

HB 288 -- Trial de Novo Petitions

Sponsor: Roorda

This bill allows a person who has exhausted his or her administrative remedies and who is aggrieved by an agency's final decision in a contested case to petition the circuit court for a trial de novo as an alternative to seeking judicial review of the administrative decision. The individual must file an application for trial de novo within 30 days after the mailing or delivery of the agency's final decision. The agency must file with the court a copy of the plaintiff's petition or complaint as presented to the agency as well as the agency's decision within 30 days after the filing of the application for trial de novo.

The court may order a stay of the enforcement of the agency's order pending a final judgment. The court must hear the case with a jury as the trier of fact, unless all plaintiffs waive a trial by jury in writing before the jury is sworn in. The findings of fact and conclusions of law by the administrative hearing body are not admissible into evidence in the trial de novo unless all parties agree to the admissibility of the evidence.