

FIRST REGULAR SESSION

HOUSE BILL NO. 122

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE NANCE.

Pre-filed December 14, 2006 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

0704L.01I

AN ACT

To repeal section 302.341, RSMo, and to enact in lieu thereof one new section relating to revenues generated by moving traffic violations.

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Section A. Section 302.341, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 302.341, to read as follows: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 of this state or any county or municipality of this state fails to dispose of the charges of which he **or she** is accused through authorized prepayment of fine and court costs 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 assessed against him **or her** 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. 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

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 suspension shall remain in effect until the court with the subject pending charge requests setting
17 aside the noncompliance suspension pending final disposition, or satisfactory evidence of
18 disposition of pending charges and payment of fine and court costs, if applicable, is furnished
19 to the director by the individual. Upon proof of disposition of charges and payment of fine and
20 court costs, if applicable, and payment of the reinstatement fee as set forth in section 302.304,
21 the director shall reinstate the license. The filing of financial responsibility with the bureau of
22 safety responsibility, department of revenue, shall not be required as a condition of reinstatement
23 of a driver's license suspended solely under the provisions of this section. If any city, town, or
24 village receives more than [forty-five] **thirty-five** percent of its [total] annual **general operating**
25 revenue from fines **and court costs** for traffic violations occurring on state highways, all
26 revenues from such violations in excess of [forty-five] **thirty-five** percent of the [total] annual
27 **general operating** revenue of the city, town, or village shall be sent to the director of the
28 department of revenue and shall be distributed annually to the schools of the county in the same
29 manner that proceeds of all penalties, forfeitures and fines collected for any breach of the penal
30 laws of the state are distributed. For the purpose of this section the words "state highways" shall
31 mean any state or federal highway, including any such highway continuing through the
32 boundaries of a city, town or village with a designated street name other than the state highway
33 number.

34 **2. If any city, town, or village fails to send such excess revenues to the director of**
35 **the department of revenue in a timely fashion which shall be set forth by the director by**
36 **rule, such city, town, or village shall submit to an annual audit by the state auditor**
37 **pursuant to the authority of article IV, section 13 of the Missouri Constitution. Any rule**
38 **or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under**
39 **the authority delegated in this section shall become effective only if it complies with and**
40 **is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028,**
41 **RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers**
42 **vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the**
43 **effective date, or to disapprove and annul a rule are subsequently held unconstitutional,**
44 **then the grant of rulemaking authority and any rule proposed or adopted after August 28,**
45 **2007, shall be invalid and void.**

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