

FIRST REGULAR SESSION
[P E R F E C T E D]
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 5
98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHMITT.

Offered February 10, 2015.

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Taken up for Perfection February 10, 2015. Bill declared Perfected and Ordered Printed, as amended.

ADRIANE D. CROUSE, Secretary.

0455S.09P

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Section A. Section 302.341, RSMo, is repealed and one new section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. **For purposes of this section, the following terms**
2 **mean:**

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

14 (2) "Traffic violation", a moving violation as defined in section
15 302.010, a violation of the traffic ordinances of a city, town, village, or

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

16 **county, or a violation of the state vehicle laws.**

17 2. If a Missouri resident charged with a moving [traffic] violation as
18 **defined in section 302.010** of this state or any county or municipality of this
19 state fails to dispose of the charges of which the resident is accused through
20 authorized prepayment of fine and court costs and fails to appear on the return
21 date or at any subsequent date to which the case has been continued, or without
22 good cause fails to pay any fine or court costs assessed against the resident for
23 any such violation within the period of time specified or in such installments as
24 approved by the court or as otherwise provided by law, any court having
25 jurisdiction over the charges shall within ten days of the failure to comply inform
26 the defendant by ordinary mail at the last address shown on the court records
27 that the court will order the director of revenue to suspend the defendant's
28 driving privileges if the charges are not disposed of and fully paid within thirty
29 days from the date of mailing. Thereafter, if the defendant fails to timely act to
30 dispose of the charges and fully pay any applicable fines and court costs, the
31 court shall notify the director of revenue of such failure and of the pending
32 charges against the defendant. Upon receipt of this notification, the director
33 shall suspend the license of the driver, effective immediately, and provide notice
34 of the suspension to the driver at the last address for the driver shown on the
35 records of the department of revenue. Such suspension shall remain in effect
36 until the court with the subject pending charge requests setting aside the
37 noncompliance suspension pending final disposition, or satisfactory evidence of
38 disposition of pending charges and payment of fine and court costs, if applicable,
39 is furnished to the director by the individual. The filing of financial
40 responsibility with the bureau of safety responsibility, department of revenue,
41 shall not be required as a condition of reinstatement of a driver's license
42 suspended solely under the provisions of this section.

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

52 director of the department of revenue shall set forth by rule a procedure whereby
53 excess revenues as set forth above shall be sent to the department of
54 revenue. **Any city, town, or village that participates in the distribution**
55 **of local sales tax in sections 66.600 to 66.630 shall not receive any**
56 **amount of moneys to which the city, town, or village would otherwise**
57 **be entitled to receive to the extent that the municipality receives more**
58 **than thirty percent of its annual general operating revenue from fines,**
59 **bond forfeiture, and court costs for traffic violations, including any**
60 **amended charges from any traffic violation, occurring within the city,**
61 **town, or village. Such local sales tax revenues shall remain in the**
62 **county sales tax trust fund and shall be distributed annually to the**
63 **cities, towns, or villages not prohibited from receiving the funds under**
64 **this subsection in the same manner that sales tax revenues collected**
65 **under sections 66.600 to 66.630 are distributed. Beginning January 1,**
66 **2016, the above percentages shall be reduced from thirty percent to**
67 **twenty percent and beginning January 1, 2017, the above percentages**
68 **shall be reduced from twenty percent to ten percent, unless any city,**
69 **town, or village has a fiscal year beginning on any date other than**
70 **January first, in which case such reductions shall begin on the first day**
71 **of the immediately following fiscal year except that any fourth class**
72 **city or village not within a first class county or charter county as**
73 **defined on December 31, 2012 shall remain at twenty percent. If any**
74 **city, town, or village[, or county] disputes a determination that it has received**
75 **excess revenues required to be sent to the department of revenue or sales tax**
76 **proceeds that must remain in the county sales tax trust fund, such city,**
77 **town, or village[, or county] may submit to an annual audit by the state auditor**
78 **under the authority of Article IV, Section 13 of the Missouri Constitution. An**
79 **accounting of the total revenues from fines, bond forfeitures, and court**
80 **costs for traffic violations, including amended charges from any traffic**
81 **violation, occurring within the city, town, or village and the percent of**
82 **annual general operating revenue from fines, bond forfeitures, and court costs**
83 **for traffic violations, including amended charges from any charged traffic**
84 **violation, occurring within the city, town, or village[, or county] and charged in**
85 **the municipal court of that city, town, or village[, or county] shall be included as**
86 **an addendum to [in] the [comprehensive] annual financial report submitted to**
87 **the state auditor by the city, town, or village[, or county] under section**

