

## SENATE SUBSTITUTE

FOR

## SENATE COMMITTEE SUBSTITUTE

FOR

## SENATE BILL NO. 553

## AN ACT

To repeal sections 67.398, 67.410, 143.783, 302.321, 302.341, 347.048, 479.020, 479.350, 479.353, 479.359, and 479.360, RSMo, and to enact in lieu thereof eleven new sections relating to local government, with existing penalty provisions.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,  
AS FOLLOWS:

1           Section A. Sections 67.398, 67.410, 143.783, 302.321,  
2   302.341, 347.048, 479.020, 479.350, 479.353, 479.359, and  
3   479.360, RSMo, are repealed and eleven new sections enacted in  
4   lieu thereof, to be known as sections 67.398, 67.410, 143.783,  
5   302.321, 302.341, 347.048, 479.020, 479.350, 479.353, 479.359,  
6   and 479.360, to read as follows:

7           67.398. 1. The governing body of any city or village, or  
8   any county having a charter form of government, or any county of  
9   the first classification that contains part of a city with a  
10   population of at least three hundred thousand inhabitants, may  
11   enact ordinances to provide for the abatement of a condition of  
12   any lot or land that has the presence of a nuisance including,  
13   but not limited to, debris of any kind, weed cuttings, cut,  
14   fallen, or hazardous trees and shrubs, overgrown vegetation and  
15   noxious weeds which are seven inches or more in height, rubbish  
16   and trash, lumber not piled or stacked twelve inches off the

1 ground, rocks or bricks, tin, steel, parts of derelict cars or  
2 trucks, broken furniture, any flammable material which may  
3 endanger public safety or any material or condition which is  
4 unhealthy or unsafe and declared to be a public nuisance.

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

10 3. Any ordinance authorized by this section shall provide  
11 for service to the owner of the property [and, if the property is  
12 not owner-occupied, to any occupant of the property] of a written  
13 notice specifically describing each condition of the lot or land  
14 declared to be a public nuisance, and which notice shall identify  
15 what action will remedy the public nuisance. Unless a condition  
16 presents an immediate, specifically identified risk to the public  
17 health or safety, the notice shall provide a reasonable time, not  
18 less than ten days, in which to abate or commence removal of each  
19 condition identified in the notice. Written notice may be given  
20 by personal service or by first-class mail to [both the occupant  
21 of the property at the property address and] the owner at the  
22 last known address of the owner[, if not the same]. Upon a  
23 failure of the owner to pursue the removal or abatement of such  
24 nuisance without unnecessary delay, the building commissioner or  
25 designated officer may cause the condition which constitutes the  
26 nuisance to be removed or abated. If the building commissioner  
27 or designated officer causes such condition to be removed or  
28 abated, the cost of such removal or abatement and the proof of

1 notice to the owner of the property shall be certified to the  
2 city clerk or officer in charge of finance who shall cause the  
3 certified cost to be included in a special tax bill or added to  
4 the annual real estate tax bill, at the collecting official's  
5 option, for the property and the certified cost shall be  
6 collected by the city collector or other official collecting  
7 taxes in the same manner and procedure for collecting real estate  
8 taxes. If the certified cost is not paid, the tax bill shall be  
9 considered delinquent, and the collection of the delinquent bill  
10 shall be governed by the laws governing delinquent and back  
11 taxes. The tax bill from the date of its issuance shall be  
12 deemed a personal debt against the owner and shall also be a lien  
13 on the property from the date the tax bill is delinquent until  
14 paid.

