

FIRST REGULAR SESSION

HOUSE BILL NO. 1027

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES CURLS (Sponsor), COOPER (120), TALBOY, LOW (39),
LeVOTA, BLAND, HOLSMAN, SKAGGS, BROWN (50), BURNETT, GRISAMORE,
RUCKER AND PRATT (Co-sponsor).

Read 1st time March 1, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

2325L.011

AN ACT

To repeal section 479.011, RSMo, and to enact in lieu thereof one new section 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Section A. Section 479.011, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 479.011, to read as follows:

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 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

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.

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, subject to review under chapter
31 536, RSMo. After expiration of the judicial review period under chapter 536, RSMo, unless
32 stayed by a court of competent jurisdiction, the administrative tribunal's decisions, findings,
33 rules, and orders may be enforced in the same manner as a judgment entered by a court of
34 competent jurisdiction. Upon being recorded in the manner required by state law or the uniform
35 commercial code, a lien may be imposed on the real or personal property of any defendant
36 entering a plea of nolo contendere, pleading guilty to, or found guilty of a municipal code
37 violation in the amount of any debt due the city under this section and enforced in the same
38 manner as a judgment lien under a judgment of a court of competent jurisdiction.

✓