88 105.145. **Upon receipt of the addendum as described above, the auditor**
89 **shall notify any city, town, or village required to remit excess revenues**
90 **according to the terms of this section that such city, town, or village**
91 **shall remit excess revenues to the director of the department of**
92 **revenue within sixty days and shall notify the director of the**
93 **department of revenue of the same.** Any city, town, or village[, or county]
94 which fails to make an accurate or timely report, or to send excess revenues from
95 such violations to the director of the department of revenue by the date on which
96 the report is due to the state auditor shall suffer an immediate loss of jurisdiction
97 of the municipal court of said city, town, or village[, or county] on all
98 traffic-related charges until all requirements of this section are satisfied. Any
99 rule or portion of a rule, as that term is defined in section 536.010, that is created
100 under the authority delegated in this section shall become effective only if it
101 complies with and is subject to all of the provisions of chapter 536 and, if
102 applicable, section 536.028. This section and chapter 536 are nonseverable and
103 if any of the powers vested with the general assembly under chapter 536 to
104 review, to delay the effective date, or to disapprove and annul a rule are
105 subsequently held unconstitutional, then the grant of rulemaking authority and
106 any rule proposed or adopted after August 28, 2009, shall be invalid and void.

107 **4. All revenue above five percent of annual general operating**
108 **revenue of any city, town, or village from fines, bond forfeitures, and**
109 **court costs for traffic violations, including amended charges from any**
110 **traffic violation, occurring on the interstate highway system that would**
111 **otherwise be considered annual general operating revenue within the**
112 **city, town, or village, shall be sent to the director of the department of**
113 **revenue and shall be distributed annually to the schools of the county**
114 **in the same manner that proceeds of all penalties, forfeitures, and fines**
115 **collected for any breach of the penal laws of the state are**
116 **distributed. The director of the department of revenue shall set forth**
117 **by rule a procedure whereby such revenues as set forth in this section**
118 **shall be sent to the department of revenue.**

119 **5. Any city, town, or village found to have failed to remit excess**
120 **revenues to the director of the department of revenue under the terms**
121 **of subsection 3 of this section:**

122 **(1) Shall not receive any amount of moneys to which the city,**
123 **town, or village would otherwise be entitled to receive from revenues**

124 from local sales tax as defined in section 32.085 to the extent that the
125 municipality failed to remit excess revenues to the director of the
126 department of revenue. Such local sales tax revenues shall be sent to
127 the director of the department of revenue and shall be distributed
128 annually to the schools of the county in the same manner that proceeds
129 of all penalties, forfeitures, and fines collected for any breach of the
130 penal laws of the state are distributed; and

131 (2) Shall have an election upon the question of disincorporation
132 according to the following procedure:

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

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

141 (c) The question shall be submitted to the voters of such city,
142 town, or village in substantially the following form:

143 The city/town/village of has kept more revenue
144 from fines, bond forfeitures, and court costs for traffic
145 violations than is permitted by state law. Shall the
146 city/town/village of be dissolved?

147 (d) Upon notification by the state auditor, the county governing
148 body in which the city, town, or village is located shall give notice of
149 the election for eight consecutive weeks prior to the election by
150 publication in a newspaper of general circulation published in the city,
151 town, or village, or if there is no such newspaper in the city, town, or
152 village, then in the newspaper in the county published nearest the city,
153 town, or village; and

154 (e) Upon the affirmative vote of sixty percent of those persons
155 voting on the question, the county governing body shall disincorporate
156 the city, town, or village.

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