

Regular Session, 2010

HOUSE BILL NO. 915

BY REPRESENTATIVE RICHARDSON

MUNICIPAL/ORDINANCES: Provides relative to parking violations

1 AN ACT

2 To amend and reenact R.S. 13:2571(A) and (B), relative to parking violations; to provide for
3 the enforcement of certain ordinances; to provide with respect to municipalities
4 having a population of twenty-five thousand or more; and to provide for related
5 matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 13:2571(A) and (B) are hereby amended and reenacted to read as
8 follows:

9 §2571. Parking violations; administrative adjudication; procedure; appeal; penalties

10 A. The city of Lafayette, the city of Gretna, and any municipality having a
11 population of ~~one hundred~~ twenty-five thousand or more may prescribe civil fines
12 for violation of ordinances prohibiting parking, stopping, or standing in certain areas
13 of the municipality pursuant to the procedures for administrative adjudication
14 provided in this Chapter.

15 B. The city of Lafayette, the city of Gretna, and each municipality with a
16 population of ~~one hundred~~ twenty-five thousand or more may adopt an ordinance
17 establishing an administrative adjudication hearing procedure under the provisions
18 of this Chapter. Each ordinance shall provide a time period for persons charged with
19 violating a parking, stopping, or standing ordinance to have a hearing under the
20 provisions of this Chapter. The ordinance shall provide for appointment of hearing

1 officers who shall have been licensed to practice law in Louisiana for five years and
 2 who shall have authority to administer oaths and affirmations and to issue orders
 3 compelling the attendance of witnesses and the production of documents. Any order
 4 compelling the attendance of witnesses or the production of documents may be
 5 enforced by the city court of the municipality, ~~or the parish court,~~ or the district court
 6 in which the municipality is located. Except in municipalities having a population
 7 of four hundred eighty-five thousand or more persons, the ordinance may provide for
 8 a legal presumption that the vehicle's registered owner was the operator at the time
 9 of the charged violation. Any municipality having a population of four hundred
 10 eighty-five thousand or more persons which has by ordinance provided for an
 11 administrative hearing pursuant to the provisions of this Section shall bear the
 12 burden of proving by a preponderance of the evidence that the person receiving the
 13 ticket or summons committed the parking, stopping, or standing violation.

14 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Richardson

HB No. 915

Abstract: Authorizes any municipality with a population of 25,000 or more to prescribe civil fines for certain ordinance violations.

Present law provides that the city of Lafayette, the city of Gretna, and municipalities having a population of at least 100,000 may prescribe civil fines for the violation of certain ordinances including prohibited parking, stopping, or standing in certain areas.

Proposed law retains present law except it changes the population category from 100,000 to 25,000.

Present law provides that the city of Lafayette, the city of Gretna, and municipalities having a population of at least 100,000 may adopt an ordinance establishing an administrative adjudication hearing procedure for persons charged with violating parking, stopping, or standing ordinances.

Present law provides for the appointment of hearing officers, and gives the hearing officers authority to issue orders compelling attendance of witnesses or the production of documents, and provides that these orders shall be enforced in city court or parish court.

Proposed law retains present law and changes the population category from 100,000 to 25,000, and provides that the orders issued by hearing officers shall also be enforced in the district court in the district in which the municipality is located.

(Amends R.S. 13:2571(A) and (B))