

Pay No More Undeserved Parking Tickets

By Paul Bezaire

Disclaimer

I must tell you that I am not an attorney. The reader of this document must accept full responsibility for taking care of his own ticket and the author assumes no responsibility. This document covers **California** law as it exists in the year 2006. Each state has its own traffic laws, so a case on this site may not apply if you get a ticket in another state. However, it might not hurt to read what happens under the California Vehicle located at the end of this documents, as it pertains to parking tickets, and compare it with laws in other states. <http://www.lawsources.com/also/>

Parking Stories

I first want to tell you about some tickets I received and how I was able to defeat them. In this way you might even see something close to your ticket and get a feeling of what CAN be done. Underserved parking tickets **can** be beat.

Missing Street Sign #1

As I drove along the street I suddenly decided to park and go into the store. I looked for a No Parking signs but saw none. When I returned to my car in about an hour, I found a ticket under my windshield wiper. It cited me for parking on a street cleaning day.

Looking around again (**As you should always do**) I did not see any No Parking sign. But looking more closely, I noticed a hole measuring about four inches square on the sidewalk. Upon a more careful examination, I saw this hole was filled with wood. I surmised that the sign had been knocked down and never replaced. I took pictures of the hole in the ground and called the city maintenance yard to notify them of the missing sign. My suspicions were confirmed after the yard came out and examined the situation.

At this point I figured I was home free. But guess what? The city will not let a \$65.00 fine get by them.

I attended the in-person administrative hearing under section 40215 of this code. I showed pictures of the missing sign and told the hearing examiner that the sign had since been replaced. But, just as I suspected, my citation was found to be valid. They got you on this one. Section 40215 (5) makes it clear that the ticket in proper form shall be prima facie evidence of the violation.

In a few days I received a letter from the hearing examiner finding my citation was validly issued. She said that a **driver has the legal duty to read every sign on the street before parking**. Can you believe that? I asked myself what about a person in a wheelchair. Do they have the duty to wheel themselves back to read every sign on the street. What if it's a rainy day? I was furious about the stupidity of this examiner. And some of them are making sure the city gets money to pay them their salaries.

It was now my turn to appeal to a real judge by paying my \$25.00 appeal and head for the court. This is covered under section 40230 where the contents of processing agency's file shall be received in evidence by the court.

As always, the real judge has the complete record in front of him. He saw the pictures of the place where the sign had been knocked down and never replaced. So it was not surprising that in less than two minutes he said there is nothing in the law requiring a driver to read every sign on the street before parking. Again, I deprived the city of another \$65

Perhaps you are beginning to see how a person can, for once time in their lives, "rebel against the system" by contesting these citations. It would be nice if the city had to pay the person cited the same amount of the citation in the event they were eventually found by a real judge to be not guilty. In California, when you prevail on an appeal the court keeps your \$25.00 but the city has to pay you the same \$25.00 See section 40230 (b)

That was my first No sign posted ticket. The following is my second.

Missing Street Sign #2

On this particular day, I parked on the street. I looked around and did not see any NO PARKING sign. When I returned in about an hour, I found a ticket under my windshield wiper. I had parked in front of a construction site where the NO PARKING sign had been removed. I looked around on the ground and saw a hole that appeared to be about where a sign might have been located. Looking around some more I saw the sign leaning against an apartment house next door. Taking a picture of the sign I figured I was home free.

I called the city and told them to go look at the site and see for themselves that the sign was missing. I was told to send a letter to that effect. I did that and was still found liable for the ticket.

I then filed for my in-person administrative hearing. I brought my pictures of the sign and explained what happened but that did not persuade the hearing officer. I was still notified by mail that I was found liable.

I then went to the courthouse, paid my \$25.00 appeal fee and filed for an appeal. It took no more than three minutes for the judge to say that my ticket was issued in error. My fine that I had already paid plus my appeal fee of \$25.00 was returned to me in about a week.

Any impartial person like an elected judge could have realized I was not entitled to the ticket. But every hearing officer before the judge was working for the benefit of the city. That includes the officer who wrote the ticket, the person I spoke to on the phone, the person who read my letter, and the in-person hearing officer.

If I had not jumped through all the hoops the city coffers would have been enriched by another \$65.

When you get a ticket always look around to find anything that might get you off the hook. Was there a missing sign, was the parking meter not working and, if so, what did you do about it? Did you check the parking meter number against what was written on the ticket? Was the address of the location ticketed correct? If your car was unattended, compare what is written on the ticket to section 40202 of this code. (Again Various states may differ but this will give you an idea of what needs to be on the ticket) If any of those items are missing the judge may well dismiss. Some do and others do not. This can only lead to an expensive appeal. I talk later about the ticket I took all the way to the California Supreme Court.

Below is an excerpt from my book *The Rebel*. In **Chapter 1** I talk about getting a ticket for being parked in front of a non-existent fire hydrant in front a construction site I was working on.

*At ten o'clock the lunch truck drove up and parked about ten feet from my truck.
Workmen came out from all parts of the building and headed for their morning*

coffee. It was a clear and sunny day as the men gathered around and boasted about their “conquests” the previous night.

Just as we all made a move to get back to work, a meter maid in a little white golf cart showed up and parked next to my truck. I didn’t think anything about it until she took out her book and started writing. Even then nobody was suspicious. No one was speeding and everyone had parked in the same places for the past several months.

“Good morning,” I said with a smile as I approached her. “What’s happening?”

“Is this your truck?” she asked.

