

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN

**INSTRUCTIONS TO APPELLANTS
FOR COMPLETING THE
PARKING VIOLATION APPEAL PROCESS**

Assembly Bill No. 408 (Chapter 1244, Statutes 1992) transfers responsibility for reviewing and adjudicating parking offenses from the Marin County Superior Court to the issuing/processing agency. This legislation also establishes an investigative and administrative review process to be conducted by the issuing/processing agency.

The following is a procedural guide to use when an individual appeals a final decision rendered by an issuing/processing agency following formal review of a parking citation. The information contained herein is not intended to be, and should not be relied on as, legal advice.

FILING AN APPEAL

After receiving the final decision on a contested parking violation from the issuing/processing agency, an individual (appellant) may appeal the agency's final decision by filing a *Notice of Appeal - Parking* form with the Marin County Superior Court within **30 days** after the mailing of the final decision by the issuing/processing agency and **after paying a \$25 filing fee.** (Vehicle Code § 40230 amended August 25, 1994)

Upon the filing of an appeal with the Marin County Superior Court, the Clerk shall set a date and time for a hearing and provide the appellant with appropriate scheduling information on the *Notice of Appeal - Parking* form.

The appellant must serve a copy of the *Notice of Appeal - Parking* form on the issuing agency (refer to the "Proof Of Service Information Sheet" for the correct address.) Service may be either in person or by first class mail. The Clerk will provide a *Proof of Service* form to the appellant when the Parking Appeal is filed. The appellant must file the completed *Proof of Service* form with the Court at least **10 days** prior to the date of the court hearing.

Upon receipt of the *Notice of Appeal - Parking* form, the issuing/processing agency shall be responsible for sending to the Marin County Superior Court in a timely manner any documents in support of the agency's final decision along with a copy of the notice of parking violation. Any documents not received prior to the hearing date may not be considered by the Court.

AT THE HEARING

The contents of the issuing/processing agency's case file shall be received into evidence at the hearing. A representative from the issuing/processing agency is not required to appear personally at the appeal hearing. A copy of the parking citation shall be admitted into evidence as prima facie evidence of the facts stated therein.

AFTER THE HEARING

The Clerk shall send a copy of the *Notice of Decision* by first class mail to the appellant and the issuing/processing agency. If the appellant prevails, the filing fee, together with any parking penalty deposit, shall be refunded by the issuing agency, not the Marin County Superior Court.

Inquiries regarding the Parking Violation Appeal Process may be directed to:

Marin County Superior Court/Attn: Civil Division
Parking Appeals - Room 113
P.O. Box 4988
San Rafael, CA 94913-4988

PROOF OF SERVICE INFORMATION SHEET

The cities of **San Rafael** and **Sausalito** handle their own parking citations. The **Marin Parking Authority** handles all other parking citations received in the county. If you wish to make payment or serve a Notice of Appeal of Parking Citation, the addresses for the agencies are listed below.

- **Citations received from the City of San Rafael**

Parking Services Division
1060 D Street
San Rafael, CA, 94901
(415) 458-5333

- **Citations received from the City of Sausalito**

Sausalito City Hall
420 Litho Street
Sausalito, CA 94965
(415) 289-4108

- **All other citations received in Marin County**

Marin Parking Authority
PO Box 4037
San Rafael, CA 94913
(800) 281-7275 or (510) 843-7275