

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 5
98TH GENERAL ASSEMBLY

Reported from the Committee on Jobs, Economic Development and Local Government, February 5, 2015, with recommendation that the Senate Committee Substitute do pass.

0455S.07C

ADRIANE D. CROUSE, Secretary.

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Section A. Section 302.341, RSMo, is repealed and one new section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

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

18 to the driver at the last address for the driver shown on the records of the
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 percent
28 of its annual general operating revenue from fines, **bond forfeitures**, and court
29 costs for traffic violations, including amended charges from any traffic violation,
30 occurring within the city, town, village, or county, all revenues from such
31 violations in excess of thirty percent of the annual general operating revenue of
32 the city, town, village, or county shall be sent to the director of the department
33 of revenue and shall be distributed annually to the schools of the county in the
34 same manner that proceeds of all penalties, forfeitures and fines collected for any
35 breach of the penal laws of the state are distributed. The director of the
36 department of revenue shall set forth by rule a procedure whereby excess
37 revenues as set forth above shall be sent to the department of revenue. **Any**
38 **city, town, village, or county that participates in the distribution of**
39 **local sales tax in sections 66.600 to 66.630 shall not receive any amount**
40 **of moneys to which the city, town, village, or county would otherwise**
41 **be entitled to receive to the extent that the municipality receives more**
42 **than thirty percent of its annual general operating revenue from fines,**
43 **bond forfeiture, and court costs for traffic violations, including any**
44 **amended charges from any traffic violation, occurring within the city,**
45 **town, village, or county. Such local sales tax revenues shall remain in**
46 **the county sales tax trust fund and shall be distributed annually to the**
47 **cities, towns, villages, and counties not prohibited from receiving the**
48 **funds under this subsection in the same manner that sales tax revenues**
49 **collected under sections 66.600 to 66.630 are distributed. Beginning**
50 **January 1, 2016, the above percentages shall be reduced from thirty**
51 **percent to twenty percent and beginning January 1, 2017, the above**
52 **percentages shall be reduced from twenty percent to ten percent. If any**
53 city, town, village, or county disputes a determination that it has received excess

54 revenues required to be sent to the department of revenue **or sales tax**
55 **proceeds that must remain in the county sales tax trust fund**, such city,
56 town, village, or county may submit to an annual audit by the state auditor under
57 the authority of Article IV, Section 13 of the Missouri Constitution. An
58 accounting of the **total revenues from fines, bond forfeitures, and court**
59 **costs for traffic violations, including amended charges from any traffic**
60 **violation, occurring within the city, town, village, or county and the**
61 percent of annual general operating revenue from fines, **bond forfeitures**, and
62 court costs for traffic violations, including amended charges from any charged
63 traffic violation, occurring within the city, town, village, or county and charged
64 in the municipal court of that city, town, village, or county shall be included as
65 **an addendum to [in]** the comprehensive annual financial report submitted to
66 the state auditor by the city, town, village, or county under section
67 105.145. **Upon receipt of the addendum as described above, the auditor**
68 **shall notify any city, town, village, or county required to remit excess**
69 **revenues according to the terms of this section that such city, town,**
70 **village, or county must remit excess revenues to the director of the**
71 **department of revenue within sixty days and shall notify the director**
72 **of the department of revenue of the same.** Any city, town, village, or county
73 which fails to make an accurate or timely report, or to send excess revenues from
74 such violations to the director of the department of revenue by the date on which
75 the report is due to the state auditor shall suffer an immediate loss of jurisdiction
76 of the municipal court of said city, town, village, or county on all traffic-related
77 charges until all requirements of this section are satisfied. **For purposes of**
78 **this section, "annual general operating revenue" means revenue that**
79 **can be used to pay any bill or obligation of a city, town, village, county,**
80 **or other political subdivision, including general sales tax, general use**
81 **tax, general property tax, fees from licenses and permits, fines, bond**
82 **forfeitures, and penalties. Annual general operating revenue does not**
83 **include designated sales or use taxes, user fees, grant funds, or other**
84 **revenue designated for a specific purpose.** Any rule or portion of a rule, as
85 that term is defined in section 536.010, that is created under the authority
86 delegated in this section shall become effective only if it complies with and is
87 subject to all of the provisions of chapter 536 and, if applicable, section
88 536.028. This section and chapter 536 are nonseverable and if any of the powers
89 vested with the general assembly under chapter 536 to review, to delay the

90 effective date, or to disapprove and annul a rule are subsequently held
91 unconstitutional, then the grant of rulemaking authority and any rule proposed
92 or adopted after August 28, 2009, shall be invalid and void.

93 **3. All revenue from fines and court costs for traffic violations,**
94 **including amended charges from any traffic violation, occurring on the**
95 **interstate highway system within the city, town, village, or county,**
96 **shall be sent to the director of the department of revenue and shall be**
97 **distributed annually to the schools of the county in the same manner**
98 **that proceeds of all penalties, forfeitures, and fines collected for any**
99 **breach of the penal laws of the state are distributed. The director of**
100 **the department of revenue shall set forth by rule a procedure whereby**
101 **such revenues as set forth in this section shall be sent to the**
102 **department of revenue.**

103 **4. Any city, town, or village found to have failed to remit excess**
104 **revenues to the director of the department of revenue under the terms**
105 **of subsection 2 of this section:**

106 **(1) Shall not receive any amount of moneys to which the city,**
107 **town, village, or county would otherwise be entitled to receive from**
108 **revenues from the tax imposed by sections 66.600 to 66.630 and sections**
109 **144.010 to 144.430 to the extent that the municipality failed to remit**
110 **excess revenues to the director of the department of revenue. Such**
111 **local sales tax revenues shall be sent to the director of the department**
112 **of revenue and shall be distributed annually to the schools of the**
113 **county in the same manner that proceeds of all penalties, forfeitures,**
114 **and fines collected for any breach of the penal laws of the state are**
115 **distributed; and**

116 **(2) Shall have an election upon the question of disincorporation**
117 **according to the following procedure:**

118 **(a) The election upon the question of disincorporation of such**
119 **city, town, or village shall be held on the next general election day, as**
120 **defined by section 115.121;**

121 **(b) The director of the department of revenue shall notify the**
122 **election authorities responsible for conducting the election according**
123 **to the terms of section 115.125 and the county governing body in which**
124 **the city, town, or village is located not later than 5:00 p.m. on the tenth**
125 **Tuesday prior to the election;**

126 **(c) The question shall be submitted to the voters of such city,**

127 town, or village in substantially the following form:

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

129 **Shall the town of be dissolved?**

130 **Shall the village of be dissolved?**

131 **(d) Upon notification by the state auditor, the county governing**
132 **body in which the city, town, or village is located shall give notice of**
133 **the election for eight consecutive weeks prior to the election by**
134 **publication in a newspaper of general circulation published in the city,**
135 **town, or village, or if there is no such newspaper in the city, town, or**
136 **village, then in the newspaper in the county published nearest the city,**
137 **town, or village; and**

138 **(e) Upon the affirmative vote of sixty percent of those persons**
139 **voting on the question, the county governing body shall disincorporate**
140 **the city, town, or village.**

✓

Bill

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