“Sure is. Is anything wrong?”

Without looking up she said, “You are parked within fifteen feet of this fire hydrant in violation of the Motor Vehicle Code.”

I smiled and rocked the hydrant showing her that it was just sitting there unattached. “Got you this time! It’s not even connected...in fact the closest water is in the lobby.”

She didn’t even crack a smile. She just kept writing in that book.

“Look,” I said, playing to the small crowd of workers that were watching us, “If you’re making out a grocery list, I need a quart of milk and a loaf of bread. How about picking them up for me?”

She ignored my comment and said, “The code does not require that the hydrant needs to be connected. You are still parked within fifteen feet of this hydrant.”

“I can’t believe you’re serious. When I parked here this morning there was no fire hydrant. This thing was delivered less than an hour ago. Maybe I should just pick it up and move it over there,” I gestured vaguely down the road.

Needless to say that when I went to court, the judge could not believe it when I objected to a dismissal because the meter maid did not show up. I wanted him to drag her into court so she could make a fool of herself in front to him and the audience.

The next example is something you probably never thought of but is in every city I have been in.

Red Curb/Grey Curb

Look around in your city and notice how some curbs are painted a sort of gray color. This is because at one time the curb was painted red and now the need for red no longer exists. The city has a choice of sandblasting off the red and leave the curb as a natural color of concrete, or they can simply paint over the red with a gray paint. In my case, where I had parked, it was repainted over with gray paint.

After several years, when the gray starts to cake off, the curb looks like a gray curb with measles. It is gray with spots of red showing through, or is it red with gray showing through. The question now becomes "Is the curb red or is it gray?"

The city sent out an investigator who eventually decided the curb was more red than it was gray. I made it through hoop #1 in my quest to get my ticket reversed.

Jumping through hoop #2 required me to appear at the in-person administrative hearing where I presented blown-up pictures that clearly shows the red curb having been painted over with a gray paint. I showed the hearing officer that my car was described on my ticket as an Oldsmobile when I drive a Lincoln. It gave the wrong address of the place where I got the ticket. I argued that since the officer made two prior mistakes, he probably made a mistake about the color of the curb.

All my arguments did not satisfy the administrative hearing officer, who worked for the city. He found the curb to be painted red and that I had parked in the red.

Now let's see what an independent officer of the court, the real judge had to say when I appealed my citation. He opened the file, quickly read the case notes, saw the pictures, looked down from the bench, and said "This case is dismissed."

Sitting at the back of the court, I jumped to my feet and said "I object to the dismissal" He said I had no choice in the matter and handed the clerk the file. (I again wanted someone from the city to show up and make a fool of themselves. But no such luck.)

Bang!!... Another \$65 lost by the city. In these cases the city actually loses the \$25 fee paid to the court for the appeal. In my four cases I saved \$195 and the city lost \$75.

Falsely Ticketed **(Anatomy of a ticket procedure)**

In California, it can be so difficult to fight a parking ticket. It can all be done by mail but as you saw in the situations above, even going for an in-person interview, can be time consuming and costly. Somebody told me about parking in a lot where the arm was up and no way to press the button to get the receipt to put under your windshield. When he returned to his car he found a \$45.00 ticket under his windshield. He then told me he paid it instead fighting it. He said it was too much trouble. But that all depends on your particular situation and how much the fine is for.

A Ticket for Denise

This ticket was received by Denise, the woman who cuts my hair. We had discussed tickets many times in the past especially after some of her customers received one in front of her shop. She knew it gave me great pleasure fighting them.

One day I got a call from her telling me that she got a ticket and did not deserve it. She said she had the sixty-five dollar check already made out, in the envelope, and ready to mail. "Please don't deny me the chance of fighting another ticket", I pleaded. (I love sticking it to the city)

After she explained where and how she got the ticket we met and looked over the place where she got it. "No way!" I told her. "This is one ticket you certainly do not deserve" The street name was wrong on the ticket. The only thing right about the ticket was the license number of the car.

As we spoke I was parked in the same place Denise had been parked. I tried to get a Parking Enforcement person to stop and give me a ticket. When one finally did stop, he could not believe that I was asking for a ticket.

"What can I cite you for he asked?"

"Illegally parking on this spot" I replied

"I can't give you a ticket for illegal parking because you are not illegally parked"

"Even so, I said. Please write me up"

Denise really cracked up laughing. She had never seen anyone begging for a traffic citation and not being able to get one. I only wanted one in case she decided to go ahead and pay the fine instead of fighting it. I begged her not to pay and even told her I would pay for her in the event I was not successful in having it dismissed.

"But look at all the trouble" she said. "Isn't it much simpler just to go ahead and pay?"

And this is exactly what cities in California depend on. They make it appear to be so tough to fight these tickets that it's not worth the time and effort to fight them. They are not aware that once the secret of fighting the tickets is out, it becomes a simple matter. The following is a true copy of the first letter I wrote for Denise and that was sent to the city of Los Angeles. Keep in mind that her ticket said she was parked on Pacific when in fact she had been parked on Uly street.

*Parking Violations Bureau
P.O. Box 30247
Los Angeles , CA 90030*

July 22, 2003

To whom it may concern: RE: Citation # 945543336

I have enclosed several pictures to show that not a single sign in the vicinity of where I got my citation indicates that I cannot stand or stop on Pacific. The citation was issued on Saturday, July 12. at 12:26. Note the sign that says No Parking on Tuesday. I cannot understand why I got a citation on a day when parking is allowed except Tuesdays between 10 am and 12 noon.

