

SECOND REGULAR SESSION

SENATE BILL NO. 705

89TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BANKS.

Read 1st time January 12, 1998, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

S3168.011

AN ACT

To amend chapter 302, RSMo, by adding thereto two new sections relating to the enforcement of local traffic and parking violations, with penalty provisions and an effective date.

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

Section A. Chapter 302, RSMo, is amended by adding thereto two new sections, to be known as sections 302.345 and 302.347, to read as follows:

302.345. 1. The director of revenue shall suspend the operator's license of any person failing to pay the penalty for municipal traffic or parking violations, as provided in sections 302.345 and 302.347.

2. Any municipality may provide by ordinance for the sending of a notice of impending operator's license suspension to any person who has failed to satisfy the fine or penalty imposed by final judgment for at least three violations of local traffic or parking regulations after exhaustion of judicial review procedures. An ordinance so providing shall specify that the notice sent to the person liable for any fine or penalty shall state that failure to pay the fines or penalties owing within forty-five days after the notice's date will result in the municipality notifying the state department of revenue that the person's operator's license is eligible for suspension pursuant to this section and section 302.347. The person shall also be notified that a reinstatement fee of twenty dollars will be required by the state prior to reinstatement of the operator's license. The notice of impending operator's license suspension shall be sent by first class United States mail, postage prepaid, to the most recent address recorded with the department of revenue.

3. The appropriate municipal official may notify the department of revenue of the unpaid fines or penalties by sending a certified report of such nonpayment. The report shall be certified and shall contain the following:

- (1) The name, last known address and operator's license number of the person who failed to pay the fine or penalty;**
- (2) The violations and penalties which are unpaid;**
- (3) The name of the municipality making the report pursuant to this section; and**
- (4) A statement that the municipality sent a notice of impending operator's license suspension as prescribed by this section to the person named in the report at the most recent address recorded with the department of revenue, the date on which such notice was sent, and the address to which such notice was sent.**

4. A municipality which files a certified report with the director of revenue pursuant to this section shall reimburse the state for all reasonable costs incurred by the director as a result of the filing of the report, including but not limited to the costs of providing the notice required pursuant to section 302.347 and the costs incurred by the director in any hearing conducted with respect to the report and any appeal from such a hearing.

302.347. 1. Following receipt of the certified report of the municipality as specified in section 302.345, the director of revenue shall notify the person whose name appears on the certified report that the person's operator's license will be suspended after thirty days unless the director of revenue is presented with a notice from the municipality certifying that the fines or penalties due and owing the municipality have been paid or that inclusion of that person's name on the certified report was in error. The notice shall also state that a reinstatement fee of twenty dollars must also be paid after the license has been suspended. The director's notice shall state in substance the information contained in the municipality's certified report to the director.

2. If the director has received no notice of payment or error within thirty-five days after mailing the notice under subsection 2 of this section, the person's operator's license shall be suspended indefinitely.

3. An administrative hearing to contest an impending suspension or a suspension made pursuant to this section may be had upon filing a written request with the department of revenue. The filing fee for this hearing shall be twenty dollars, to be paid at the time the request is made.

4. Any municipality making a certified report to the director of revenue pursuant to section 302.345 shall immediately notify the director, in a form prescribed by the director, whenever a person named in the certified report has paid the previously reported fine or penalty, along with the state reinstatement fee, or whenever the municipality determines that the original report was in error. No final payment shall be accepted by the municipality without the reinstatement fee for the state. A certified copy of such notification shall also be given upon request and at no additional

charge to the person named therein.

5. Upon receipt of the municipality's notification or presentation of a certified copy of such notification, along with the twenty dollar reinstatement fee, the director of revenue shall terminate the suspension. No reinstatement fee shall be required in the case of an error by the municipality.

Section B. The provisions of this act shall become effective on January 1, 1999.

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