

FIRST REGULAR SESSION

# SENATE BILL NO. 237

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SHIELDS.

Read 1st time January 10, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

1149S.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Section A. Section 479.011, RSMo, is repealed and one new section  
2 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**  
2 **more than four hundred thousand inhabitants and located in more than**  
3 **one county** may establish, by order or ordinance, an administrative system for  
4 adjudicating parking and other nonmoving municipal code violations consistent  
5 with applicable state law. Such administrative adjudication system shall be  
6 subject to practice, procedure, and pleading rules established by the state  
7 supreme court, circuit court, or municipal court. This section shall not be  
8 construed to affect the validity of other administrative adjudication systems  
9 authorized by state law and created before August 28, 2004.

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

18 3. The administrative adjudication process authorized in this section shall  
19 ensure a fair and impartial review of contested municipal code violations, and  
20 shall afford the parties due process of law. The formal rules of evidence shall not

21 apply in any administrative review or hearing authorized in this  
22 section. Evidence, including hearsay, may be admitted only if it is the type of  
23 evidence commonly relied upon by reasonably prudent persons in the conduct of  
24 their affairs. The code violation notice, property record, and related  
25 documentation in the proper form, or a copy thereof, shall be prima facie evidence  
26 of the municipal code violation. The officer who issued the code violation citation  
27 need not be present.

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

34         5. Any final decision or disposition of a code violation by an  
35 administrative tribunal shall constitute a final determination for purposes of  
36 judicial review, subject to review under chapter 536, RSMo. After expiration of  
37 the judicial review period under chapter 536, RSMo, unless stayed by a court of  
38 competent jurisdiction, the administrative tribunal's decisions, findings, rules,  
39 and orders may be enforced in the same manner as a judgment entered by a court  
40 of competent jurisdiction. Upon being recorded in the manner required by state  
41 law or the uniform commercial code, a lien may be imposed on the real or  
42 personal property of any defendant entering a plea of nolo contendere, pleading  
43 guilty to, or found guilty of a municipal code violation in the amount of any debt  
44 due the city under this section and enforced in the same manner as a judgment  
45 lien under a judgment of a court of competent jurisdiction.

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