

SENATE BILL NO. 176

BY SENATOR APPEL

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
18 adjudication hearing procedure under this Chapter. Each ordinance shall provide a
19 time period for persons charged with violating a speeding, parking, stopping, or
20 standing ordinance to have a hearing under this Chapter. The ordinance shall provide
21 for appointment of hearing officers who shall have been licensed to practice law in
22 Louisiana for five years and who may administer oaths and affirmations and to issue
23 orders compelling the attendance of witnesses and the production of documents. Any
24 order compelling the attendance of witnesses or the production of documents may
25 be enforced by the appellate court in the parish in which the violation is alleged to
26 have occurred.

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

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

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

20 E. The hearing officer shall issue an order stating whether or not the person
21 charged is liable for violation of the **speeding**, parking, stopping, or standing
22 ordinance and the amount of any fine, penalty, costs, or fee assessed against him,
23 which order may be filed with the port. Any such order filed with this port may be
24 enforced by immobilization of the offending vehicle.

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

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

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

12 I. As used in this Section:

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

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

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____