

RULE 62

**CASES BEFORE TRAFFIC
COMMISSIONERS**

(A) In accordance with section 479.500 RSMo, traffic commissioners are authorized to hear in the first instance:

- (1) non-felony violations of state law involving motor vehicles;
- (2) municipal ordinance violations involving motor vehicles;
- (3) other state law and municipal ordinance violations as provided by these rules, and
- (4) petitions for trial de novo or review from decisions of the Department of Revenue or any other proceeding as authorized by law pursuant to section 302.309 RSMo, 302.311 RSMo, 302.535 RSMo, 302.574 RSMo, and/or 302.750 RSMo.

(B) A petition for trial de novo or review from the decision of the Department of Revenue shall be electronically filed with the Circuit Clerk. If the petitioner desires to have the case heard by a judge rather than a traffic commissioner, the petitioner at the time of filing the petition shall file a motion for hearing before a judge of the Circuit Court. If no motion is filed at the same time as the petition, the right to have the petition heard by a judge in the first instance is deemed waived and the case shall be assigned to a traffic commissioner, as appointed pursuant to 479.500 RSMo. If the motion is timely filed, the case shall be assigned to a judge for hearing and determination.

(C) Any party to a cause of action heard by a traffic commissioner seeking a rehearing of the commissioner's finding and recommendations shall file a motion for rehearing by a judge with the clerk of the traffic commissioner who heard the case. The motion shall be filed within twenty days of the date that the findings and recommendation of the commissioner are delivered or

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mailed to the parties. The motion shall be in writing and shall state all specific evidentiary grounds and legal authority for a rehearing. The motion must specifically allege facts to indicate how the findings of the traffic commissioner were not supported by competent and substantial evidence or how they were based upon an error of law. The motion shall contain specific references to the relevant portions of the transcript from the hearing before the traffic commissioner. The judge assigned the motion for rehearing shall review the motion on the pleadings and any attachments and determine if further argument or proceedings are required or if the motion shall be granted or denied in the discretion of the judge.

(D) The prior Rule 62 shall be repealed and this Rule 62 shall be effective August 28, 2019.

**62.1 BI-STATE DEVELOPMENT AGENCY
CITATIONS**

Citations issued, in which the only prescribed punishment is a fine by or on the behalf of the Bi-State Development Agency, shall be assigned to be heard and determined by a traffic commissioner appointed pursuant to 479.500 RSMo.