15 67.410. 1. Except as provided in subsection 3 of this  
16 section, any ordinance enacted pursuant to section 67.400 shall:

17 (1) Set forth those conditions detrimental to the health,  
18 safety or welfare of the residents of the city, town, village, or  
19 county the existence of which constitutes a nuisance;

20 (2) Provide for duties of inspectors with regard to such  
21 buildings or structures and shall provide for duties of the  
22 building commissioner or designated officer or officers to  
23 supervise all inspectors and to hold hearings regarding such  
24 buildings or structures;

25 (3) Provide for service of adequate notice of the  
26 declaration of nuisance, which notice shall specify that the  
27 property is to be vacated, if such be the case, reconditioned or  
28 removed, listing a reasonable time for commencement; and may

1 provide that such notice be served either by personal service  
2 [or], by certified mail, return receipt requested, or by a  
3 private delivery service, which is substantially equivalent to  
4 certified mail, but if service cannot be had by either of these  
5 modes of service, then service may be had by publication. The  
6 ordinances shall further provide that the owner, occupant,  
7 lessee, mortgagee, agent, and all other persons having an  
8 interest in the building or structure as shown by the land  
9 records of the recorder of deeds of the county wherein the land  
10 is located shall be made parties;

11 (4) Provide that upon failure to commence work of  
12 reconditioning or demolition within the time specified or upon  
13 failure to proceed continuously with the work without unnecessary  
14 delay, the building commissioner or designated officer or  
15 officers shall call and have a full and adequate hearing upon the  
16 matter, giving the affected parties at least ten days' written  
17 notice of the hearing. Any party may be represented by counsel,  
18 and all parties shall have an opportunity to be heard. After the  
19 hearings, if the evidence supports a finding that the building or  
20 structure is a nuisance or detrimental to the health, safety, or  
21 welfare of the residents of the city, town, village, or county,  
22 the building commissioner or designated officer or officers shall  
23 issue an order making specific findings of fact, based upon  
24 competent and substantial evidence, which shows the building or  
25 structure to be a nuisance and detrimental to the health, safety,  
26 or welfare of the residents of the city, town, village, or county  
27 and ordering the building or structure to be demolished and  
28 removed, or repaired. If the evidence does not support a finding

1 that the building or structure is a nuisance or detrimental to  
2 the health, safety, or welfare of the residents of the city,  
3 town, village, or county, no order shall be issued;

4 (5) Provide that if the building commissioner or other  
5 designated officer or officers issue an order whereby the  
6 building or structure is demolished, secured, or repaired, or the  
7 property is cleaned up, the cost of performance shall be  
8 certified to the city clerk or officer in charge of finance, who  
9 shall cause a special tax bill or assessment therefor against the  
10 property to be prepared and collected by the city collector or  
11 other official collecting taxes, unless the building or structure  
12 is demolished, secured or repaired by a contractor pursuant to an  
13 order issued by the city, town, village, or county and such  
14 contractor files a mechanic's lien against the property where the  
15 dangerous building is located. The contractor may enforce this  
16 lien as provided in sections 429.010 to 429.360. Except as  
17 provided in subsection 3 of this section, at the request of the  
18 taxpayer the tax bill may be paid in installments over a period  
19 of not more than ten years. The tax bill from date of its  
20 issuance shall be deemed a personal debt against the property  
21 owner and shall also be a lien on the property until paid. A  
22 city not within a county or a city with a population of at least  
23 four hundred thousand located in more than one county,  
24 notwithstanding any charter provision to the contrary, may, by  
25 ordinance, provide that upon determination by the city that a  
26 public benefit will be gained the city may discharge the special  
27 tax bill, including the costs of tax collection, accrued interest  
28 and attorneys fees, if any.

1           2. If there are proceeds of any insurance policy based upon  
2 a covered claim payment made for damage or loss to a building or  
3 other structure caused by or arising out of any fire, explosion,  
4 or other casualty loss, the ordinance may establish a procedure  
5 for the payment of up to twenty-five percent of the insurance  
6 proceeds, as set forth in this subsection. The order or  
7 ordinance shall apply only to a covered claim payment which is in  
8 excess of fifty percent of the face value of the policy covering  
9 a building or other structure:

10           (1) The insurer shall withhold from the covered claim  
11 payment up to twenty-five percent of the covered claim payment,  
12 and shall pay such moneys to the city to deposit into an  
13 interest-bearing account. Any named mortgagee on the insurance  
14 policy shall maintain priority over any obligation under the  
15 order or ordinance;

