

FIRST REGULAR SESSION

SENATE BILL NO. 357

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR NASHEED.

Read 1st time January 29, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

1789S.011

AN ACT

To repeal section 302.341, RSMo, and to enact in lieu thereof two new sections relating to accreditation requirements for law enforcement agencies in certain counties.

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

Section A. Section 302.341, RSMo, is repealed and two new sections
2 enacted in lieu thereof, to be known as sections 302.341 and 590.707, to read as
3 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

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. The filing of financial responsibility with the
24 bureau of safety responsibility, department of revenue, shall not be required as
25 a condition of reinstatement of a driver's license suspended solely under the
26 provisions of this section.

27 2. **Except as otherwise provided in section 590.707**, if any city,
28 town, village, or county receives more than thirty percent of its annual general
29 operating revenue from fines and court costs for traffic violations, including
30 amended charges from any traffic violation, occurring within the city, town,
31 village, or county, all revenues from such violations in excess of thirty percent of
32 the annual general operating revenue of the city, town, village, or county shall be
33 sent to the director of the department of revenue and shall be distributed
34 annually to the schools of the county in the same manner that proceeds of all
35 penalties, forfeitures and fines collected for any breach of the penal laws of the
36 state are distributed. The director of the department of revenue shall set forth
37 by rule a procedure whereby excess revenues as set forth above shall be sent to
38 the department of revenue. If any city, town, village, or county disputes a
39 determination that it has received excess revenues required to be sent to the
40 department of revenue, such city, town, village, or county may submit to an
41 annual audit by the state auditor under the authority of Article IV, Section 13 of
42 the Missouri Constitution. An accounting of the percent of annual general
43 operating revenue from fines and court costs for traffic violations, including
44 amended charges from any charged traffic violation, occurring within the city,
45 town, village, or county and charged in the municipal court of that city, town,
46 village, or county shall be included in the comprehensive annual financial report
47 submitted to the state auditor by the city, town, village, or county under section
48 105.145. Any city, town, village, or county which fails to make an accurate or
49 timely report, or to send excess revenues from such violations to the director of
50 the department of revenue by the date on which the report is due to the state
51 auditor shall suffer an immediate loss of jurisdiction of the municipal court of
52 said city, town, village, or county on all traffic-related charges until all
53 requirements of this section are satisfied. Any rule or portion of a rule, as that
54 term is defined in section 536.010, that is created under the authority delegated

55 in this section shall become effective only if it complies with and is subject to all
56 of the provisions of chapter 536 and, if applicable, section 536.028. This section
57 and chapter 536 are nonseverable and if any of the powers vested with the
58 general assembly under chapter 536 to review, to delay the effective date, or to
59 disapprove and annul a rule are subsequently held unconstitutional, then the
60 grant of rulemaking authority and any rule proposed or adopted after August 28,
61 2009, shall be invalid and void.

**590.707. 1. Each law enforcement agency in any county with a
2 charter form of government and with more than nine hundred fifty
3 thousand inhabitants shall be accredited by the commission on
4 accreditation for law enforcement agencies by January 1, 2017. If any
5 agency is not accredited on or after January 1, 2017 as required under
6 this section, the city, town, village, or county in which the law
7 enforcement agency has jurisdiction shall not retain any revenues from
8 fines and court costs for traffic violations, including amended charges
9 from traffic violations, occurring within the city, town, village, or
10 county, until the law enforcement agency becomes accredited.**

**11 2. Notwithstanding section 302.341 to the contrary, any city,
12 town, village, or county that is ineligible to retain revenues from fines
13 and court costs for traffic violations under subsection 1 of this section
14 shall send all revenues from such violations to the director of the
15 department of revenue and the revenues shall be distributed annually
16 to the schools of the county in the same manner that proceeds of all
17 penalties, forfeitures, and fines collected for any breach of the penal
18 laws of the state are distributed.**

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