

FIRST REGULAR SESSION

SENATE BILL NO. 141

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR DEMPSEY.

Read 1st time January 15, 2013, and ordered printed.

TERRY L. SPIELER, Secretary.

0519S.011

AN ACT

To repeal section 302.341, RSMo, and to enact in lieu thereof one new section relating to the distribution of revenues collected from 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Section A. Section 302.341, RSMo, is repealed and one new section
2 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
2 of this state or any county or municipality of this state fails to dispose of the
3 charges of which the resident is accused through authorized prepayment of fine
4 and court costs and fails to appear on the return date or at any subsequent date
5 to which the case has been continued, or without good cause fails to pay any fine
6 or court costs assessed against the resident for any such violation within the
7 period of time specified or in such installments as approved by the court or as
8 otherwise provided by law, any court having jurisdiction over the charges shall
9 within ten days of the failure to comply inform the defendant by ordinary mail
10 at the last address shown on the court records that the court will order the
11 director of revenue to suspend the defendant's driving privileges if the charges
12 are not disposed of and fully paid within thirty days from the date of
13 mailing. Thereafter, if the defendant fails to timely act to dispose of the charges
14 and fully pay any applicable fines and court costs, the court shall notify the
15 director of revenue of such failure and of the pending charges against the
16 defendant. Upon receipt of this notification, the director shall suspend the
17 license of the driver, effective immediately, and provide notice of the suspension
18 to the driver at the last address for the driver shown on the records of the

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 department of revenue. Such suspension shall remain in effect until the court
20 with the subject pending charge requests setting aside the noncompliance
21 suspension pending final disposition, or satisfactory evidence of disposition of
22 pending charges and payment of fine and court costs, if applicable, is furnished
23 to the director by the individual. Upon proof of disposition of charges and
24 payment of fine and court costs, if applicable, and payment of the reinstatement
25 fee as set forth in section 302.304, the director shall return the license and
26 remove the suspension from the individual's driving record if the individual was
27 not operating a commercial motor vehicle or a commercial driver's license holder
28 at the time of the offense. The filing of financial responsibility with the bureau
29 of safety responsibility, department of revenue, shall not be required as a
30 condition of reinstatement of a driver's license suspended solely under the
31 provisions of this section.

32 2. If any city, town [or], village, **or county** receives more than
33 **[thirty-five] twenty** percent of its annual general operating revenue from fines
34 and court costs for traffic violations, **including amended charges from any**
35 **traffic violation**, occurring [on state highways] **within the city, town,**
36 **village, or county**, all revenues from such violations in excess of **[thirty-five]**
37 **twenty** percent of the annual general operating revenue of the city, town [or],
38 village, **or county** shall be sent to the director of the department of revenue and
39 shall be distributed annually to the schools of the county in the same manner
40 that proceeds of all penalties, forfeitures and fines collected for any breach of the
41 penal laws of the state are distributed. [For the purpose of this section the words
42 "state highways" shall mean any state or federal highway, including any such
43 highway continuing through the boundaries of a city, town or village with a
44 designated street name other than the state highway number.] The director of the
45 department of revenue shall set forth by rule a procedure whereby excess
46 revenues as set forth above shall be sent to the department of revenue. If any
47 city, town, [or] village, **or county** disputes a determination that it has received
48 excess revenues required to be sent to the department of revenue, such city, town,
49 [or], village, **or county** may submit to an annual audit by the state auditor
50 under the authority of article IV, section 13 of the Missouri Constitution. **An**
51 **accounting of the percent of annual general operating revenue from**
52 **finances and court costs for traffic violations, including amended charges**
53 **from any charged traffic violation, occurring within the city, town,**

54 **village, or county and charged in the municipal court of that city, town,**
55 **village, or county shall be included in the Comprehensive Annual**
56 **Financial Report submitted to the state auditor by the city, town,**
57 **village, or county under section 105.145. Any city, town, village, or**
58 **county which fails to make an accurate or timely report, or to send**
59 **excess revenues from such violations to the director of the department**
60 **of revenue by the date on which the report is due to the state auditor**
61 **shall suffer an immediate loss of jurisdiction of the municipal court of**
62 **said city, town, village, or county on all traffic-related charges until all**
63 **requirements of this section are satisfied.** Any rule or portion of a rule, as
64 that term is defined in section 536.010, that is created under the authority
65 delegated in this section shall become effective only if it complies with and is
66 subject to all of the provisions of chapter 536 and, if applicable, section
67 536.028. This section and chapter 536 are nonseverable and if any of the powers
68 vested with the general assembly under chapter 536 to review, to delay the
69 effective date, or to disapprove and annul a rule are subsequently held
70 unconstitutional, then the grant of rulemaking authority and any rule proposed
71 or adopted after August 28, 2009, shall be invalid and void.

72 **3. As used in subsection 2 of this section, traffic violations shall**
73 **include all ordinance violations which are detected through the use of**
74 **an automated traffic enforcement system, regardless of whether the**
75 **ordinance violation is prosecuted as a civil infraction or not. An**
76 **"automated traffic enforcement system" means a camera, optical device,**
77 **electronic system, or other surveillance system designed to record and**
78 **produce photographic images, video, or other digital data of a motor**
79 **vehicle, a motor vehicle's operator, or both, violating a traffic control**
80 **signal, speed restriction, or other traffic law, ordinance or**
81 **regulation. Automated traffic enforcement systems shall also include**
82 **automated speed enforcement systems. The term "automated speed**
83 **enforcement system" means a device with one or more motor vehicle**
84 **sensors, including, but not limited to, photographic devices, radar**
85 **devices, laser devices, or other electrical or mechanical devices,**
86 **designed to record the speed of a motor vehicle and to obtain a clear**
87 **photograph or other recorded image of the motor vehicle and the motor**
88 **vehicle's license plate, which automatically produces one or more**

89 **photographs, one or more microphotographs, a videotape, or other**
90 **recorded image of a motor vehicle at the time it is used or operated in**
91 **violation of the posted speed limit.**

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Unofficial

Bill

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