

2015 Regular Session

SENATE BILL NO. 176

BY SENATOR APPEL

LOCAL AGENCIES. Provides relative to traffic and parking ordinances for which the board of commissioners of the Port of New Orleans prescribes fines. (8/1/15)

1 AN ACT

2 To amend and reenact R.S. 13:2571.1, relative to the Port of New Orleans; to provide
3 relative to the board of commissioners; to provide relative to the imposition,
4 collection and distribution of civil fines for violations of ordinances; to provide
5 terms, procedures, conditions, and requirements relative to the adjudication,
6 imposition and collection of such civil fines; and to provide for related matters.

7 Notice of intention to introduce this Act has been published.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 13:2571.1 is hereby amended and reenacted to read as follows:

10 §2571.1. Port of New Orleans; parking violations; administrative adjudication;
11 procedure; appeal; penalties

12 A. The board of commissioners of the Port of New Orleans may prescribe
13 civil fines for violation of **its traffic and parking** ordinances ~~prohibiting which~~
14 **prohibit speeding**, parking, stopping, or standing in certain areas of the jurisdiction
15 of the port pursuant to the procedures for administrative adjudication provided in this
16 Chapter.

17 B. The board may adopt an ordinance establishing an administrative

1 adjudication hearing procedure under this Chapter. Each ordinance shall provide a
2 time period for persons charged with violating a **speeding**, parking, stopping, or
3 standing ordinance to have a hearing under this Chapter. The ordinance shall provide
4 for appointment of hearing officers who shall have been licensed to practice law in
5 Louisiana for five years and who may administer oaths and affirmations and to issue
6 orders compelling the attendance of witnesses and the production of documents. Any
7 order compelling the attendance of witnesses or the production of documents may
8 be enforced by the appellate court in the parish in which the violation is alleged to
9 have occurred.

10 C.(1) If the ordinance provides for an instanter hearing at any time within
11 fifteen days of the alleged violation for those denying liability for the violation, then
12 the ticket or summons shall inform the person ticketed of the right to and place of
13 such instanter hearing; however, the officer issuing the summons or ticket need not
14 be present and the ticket shall be prima facie proof of its contents.

15 (2) The ticket or summons shall also provide information as to the time and
16 place of an administrative adjudication hearing, at which the officer issuing the
17 summons, citation, or ticket is present. The failure of any person charged with a
18 violation to appear at the hearing shall be considered an admission of liability for the
19 charged violation. The original summons, citation, ticket, or any carbon, machine,
20 or true copy thereof is a record kept in the ordinary course of business of the port,
21 and shall be rebuttable proof of the facts contained therein.

22 D. Any administrative adjudication hearing held under this Chapter shall be
23 conducted in accordance with the rules of evidence of the Administrative Procedure
24 Act. Testimony by any person shall be taken under oath or by affirmation. The
25 person charged with the ordinance violation may present any relevant evidence and
26 testimony at such hearing; however, his physical presence shall not be required at the
27 hearing if documentary evidence is submitted to the hearing officer prior to the date
28 of the hearing.

29 E. The hearing officer shall issue an order stating whether or not the person

1 charged is liable for violation of the **speeding**, parking, stopping, or standing
2 ordinance and the amount of any fine, penalty, costs, or fee assessed against him,
3 which order may be filed with the port. Any such order filed with this port may be
4 enforced by immobilization of the offending vehicle.

5 F. Any order or decision of the hearing officer filed under this Chapter with
6 the port shall be maintained in a separate index and file. These orders or decisions
7 may be recorded utilizing computer printouts, microfilm, microfiche, or other similar
8 data processing techniques.

9 G. The ordinance shall provide for the amount and disposition of fines,
10 penalties, costs and fees.

11 H. Any person determined by the hearing officer to be in violation of a
12 **speeding**, parking, stopping, or standing ordinance may appeal this determination
13 to the appellate court in the parish in which the violation is alleged to have occurred.
14 The appeal shall be instituted by filing, within thirty days of the filing of the hearing
15 officer's order, a petition with the clerk along with payment of such reasonable costs
16 as may be required by the clerk. After filing a petition for appeal, the clerk shall
17 schedule a hearing and notify all parties of the date, time, and place of such hearing.
18 Service of notice of appeal under this Subsection shall not stay the enforcement and
19 collection of the judgment unless the person who files the appeal posts bond prior to
20 filing notice of appeal with the agency of the port designated by ordinance to accept
21 payments of violations of **speeding**, parking, stopping, or standing ordinances.

22 I. As used in this Section:

23 (1) "Appellate court" means a city court in Orleans Parish, a parish court in
24 Jefferson Parish, or a justice of the peace court in St. Bernard Parish.

25 (2) "Clerk" means the clerk of a city court in Orleans Parish, the clerk of a
26 parish court in Jefferson Parish, and the justice of the peace in St. Bernard Parish.

The original instrument was prepared by Julie J. Baxter. The following digest, which does not constitute a part of the legislative instrument, was prepared by Ann S. Brown.

DIGEST

SB 176 Engrossed 2015 Regular Session Appel

Present law provides that the board of commissioners of the Port of New Orleans may prescribe civil fines for violation of ordinances prohibiting parking, stopping, or standing in certain areas of the jurisdiction of the port pursuant to the procedures for administrative adjudication provided for in present law.

Proposed law provides that the board of commissioners of the Port of New Orleans may prescribe civil fines for violation of its traffic and parking ordinances which prohibit speeding, parking, stopping, or standing in certain areas of the jurisdiction of the port pursuant to the procedures for administrative adjudication provided for in present law.

Present law provides that the board of commissioners of the Port of New Orleans may adopt an ordinance establishing an administrative adjudication hearing procedure under present law. Present law further provides that each ordinance shall provide a time period for persons charged with violating a parking, stopping, or standing ordinance to have a hearing under present law. Further provides that the ordinance shall provide for appointment of hearing officers who shall have been licensed to practice law in Louisiana for five years and who may administer oaths and affirmations and to issue orders compelling the attendance of witnesses and the production of documents. Provides that any order compelling the attendance of witnesses or the production of documents may be enforced by the appellate court in the parish in which the violation is alleged to have occurred.

Proposed law retains present law and adds speeding as one of the ordinances for which a time period shall be provided within which a person charged with violations of the ordinance shall have a hearing under present law.

Present law provides that a hearing officer shall issue an order stating whether or not the person charged is liable for violation of the parking, stopping, or standing ordinance and the amount of any fine, penalty, costs, or fee assessed against him, which order may be filed with the port. Present law further provides that any such order filed with the port may be enforced by immobilization of the offending vehicle.

Proposed law retains present law and adds speeding as one of the ordinances for which the person charged may be liable.

Present law provides that any person determined by the hearing officer to be in violation of a parking, stopping, or standing ordinance may appeal this determination to the appellate court in the parish in which the violation is alleged to have occurred.

Present law retains present law and adds speeding as a possible violation which may be appealed.

Present law provides that an agency of the port, designated by ordinance, shall accept payments of violations for parking, stopping, or standing ordinances.

Proposed law retains present law and adds payment of speeding violations to the list of ordinances.

Effective August 1, 2015.

(Amends R.S. 13:2571.1)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Local and Municipal Affairs to the original bill

1. Adds payment of speeding violations to the list of ordinances an agency of the port may accept.