

SECOND REGULAR SESSION

HOUSE BILL NO. 1641

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES BURNETT (Sponsor), TALBOY, GRILL, NANCE, CURLS, SCHIEFFER, OXFORD, LEMBKE, DOUGHERTY, SALVA, YAEGER, HUGHES, GEORGE, KUESSNER, EMERY, COOPER (120), BIVINS, FLOOK, ZIMMERMAN AND BRINGER (Co-sponsors).

Read 1st time January 14, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

4344L.01I

AN ACT

To repeal sections 302.303, 302.341, and 476.385, RSMo, and to enact in lieu thereof three new sections relating to driver's license suspensions, with penalty provisions.

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

Section A. Sections 302.303, 302.341, and 476.385, RSMo, are repealed and three new
2 sections enacted in lieu thereof, to be known as sections 302.303, 302.341, and 476.385, to read
3 as follows:

302.303. 1. Whenever a court convicts a person of a violation of section 303.025,
2 RSMo, or enters an order of court-ordered supervision, the clerk of the court shall within ten
3 days forward a report of the conviction or order of supervision to the director of revenue in a
4 form prescribed by the department of revenue. [In any case where the person charged with the
5 violation fails to appear in court, the procedures provided in section 302.341 shall apply.] For
6 the purposes of this section, the term "court-ordered supervision" is used to indicate where a
7 court of record may, upon a plea or finding of guilt, defer further proceedings of a sentence, and
8 enter an order for supervision of the defendant, if the defendant is charged with a violation, in
9 which case no points shall be assessed.

10 2. The department of revenue shall keep records of such reports. However, reports of
11 court-ordered supervision shall not be released to any outside source, except the affected operator
12 and those entities provided for in subsection 4 of section 32.091, RSMo, and shall be used only

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.

13 to inform the director and the courts that such operator has previously been assigned court
14 supervision.

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
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, the director shall
21 reinstate the license. The filing of financial responsibility with the bureau of safety
22 responsibility, department of revenue, shall not be required as a condition of reinstatement of a
23 driver's license suspended solely under the provisions of this section.] If any city, town or village
24 receives more than forty-five percent of its total annual revenue from fines for traffic violations
25 occurring on state highways, all revenues from such violations in excess of forty-five percent of
26 the total annual revenue of the city, town or village shall be sent to the director of the department
27 of revenue and shall be distributed annually to the schools of the county in the same manner that
28 proceeds of all penalties, forfeitures and fines collected for any breach of the penal laws of the
29 state are distributed. For the purpose of this section the words "state highways" shall mean any
30 state or federal highway, including any such highway continuing through the boundaries of a city,
31 town or village with a designated street name other than the state highway number.

476.385. 1. The judges of the supreme court may appoint a committee consisting of at
2 least seven associate circuit judges, who shall meet en banc and establish and maintain a
3 schedule of fines to be paid for violations of sections 210.104, 577.070, and 577.073, RSMo, and

4 chapters 252, 301, 302, 304, 306, 307 and 390, RSMo, with such fines increasing in proportion
5 to the severity of the violation. The associate circuit judges of each county may meet en banc
6 and adopt the schedule of fines and participation in the centralized bureau pursuant to this
7 section. Notice of such adoption and participation shall be given in the manner provided by
8 supreme court rule. Upon order of the supreme court, the associate circuit judges of each county
9 may meet en banc and establish and maintain a schedule of fines to be paid for violations of
10 municipal ordinances for cities, towns and villages electing to have violations of its municipal
11 ordinances heard by associate circuit judges, pursuant to section 479.040, RSMo; and for traffic
12 court divisions established pursuant to section 479.500, RSMo. The schedule of fines adopted
13 for violations of municipal ordinances may be modified from time to time as the associate circuit
14 judges of each county en banc deem advisable. No fine established pursuant to this subsection
15 may exceed the maximum amount specified by statute or ordinance for such violation.

16 2. In no event shall any schedule of fines adopted pursuant to this section include
17 offenses involving the following:

18 (1) Any violation resulting in personal injury or property damage to another person;

19 (2) Operating a motor vehicle while intoxicated or under the influence of intoxicants or
20 drugs;

21 (3) Operating a vehicle with a counterfeited, altered, suspended or revoked license;

22 (4) Fleeing or attempting to elude an officer.

