be issued or renewed so long as the owner of that motor vehicle owes outstanding vehicle-related fees or fines to a**

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

**county, city, or township within the state, that liability is delinquent as determined by the county, city, or township, and the vehicle owner has not paid the liability or appeared in court to contest the vehicle-related fees and fines. For the purpose of this section, vehicle-related fees and fines shall include, but not be limited to, traffic violation fines, parking violation fines, towing, and vehicle immobilization fees and any late payment penalties and court costs associated with the adjudication or collection of those fines.**

**2. A county, city, or township shall notify after the fourth outstanding parking violation, by ordinary mail, any owner of a motor vehicle for which such violations have not been paid that, if full payment is not received by the city, county or township, within thirty days, the director of revenue will be authorized to suspend the motor vehicle registration for such vehicle and any other vehicles owned by the vehicle owner. Any notification returned to the county, city, or township by the post office may be sent to the director of revenue. The department of revenue may subsequently take any action it deems reasonable and practical to notify the owner and the county, city, or township of the pending suspension of motor vehicle registration.**

**3. Thereafter, if the vehicle owner fails to pay such vehicle-related fees and fines to the county, city, or township within thirty days, the county, city, or township shall notify the director of revenue of such failure. Such notification shall be on forms approved by the department of revenue and shall list the vehicle owner's full name and address, and the year, make, model, and vehicle identification number of such motor vehicle. In addition, the department of revenue may, before renewing the registration of any motor vehicle, check the driver's license record of all registered owners for notification that the licensee has failed to pay any lawfully-imposed vehicle-related fees or fines within the time prescribed in this section.**

**4. Upon receipt of this notification, the director of revenue shall provide notice of suspension of motor vehicle registration to the vehicle owner at the vehicle owner's last address shown on the records of the department of revenue. The director of revenue shall suspend registration and prohibit registration renewal on that vehicle, and all other vehicles owned by the vehicle owner, until the director of revenue receives notification from the county, city, or township that the**

**delinquent amounts have been paid in full.**

**5. Any suspension imposed shall remain in effect until the department of revenue receives notification from the county, city, or township that the vehicle owner has paid the outstanding vehicle-related fees and fines in full or otherwise satisfied his or her obligations regarding the delinquent vehicle-related fees and fines. Upon the county, city, or township furnishing such notification, and the vehicle owner paying any required reinstatement fee of up to twenty dollars to the director of revenue, the motor vehicle registration shall be reinstated.**

**6. In the event a motor vehicle registration is suspended for nonpayment of four or more outstanding parking violations, the owner so aggrieved may seek a hearing in the associate circuit court of the county in which the entity issuing the outstanding parking violations for which the suspension has occurred is located for review of such suspension at any time within thirty days after notice of motor vehicle registration suspension. The associate circuit court may order the director to reinstate such registration, sustain the suspension of registration by the director or set aside or modify such suspension. Appeals from the judgment of the associate circuit court may be taken as in civil cases. The prosecuting attorney of the county where such hearing is sought shall appear on behalf of the director, and prosecute or defend, as the case may require.**

**7. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.**

**302.341. If a Missouri resident charged with a moving traffic violation or parking violation of this state or any county or municipality of this state fails**

to dispose of the charges of which he is accused through authorized prepayment of [fine and court costs] **vehicle-related fees or fines** 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] **vehicle-related fees or fines** assessed against him 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 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. **For the purposes of this section, vehicle-related fees and fines shall include, but not be limited to, traffic violation fines, parking violation fines, towing and vehicle immobilization fees and any late payment penalties and court costs associated with the adjudication or collection of those fines.** 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 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 suspension pending final disposition, or satisfactory evidence of disposition of pending charges and payment of fine and court costs, if applicable, is furnished to the director by the individual. Upon proof of disposition of charges and payment of fine and court costs, if applicable, and payment of the reinstatement fee as set forth in section 302.304, the director shall reinstate the license. The filing of financial responsibility with the bureau of safety responsibility, department of revenue, shall not be required as a condition of reinstatement of a driver's license suspended solely under the provisions of this section. If any city, town or village receives more than forty-five percent of its total annual revenue from fines for traffic violations occurring on state highways, all revenues from such violations in excess of forty-five percent of the total annual revenue of the city, town or village shall be sent to the director of the department of revenue and shall be distributed annually to the schools of the county in the same manner that

proceeds of all penalties, forfeitures and fines collected for any breach of the penal laws of the state are distributed. For the purpose of this section the words "state highways" shall mean any state or federal highway, including any such highway continuing through the boundaries of a city, town or village with a designated street name other than the state highway number.

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