

Policy and Procedure Manual

FMC Policy 5.0: License Suspensions and Reinstatement

Date issued:

PURPOSE: This policy governs how a Defendant's non-compliance with court orders may impact his or her driving privileges. It also explains when and how the Ferguson Municipal Court will assist Defendants with reinstating their driver's licenses after the license was suspended for failure to appear in court or pay assessed fines/fees.

PROCEDURES:

A. Effect of Non-Compliance with Court Orders on Driving Privileges

1. Defendants must appear in Municipal Court on their scheduled court date, i.e., the date listed on the citation or summons received, or, if a continuance is granted, on the date listed on their Continuance Form, or pay the fines/fees owed in advance of the scheduled court date. If the Defendant has already been placed on a payment plan or agreed to perform community service in lieu of paying fines/fees owed, the Defendant must meet all court-imposed deadlines related to the Defendant's payment or community service plan, or otherwise request a continuance from the Court.
2. For all Major Traffic Offenses,¹ if a Defendant does not appear on the scheduled court date, pay the fines/fees owed in advance of the scheduled court date, or request a continuance, or meet the Defendant's previously-imposed payment plan or community service deadlines, the Municipal Court will take the following steps, in accordance with RSMo Section 302.341.1:
 - a. The Court Clerk will send the Defendant a "Summons to Appear Letter" and "Driver's License Suspension Warning Notice" ("Warning Notice") via mail, within ten days of the missed court date, informing the Defendant that he or she failed to appear for court on the scheduled date and that the Court will order the Director of Revenue for the State of Missouri to suspend the Defendant's driving privileges if the Defendant does not appear in Court to address the charges within 30 days from the date of mailing.
 - i. The Court Clerk will mail the Warning Notice to the Defendant's last known address as shown on court records.
 - ii. The Warning Notice will include a new court date for the Defendant to appear to address the charge(s).
 - b. If the Defendant fails to appear in Court to address the charge(s) on the new court date provided on the Warning Notice, request a continuance,

¹ Pursuant to RSMo Section 302.341.1, Major Traffic Offenses include DWI, driving while revoked or suspended, speeding in a school zone, speeding in a construction zone, leaving the scene, and speeding 19 or more miles above the posted speed limit.

or otherwise pay the fines/fees by that date, the Court Clerk will send the Defendant a "Notice to Appear and Show Cause" ("Show Cause Notice").

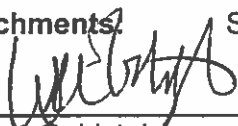
- i. The Show Cause Notice will instruct the Defendant to appear in court on a specified date to "show cause" (meaning justify or explain to the Court) why the Court should not instruct the Director of Revenue to suspend the Defendant's license for failure to appear and/or pay assessed fines/fees.
 - ii. If the Defendant appears in court on the date listed on the Show Cause Notice, the Court will not instruct the Director of Revenue to suspend the Defendant's license, and will instead follow the Court's normal procedures for addressing the Defendant's charge(s), including conducting any ability to pay determinations, as necessary, and determining appropriate payment options. See Ferguson Municipal Court Policy 3.0, *Payment of Fines and Fees*.
 - iii. If the Defendant fails to appear in court or otherwise resolve the charge in question by the date listed on the Show Cause Notice, the Court will:
 - a) notify the Director of Revenue to suspend the Defendant's license for failure to appear and/or pay the Defendant's fines/fees.
 - i. The Court Clerk will place a copy of any Warning Notice, Show Cause Notice, and Notice to the Department of Revenue in the Defendant's court file.
 - ii. The Director of Revenue will notify the Defendant of the license suspension.
 - b) Issue an arrest warrant to secure the Defendant's appearance in court. See Municipal Court Policy 4.0, *Issuance and Clearance of Warrants*.
 - i. If an individual is arrested pursuant to a municipal arrest warrant, the Municipal Court will follow the standard Ferguson Municipal Court procedures for addressing that individual once he or she appears before the Judge.
 - ii. At no point will the Municipal Court Judge assign additional fines or fees to the Defendant for failing to appear at prior scheduled court dates.
3. The Municipal Court will not initiate the above license suspension procedures for any offenses other than Major Traffic Offense.
4. For non-Major Traffic Offenses, failure to appear on the scheduled court date, or otherwise resolve the charge in question may result in:
 - a. An arrest warrant, according to the process outlined in Ferguson Municipal Court Policy 4.0, *Issuance and Clearance of Warrants*; and

- b. The Municipal Court contacting the Department of Revenue to place a "hold" on the Defendant's driver's license. A "hold" will not suspend or revoke the license, but will prevent the Defendant from renewing the license until the warrant is cleared.