Please let me know if you need further information. I hope you send someone out there to see the posted signs

/Signed/

Note the date this letter was sent. (I deliberately tell them she was parked on Uly instead of Pacific like the ticket said.) As I write this letter, September 13, 2003, a simple response by the city has yet to be received. I will give the city another month before deciding what to do next. I don't want the ticket to be ignored because she would eventually be charged for it. I am going to request a letter of dismissal if they feel the ticket was not justified. I will continue as soon as we hear what is going on.

The following letter was sent to the city about a month and a half later:

Parking Violations Bureau
P.O. Box 30247
Los Angeles , CA 90030

September 14, 2003

To whom it may concern: RE: Citation # 945543336

Please tell me the status of my citation number 945543336

/Signed/

The date is now October 29, 2003, over three months after she sent in her first letter.

Today I called the city and asked why it takes so long to investigate a simple parking ticket. Are they waiting skip all over this, when we are not expecting it, simply to collect their \$65.00? I explained that she is leaving for three months and would like to know the status of her ticket. I was told they could not find it in the computer. (I don't think if the ticket was found to be valid that they would have lost it.)

In addition, I called the councilperson's office and suggested that the city enact a law to the effect that if an investigation is not completed within thirty days, the ticket would be dismissed. If that law is enacted, watch how fast they can do the investigation. Nobody will ever convince me that with a \$107 million take from parking tickets, they can't afford to hire investigators whose only task is to rule on the validity of parking tickets. I am a firm believer that every investigation should be completed within a reasonable amount of time like perhaps 30 days. But as I said earlier, the cities are not about to lose out on any parking ticket money.

A letter dated 10/31/03 was received. It stated: *"Thank you for your inquiry concerning the citation (s) listed below. We are reviewing your claim and suspending any further action pending the outcome of this investigation. You will be notified by mail of the outcome of this investigation regarding your claim.*

At least SOME action is taking place. Slow, but so is a snail that finally reaches its destination.

The following letter received from the city is dated 11/13/03 and reads: *We have investigated your inquiry and conducted an administrative investigation, including an on-site investigation regarding the citation listed below. The investigation has concluded that the signs were sufficiently clear and visible and, therefore the citation must be considered valid.*

If payment has not been made, prompt payment is now due. To avoid the addition of penalties, we must receive your full payment within 21 days from the date of this letter.

If you wish a hearing before a city hearing examiner, you must request the hearing within 21 days from the date of this letter by filling out this form and returning it to the parking violations bureau (PVC) by mail or in person at the cashiering location. All fines for the contested citation must be paid in full prior to schedule a hearing. If you fail to contact the PVB within the specified time, you will forfeit the right to a hearing.

Denise immediately sent in her fine for the citation but the PVB said she was too late. They are like a fisherman who has a fish on the line who is putting up a fight. They are not about to lose her \$65.00 fine.

I called the Parking enforcement people and requested a hearing. I was told that her fine was received late so she forfeited her right to a hearing and that the file was closed. I argued that she is entitled to a hearing and that if the file was closed I would help her file an appeal from the final action of the file closure.

Bingo! She received the following letter dated 12/11/03 and read:

This letter is in reply to your request for an administrative review or hearing for the citation (s) listed below. State law sets the time limits that a parking citation may be contested. Under state law (CVC 40215), a citation must be contested within 21 calendar days from the issue date, or 14 calendar days from the mail date on the notice of delinquent parking citation. Once the dates have passed, the right to contest the violation is forfeited.

The time limit has passed for the citation listed below, and therefore, the citation must be resolved by payment of the fine. (The fine had already been paid by the date of this letter. The balance of the letter just explained how to pay the fine)

This letter really got to me so I called the PVB back and suggested that they read Chapter nine of my book regarding parking citations. I also demanded that they allow an administrative hearing for Denise.

The response to my demand was as follows in a letter dated 12/15/03: *We have received and processed your administrative hearing request and the required payment for the parking citation number listed below. If you requested an in-person hearing, you will be notified by mail of the date, time and location of the hearing. If you requested a hearing by written declaration, your case will be reviewed by a city hearing examiner and you will be mailed the notice of decision for the contested parking citation.*

No further action on your part is required at the present time.

We received a letter dated 12/17/03 setting forth the Date of the hearing being 02/03/04 at 12:30PM and the address of the hearing.

All that remains for us to do now is wait to see what happens at the hearing. You can see all the hoops Denise was required to jump through to save \$65.00. That is the reason she had the check ready to mail in when she first called me and I asked to please not send it until we jump through all the hoops. On the other hand, she did say, it was worth it all, if only to do her part to rebel against the city.

The Hearing finally arrived on February 20. When I appealed my citations I was allowed to have my witnesses in the hearing room with me. I accompanied Denise to her hearing scheduled for 12:30. When the hearing did not start on time I approached the receptionists window and complained that we are here; where is the hearing officer? The girl looked at the clock and replied, "Its 12:40. The officer is only ten minutes late."

"Try telling that to a parking enforcement person when you are ONLY ten minutes late in arriving at a parking meter." Some civil servants just don't get it.

The hearing officer finally came out and called Denise. We both stood up and approached her. I was told to sit down and wait until she interviews Denise. I explained that I am entitled to accompany her.

