

FIRST REGULAR SESSION

# SENATE BILL NO. 207

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR EMERY.

Pre-filed January 4, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

1062S.011

## AN ACT

To repeal section 479.011, RSMo, and to enact in lieu thereof one new section relating to the administrative adjudication of municipal ordinance violations.

*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Section A. Section 479.011, RSMo, is repealed and one new section  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. (1) [The following cities] **Any city or village** may establish  
2 an administrative adjudication system under this section[:

3 (a) Any city not within a county;

4 (b) Any home rule city with more than four hundred thousand inhabitants  
5 and located in more than one county;

6 (c) Any home rule city with more than seventy-three thousand but fewer  
7 than seventy-five thousand inhabitants; and

8 (d) Any home rule city with more than one hundred fifty-five thousand but  
9 fewer than two hundred thousand inhabitants].

10 (2) [The cities listed in subdivision (1) of this subsection] **A city of**  
11 **village** may establish, by [order or] ordinance, an administrative system for  
12 adjudicating housing, property maintenance, nuisance, parking, and other civil,  
13 nonmoving municipal code violations, **and minor traffic violations and**  
14 **municipal ordinance violations as defined in section 479.350, as civil**  
15 **contested cases under chapter 536** consistent with applicable state  
16 law. Such administrative adjudication system shall be subject to practice,  
17 procedure, and pleading rules established by the state supreme court, circuit  
18 court, or municipal court. This section shall not be construed to affect the  
19 validity of other administrative adjudication systems authorized by state law and

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

20 created before August 28, [2004] **2019**.

21           2. The [order or] ordinance creating the administrative adjudication  
22 system shall designate the administrative tribunal and its jurisdiction, including  
23 the code violations to be reviewed. The administrative tribunal [may] **shall**  
24 operate under the supervision of the municipal court, [parking commission, or  
25 other entity designated by order or ordinance] **the administrative law judge**  
26 **may be the municipal court judge or other person qualified to be a**  
27 **municipal court judge as appointed by ordinance or resolution and the**  
28 **administrative adjudication system shall be operated** in a manner  
29 consistent with state law. The administrative tribunal shall adopt policies and  
30 procedures for administrative hearings, and filing and notification requirements  
31 for [appeals to the municipal or] **petitions for review by the** circuit court[,  
32 subject to the approval of the municipal or circuit court] **consistent with state**  
33 **law**.

34           3. The administrative adjudication process authorized in this section shall  
35 ensure a fair and impartial review of contested municipal code violations, and  
36 shall afford the parties due process of law. The formal rules of evidence shall not  
37 apply in any administrative review or hearing authorized in this  
38 section. Evidence, including hearsay, may be admitted only if it is the type of  
39 evidence commonly relied upon by reasonably prudent persons in the conduct of  
40 their affairs. The code violation notice, property record, and related  
41 documentation in the proper form, or a copy thereof, shall be prima facie evidence  
42 of the municipal code violation. The officer who issued the code violation citation  
43 need not be present.

44           4. An administrative tribunal may not impose incarceration [or] **and may**  
45 **not impose** any fine in excess of the amount allowed by law. Any sanction, fine  
46 or costs, or part of any fine, other sanction, or costs, remaining unpaid after the  
47 exhaustion of, or the failure to exhaust, judicial review procedures under chapter  
48 536 shall be a debt due and owing the city **or village**, and may be collected in  
49 accordance with applicable law. **Points shall be assessed by the department**  
50 **of revenue for driving violations in the same manner as in municipal**  
51 **court proceedings**.

52           5. Any final decision or disposition of a code violation by an  
53 administrative tribunal shall constitute a final determination for purposes of  
54 judicial review. Such determination is subject to review under chapter 536 [or,  
55 at the request of the defendant made within ten days, a trial de novo in the

56 circuit court]. After expiration of the judicial review period under chapter 536,  
57 unless stayed by a court of competent jurisdiction, the administrative tribunal's  
58 decisions, findings, rules, and orders may be enforced in the same manner as a  
59 judgment entered by a court of competent jurisdiction. Upon being recorded in  
60 the manner required by state law or the uniform commercial code, a lien may be  
61 imposed on the real or personal property of any defendant [entering a plea of nolo  
62 contendere, pleading guilty to, or found guilty of] **subject to a judgment for a**  
63 **municipal code violation in the amount of any debt due the city or village** under  
64 this section and enforced in the same manner as a judgment lien under a  
65 judgment of a court of competent jurisdiction. The city **or village** may also issue  
66 a special tax bill to collect fines issued for housing, property maintenance, and  
67 nuisance code violations.

✓

Bill

Copy