

FIRST REGULAR SESSION

# HOUSE BILL NO. 437

## 94TH GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVES BURNETT (Sponsor), WILDBERGER,  
SCHAAF AND WHORTON (Co-sponsors).

Read 1st time January 17, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

1323L.01I

---

### AN ACT

To repeal sections 302.341 and 544.045, RSMo, and to enact in lieu thereof two new sections relating to drivers' licenses, with penalty provisions.

---

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

Section A. Sections 302.341 and 544.045, RSMo, are repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 302.341 and 544.045, to read as follows:

302.341. If a Missouri resident charged with a moving traffic violation of this state or  
2 any county or municipality of this state fails to dispose of the charges of which he is accused  
3 through authorized prepayment of fine and court costs and fails to appear on the return date or  
4 at any subsequent date to which the case has been continued, or without good cause fails to pay  
5 any fine or court costs assessed against him for any such violation within the period of time  
6 specified or in such installments as approved by the court or as otherwise provided by law, any  
7 court having jurisdiction over the charges shall within ten days of the failure to comply inform  
8 the defendant by ordinary mail at the last address shown on the court records that the court will  
9 order the director of revenue to suspend the defendant's driving privileges if the charges are not  
10 disposed of and fully paid within thirty days from the date of mailing. Thereafter, if the  
11 defendant fails to timely act to dispose of the charges and fully pay any applicable fines and court  
12 costs, the court shall notify the director of revenue of such failure and of the pending charges  
13 against the defendant. Upon receipt of this notification, the director shall suspend the license of  
14 the driver, effective immediately, and provide notice of the suspension to the driver at the last

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.

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

544.045. 1. Any person arrested and charged with violating a traffic law of this state or  
2 a traffic ordinance of any county, city, town or village may, at the discretion of both the officer  
3 authorized by law or rule of court to accept bail and the person arrested, deposit his license to  
4 operate a motor vehicle with a member of the highway patrol or with the officer demanding bail  
5 in lieu of any other security for his appearance in court to answer any such charge, except when  
6 the charge is for driving while intoxicated, driving while under the influence of intoxicating  
7 liquor or drugs, leaving the scene of a motor vehicle accident, driving when his license is  
8 suspended or revoked, or for any charge made because of a motor vehicle accident in which a  
9 death has occurred.

10 2. Notwithstanding the fact that the officer authorized by law or rule of court to accept  
11 bail authorizes the person arrested to deposit his license to operate a motor vehicle as his security  
12 for his appearance in court, in lieu of depositing his license to operate a motor vehicle, the person  
13 arrested may decline to deposit his license to operate a motor vehicle as security and instead  
14 deposit a bond with the officer authorized by law or rule of court to accept bail or other such  
15 officer demanding bail in the amount of fifty dollars per traffic offense allegedly committed. The

16 officer shall issue a receipt for such a bond to the person and deposit the bond with the judge,  
17 court clerk or other officer requiring security for a court appearance.

18         3. The judge, court clerk or other officer requiring security for an appearance shall accept  
19 the bond or deposit of the license in lieu of bail and, if the license is accepted, shall issue a  
20 receipt to the licensee for the license upon a form approved by the director of revenue. The  
21 licensee may, until he has appeared at the proper time and place as stated in the receipt to answer  
22 the charge placed against him, operate motor vehicles while in possession of the receipt, and the  
23 receipt shall be accepted in lieu of the license as provided by section 302.181, RSMo. If a  
24 continuance is requested and granted, the licensee shall be given a new receipt for his license.

25         [4. Whether or not a license to operate a motor vehicle has been deposited in lieu of bail  
26 pursuant to this section, if the driver fails to appear at the proper time to answer the charge  
27 placed against him, the clerk of the court, or the judge of the court if there is no clerk, shall  
28 within ten days notify the director of revenue of the failure to appear, and the director shall  
29 thereafter withhold any renewal of the license or the issuance of a duplicate license to the  
30 licensee until notified by the court that the charge has been reduced to final judgment.]

✓