16           (2) The city or county shall release the proceeds and any  
17 interest which has accrued on such proceeds received under  
18 subdivision (1) of this subsection to the insured or as the terms  
19 of the policy and endorsements thereto provide within thirty days  
20 after receipt of such insurance moneys, unless the city or county  
21 has instituted legal proceedings under the provisions of  
22 subdivision (5) of subsection 1 of this section. If the city or  
23 county has proceeded under the provisions of subdivision (5) of  
24 subsection 1 of this section, all moneys in excess of that  
25 necessary to comply with the provisions of subdivision (5) of  
26 subsection 1 of this section for the removal, securing, repair  
27 and cleanup of the building or structure, and the lot on which it  
28 is located, less salvage value, shall be paid to the insured;

1           (3) If there are no proceeds of any insurance policy as set  
2 forth in this subsection, at the request of the taxpayer, the tax  
3 bill may be paid in installments over a period of not more than  
4 ten years. The tax bill from date of its issuance shall be a  
5 lien on the property until paid;

6           (4) This subsection shall apply to fire, explosion, or  
7 other casualty loss claims arising on all buildings and  
8 structures;

9           (5) This subsection does not make the city or county a  
10 party to any insurance contract, and the insurer is not liable to  
11 any party for any amount in excess of the proceeds otherwise  
12 payable under its insurance policy.

13           3. The governing body of any city not within a county and  
14 the governing body of any city with a population of three hundred  
15 fifty thousand or more inhabitants which is located in more than  
16 one county may enact their own ordinances pursuant to section  
17 67.400 and are exempt from subsections 1 and 2 of this section.

18           4. Notwithstanding the provisions of section 82.300, any  
19 city may prescribe and enforce and collect fines and penalties  
20 for a breach of any ordinance enacted pursuant to section 67.400  
21 or this section and to punish the violation of such ordinance by  
22 a fine or imprisonment, or by both fine and imprisonment. Such  
23 fine may not exceed one thousand dollars, unless the owner of the  
24 property is not also a resident of the property, then such fine  
25 may not exceed two thousand dollars.

26           5. The ordinance may also provide that a city not within a  
27 county or a city with a population of at least three hundred  
28 fifty thousand located in more than one county may seek to

1 recover the cost of demolition prior to the occurrence of  
2 demolition, as described in this subsection. The ordinance may  
3 provide that if the building commissioner or other designated  
4 officer or officers issue an order whereby the building or  
5 structure is ordered to be demolished, secured or repaired, and  
6 the owner has been given an opportunity for a hearing to contest  
7 such order, then the building commissioner or other designated  
8 officer or officers may solicit no less than two independent bids  
9 for such demolition work. The amount of the lowest bid,  
10 including offset for salvage value, if any, plus reasonable  
11 anticipated costs of collection, including attorney's fees, shall  
12 be certified to the city clerk or officer in charge of finance,  
13 who shall cause a special tax bill to be issued against the  
14 property owner to be prepared and collected by the city collector  
15 or other official collecting taxes. The municipal clerk or other  
16 officer in charge of finance shall discharge the special tax bill  
17 upon documentation by the property owner of the completion of the  
18 ordered repair or demolition work. Upon determination by the  
19 municipal clerk or other officer in charge of finance that a  
20 public benefit is secured prior to payment of the special tax  
21 bill, the municipal clerk or other officer in charge of finance  
22 may discharge the special tax bill upon the transfer of the  
23 property. The payment of the special tax bill shall be held in  
24 an interest-bearing account. Upon full payment of the special  
25 tax bill, the building commissioner or other designated officer  
26 or officers shall, within one hundred twenty days thereafter,  
27 cause the ordered work to be completed, and certify the actual  
28 cost thereof, including the cost of tax bill collection and



1 attorney's fees, to the city clerk or other officer in charge of  
2 finance who shall, if the actual cost differs from the paid  
3 amount by greater than two percent of the paid amount, refund the  
4 excess payment, if any, to the payor, or if the actual amount is  
5 greater, cause a special tax bill or assessment for the  
6 difference against the property to be prepared and collected by  
7 the city collector or other official collecting taxes. If the  
8 building commissioner or other designated officer or officers  
9 shall not, within one hundred twenty days after full payment,  
10 cause the ordered work to be completed, then the full amount of  
11 the payment, plus interest, shall be repaid to the payor. Except  
12 as provided in subsection 2 of this section, at the request of  
13 the taxpayer the tax bill for the difference may be paid in  
14 installments over a period of not more than ten years. The tax  
15 bill for the difference from the date of its issuance shall be  
16 deemed a personal debt against the property owner and shall also  
17 be a lien on the property until paid.

