

# Emergency Rules

## Title 15—ELECTED OFFICIALS Division 40—State Auditor Chapter 3—Rules Applying to Political Subdivisions

### EMERGENCY AMENDMENT

**15 CSR 40-3.170 Addendum Filed with the Auditor’s Office.** The State Auditor’s office is amending section (1), adding new section (7), renumbering section (7) to section (8), adding subsection (8)(D), and replacing the form Office of the State Auditor Addendum.

*PURPOSE:* This amendment sets forth the procedure for a county, city, town, or village to provide the information required by section 479.359 of Conference Committee Substitute No. 2 for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill 572, Second Regular Session, Ninety-eighth General Assembly.

*EMERGENCY STATEMENT:* Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill 5, First Regular Session, Ninety-eighth General Assembly, went into effect on August 28, 2015. Section 479.359.4 in SB 5 specified, “On or before December 31, 2015, the state auditor shall set forth by rule a procedure for including the addendum information required by this section.” In compliance with this section, the State Auditor’s office filed a proposed rule, which became effective on March 30, 2016, and an emergency rule, which became effective December 10, 2015. This rule set forth the procedure for a county, city, town, or village with a municipal court to provide the information required by section 479.359, RSMo, and to certify that it is in substantial compliance with the municipal court procedures specified in SB 5. On March 28, 2016, the Circuit Court of Cole County in the case of City of Normandy v. Jeremiah Nixon, No. 15AC-CC00531, held that certain sections of SB 5, including section 479.359.3, RSMo, violated the Missouri Constitution (special laws that violated Article III, Section 40 and unfunded mandates that violated Article I, Sections 16 and 20) and enjoined the state from enforcing these provisions. This case was appealed to the Missouri Supreme Court.

Subsequently, Conference Committee Substitute No. 2 for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill 572, Second Regular Session, Ninety-eighth General Assembly, was passed to be effective August 28, 2016. SB 572 does not require that every county, city, town, or village submit an addendum to its annual financial report containing an accounting of its total revenues from minor traffic violations as a percentage of its annual general operating revenue. SB 572 provides that “An addendum to the annual financial report submitted to the state auditor under section 105.145 by the county, city, town, or village that has chosen to have a municipal court division shall contain an accounting of . . . (2) The total revenues from fines, bond forfeitures, and court costs for **municipal ordinance violations and minor traffic violations** occurring within the county, city, town, or village, including amended charges from any **municipal ordinance violations and minor traffic violations**; (3) The percent of annual general operating revenues from fines, bond forfeitures, and court costs for **municipal ordinance violations and minor traffic violations** occurring within the county, city, town, or village, including amended charges from any charged **municipal ordinance violations and minor traffic violations**, charged in the municipal court of that county, city, town, or village.”

On May 15, 2017, the Missouri Supreme Court in City of Normandy v. Greitens, SC95624, reversed the decision of the Circuit Court of Cole County and upheld the provisions of section 479.359, RSMo.

As a result of the Missouri Supreme Court’s decision, the State

Auditor’s office determined that this emergency amendment is necessary to preserve a compelling governmental interest in ensuring every county, city, town, or village that has chosen to have a municipal court division shall have notice of the information it must file with the State Auditor’s office as required by section 479.359 in SB 572. The State Auditor’s office believes this emergency amendment is fair to all interested persons and parties under these circumstances. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. This emergency amendment was filed June 13, 2017, becomes effective June 26, 2017, and expires December 22, 2017.

(1) Every county, city, town, or village that has chosen to have a **municipal court division** shall annually file with the State Auditor’s Office a completed form, which is included herein, and available on the State Auditor’s website, and contains, at a minimum, the following:

(C) The total revenue from fines, bond forfeitures, and court costs for **municipal ordinance violations and minor traffic violations** occurring within the county, city, town, or village based on the definitions in section 479.350, RSMo, including amended charges for any **municipal ordinance violations and minor traffic violations**; and

(D) The percent of annual general operating revenue from fines, bond forfeitures, and court costs for **municipal ordinance violations and minor traffic violations** as defined by section 479.350, RSMo, including amended charges for any **municipal ordinance violations and minor traffic violation**.

(7) If a county, city, town, or village’s total gross revenue from the operation of its municipal court, including all fees, fines, bond forfeitures, and court costs retained by the county, city, town, or village from any case heard in its municipal court, is less than the statutory percentage of annual general operating revenue over which the proceeds must be distributed to the schools annually as provided by section 479.359, RSMo, the county, city, town, or village may report its total gross revenue from the operation of its municipal court in lieu of reporting its total revenue from fines, bond forfeitures, and court costs for **municipal ordinance violations and minor traffic violations** occurring within the county, city, town, or village.

[(7)](8) Examples.

