

Regular Session, 2012

ACT No. 502

HOUSE BILL NO. 873

BY REPRESENTATIVE ARNOLD

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
15 Title 1 of Book VIII of the Code of Civil Procedure, 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
21 concerning a traffic violation enforced by the city of New Orleans' automated traffic
22 enforcement system. Appeals from the traffic court shall extend to the law and the
23 facts and shall be tried upon the records made and the evidence offered in court by
24 the judge to whom the appeal shall be allotted. Any aggrieved person shall file such

appeal within thirty days of such decision. The First City Court and the Second City Court shall adopt rules regulating the manner of taking, hearing, and deciding such appeals. All traffic violations on appeal shall maintain their status as civil penalties.

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SECTION 2. MUNICIPAL AND TRAFFIC COURTS

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

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

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

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____