18 143.783. 1. Any state agency or court pursuant to  
19 subdivision (5) of section 479.353 may submit to the department  
20 any debt in excess of twenty-five dollars for collection through  
21 setoff, under the procedure established by sections 143.782 to  
22 143.788, except in cases where such collection would result in a  
23 loss of federal funds or federal assistance.

24 2. Upon request of any state agency or court, the  
25 department shall set off any refund, as defined in section  
26 143.782, against the sum certified by that state agency or court  
27 as provided in sections 143.782 to 143.788 provided that the  
28 department shall not be required to set off any refund if the

1 cost of the determination of the refund exceeds the amount of the  
2 refund.

3 3. The department has priority, pursuant to section  
4 143.781, over every other state agency or court for collection by  
5 setoff under sections 143.782 to 143.788.

6 4. The collection remedy authorized by sections 143.782 to  
7 143.788 is in addition to and not in substitution for any other  
8 remedy available by law.

9 302.321. 1. A person commits the offense of driving while  
10 revoked if such person operates a motor vehicle on a highway when  
11 such person's license or driving privilege has been cancelled,  
12 suspended, or revoked under the laws of this state or any other  
13 state, excluding a person whose license is suspended solely  
14 pursuant to section 302.341, and acts with criminal negligence  
15 with respect to knowledge of the fact that such person's driving  
16 privilege has been cancelled, suspended, or revoked.

17 2. Any person convicted of driving while revoked is guilty  
18 of a misdemeanor. A first violation of this section shall be  
19 punishable as a class D misdemeanor. A second or third violation  
20 of this section shall be punishable as a class A misdemeanor.  
21 Any person with no prior alcohol-related enforcement contacts as  
22 defined in section 302.525, convicted a fourth or subsequent time  
23 of driving while revoked or a county or municipal ordinance of  
24 driving while suspended or revoked where the defendant was  
25 represented by or waived the right to an attorney in writing, and  
26 where the prior three driving-while-revoked offenses occurred  
27 within ten years of the date of occurrence of the present  
28 offense; and any person with a prior alcohol-related enforcement

1 contact as defined in section 302.525, convicted a third or  
2 subsequent time of driving while revoked or a county or municipal  
3 ordinance of driving while suspended or revoked where the  
4 defendant was represented by or waived the right to an attorney  
5 in writing, and where the prior two driving-while-revoked  
6 offenses occurred within ten years of the date of occurrence of  
7 the present offense and where the person received and served a  
8 sentence of ten days or more on such previous offenses is guilty  
9 of a class E felony. Except upon conviction as a first offense,  
10 no court shall suspend the imposition of sentence as to such a  
11 person nor sentence such person to pay a fine in lieu of a term  
12 of imprisonment, nor shall such person be eligible for parole or  
13 probation until such person has served a minimum of forty-eight  
14 consecutive hours of imprisonment, unless as a condition of such  
15 parole or probation, such person performs at least ten days  
16 involving at least forty hours of community service under the  
17 supervision of the court in those jurisdictions which have a  
18 recognized program for community service. Driving while revoked  
19 is a class E felony on the second or subsequent conviction  
20 pursuant to section 577.010 or a fourth or subsequent conviction  
21 for any other offense. Prior pleas of guilty and prior findings  
22 of guilty shall be pleaded and proven in the same manner as  
23 required by section 558.021.

24 3. A person who operates a motor vehicle while such  
25 person's license is suspended solely pursuant to section 302.341  
26 shall be deemed to not have a valid license pursuant to section  
27 302.020.