"Please sit down." Was her command. She reminded my of what a warden in a woman's prison might look like

After challenging her on making up her own rules and requesting a code section that allows her authority to make up her own rules, I finally sat and waited. If I had been with anyone but Denise I would have suggested we leave until she got her authority straight.

About twenty minutes later the door opened and out came the hearing officer and Denise.

At this point I was asked the dumbest question by the officer, "Do you have anything more to add to this matter?"

The only way I would have anything to add is if I knew what Denise already testified to. I challenged her a bit and was intentionally trying to get her upset.

A few days later I called the Parking Enforcement office and was told that Denise was found "Not Liable" and that her \$65.00 would be refunded.

So ends the story of another person who successfully jumped through all the hoops set up by the State Legislature. It may sound like a lot of time was spent fighting this ticket but it really was not. A lot of the time spent was rebelling against a governmental agency that keeps trying to build a bigger and bigger pot of money so they could play their little games.

It has been my position right along that a hearing officer's job depends on them finding many citations justified. The city has steadily rebutted my argument, but what would happen if the hearing officer found EVERY person not liable for the citation? I am certain an officer would soon lose their job.

The question is, should I fight my ticket or should I pay? That is a choice only you can make. From the stories I told above you can see how it can be very time consuming. In my case, I am retired and have a lot of time and fun fighting them.

About Some California Courts

(But not all of them)

NOW read how the some California courts are trying to stop me from informing people about how they can beat underserved parking tickets.

The situation was this:

As a defense to a parking ticket I received, I alleged that Los Angeles has not standardized their parking tickets as required under Section 40203.5 (a) of the California Vehicle Code.

I also alleged that the fine assessed was a tax illegally imposed by the city.

Now bear in mind that my defenses were not necessarily valid but I was entitled a trial de novo as permitted under section 40230 (a) of the California Vehicle Code.

I paid my \$25.00 appeal fee as required and waited for my trial required under section 40230 (a) of the California Vehicle Code..

The following is a verified clerk transcript of my first hearing. **My comments are shown in red.**

FIRST HEARING

On November 4, 2004 at 1:30 PM. CASE #04C01472 in the Superior Court West District, Santa Monica Courthouse, I appeared for a trial de novo as permitted under CVC 40230 (California Vehicle Code)

After stipulating for the assignment of a judge pro tem, I waited until "judge" pro tem Gloria Blume walked in and took the bench. Looking through the papers she called my case first. The following is the exchange between the judge and myself. (This OCR copy of the actual transcript, word for word shows how people really talk with the all the double words and um and aw.)

THE COURT: Paul, is it Bezaire?

PLAINTIFF BEZAIRE: Good afternoon, Your Honor.

THE COURT: Good afternoon, Mr. Bezaire. You're her to appeal a ruling.

PLAINTIFF BEZAIRE: I'm, I'm here on a trial de nova. I'm supposed to have a trial today on my, on my traffic citation.

THE COURT: Well, my paperwork says that you're appealing a ruling that you owe the City forty-five dollars (\$45)?

PLAINTIFF BEZAIRE: I'm appealing that, but I'm also under 40230 of the Vehicle Code, I'm, I'm, I'm here within ninety days for a trial de novo, and the City is not here to respond to it, and I suggest that that requires a dismissal.

(Court and Clerk Confer)

THE COURT: Okay. Actually, the City responded by sending a packet of information. What are your grounds for appealing the ruling?

She shouldn't even be questioning me on this matter. She should just be getting the trial under way.

PLAINTIFF BEZAIRE: That the City hasn't standardize their parking tickets --I mean, their, their parking fines that's required by the code.

THE COURT: What do you mean standardized?

Again a dumb question for someone pretending to be a judge.

PLAINTIFF BEZAIRE: Well, all --every city in L.A. County has different amounts for parking violations.

THE COURT: Correct.

PLAINTIFF BEZAIRE: But the code requires that they be standardized.

THE COURT: And why isn't the forty-five dollars (\$45) standardized? Is it different in every jurisdiction?

PLAINTIFF BEZAIRE: Well sure. One city might have twenty-five dollars (\$25), the other one might have fifty dollars (\$50), they're all different.

THE COURT: Okay. Well –

PLAINTIFF BEZAIRE: And pursuant to 412, 412 -- pursuant to 40230.5 of the Vehicle Code it says that, "To the extent possible issuing agencies within the same county shall standardize all parking penalties.")

I blame myself for not objecting to all these foolish questions. The actual code section should have been 40230 (a) instead of .5.

THE COURT: Okay. To the extent that it's possible, and each jurisdiction sets their own standard.

PLAINTIFF BEZAIRE: Right.

THE COURT: And sometimes it is impossible to standardize it amongst the different jurisdiction. So the -- the amount in this jurisdiction is forty-five dollars (\$45), and that really --the relevancy of what the other jurisdictions do because of possibility is not relevant to ours, so yours is forty-five dollars (\$45).

How can she possibly determine that without a trial of the fact of whether they can standard them?

PLAINTIFF BEZAIRE: Well, Your Honor, the fact still remains that I --I have a Constitutional Right to confront the, the City here, my, my witnesses and to cross-examine them.

THE COURT: This is an infraction I believe, so you do not have that right.

How dumb can she be. She doesn't even recognize the concept of a denial of due process. This is the first step in the judicial trying to stop me.

PLAINTIFF BEZAIRE: Then you don't agree with 40230.5 –

THE COURT: Well –

PLAINTIFF BEZAIRE: --where I'm entitled to a trial de novo ?

