

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 237
94TH GENERAL ASSEMBLY

Reported from the Committee on Local Government April 18, 2007 with recommendation that House Committee Substitute for Senate Bill No. 237 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

D. ADAM CRUMBLISS, Chief Clerk

1149L.03C

AN ACT

To repeal sections 479.010 and 479.011, RSMo, and to enact in lieu thereof two new sections relating to administrative adjudication of code violations, with penalty provisions.

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

Section A. Sections 479.010 and 479.011, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 479.010 and 479.011, to read as follows:

479.010. Violations of municipal ordinances shall be [tried] **heard and determined** only before divisions of the circuit court as hereinafter provided in this chapter. **"Heard and determined", for purposes of this chapter, shall mean any process under which the court in question retains the final authority to make factual determinations pertaining to allegations of a municipal ordinance violation, including, but not limited to, the use of a system of administrative adjudication as provided in section 479.011, preliminary to a determination by appeal to the court in question.**

479.011. 1. Any city not within a county **or any home rule city with more than four hundred thousand inhabitants and located in more than one county** may establish, by order or ordinance, an administrative system for adjudicating parking and other **civil**, nonmoving municipal code violations consistent with applicable state law. Such administrative adjudication system shall be subject to practice, procedure, and pleading rules established by the state supreme court, circuit court, or municipal court. This section shall not be construed to affect the

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.

7 validity of other administrative adjudication systems authorized by state law and created before
8 August 28, 2004.

9 2. The order or ordinance creating the administrative adjudication system shall designate
10 the administrative tribunal and its jurisdiction, including the code violations to be reviewed. The
11 administrative tribunal may operate under the supervision of the municipal court, parking
12 commission, or other entity designated by order or ordinance and in a manner consistent with
13 state law. The administrative tribunal shall adopt policies and procedures for administrative
14 hearings, and filing and notification requirements for appeals to the municipal or circuit court,
15 subject to the approval of the municipal or circuit court.

16 3. The administrative adjudication process authorized in this section shall ensure a fair
17 and impartial review of contested municipal code violations, and shall afford the parties due
18 process of law. The formal rules of evidence shall not apply in any administrative review or
19 hearing authorized in this section. Evidence, including hearsay, may be admitted only if it is the
20 type of evidence commonly relied upon by reasonably prudent persons in the conduct of their
21 affairs. The code violation notice, property record, and related documentation in the proper
22 form, or a copy thereof, shall be prima facie evidence of the municipal code violation. The
23 officer who issued the code violation citation need not be present.

24 4. An administrative tribunal may not impose incarceration or any fine in excess of the
25 amount allowed by law. Any sanction, fine or costs, or part of any fine, other sanction, or costs,
26 remaining unpaid after the exhaustion of, or the failure to exhaust, judicial review procedures
27 under chapter 536, RSMo, shall be a debt due and owing the city, and may be collected in
28 accordance with applicable law.

29 5. Any final decision or disposition of a code violation by an administrative tribunal shall
30 constitute a final determination for purposes of judicial review[,] . **Such determination is**
31 **subject to review under chapter 536, RSMo, or, at the request of the defendant made within**
32 **ten days, a trial de novo in the circuit court.** After expiration of the judicial review period
33 under chapter 536, RSMo, unless stayed by a court of competent jurisdiction, the administrative
34 tribunal's decisions, findings, rules, and orders may be enforced in the same manner as a
35 judgment entered by a court of competent jurisdiction. Upon being recorded in the manner
36 required by state law or the uniform commercial code, a lien may be imposed on the real or
37 personal property of any defendant entering a plea of nolo contendere, pleading guilty to, or
38 found guilty of a municipal code violation in the amount of any debt due the city under this
39 section and enforced in the same manner as a judgment lien under a judgment of a court of
40 competent jurisdiction.

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