

FIRST REGULAR SESSION

HOUSE BILL NO. 161

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MCGHEE.

0048L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 479.080, RSMo, and to enact in lieu thereof two new sections relating to the Missouri state highway patrol fuel fund.

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

Section A. Section 479.080, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 479.080 and 488.022, to read as follows:

479.080. 1. In the prosecution of violations of municipal ordinances before a municipal judge, all fines and costs shall be paid to and deposited not less frequently than monthly into the municipal treasury.

2. In the prosecution of violations of municipal ordinances before an associate circuit judge, all fines shall be paid to and deposited not less frequently than monthly into the municipal treasury and all court costs shall be accounted for and remitted to the state treasury in the same manner as provided by law for costs in misdemeanor cases.

3. **In the prosecution of violations of county or municipal traffic ordinances before a municipal judge or associate circuit judge, the surcharge imposed under section 488.022, RSMo, shall be accounted for and remitted to the state treasury for deposit in the Missouri state highway patrol fuel fund established in section 488.022, RSMo.**

4. The supreme court by administrative rule may provide for uniform procedure, and reporting forms for the collection and transmittal of fines and costs. Until modified or otherwise provided by such administrative rule, the municipal judge, or associate circuit judge hearing and determining violations of municipal ordinances, shall cause the clerk serving his **or her** division, within the first ten days of every month, to make out a list of all the cases heard or tried before the judge during the preceding month, giving in each case the name of the defendant, the fine

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.

18 imposed, if any, the amount of costs, the names of defendants committed and the cases in which
19 there was an application for trial de novo, respectively. Such clerk or the judge shall verify such
20 lists and statements by affidavit, and file the same forthwith with the clerk of the municipality,
21 who shall lay the same before the governing body or the municipality at its first session
22 thereafter. The official collecting fines shall, within the ten days aforesaid, pay to the municipal
23 treasurer the full amount of all fines collected by him **or her** during the preceding month if not
24 previously paid to the municipal treasurer.

488.022. 1. In addition to all other court costs for traffic offense cases, a surcharge
2 **in the amount of five dollars per case for each traffic offense case filed in the courts of this**
3 **state, including infractions and violations of county or municipal traffic ordinances, shall**
4 **be assessed and collected. For purposes of this section, "county traffic ordinance" shall**
5 **include any traffic ordinance of the city of St. Louis.**

6 **2. No surcharge shall be assessed and collected under this section in any proceeding**
7 **when the proceeding or defendant has been dismissed by the court or when costs are to be**
8 **paid by the state, county, or municipality.**

9 **3. The clerk of the circuit or municipal court responsible for collecting court costs**
10 **in traffic offense cases shall collect and disburse the surcharges under this section as**
11 **provided by sections 488.010 and 488.020. Such surcharges shall be payable to the state**
12 **treasurer, to be deposited into the Missouri state highway patrol fuel fund established in**
13 **subsection 4 of this section.**

14 **4. (1) There is hereby created in the state treasury the "Missouri State Highway**
15 **Patrol Fuel Fund", which shall consist of moneys collected under this section. The state**
16 **treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180,**
17 **RSMo, the state treasurer may approve disbursements. Upon appropriation, moneys in**
18 **the fund shall be used solely for fleet vehicle fuel costs of the Missouri state highway patrol.**

19 **(2) Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any**
20 **moneys remaining in the fund at the end of the biennium shall not revert to the credit of**
21 **the general revenue fund.**

22 **(3) The state treasurer shall invest moneys in the fund in the same manner as other**
23 **funds are invested. Any interest and moneys earned on such investments shall be credited**
24 **to the fund.**

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