28 302.341. 1. If a Missouri resident charged with a moving

1 traffic violation of this state or any county or municipality of  
2 this state fails to dispose of the charges of which the resident  
3 is accused through authorized prepayment of fine and court costs  
4 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  
6 to pay any fine or court costs assessed against the resident for  
7 any such violation within the period of time specified or in such  
8 installments as approved by the court or as otherwise provided by  
9 law, any court having jurisdiction over the charges shall within  
10 ten days of the failure to comply inform the defendant by  
11 ordinary mail at the last address shown on the court records that  
12 the court will order the director of revenue to suspend the  
13 defendant's driving privileges if the charges are not disposed of  
14 and fully paid within thirty days from the date of mailing.  
15 Thereafter, if the defendant fails to timely act to dispose of  
16 the charges and fully pay any applicable fines and court costs,  
17 the court shall notify the director of revenue of such failure  
18 and of the pending charges against the defendant. Upon receipt  
19 of this notification, the director shall suspend the license of  
20 the driver, effective immediately, and provide notice of the  
21 suspension to the driver at the last address for the driver shown  
22 on the records of the department of revenue. Such suspension  
23 shall remain in effect until the court with the subject pending  
24 charge requests setting aside the noncompliance suspension  
25 pending final disposition, or satisfactory evidence of  
26 disposition of pending charges and payment of fine and court  
27 costs, if applicable, is furnished to the director by the  
28 individual. 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.

2. Except as provided in subdivision (5) of section 479.353, the provisions of subsection 1 of this section shall not apply to minor traffic violations as defined in section 479.350.

347.048. 1. (1) Any limited liability company that owns and rents or leases real property, or owns unoccupied real property, located within:

(a) Any home rule city with a population of more than four hundred thousand inhabitants which is located in more than one county; [or]

(b) Any home rule city with more than one hundred sixteen thousand but fewer than one hundred fifty-five thousand inhabitants; or

(c) Any home rule city with more than one hundred fifty-five thousand but fewer than two hundred thousand inhabitants;

shall file with that city's clerk an affidavit listing the name and street address of at least one natural person who has management control and responsibility for the real property owned and leased or rented by the limited liability company, or owned by the limited liability company and unoccupied.

(2) Within thirty days following the cessation of management control and responsibility of any natural person named in an affidavit described in this section, the limited liability company shall file a successor affidavit listing the name and street address of a natural person successor.

1           2. No limited liability company shall be charged a fee for  
2 filing an affidavit or successor affidavit required under this  
3 section.

4           3. If a limited liability company required by this section  
5 to file an affidavit or a successor affidavit fails or refuses to  
6 file such completed affidavit with the appropriate clerk, any  
7 person who is adversely affected by the failure or refusal or the  
8 home rule city may petition the circuit court in the county where  
9 the property is located to direct the execution and filing of  
10 such document.

11           479.020. 1. Any city, town or village, including those  
12 operating under a constitutional or special charter, may, and  
13 cities with a population of four hundred thousand or more shall,  
14 provide by ordinance or charter for the selection, tenure and  
15 compensation of a municipal judge or judges consistent with the  
16 provisions of this chapter who shall have original jurisdiction  
17 to hear and determine all violations against the ordinances of  
18 the municipality. The method of selection of municipal judges  
19 shall be provided by charter or ordinance. Each municipal judge  
20 shall be selected for a term of not less than two years as  
21 provided by charter or ordinance.

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

25           3. No person shall serve as a municipal judge of any  
26 municipality with a population of seven thousand five hundred or  
27 more or of any municipality in a county of the first class with a  
28 charter form of government unless the person is licensed to

1 practice law in this state unless, prior to January 2, 1979, such  
2 person has served as municipal judge of that same municipality  
3 for at least two years.

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

9 5. Judges selected under the provisions of this section  
10 shall be municipal judges of the circuit court and shall be  
11 divisions of the circuit court of the circuit in which the  
12 municipality, or major geographical portion thereof, is located.  
13 The judges of these municipal divisions shall be subject to the  
14 rules of the circuit court which are not inconsistent with the  
15 rules of the supreme court. The presiding judge of the circuit  
16 shall have general administrative authority over the judges and  
17 court personnel of the municipal divisions within the circuit.

