

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Bill No. 186, Page 6, Section 301.3175, Line 32,
2 by inserting after said section and line the following:

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4 "307.018. 1. Notwithstanding any other provision of law, no court shall issue a warrant of
5 arrest for a person's failure to respond, pay the fine assessed, or appear in court with respect to a
6 traffic citation issued for an infraction under the provisions of this chapter. In lieu of such warrant
7 of arrest, the court shall issue a notice of failure to respond, pay the fine assessed, or appear, and the
8 court shall schedule a second court date for the person to respond, pay the fine assessed, or appear.
9 A copy of the court's notice with the new court date shall be sent to the driver of the vehicle. If the
10 driver fails to respond, pay the fine assessed, or appear on the second court date, the court shall issue
11 a second notice of failure to respond, pay the fine assessed, or appear. If the driver fails to respond,
12 pay the fine assessed, or appear after the second notice, the court may issue a default judgment
13 under section 556.021 for the infraction.

14 2. At any point after the default judgment has been entered, the driver may appear in court
15 to state that he or she is unable to pay and to request the court to modify the judgment. The court
16 shall hold a hearing to determine whether the driver has the ability to pay. If the court finds the
17 driver lacks the present ability to pay, the court shall modify the judgment in any way authorized by
18 statute or court rule, including:

19 (1) Allowing for payment of the fine on an installment basis;
20 (2) Waiving or reducing the amount owed; or
21 (3) Requiring the driver to perform community service or attend a court-ordered program in
22 lieu of payment.

23 3. At any point after the default judgment has been entered, the driver may appear in court
24 and show proof that he or she corrected the equipment violation for which the fine and costs were
25 assessed. If the driver shows such proof, the court may waive the fines and costs that are due."; and
26

27 Further amend said bill and page, Section 544.453, Line 13, by inserting after said section and line
28 the following:

29
30 "556.021. 1. An infraction does not constitute a criminal offense and conviction of an
31 infraction shall not give rise to any disability or legal disadvantage based on conviction of a criminal
32 offense.

33 2. Except as otherwise provided by law, the procedure for infractions shall be the same as
34 for a misdemeanor.

Action Taken _____ Date _____

1 3. If a person fails to appear in court either solely for an infraction or for an infraction which
2 is committed in the same course of conduct as a criminal offense for which the person is charged, or
3 if a person fails to respond to notice of an infraction from the central violations bureau established in
4 section 476.385, the court may issue a default judgment for court costs and fines for the infraction
5 which shall be enforced in the same manner as other default judgments, including enforcement
6 under sections 488.5028 and 488.5030, unless the court determines that good cause or excusable
7 neglect exists for the person's failure to appear for the infraction. The notice of entry of default
8 judgment and the amount of fines and costs imposed shall be sent to the person by first class mail.
9 The default judgment may be set aside for good cause if the person files a motion to set aside the
10 judgment within six months of the date the notice of entry of default judgment is mailed.

11 4. Notwithstanding subsection 3 of this section or any provisions of law to the contrary, a
12 court may issue a warrant for failure to appear for any violation ~~[which]~~ that is classified or charged
13 as an infraction; except that, a court shall not issue a warrant for failure to appear for any violation
14 that is classified or charged as an infraction under chapter 307.

15 5. Judgment against the defendant for an infraction shall be in the amount of the fine
16 authorized by law and the court costs for the offense."; and
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18 Further amend said bill by amending the title, enacting clause, and intersectional references
19 accordingly.