

RULE 62 CASES BEFORE TRAFFIC COMMISSIONERS

(A) Any trial de novo from or petition for review of a decision of the Department of Revenue for failure to take a breath test or suspension or revocation of a driver's license except for those exceeding the blood alcohol content by weight level under section 302.535 RSMo or for refusal to submit to any test when operating a commercial vehicle pursuant to 302.750 RSMo shall be filed in the designated office of the Circuit Clerk and assigned for hearing to a traffic commissioner.

(B) A petition for trial de novo or review from the decision of the Department of Revenue filed under section 302.535 RSMo or 302.750 RSMo shall be filed in the designated office of 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 petitioner desires to have the case heard by a judge rather than a traffic commissioner in a file that is pending on January 1, 2002, the petitioner by January 10, 2002 or before the case is heard by a commissioner, whichever time period is earlier, shall file a written request that the case be transferred to a judge. 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 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) This rule shall be effective on and after January 1, 2002.

**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.