

AN ORDINANCE SETTING PROCEDURE FOR REPORTING OFFENSES.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF ARCADIA, MISSOURI AS FOLLOWS:

Section 1:

Reporting to the Department of Revenue

A. Case Disposition

The court shall report case disposition information on alcohol- and drug-related traffic offenses and commercial drivers' licenses and commercial drivers' license holders, including suspended imposition of sentences (SIS), not guilty and dismissals; and all convictions of moving driving violations, to the Missouri Department of Revenue (DOR). The report is to be received by DOR within seven days of disposition; this does not include the 10-day timeframe for filing a trial de novo. The report is made by submitting the completed "Abstract of Court Record" portion of the Uniform Citation, or by completing a "Record of Conviction" form or by electronic reporting approved by the Department of Revenue. See Appendix C, Traffic Display Reporting for additional information. [See Section 302.225.1, RSMo and Supreme Court Rule 37.68 for further details.]

For municipal divisions that are currently using JIS, the automated case management system approved for statewide use, this data is electronically transferred to DOR. The disposition is determined as the sentence signed date for guilty type dispositions and the date for disposition for non-guilty dispositions.

B. Abuse and Lose Procedures

The law allows a court to suspend or revoke the driving privileges of persons involved in certain drug or alcohol-related offenses, depending upon the age of the individual. When an order of suspension or revocation has been entered, the law states the court must require the defendant to surrender any license to operate a motor vehicle. The order of suspension or revocation and any surrendered license collected must be forwarded by the court to DOR.

There are also provisions in the law that require the court to order an offender who is under age 21 to complete a Substance Abuse Traffic Offender Program (SATOP).

A defendant whose driving privileges have been suspended or revoked may petition the circuit court (not the municipal division) or the DOR for limited driving privileges. For license reinstatement, the defendant must pay DOR a reinstatement fee and successfully complete a Substance Abuse Traffic Offender Program that meets or exceeds minimum standards established by the Department of Mental Health (DMH). The defendant is to pay for the cost of the program. [See Section 577.500-577.510, RSMo for further details.]

C. Failure to Appear or Pay Fine License Suspension

The law requires courts to notify defendants within 10 days who fail to dispose of moving traffic violations, that the Director of Revenue will suspend their license in 30 days. The Failure to Appear in Court on Traffic Violation (FACT) Form can be used in this situation. [See Section 302.341, RSMo for further details.]

The sequence of events should occur in the following manner:

1. Defendant receives a citation for a moving traffic offense.
2. Defendant fails to dispose of the charges by either:
 - a. Pre-payment through the violations bureau (VB), or

b. Appearing on the return date or at any subsequent court date to which the case has been continued, or without good cause fails to pay any fine or court costs assessed against them.

3. Within 10 days of the failure to comply, the court sends a notice by ordinary mail to the defendant. The notice should inform the defendant the court will order the Director of Revenue to suspend the defendant's driving privileges if the charges are not fully disposed of in 30 days of the date of mailing the notice. The notice should be mailed to the defendant's last known address in the court records.

If DOR-4558 is returned to the court as undeliverable, proceed when appropriate with the suspension notice to DOR and check the returned to court undeliverable box.

4. If noncompliant after the 30 days has lapsed, the court shall notify the Director of Revenue to suspend the defendant's driving privileges.

5. The defendant may reinstate their driving privileges after disposition of charges and payment of court costs and fines, if applicable, by submitting a notice of compliance from the court, and a \$20.00 reinstatement fee to DOR.

The clerk is responsible for indicating in the appropriate area of the form if the violation involved a commercial motor vehicle (CMV) or a CMV carrying hazardous materials (HAZ/MAT). The Uniform Citation will indicate whether either box should be marked.

Notice of compliance may be given to the defendant, or can be mailed or faxed to DOR at:

Department of Revenue Driver and Vehicle Services Bureau

P.O. Box 3950 Jefferson City, MO 65105-3950 Fax: (573) 526-2511

D. Withholding Renewal of License

Under these provisions, if a driver fails to appear, the court must notify DOR within 10 days of the failure to appear. This report will cause DOR to withhold the renewal of the offender's license or the issuance of a duplicate license until the case is disposed.

DOR requests that clerks report the failure to appear using the "Lieu of Bail" form that is supplied by DOR. When the case is disposed, report the disposition as indicated in "Sub-Section A". [See Section 544.045, RSMo for further details.]

This reporting is not required if the court has submitted the "Failure to Appear in Court on Traffic Violation" (FACT) form.