(A) A city with a municipal court has several ordinances related to equipment failure, vehicle registration, and seatbelt use for which no points are placed on the driver’s license upon conviction. The funds received from these violations should be included in “minor traffic violations” when reporting the information under section (1) of this regulation because the statutory definition of “minor traffic violation” includes municipal or county ordinance traffic violations, except those that involve authorization for the Department of Revenue to assess five (5) or more points to a person’s driving record upon conviction, assuming that the specific violation does not fall within one (1) of the other statutorily enumerated exceptions in the definition of “minor traffic violation.”

(B) The municipal court amends a violation that does not meet the definition of “minor traffic violation” to a violation that does meet this definition. The funds received from these violations should be included in “minor traffic violations” when reporting the information under section (1) of this regulation because the calculation includes charges for all minor traffic violations.

(C) The municipal court amends a violation that meets the definition of “minor traffic violation” to a violation that does not meet this definition. The funds received from these violations should be included in “minor traffic violations” when reporting the information

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under section (1) of this regulation because the original charge is a minor traffic violation.

**(D) All ordinance violations for a city are adjudicated in a municipal court division operated by another political jurisdiction and not by that city. Because the city does not operate its own municipal court division, it does not need to file an addendum with its financial report filed under the procedures in 15 CSR 40-3.030.**

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OFFICE OF THE STATE AUDITOR  
ADDENDUM  
(Form A 15-1)  
(Rev 6-2017)

## INSTRUCTIONS

Fill out via computer, print to apply signature.

Email completed addendum to: [PolysubFS@auditor.mo.gov](mailto:PolysubFS@auditor.mo.gov) or mail to:

Missouri State Auditor's Office

P.O. Box 869

Jefferson City, MO 65102

If your county, city, town, or village has its own municipal court, submit your municipal court certification with this form.

\* If you check "No" on line A do not fill out lines B and C.

Political Subdivision Number \_\_\_\_\_ Name of County, City, Town, or Village \_\_\_\_\_ Fiscal Year End (MM/DD/Year) \_\_\_\_\_

Mailing Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone \_\_\_\_\_ Email Address \_\_\_\_\_

Does your county, city, town, or village have its own municipal court? Yes  No

**A** Does your county, city, town, or village receive any revenue from fines, bond forfeitures, and court costs for municipal ordinance violations and minor traffic violations? Yes  No

List any courts that hear municipal violations for your county, city, town, or village.

Total Annual Revenue \$ \_\_\_\_\_ Annual General Operating Revenue \$ \_\_\_\_\_

**B** Total revenue from fines, bond forfeitures, and court costs for municipal ordinance violations and minor traffic violations, including amended charges for minor traffic violations\* \$ \_\_\_\_\_

**C** Percentage of annual general operating revenue from fines, bond forfeitures, and court costs for municipal ordinance violations and minor traffic violations\* % \_\_\_\_\_

## REPRESENTATIVE'S CERTIFICATION

The undersigned representative of the county, city, town, or village hereby certifies, under penalties of perjury, that all of the information submitted in this addendum is true and complete.

Signature \_\_\_\_\_ Typed or Printed Name \_\_\_\_\_ Title \_\_\_\_\_

Mailing Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

## NOTARY

Subscribed and Sworn Before Me, This \_\_\_\_\_ Day of \_\_\_\_\_ Year

Notary Public Signature \_\_\_\_\_

My Commission Expires \_\_\_\_\_

Notary Public Name (Typed or Printed) \_\_\_\_\_

County (or City of St. Louis) \_\_\_\_\_

NOTICE – Only a county, city, town, or village that has chosen to have a municipal court divisions is required to submit an addendum to the State Auditor's Office under sections 479.359 and 479.362 and 15 CSR 40-3.170.

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OFFICE OF THE STATE AUDITOR  
ADDENDUM  
(Form A 15-1)  
(Rev 6-2017)

*Please use this space to provide additional explanations if the space provided for any item was not sufficient.*

*\* If a county, city, town, or village's total gross revenue from the operation of its municipal court, including all fees, fines, bond forfeitures, and court costs retained by the county, city, town, or village from any case heard in its municipal court, is less than the statutory percentage of annual general operating revenue over which the proceeds must be distributed to the schools annually as provided by Section 479.359, the county, city, town, or village may report its total gross revenue from the operation of its municipal court in lieu of reporting its total revenue from fines, bond forfeitures, and court costs for municipal ordinance violations and minor traffic violations occurring within the county, city, town, or village.*

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*AUTHORITY: sections 29.100, [RSMo 2000, and sections] 479.359, and 479.362, RSMo [Supp. 2015] 2016. Emergency rule filed Nov. 30, 2015, effective Dec. 10, 2015, expired May 31, 2016. Original rule filed Sept. 1, 2015, effective March 30, 2016. Emergency amendment filed June 13, 2017, effective June 26, 2017, expires Dec. 22, 2017. An emergency amendment and a proposed amendment covering this same material will be published in the July 17, 2017, issue of the **Missouri Register**.*