THE COURT: --actually, I'm not as conversant in that. But I will hold and affirm the judgment that you owe the City forty-five dollars (\$45) .Thank you.

She finally admits she is ignorant of the law.

PLAINTIFF BEZAIRE: I think that's judicial error, Your Honor.

THE COURT: Okay.

PLAINTIFF BEZAIRE: Thank you.

THE COURT: Thank you.

PROCEEDINGS CONCLUDED

SECOND HEARING

I appeared for the hearing and, instead of the trial judge being there for a settled statement on appeal, Julius M. Title who appeared to me to be well beyond retirement age took his seat. Below is the court transcript of the proceeding;

THE COURT: Paul Bezaire.

PLAINTIFF BEZAIRE: Good afternoon, Your Honor.

THE COURT: Mr. Bezaire, there's no appeal from a de novo hearing. The law does not permit it. There's case law which says that, so you've got no appeal to take.

From the start he is dead wrong. The problem with judges coming out of retirement is that they know the current laws. But here comes the court system sending another volley at me.

PLAINTIFF BEZAIRE: I haven't had a de novo hearing yet.

THE COURT: You haven't had a de novo hearing?

PLAINTIFF BEZAIRE: No.

THE COURT: You haven't?

PLAINTIFF BEZAIRE: She denied it to me.

THE COURT: Wait, pardon?

PLAINTIFF BEZAIRE: She denied it.

THE COURT: Well, that's the hearing. Were you here in Court?

(I will pay \$10,000 dollars to the first person who can show me where I had a trial de novo at the first hearing.)

PLAINTIFF BEZAIRE: Sure.

THE COURT: And she was here?

PLAINTIFF BEZAIRE: Sure.

THE COURT: And she denied it, that's your hearing. What else do you want? You, you –

I want sanity in the Santa Monica courthouse

PLAINTIFF BEZAIRE: Your Honor –

THE COURT: --talk --here, the ticket was given to you, listen to me please, the ticket was given to you. You had the administrative hearing, they said it was a good ticket --

PLAINTIFF BEZAIRE: Uh-huh.

THE COURT: --and you filed an appeal with the court.

PLAINTIFF BEZAIRE: Um-hum.

THE COURT: You're entitled to what we call a de novo or a brand new hearing, which you had before the judge. She said no, it's a good ticket, you got to pay it. That's the end of the road under the law.

He is as bad of a judge as the first one but I can allow some excuse based on his age and a judge that just came out of retirement and has not kept up with the law.

PLAINTIFF BEZAIRE: Your Honor, isn't a de novo hearing a hearing starting with no evidence at all? It's –

THE COURT: Sir, I --here's the point. I didn't hear the case, she heard it. Whatever she did that's the end of the road because there is an appellate case which says there's no appeal from a de novo hearing. The hearing was done, over, you were turned down. That's the end of the road.

PLAINTIFF BEZAIRE: Well, there --there was no evidence presented

THE COURT: Sir –

PLAINTIFF BEZAIRE: --and I didn't have a hearing

THE COURT: --were you here in court?

PLAINTIFF BEZAIRE: Yes, I was here in court.

THE COURT: Was she here?

PLAINTIFF BEZAIRE: Yes, she was here.

THE COURT: That's, that's the end of the story. I can't do anything about that. I wasn't here. So I'll -- just --I'll send it up to the court indicating there's no possibility of an appeal because that's what the case says and that's the end of it, okay?

Why was he sending instruction to the Court of Appeal indication that there is no appeal? Is he saying the appellate court could not decide on their own that this is not appealable as he indicates. He sounds like a frustrated attorney who wants to act like an appellate judge. He should not indicate anything to the appellate department. But I guess he wants to make sure they deny me a further appeal.

PLAINTIFF BEZAIRE: Well, at a de novo hearing isn't there suppose to –

THE COURT: Sir –

PLAINTIFF BEZAIRE: --be evidence presented of the –

THE COURT: --I've tried, I've tried to explain it to you. You were here. I don't know what happened at the hearing and that can't be my concern. I --I don't know what occurred then. As far as I'm concerned the hearing was held, you were here, the judge was here, she turned it down. End of story, okay? That's it. Sorry. I can't change the law. I don't make those cases. All right. Anything further? **How can he make a decision that I had a trial if he doesn't know what happened at the first hearing.**

PLAINTIFF BEZAIRE: Well, I think it's wrong but --

PREVIOUS PROCEEDINGS CONCLUDED

APPEALS

An appeal (# BV 025763) to the appellate department of Superior Court said I filed an appeal from a nonappealable judgment. The ORDER, citing the same bad law, was signed by judges WASSERMAN and McKAY who were also ignorant of the law.

The Second District Court of Appeal, (# B185249) also citing the same bad law, denied my Petition for Writ of Mandate. The ORDER was signed by judges RUBIN, BOLAND and FLIER

The seven Justices of the California Supreme Court denied my Petition for Review (# S-136993)

I am amazed that thirteen judges have not been able to understand the law. God help any criminal who might face these California "judges" in a death penalty case.

I receive letters stating that I am too outspoken and cocky. I think I am more disappointed to think that California has judges that cannot understand the law. If that's cocky, so be it. But I thoroughly researched the law while these judges did not. If they had done their homework instead of relying on their incompetent clerks they would have realized that judge Title sent some bad law to the appellate department and like a herd of sheep, all the other judges fell for it. I visualize the blindfolded lady of justice having been raped by a gang of California judges

Did or did I not have a trial de novo at the first hearing? I repeat my offer of \$10,000.000 dollars to the first person who can prove that I had a trial de novo as decided by "judge" Julius Title at my second appearance in this case.

