

FIRST REGULAR SESSION

HOUSE BILL NO. 305

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ROBERTS.

0894H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 556.021, RSMo, and to enact in lieu thereof two new sections relating to warrants for failure to appear, with penalty provisions.

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

Section A. Section 556.021, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 307.018 and 556.021, to read as follows:

307.018. Notwithstanding any other provision of law, no court shall issue a warrant of arrest for a person's failure to respond, pay the fine assessed, or appear in court with respect to a traffic citation issued for an infraction under the provisions of this chapter. In lieu of such warrant of arrest, the court shall issue a notice of failure to respond, pay the fine assessed, or appear, and the court shall schedule a second court date for the person to respond, pay the fine assessed, or appear. A copy of the court's notice with the new court date shall be sent to the driver of the vehicle. If the driver fails to respond, pay the fine assessed, or appear on the second court date, the court shall issue a second notice of failure to respond, pay the fine assessed, or appear. A copy of the court's second notice shall be sent to the driver of the vehicle and to the director of the department of revenue. Upon application by the driver for a driver's license or driver's license renewal, the department shall deny the application until all delinquent fines and fees in connection with the traffic offense have been satisfied. Upon satisfaction of the delinquent fines and fees, the department shall issue a driver's license to the driver provided such person is otherwise eligible for such license or renewal.

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.

556.021. 1. An infraction does not constitute a criminal offense and conviction of an
2 infraction shall not give rise to any disability or legal disadvantage based on conviction of a
3 criminal offense.

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

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

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

22 5. Judgment against the defendant for an infraction shall be in the amount of the fine
23 authorized by law and the court costs for the offense.

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