

Regular Session, 2012

HOUSE BILL NO. 873

BY REPRESENTATIVE ARNOLD

TRAFFIC/VIOLATIONS: Authorizes the Traffic Court of New Orleans to exercise appellate jurisdiction in de novo appeals for violations from a traffic camera citation

1 AN ACT

2 To enact Code of Civil Procedure Article 4850.2 and Section 2 of Chapter 2 of Title 1 of
3 Book VIII of the Code of Civil Procedure, to be comprised of Code of Civil
4 Procedure Article 4857, relative to the appellate jurisdiction and procedure; to
5 provide the Traffic Court of New Orleans with exclusive jurisdiction for appeals
6 taken from an administrative hearing for certain traffic violations; to authorize de
7 novo review by the traffic court on administrative hearing appeals; to provide the
8 First and Second City Court of New Orleans with appellate jurisdiction over appeals
9 taken from the Traffic Court of New Orleans for certain traffic violations; to require
10 the adoption of rules to implement the procedure for hearing and deciding such
11 appeals; to direct the Louisiana State Law Institute to make certain conforming
12 technical changes; and to provide for related matters.

13 Be it enacted by the Legislature of Louisiana:

14 Section 1. Code of Civil Procedure Article 4850.2 and Section 2 of Chapter 2 of Title
15 1 of Book VIII of the Code of Civil Procedure, to be comprised of Code of Civil Procedure
16 Article 4857, are hereby enacted to read as follows:

17 Art. 4850.2. First City Court and Second City Court of New Orleans; appellate
18 jurisdiction

19 The First City Court and the Second City Court shall have jurisdiction over
20 appeals by any person aggrieved by a decision of the Traffic Court of New Orleans

1 concerning a traffic violation enforced by the city of New Orleans' automated traffic
2 enforcement system. Appeals from the traffic court shall extend to the law and the
3 facts and shall be tried upon the records made and the evidence offered in court by
4 the judge to whom the appeal shall be allotted. Any aggrieved person shall file such
5 appeal within thirty days of such decision. The First City Court and the Second City
6 Court shall adopt rules regulating the manner of taking, hearing, and deciding such
7 appeals. All traffic violations on appeal shall maintain their status as civil penalties.

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9 SECTION 2. MUNICIPAL AND TRAFFIC COURTS

10 Art. 4857. Traffic Court of New Orleans; appellate jurisdiction

11 The Traffic Court of New Orleans shall have exclusive appellate jurisdiction
12 of all appeals by any person aggrieved by an administrative hearing officer's decision
13 concerning a traffic violation enforced by the city of New Orleans' automated traffic
14 enforcement system. Any aggrieved person shall file such appeal within thirty days
15 after the date of such decision. The traffic court shall have de novo review over such
16 appeals. The traffic court shall adopt rules regulating the manner of taking, hearing,
17 and deciding such appeals. All traffic violations on appeal shall maintain their status
18 as civil penalties.

19 Section 2.(A) The Louisiana State Law Institute is hereby directed to change the
20 heading of Chapter 2 of Title I of Book VIII of The Code of Civil Procedure from "CIVIL
21 JURISDICTION FOR PARISH AND CITY COURTS" to "CIVIL JURISDICTION".

22 (B) The Louisiana State Law Institute is hereby directed to create a Section 1 within
23 Chapter 2 of Title I of Book VIII of the Code of Civil Procedure with the heading
24 "SECTION 1. PARISH COURTS AND CITY COURTS" to be comprised of Articles 4841
25 through 4852.

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)]

Arnold

HB No. 873

Abstract: Authorizes appellate jurisdiction on appeals taken from the Traffic Court of New Orleans and the First or Second City Court of New Orleans as it relates to traffic violations from the New Orleans' automated traffic enforcement system.

Proposed law provides that the First or Second City Court of New Orleans shall have jurisdiction of appeals by any person aggrieved by a decision of the Traffic Court of New Orleans concerning a traffic violation enforced by an automated traffic enforcement system.

Proposed law provides that such appeals to the First or Second City Court shall be made within 30 days from the date of decision.

Proposed law provides that the traffic court shall have exclusive jurisdiction of appeals by any person aggrieved by an administrative hearing officer's decision concerning a traffic violation by an automated traffic enforcement system.

Proposed law provides that such appeals from the Traffic Court of New Orleans shall extend to the law and the facts and shall be tried upon the records made and the evidence offered in traffic court.

Proposed law provides that such appeals to the traffic court shall be made within 30 days from the date of decision.

Proposed law provides that the traffic court shall have de novo review over such appeals.

Proposed law requires the traffic court and the First and Second City Court adopt rules for taking, hearing and deciding appeals related the traffic violations, and provides that the traffic violations maintain their civil penalty status.

(Adds C.C.P. Arts. 4850.2 and 4857)