

FIRST REGULAR SESSION

# HOUSE BILL NO. 335

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES BURNETT (Sponsor) AND STEVENSON (Co-sponsor).

1192L.011

D. ADAM CRUMBLISS, Chief Clerk

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### 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.

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Section A. Sections 302.303, 302.341, and 476.385, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 302.303, 302.341, and 476.385, to read as follows:

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

2. The department of revenue shall keep records of such reports. However, reports of court-ordered supervision shall not be released to any outside source, except the affected operator and those entities provided for in subsection 4 of section 32.091, RSMo, and shall be used only to inform the director and the courts that such operator has previously been assigned court supervision.

302.341. [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 is accused

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.

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 return the license and remove the suspension from the individual's driving record. The filing of  
22 financial responsibility with the bureau of safety responsibility, department of revenue, shall not  
23 be required as a condition of reinstatement of a driver's license suspended solely under the  
24 provisions of this section.] If any city, town or village receives more than forty-five percent of  
25 its total annual revenue from fines for traffic violations occurring on state highways, all revenues  
26 from such violations in excess of forty-five percent of the total annual revenue of the city, town  
27 or village shall be sent to the director of the department of revenue and shall be distributed  
28 annually to the schools of the county in the same manner that proceeds of all penalties,  
29 forfeitures and fines collected for any breach of the penal laws of the state are distributed. For  
30 the purpose of this section the words "state highways" shall mean any state or federal highway,  
31 including any such highway continuing through the boundaries of a city, town or village with a  
32 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.] **The department of revenue shall permanently remove any driver's license**  
80 **suspension from the record of any driver who had his or her driving privileges suspended**  
81 **prior to August 28, 2009, for failing to appear on any moving traffic violation charge.**

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

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