E. Non-Resident Violator Program

In the event a defendant who is not a resident of Missouri fails to appear, the defendant shall be notified by regular mail and given a specific amount of time to dispose of the traffic ticket before notification is made to DOR. If the defendant fails to comply, the court administrator shall forward to DOR the Non-Resident Violator Compact Form provided by DOR. This provision shall be in effect for non-resident defendants from all other states in the United States, which are members of the Non-Resident Violator Compact. [See Section 544.046, RSMo for further details.]

F. Driver Improvement Program

An offender, upon order of the court, may complete an approved driver improvement program within 60 days of the date of conviction. Successful completion within 60 days will result in DOR

staying the assessment of points against the offender's driving record for the offense if the court permits the stay of points. However, the offense remains on the defendant's driving record. The completion of a driver improvement program shall not be accepted in lieu of points more than one time in any 36-month period. [See Section 302.302, RSMo for further details.]

Individuals possessing a commercial driver's license (CDL) are disqualified from participating in a driver improvement program in lieu of points.

The clerk must send notice of any driver improvement program completion to DOR within 15 days of program completion to:

Director of Revenue Driver License Bureau P.O. Box 200 Jefferson City, MO 65105-0200

The individual must complete the program within 60 days of conviction in order to be accepted in lieu of the assessment of points. If the program is not completed within 60 days, DOR will assess points.

The court may order a defendant to complete a program without staying the assessment of points. Only report program participation and completion if the court orders a stay of assessment of points and the program is completed within 60 days of conviction.

G. Ignition Interlock

Courts are required to order the installation of an ignition interlock device for any person found guilty or pleading guilty to a second or subsequent intoxication-related offense. The court may order installation of the device on a first intoxication-related traffic offense. The installation shall be for a period of not less than one month from the date of reinstatement of the person's license.

When the court orders installation of an ignition interlock device, DOR is sent a copy of the order. The court order, including the beginning and ending dates of the order will be entered into the driving record of the defendant. This information will be used by law enforcement personnel when making a stop to determine if the person has been ordered to have an ignition interlock installed on all vehicles they operate.

Within 30 days of the court order to install an ignition interlock device, the defendant must provide proof of compliance of installation to the court or the probation officer. The defendant must also report to either the court or the probation officer at least once per year. [See Section 577.600 through 577.614 for further details.]

H. Court Automation and City Funds

Report the amount of funds being disbursed each month for Crime Victims Compensation Fund – State Court Automation Fund (JIS courts only) and Clerk Fees if applicable, on the City Fees Form 4583. A separate check should be issued for each fee. If the number of cases paid in full is readily available, the court should note this on the form. This form should be mailed to the Department of Revenue by the 20th of each month for the collections of the previous month. The City Fees Form 4583 can be obtained from the Missouri Department of Revenue Web site: www.dor.mo.gov/tax/citycounty/forms/4583.pdf.

Forward the City Fees Form 4583 to:

Missouri Department of Revenue County Tax Section P.O. Box 453 Jefferson City, MO
65105-0453

2.12.5 Reporting to the Department of Public Safety

A \$1 Peace Officers Standards and Training (POST) Fund surcharge shall be charged on all municipal ordinance violations, including non-moving traffic violations (excluding dismissed cases, or cases where the state, county, or municipality are liable for the costs).

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The total amount collected should be remitted monthly to the Department of Public Safety. [See Section 488.5336, RSMo for further details.]

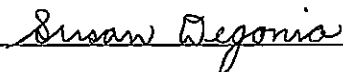
Section 2: All ordinances or parts of ordinances in conflict with this ordinance in so far as they are in conflict are hereby repealed.

Section 3: That this Ordinance shall be in full force and effect from and after its passage and approval.


READ TWO TIMES AND PASSED BY THE BOARD OF ALDERMEN CITY OF ARCADIA,
MISSOURI, THIS 8th DAY OF May, 2017.


MAYOR

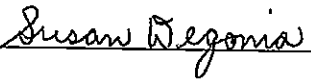
ATTEST:


CITY CLERK

APPROVED THIS 8th DAY OF May, 2017.


MAYOR

ATTEST:


CITY CLERK

APPROVED AS TO FORM.

BY: Michael Randazzo

MBE 63184

128 West Russell

Ironton, MO 63650

Attorney for City of Arcadia, Missouri

	Vote 1 st Reading On May 8 th , 2017	Vote 2 nd Reading On May 8 th , 2017
Alderman Richards	Yea	Yea
Alderwoman Dennison	Yea	Yea
Alderwoman Matthiesen	Yea	Yea
Alderwoman Yates	Yea	Yea