18 6. No municipal judge shall hold any other office in the  
19 municipality which the municipal judge serves as judge. The  
20 compensation of any municipal judge and other court personnel  
21 shall not be dependent in any way upon the number of cases tried,  
22 the number of guilty verdicts reached or the amount of fines  
23 imposed or collected.

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

27 8. Within six months after selection for the position, each  
28 municipal judge who is not licensed to practice law in this state

1 shall satisfactorily complete the course of instruction for  
2 municipal judges prescribed by the supreme court. The state  
3 courts administrator shall certify to the supreme court the names  
4 of those judges who satisfactorily complete the prescribed  
5 course. If a municipal judge fails to complete satisfactorily  
6 the prescribed course within six months after the municipal  
7 judge's selection as municipal judge, the municipal judge's  
8 office shall be deemed vacant and such person shall not  
9 thereafter be permitted to serve as a municipal judge, nor shall  
10 any compensation thereafter be paid to such person for serving as  
11 municipal judge.

12 [9. No municipal judge shall serve as a municipal judge in  
13 more than five municipalities at one time.]

14 479.350. For purposes of sections 479.350 to 479.372, the  
15 following terms mean:

16 (1) "Annual general operating revenue", revenue that can be  
17 used to pay any bill or obligation of a county, city, town, or  
18 village, including general sales tax; general use tax; general  
19 property tax; fees from licenses and permits; unrestricted user  
20 fees; fines, court costs, bond forfeitures, and penalties.

21 Annual general operating revenue does not include revenues  
22 designated by the Missouri Constitution, state statute, or  
23 federal law for a specific purpose, including designated sales or  
24 use taxes; restricted user fees; grant funds; funds expended by a  
25 political subdivision for technological assistance in collecting,  
26 storing, and disseminating criminal history record information  
27 and facilitating criminal identification activities for the  
28 purpose of sharing criminal justice-related information among



1 political subdivisions; or other revenue designated for a  
2 specific purpose;

3 (2) "Court costs", costs, fees, or surcharges which are  
4 retained by a county, city, town, or village upon a finding of  
5 guilty or plea of guilty, and shall exclude any costs, fees, or  
6 surcharges disbursed to the state or other entities by a county,  
7 city, town, or village and any certified costs, not including  
8 fines added to the annual real estate tax bill or a special tax  
9 bill under section 67.398, 67.402, or 67.451;

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

21 (4) "Municipal ordinance violation", a municipal or county  
22 ordinance violation prosecuted for which penalties are authorized  
23 by statute under sections 64.160, 64.200, 64.295, 64.487, 64.690,  
24 64.895, 67.398, 71.285, 89.120, and 89.490. Municipal ordinance  
25 violation shall include amended charges for municipal ordinance  
26 violations.

27 479.353. Notwithstanding any provisions to the contrary,  
28 the following conditions shall apply to minor traffic violations

1 and municipal ordinance violations:

2 (1) [The court shall not assess a fine, if combined with  
3 the amount of court costs, totaling in excess of:

4 (a) Two hundred twenty-five dollars for minor traffic  
5 violations; and

6 (b) For municipal ordinance violations committed within a  
7 twelve-month period beginning with the first violation: two  
8 hundred dollars for the first municipal ordinance violation, two  
9 hundred seventy-five dollars for the second municipal ordinance  
10 violation, three hundred fifty dollars for the third municipal  
11 ordinance violation, and four hundred fifty dollars for the  
12 fourth and any subsequent municipal ordinance violations;

13 (2)] The court shall not sentence a person to confinement,  
14 except the court may sentence a person to confinement for any  
15 violation involving alcohol or controlled substances, violations  
16 endangering the health or welfare of others, or eluding or giving  
17 false information to a law enforcement officer;

18 [(3)] (2) A person shall not be placed in confinement for  
19 failure to pay a fine unless such nonpayment violates terms of  
20 probation or unless the due process procedures mandated by  
21 Missouri supreme court rule 37.65 or its successor rule are  
22 strictly followed by the court;

