

SECOND REGULAR SESSION

[TRULY AGREED TO AND FINALLY PASSED]

HOUSE BILL NO. 1407

92ND GENERAL ASSEMBLY

3867L.01T

2004

AN ACT

To amend chapter 479, RSMo, by adding thereto one new section relating to adjudication of certain municipal code violations.

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

Section A. Chapter 479, RSMo, is amended by adding thereto one new section, to be known as section 479.011, to read as follows:

479.011. 1. Any city not within a county may establish, by order or ordinance, an administrative system for adjudicating parking and other 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 validity of other administrative adjudication systems authorized by state law and created before August 28, 2004.

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

3. The administrative adjudication process authorized in this section shall ensure a fair and impartial review of contested municipal code violations, and shall afford the parties due process of law. The formal rules of evidence shall not apply in any administrative review or hearing authorized in this section. Evidence, including hearsay, may be admitted only if it is the type of evidence commonly relied upon by reasonably

21 prudent persons in the conduct of their affairs. The code violation notice, property record,
22 and related documentation in the proper form, or a copy thereof, shall be prima facie
23 evidence of the municipal code violation. The officer who issued the code violation citation
24 need not be present.

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

30 5. Any final decision or disposition of a code violation by an administrative tribunal
31 shall constitute a final determination for purposes of judicial review, subject to review
32 under chapter 536, RSMo. After expiration of the judicial review period under chapter
33 536, 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
36 manner required by state law or the Uniform Commercial Code, a lien may be imposed on
37 the real or personal property of any defendant entering a plea of nolo contendere, pleading
38 guilty to, or found guilty of a municipal code violation in the amount of any debt due the
39 city under this section and enforced in the same manner as a judgment lien under a
40 judgment of a court of competent jurisdiction.