Conclusion of Stories

The reason I tell you these stories is to show you that you CAN beat many of these tickets if you have the time to jump through all the hoops and have knowledgeable judges

Below is what happens after you get a ticket and what you can do about them. But with so many different situations it becomes impossible to cover them all. At the end of this document I show some letters from readers of my material asking for advice and the suggestions I gave them. But first let's look at something else.

Fight & Contest Parking Citations!

Don't pay your illegal parking ticket. Fight it and win in court!

When people ask me why I distribute this material, I explain that I am angry with a governmental agency, such as the city of Los Angeles, CA, that immorally collects in excess of \$1 10,000,000 a year from parking tickets alone and cannot account for any of the money other than to say, **"It went into the general fund."** By this document, I hope to deny the politicians even a small amount of funds from parking fines. I do this by teaching those who might get an underserved parking ticket, on how to avoid paying the fine.

I believe the vast amount of money collected by the city of Los Angeles Parking Enforcement Bureau should first go toward paying for parking enforcement related items such as vehicle maintenance, adequate training for ticket-writers and administrative hearing officers, adequate office space for administrative office personnel, better curb-painting, etc I also believe the balance of the money collected should be used to repair our public streets on which tickets are issued. Think of all the pot-holes that could be repaired if the ticket-money all went into a separate Parking Ticket fund and was all required to be spent on parking-related items.

The reason this will never happen is that the politicians would then deny themselves a very lucrative pot of money they could use for whatever purpose they desire with no accountability.

But enough of this for now.

How Parking Tickets Work

In the old west, robbers used to rob trains and got away with a lot of money. Today, a form of train robbery is still going on. It is called "vehicle code enforcement" otherwise known as Parking Ticket Enforcement.

Parking tickets are basically a good thing. It keeps drivers from taking up parking space for too long of a time, therefore depriving someone else from parking. It can also discourage drivers from parking on street cleaning days, or in front of fire hydrants, or in red zones. Usually we think of parking tickets as a sort of punishment for overtime parking or parking in designated "No -Parking zones" But to the city of Los Angeles and many other California cities, they represent easy money; Lots of money, huge sorts of money, money, money and more money.

When politicians need to raise huge sums of money for the cities or states they govern, they will, without a doubt, figure out a way to do it. And the more they can keep their methods from the public, the happier they become.

In California, as this is written, the California legislature wanted to triple the vehicle license tax. Then Governor Gray Davis wanted to impose a higher state income tax. These are the more obvious methods of raising money that were proposed but were shot down by the voters.

PLEASE EXERCISE YOUR RIGHT TO VOTE or don't complain when things are not the way you want them to be.

At other times, state politicians have figured out a way to help local cities raise millions of dollars in such a sneaky way that the voters do not know they are being "robbed". One way is by allowing them to set illegal parking fines at whatever they can get away with, and then make it difficult for the citizen to prove they never deserved the citation in the first place.

To better understand how this works (at least in California), I will describe how the system works. Follow along carefully for the next few sentences.

According to California law, **all parking citations are presumed to have been validly issued.** The burden is put on the person cited to prove they did not deserve the citation.

In 1993, parking violations were criminal matters. *You had the right to go to court, plead not guilty and even have a jury trial.* The fines received by the court went to the counties, some to the court system, and a very small amount went to the local cities. Apparently, this became very

burdensome on the court system. Financial resources for the court system were running low. Court space to hear these matters was scarce. City treasures were beginning to dwindle because Californians voted in favor of Proposition 13 that limited property taxes. Other states have adopted similar measures.

So the "brilliant" state legislators had to figure out how cities can raise funds lost by the limitation imposed by "Proposition 13". They figured out a way for cities to "capture" most of the illegal parking fines previously received by the courts and the counties.

In 1993, illegal parking was still classified as a criminal matter. But instead of being able to go directly to court the state set up a system that first required a violator to first submit to a series of administrative requirements as set forth below. The state allowed the individual agencies to establish their own schedule of fines. Each city could establish whatever fines they wanted. The only guidelines attached to the law are that **"To the extent possible, issuing agencies within the same county shall standardize parking penalties."** I think the words "to the extent possible" means "whatever they can get away with". **(Remember this sentence. It is because of it that I took a case all the way to the California Supreme court)**

The question then is, what does standardize mean? Does it mean that a penalty for illegal parking must be the same penalty as illegal parking in all other cities in the same county? (I visualize all the mayors in each county having a big party, drinking and watching movies, and deciding on how much they will all charge for illegal parking.) This procedure allows a city to raise huge funds for their general fund. Los Angeles collects in excess of \$110,000,000 per year from parking tickets.

With the new law, (VC section 40200) you lose your right to go directly to court and have an impartial judge decide whether you deserve the ticket. So, how is it determined that a person is, or is not, liable for a parking ticket? For the answer we look again to the Motor Vehicle Code that provides the answer.

This is what this material is all about. It will take you step by step through the process of getting your citation dismissed; only if you did not, as a matter of law, deserve it in the first place. **(There are over forty parking traps in the city of Los Angeles)** But be AWARE that this is not a legal manuscript. I am not an attorney. So please, if you are in really in deep do-do I suggest you consult an attorney. And be aware of my motto to **Rebel Before the System Overwhelms you**. I then add *But always stay within the frame work of the law*.