23 [(4)] (3) Court costs that apply shall be assessed against  
24 the defendant unless the court finds that the defendant is  
25 indigent based on standards set forth in determining such by the  
26 presiding judge of the circuit. Such standards shall reflect  
27 model rules and requirements to be developed by the supreme  
28 court; [and]

1            [(5)] (4) No court costs shall be assessed if the defendant  
2 is found to be indigent under subdivision [(4)] (3) of this  
3 section or if the case is dismissed; and

4            (5) In the event a person charged with a minor traffic  
5 violation or municipal ordinance violation fails to appear in  
6 court after having been summoned to appear, and if the court  
7 finds that there is not good cause for such nonappearance, then  
8 the court may:

9            (a) Order the director of the department of revenue to  
10 suspend the defendant's driving privileges, in accordance with  
11 subsection 302.341;

12            (b) Assess a civil penalty, and upon failure to pay such  
13 penalty, the court may submit the debt to the department of  
14 revenue for collection through set off against the defendant's  
15 Missouri income tax refund, in accordance with section 143.783;  
16 or

17            (c) Order the defendant to complete a period of community  
18 service.

19            479.359. 1. Every county, city, town, and village shall  
20 annually calculate the percentage of its annual general operating  
21 revenue received from fines, bond forfeitures, and court costs  
22 for municipal ordinance violations and minor traffic violations,  
23 including amended charges for any municipal ordinance violations  
24 and minor traffic violations, whether the violation was  
25 prosecuted in municipal court, associate circuit court, or  
26 circuit court, occurring within the county, city, town, or  
27 village. If the percentage is more than thirty percent, the  
28 excess amount shall be sent to the director of the department of

1 revenue. The director of the department of revenue shall set  
2 forth by rule a procedure whereby excess revenues as set forth in  
3 this section shall be sent to the department of revenue. The  
4 department of revenue shall distribute these moneys annually to  
5 the schools of the county in the same manner that proceeds of all  
6 fines collected for any breach of the penal laws of this state  
7 are distributed.

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

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

22 (1) Annual general operating revenue as defined in section  
23 479.350;

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

1           (3) The percent of annual general operating revenue from  
2 fines, bond forfeitures, and court costs for municipal ordinance  
3 violations and minor traffic violations occurring within the  
4 county, city, town, or village, including amended charges from  
5 any charged municipal ordinance violations and minor traffic  
6 violation, charged in the municipal court of that county, city,  
7 town, or village; and

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

12           4. On or before December 31, [2015] 2018, the state auditor  
13 shall set forth by rule a procedure for including the addendum  
14 information required by this section. The rule shall also allow  
15 reasonable opportunity for demonstration of compliance without  
16 unduly burdensome calculations by allowing any county, city,  
17 town, or village that receives from fines, bond forfeitures, and  
18 court costs in all municipal court cases during the reporting  
19 year in an amount that is less than the limit set forth in  
20 subsection 2 of this section of its annual general operating  
21 revenue to file a statement with the state auditor confirming  
22 such facts, and such statement will constitute compliance with  
23 the provisions of this section.

24           479.360. 1. Every county, city, town, and village shall  
25 file with the state auditor, together with its report due under  
26 section 105.145, its certification of its substantial compliance  
27 signed by its municipal judge with the municipal court procedures  
28 set forth in this subsection during the preceding fiscal year.

1 The procedures to be adopted and certified include the following:

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

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

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

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

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

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

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

26 (8) The municipal court makes use of alternative payment  
27 plans;

28 (9) The municipal court makes use of community service

1 alternatives [for which no associated costs are charged to the  
2 defendant]; and

3 (10) The municipal court has adopted an electronic payment  
4 system or payment by mail for the payment of minor traffic  
5 violations.

6 2. On or before December 31, [2015] 2018, the state auditor  
7 shall set forth by rule a procedure for including the addendum  
8 information required by this section. The rule shall also allow  
9 reasonable opportunity for demonstration of compliance.