

SECOND REGULAR SESSION

# HOUSE BILL NO. 1470

## 94TH GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVE NANCE.

Pre-filed December 18, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

3910L.01I

---

### AN ACT

To repeal section 302.341, RSMo, and to enact in lieu thereof one new section relating to 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Section A. Section 302.341, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 302.341, to read as follows: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] **the resident** 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] **the resident** 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

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 of revenue. Such suspension shall remain in effect until the court with the subject pending  
17 charge requests setting aside the noncompliance suspension pending final disposition, or  
18 satisfactory evidence of disposition of pending charges and payment of fine and court costs, if  
19 applicable, is furnished to the director by the individual. Upon proof of disposition of charges  
20 and payment of fine and court costs, if applicable, and payment of the reinstatement fee as set  
21 forth in section 302.304, the director shall reinstate the license. The filing of financial  
22 responsibility with the bureau of safety responsibility, department of revenue, shall not be  
23 required as a condition of reinstatement of a driver's license suspended solely under the  
24 provisions of this section.

25       **2.** If any city, town, or village receives more than [forty-five] **thirty-five** percent of its  
26 [total] annual **general operating** revenue from fines **and court costs** for traffic violations  
27 occurring on state highways, all revenues from such violations in excess of [forty-five] **thirty-**  
28 **five** percent of the [total] annual **general operating** revenue of the city, town, or village shall  
29 be sent to the director of the department of revenue and shall be distributed annually to the  
30 schools of the county in the same manner that proceeds of all penalties, forfeitures and fines  
31 collected for any breach of the penal laws of the state are distributed. For the purpose of this  
32 section the words "state highways" shall mean any state or federal highway, including any such  
33 highway continuing through the boundaries of a city, town or village with a designated street  
34 name other than the state highway number. **If any city, town, or village fails to send such**  
35 **excess revenues to the director of the department of revenue in a timely fashion which shall**  
36 **be set forth by the director by rule, such city, town, or village may submit to an annual**  
37 **audit by the state auditor under the authority of article IV, section 13 of the Missouri**  
38 **Constitution. Any rule or portion of a rule, as that term is defined in section 536.010,**  
39 **RSMo, that is created under the authority delegated in this section shall become effective**  
40 **only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and,**  
41 **if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are**  
42 **nonseverable and if any of the powers vested with the general assembly pursuant to**  
43 **chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule**  
44 **are subsequently held unconstitutional, then the grant of rulemaking authority and any**  
45 **rule proposed or adopted after August 28, 2008, shall be invalid and void.**

46       **3.** Subsection 2 of this section shall not apply before January 1, 2010, to any city,  
47 town, or village located in any county with a charter form of government and with more  
48 than six hundred thousand but fewer than seven hundred thousand inhabitants.

✓