This document pertains primarily to parking tickets issued in CA. However, from researching via the internet, I find that many other states have basically the same procedures.

Fighting your parking ticket, the short version.

Fighting an underserved parking ticket is a simple multi-step process.

1. Call the phone number on the ticket and tell them why you do not deserve the ticket. They will then investigate the matter.
2. If the investigator determines that you deserve the ticket you will be notified by mail of the decision.
3. At this time you can request an administrative review. DO THIS IMMEDIATELY UPON RECEIPT OF THE INVESTIGATORS DECISION. The review can be done in person or by written declaration. This

request for an administrative review must be accompanied by payment of the parking fine, or appropriate proof of an inability to pay, which will be evaluated by the department. You will be notified of the results of the hearing. (Check this section out: 40215 (b) regarding inability to pay)

4. If you are not satisfied with the results of the hearing examination's decision, you can file an appeal in the court stated on the bottom of the hearing examiner's decision. You will be asked to pay a \$25.00 filing fee that will usually be ordered refunded by the court.

REMEMBER that I am not an attorney and do not intend to give you legal advice. If you have a legal problem, I suggest you contact an attorney. Now that I have given you my disclaimer, let's start out with just a few definitions:

Issuing Agency:

This can be a city, college campuses, or any other agency issuing parking citations.

Processing agency:

This is the agency the issuing agencies contract with to process their tickets.

Initial Review sometimes referred to as an Administrative Review:

The first review concerning your citation to determine if you really deserve the citation.

Administrative Hearing:

This refers to a mail-in or in-person hearing by another employee of the issuing agency.

Notice of Delinquent Parking Violation:

Refers to a notice you should receive if you did not respond to the citation within 21 days of receiving the citation, either by paying the fine or requesting an Initial Review.

Appeal Bond:

This refers to the \$25.00 appeal fee if/and when you are ready to go to court.

Initial Review Request

Now comes the very important part of getting your ticket dismissed. **Please do not blow the times given here to perform certain things.**

Within 21 days of receiving the parking citation, or within 10 days of the mailing of the Notice of Delinquent Parking Violation, request an **Initial Review** of your citation. This requirement is very important so don't blow it. As soon as you get the citation, call the phone number on the citation (required) and request an Initial Review. The request can be by telephone, in writing, or in person. You simply call the number on the citation and explain what happened. They will send you a letter stating that the matter has been sent out for investigation.

This is how it works in California: The processing agency will investigate the circumstances surrounding your citation. You will then be notified by mail of the results of this investigation. I can almost guarantee you that the investigator (**also employed by the city**) will determine that you deserved the ticket. Please don't be disappointed. You already know what the decision might be. Be surprised only if the investigator determines that you are not responsible. If that happens, you will be home free. You will be notified by the processing agency that your ticket has been dismissed. (Chalk up another one for Joe Public)

(OR do what I once did: Call the traffic enforcement people and explain what happened. I parked and could not read the NO parking sign down the street. When I returned to my car and found the ticket, I slowly walked closer to the sign that was all faded and read No Parking. I politely called the city Parking Enforcement people who investigated and subsequently dismissed my ticket. But being polite is the keyword here. In a few days a new sign was posted.)

If the Initial Review states that you are found liable for the citation, you should receive a letter back stating the results of the investigation.

Administrative Hearing

If you disagree with the outcome of the **Initial Review**, you can, **request a mail-in or an in-person review**. This must be requested within 15 days of the mailing of the Initial Review results. (**Don't blow this time either**) You will be sent a form from the processing agency to fill out. Send it back with a letter stating the reasons why you did not deserve the citation. Send along any photographs you may have taken to prove your point.

If you **request an in-person administrative hearing**, you will be given a time and place to appear and present your case to a live person. If you have a nice personality and believe you can convince the hearing officer that you did not deserve the citation, you might be better off going for an in-person hearing. But consider the time invested. They usually start on time and last less than an hour.

Keep in mind, however, that regardless of which choice you make, at this **stage you must deposit the amount of the parking penalty** with the processing agency. But keep calm if you are a student without funds. When you request an administrative hearing, the issuing agency (City or school campus police) shall **"provide a written procedure to allow a person to request an administrative hearing without payment of the parking penalty upon satisfactory proof of an inability to pay the amount due."** This will not keep you from eventually paying the fine if you are subsequently found liable for the citation. But at least for now, you need not come up with the penalty. Read Section 40215 (b)

The administrative hearing must be held within 90 calendar days following the request for an administrative hearing. If it is not, you can later ask for a dismissal.

The hearing officer can find that the citation was issued in error or he/she can find that it was validly issued. If you are found not guilty, your fine will be returned to you. If you are still found to be guilty, you can take the next step.

NOTE: Your ticket might not have the last 4 digits of the vehicle identification number, the color might be wrong, the wrong make of the car might be given etc. Read section 40202 (a). I once had a ticket that had the wrong make and model of my car but the correct license number. I told the hearing officer that my car was a Lincoln and not an Olds and the color was wrong. That did not make a difference to her. But it did to a real judge who dismissed my ticket.

Going To Court

In the "old days" prior to 1993, there was no such thing as an Administrative Hearing or Initial Review. When you got a ticket you went directly to court. By requesting the Initial Review and the Administrative Hearing, you are right back to where you were before "going directly to court" was done away with by politicians who want to immorally "rob" you of your money.

Up to this point you have not lost anything by fighting your ticket, except a small amount of time. (Good show) All you have done was to post bail in the amount of the ticket.

