

GOVERNING STATUS

Authority: California Vehicle Code, Article 3

The establishment of the Administrative Adjudication Program is authorized by California Vehicle Code Article 3, Section 40215, which became effective on July 1, 1993, as enacted by California Assemble Bill 408. The adjudication procedure mandated by AB 408 is detailed as follows:

The issuing or processing agency must perform an administrative review of a parking violation if the review is requested within 21 days of issuance of the parking violation or within 14 days of the mailing of the notice of delinquent parking violation.

Within 21 days of the mailing of the results of the administrative review, the person may request a mail-in or in-person review of the parking violation by a hearing examiner employed by the issuing agency. The request for the hearing must be accompanied by payment of the full amount due for the parking violation.

Within in 30 days of the mailing of the hearing examiner's decision, an appeal may be filed with a civil court. The court currently requires person's filing the appeal to pay a filing fee plus any other applicable court charges and fees. The appeal is heard de novo in municipal court with the agency's file in the case submitted as evidence. A copy, of the notice of parking violation is admitted into evidence as prima facie evidence of the violation.

NOTE: There are no provisions in the Vehicle Code, nor is the issuing agency required, to conduct an administrative review or schedule an appearance before a hearing examiner if the mandated time limits are not followed by the violator.