B. Reinstatement of Driving Privileges

1. Once a Defendant pays the fines/fees owed, or appears in Court to address the charge(s), the Court will recall any outstanding warrants and take the following steps to reinstate the Defendant's driving privileges:
 - a. If the Defendant pays the fines/fees owed online, via mail, or via telephone, the Court Clerk will fax the Letter of Compliance to the Department of Revenue by the close of business that day.
 - b. If the Defendant appears in person to address the charge before the Court, or comes to the Clerk Window to pay the fines/fees owed in person, the Court Clerk will both give a copy of the Letter of Compliance to the Defendant directly, and fax a copy to the Department of Revenue by the close of business that day.
2. For Major Traffic Offenses, the Court Clerk will provide a Letter of Compliance for a Defendant regardless of whether or not the Defendant has paid his or her fines/fees in full. Defendants who make a partial payment, or are placed on a payment plan, or who are approved to provide community service in lieu payment of a fine/fee are entitled to a Letter of Compliance for reinstatement of their driver's license once they appear in Court to address the charge.
3. For Non-Major Traffic Offenses, the Court Clerk will notify the Department of Revenue by the end of the business day to release the hold on the Defendant's license.
4. Failure to appear for future court dates, or request a continuance or extension of time as set forth in Municipal Court Policy 3.0, *Payment of Fines and Fees*, may result in subsequent notifications to the Director of Revenue in accordance with RSMo 302.341.1 and the steps outlined in this policy.

Attachments: Sample Order to Show Cause



William Goldstein
Ferguson Municipal Judge

11/4/19

Date

CITY OF FERGUSON MUNICIPAL DIVISION
DIVISION OF THE 21ST CIRCUIT COURT OF ST. LOUIS COUNTY
222 S FLORISSANT, MO 63135
PHONE: 314-524-5264 / FAX: 314-524-4127
EMAIL: FergusonCourt@fergusoncity.com

LETTER TO APPEAR AND SHOW CAUSE

January 8, 20XX

Re: City of Ferguson vs

John Doe
123 N. Street Ave
Ferguson, MO 63135

<u>Case #</u>	<u>Offense</u>
123456789	Driving While License or Driving Privilege Revoked

Due to your failure to appear as scheduled, the Court has reset your case on the Show Cause Docket for:

February 11, 20XX at 6:00 PM

You must personally appear in Court at, 222 S Florissant Rd Ferguson, MO 63135 for a hearing for you to show cause why you should not be held in contempt of court. If you show cause that the default is excusable the Court will not hold you in contempt.

You may plead guilty by mail for most charges or by coming to the Court to pay your fine during normal business hours. Please visit the City of Ferguson website at www.fergusoncity.com to view the list of charges that can be paid out of court or call 314-524-5264. Payments can be made online at trafficpayment.com or by calling 1-800-444-1187. Payments are also accepted Monday thru Friday at the Ferguson Municipal Court Building, 222 S. Florissant Rd, between the hours of 8:30 am and 4:30 pm. The payment window closes at 3:30 pm on days the Court is in session. If you plead not guilty, come to Court on the scheduled date and you will be given a new date for trial.

If you plead guilty, but do not have the money to pay your fine before the court date, you must appear in court at the scheduled hearing date. **If you cannot pay the fine in full, you may ask the court for alternate arrangements such as periodic payments, community service, or a reduction in whole or in part if it is determined you are indigent. You will not be arrested for not having money to pay your fine.**

If you fail to appear in Court and you have not paid the fine, a WARRANT for your arrest will be issued.

Respectfully,

Ferguson Municipal Court