23 3. There shall be a centralized bureau to be established by supreme court rule in order
24 to accept pleas of not guilty or guilty and payments of fines and court costs for violations of the
25 laws and ordinances described in subsection 1 of this section, made pursuant to a schedule of
26 fines established pursuant to this section. The centralized bureau shall collect, with any plea of
27 guilty and payment of a fine, all court costs which would have been collected by the court of the
28 jurisdiction from which the violation originated.

29 4. If a person elects not to contest the alleged violation, the person shall send payment
30 in the amount of the fine and any court costs established for the violation to the centralized
31 bureau. Such payment shall be payable to the "central violations bureau", shall be made by mail
32 or in any other manner established by the centralized bureau, and shall constitute a plea of guilty,
33 waiver of trial and a conviction for purposes of section 302.302, RSMo, and for purposes of
34 imposing any collateral consequence of a criminal conviction provided by law. Notwithstanding
35 any provision of law to the contrary, the prosecutor shall not be required to sign any information,
36 ticket or indictment if disposition is made pursuant to this subsection. In the event that any
37 payment is made pursuant to this section by credit card or similar method, the centralized bureau
38 may charge an additional fee in order to reflect any transaction cost, surcharge or fee imposed
39 on the recipient of the credit card payment by the credit card company.

40 5. If a person elects to plead not guilty, such person shall send the plea of not guilty to
41 the centralized bureau. The bureau shall send such plea and request for trial to the prosecutor
42 having original jurisdiction over the offense. Any trial shall be conducted at the location
43 designated by the court. The clerk of the court in which the case is to be heard shall notify in
44 writing such person of the date certain for the disposition of such charges. The prosecutor shall
45 not be required to sign any information, ticket or indictment until the commencement of any
46 proceeding by the prosecutor with respect to the notice of violation.

47 6. In courts adopting a schedule of fines pursuant to this section, any person receiving
48 a notice of violation pursuant to this section shall also receive written notification of the
49 following:

50 (1) The fine and court costs established pursuant to this section for the violation or
51 information regarding how the person may obtain the amount of the fine and court costs for the
52 violation;

53 (2) That the person must respond to the notice of violation by paying the prescribed fine
54 and court costs, or pleading not guilty and appearing at trial, and that other legal penalties
55 prescribed by law may attach for failure to appear and dispose of the violation. The supreme
56 court may modify the suggested forms for uniform complaint and summons for use in courts
57 adopting the procedures provided by this section, in order to accommodate such required written
58 notifications.

59 7. Any moneys received in payment of fines and court costs pursuant to this section shall
60 not be considered to be state funds, but shall be held in trust by the centralized bureau for benefit
61 of those persons or entities entitled to receive such funds pursuant to this subsection. All
62 amounts paid to the centralized bureau shall be maintained by the centralized bureau, invested
63 in the manner required of the state treasurer for state funds by sections 30.240, 30.250, 30.260
64 and 30.270, RSMo, and disbursed as provided by the constitution and laws of this state. Any
65 interest earned on such fund shall be payable to the director of the department of revenue for
66 deposit into a revolving fund to be established pursuant to this subsection. The state treasurer
67 shall be the custodian of the revolving fund, and shall make disbursements, as allowed by lawful
68 appropriations, only to the judicial branch of state government for goods and services related to
69 the administration of the judicial system.

70 8. Any person who receives a notice of violation subject to this section who fails to
71 dispose of such violation as provided by this section shall be guilty of failure to appear provided
72 by section 544.665, RSMo[; and may be subject to suspension of driving privileges in the
73 manner provided by section 302.341, RSMo]. The centralized bureau shall notify the appropriate
74 prosecutor of any person who fails to either pay the prescribed fine and court costs, or plead not
75 guilty and request a trial within the time allotted by this section, for purposes of application of

76 section 544.665, RSMo. [The centralized bureau shall also notify the department of revenue of
77 any failure to appear subject to section 302.341, RSMo, and the department shall thereupon
78 suspend the license of the driver in the manner provided by section 302.341, RSMo, as if notified
79 by the court.]

80 9. In addition to the remedies provided by subsection 8 of this section, the centralized
81 bureau and the courts may use the remedies provided by sections 488.010 to 488.020, RSMo,
82 for the collection of court costs payable to courts, in order to collect fines and court costs for
83 violations subject to this section.

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