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ATTORNEY GENERAL OF MISSOURI  
JEFFERSON CITY

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OPINION LETTER NO. 244

Honorable Thomas W. Shannon  
Prosecuting Attorney  
City of St. Louis  
1320 Market Street  
St. Louis, Missouri 63103

Dear Mr. Shannon:

This is in response to your request for an opinion as to the types of traffic offenses which can be placed within the authority of the violations clerk of a traffic violations bureau, as created under Supreme Court Rule 37.50.

You have informed us that the Court of Criminal Corrections in St. Louis wishes to establish a "traffic violations bureau" under Rule 37.50 and a question has arisen as to whether or not certain traffic offenses can be placed under the authority of the violations clerk. Specifically, the list of offenses includes the following:

- "a. Failure to display operator's license
- "b. Expired vehicle license
- "c. No vehicle license"

Supreme Court Rule 37.50(b) states that the court can designate the traffic offenses to be within the authority of the violations clerk, with the following proviso:

". . . provided that such designated offenses shall in no event include Traffic Cases involving property damage or personal injury, operation of a motor vehicle while under the influence of intoxicating liquor or drugs or

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permitting another person under such influence to operate a motor vehicle owned by the defendant or in his custody or control, speeding in excess of 10 miles an hour above the legal speed limit, any second speeding offense in a two-year period, driving without license but not expired license when within 60 days after expiration, driving when license is suspended or revoked, or leaving the scene of an accident. The Court, by published order to be prominently posted in the place where the fines are to be paid, shall specify by suitable schedules the amount of fines to be imposed for first and subsequent offenses, designating each offense specifically in the schedules, provided such fines are within the limits declared by law. Fines and costs shall be paid to, receipted by and accounted for by the Violations Clerk in accordance with these Rules." (Emphasis added)

It seems clear that the Supreme Court did not intend, except for carefully defined exceptions, to restrict the magistrate and municipal courts and courts of criminal corrections with respect to the types of traffic offenses to be included within the authority of the violations clerk of the traffic violations bureau.

It is our opinion that the examples listed in your request do not fall within the exceptions listed in Supreme Court Rule 37.50(b). The reference to licenses within the Supreme Court rule refers to operator's or chauffeur's licenses and not to license plates for motor vehicles. The traffic offense of failure to display an operator's license is not the same as driving without a license and therefore is not within the proviso. Examples "b" and "c," although traffic offenses, deal with improper motor vehicle registration and not with licenses as that term is used in Supreme Court Rule 37.50(b). Accordingly, the traffic offense of driving a motor vehicle which is not currently registered can be placed within the authority of the violations clerk of the traffic violations bureau.

Yours very truly,



JOHN C. DANFORTH  
Attorney General