You can now just be content with your situation and forfeit your bail or, like me, you can continue fighting if you think you are in the right. If you want to continue fighting, it CAN cost you another \$25.00 in addition to the fine you already paid.

The way it works is this: You will be instructed, by the processing agency, on how to file for an appeal to the local court where your ticket can be reviewed by a **real judge**. The appeal bond is, at the time of this writing, \$25.00.

You then appear in court at the appointed time to present your case. The judge can find that the ticket was validly issued or that it was issued in error. If he finds you did not deserve the ticket you will receive a NOTICE OF DECISION re: PARKING APPEAL. There will be a checkmark alongside AFFIRMED or REVERSED. If the judgment is reversed you will recover the amount originally paid **and** your \$25.00 appeal filing fee. The court keeps the original appeal fee and the issuing agency will refund you the appeal fee. (This costs the issuing agency money every time an appeal is successful)

Going to court is really no problem. (It gives you a chance to put on your Perry Mason hat) Everything in your record to this point will be before the judge who will usually rule from the bench. Don't be shy. Explain why you don't believe you deserve the ticket. The worse that can happen if you lose the appeal is that you lose time going to court and you lose the \$25.00 appeal bond. Personally, I like to take my chances with the court who, on more than one occasion, indicated the city had incompetent hearing officers.

Always be polite in court. Sitting in court I heard reasons why the ticket should be dismissed: "We had a party last night and some guests stayed over too late to move their car", "I could not find any other place to park so I had to park where I did" "I was only in the store for 2 minutes", "I was stopped at that No Stopping sign just to let someone out of the car" These are just a few reasons that will not get you off the hook. Compare those reasons with those in my stories at the start of this document where I came to court ready with my evidence. So gather all your evidence to take with you to court.

Traffic tickets are a billion dollar industry in California, providing a substantial portion of county and municipal budgets. By raising the cost of tickets to absurdly high levels, the legislature may well be poisoning the goose that lays the golden eggs.

While this document is designed specifically for California, the information may apply in other states.

NOTE: All references on this site will be to California Vehicle Code sections relating to Parking Citations.

REVIEW

What To Do When Ticketed

STEP 1: When you return to your car and find a citation under your windshield wiper, read it to see which code section you are accused of violating. The code section you violated must be on the citation. You may have violated a CVC (California Vehicle Code) or a MC (Municipal Code) section.

STEP 2: Read the code section below that you are accused of violating. REMEMBER that this document only refers to parking-related citations. In addition to the code section you are accused of violating you might also see a short description of what you are accused of doing. If it doesn't, you can always call the number on the back of the ticket and ask.

Before doing anything else, read your parking ticket. It may contain errors that would justify a dismissal. The notice of parking violation shall set forth the vehicle license number and registration expiration date if they are visible, the last four digits of the vehicle identification

number, (if that number is readable through the windshield), the color of the vehicle, and, if possible, the make of the vehicle.

1. Is the Vehicle Identification Number (VIN) correct?
2. Is the license number correct?
3. Were you parked where the ticket said you were?
4. Is the date and time correct?
5. Is the make of the vehicle correct?
6. Is the code section you are accused of violating stated?

Next: Make a note of anything you feel will justify throwing out your ticket.

1. Was a No-Parking sign visible? (It may have been obstructed by another sign or tree branch. If so take pictures.
2. Was a Street Cleaning sign visible? (Same as above)
3. Was the sign faded? (It may have been slightly faded so you could not adequately read it)
4. Was it facing away from the street? (Was it facing the street?)
5. Was it missing? (See my stories at the beginning of this document)
6. Did it appear that the curb had been repainted with a gray paint but the paint has worn off? (See my stories at the beginning of this document)
7. Was the parking meter working? (Did you have trouble feeding the monster? Get witnesses if it wasn't)
8. Was the paint in the Handicap Parking faded?

Before you leave the scene of your parking space, come up with other reasons that may justify you not receiving the ticket. NOTHING IS TOO REMOTE. Every bit of information will help. Please do not lie. I have no problem with coming up with even the most insidious excuses so long as there is some truth to the excuse.

Parking meters: The 7-digit serial number on parking meter tickets must be on the ticket (the serial number is found on the head of the meter). *Compare the two to see if the number on the ticket refers to the meter in your space and not one on either side of you.* If necessary get a witness to verify that your meter is wrong or not working. Some jurisdictions have a number to call in case the meter is defective. If this is true in your case, please call immediately. Other sometimes recognized defenses to a parking ticket include mechanical failure, theft of car, and medical emergency.

California VEHICLE CODE SECTION 40200-40230

40200. (a) Any violation of any regulation that is not a misdemeanor governing the standing or parking of a vehicle under this

code, under any federal statute or regulation, or under any ordinance enacted by local authorities is subject to a civil penalty.

The enforcement of those civil penalties shall be governed by the civil administrative procedures set forth in this article.

(b) Except as provided in Section 40209, the registered owner and driver, rentee, or lessee of a vehicle cited for any violation of any regulation governing the parking of a vehicle under this code, under any federal statute or regulation, or under any ordinance enacted by a local authority shall be jointly liable for parking penalties imposed under this article, unless the owner can show that the vehicle was used without consent of that person, express or implied. An owner who pays any parking penalty, civil judgment, costs, or administrative fees pursuant to this article shall have the right to recover the same from the driver, rentee, or lessee.

(c) The driver of a vehicle who is not the owner thereof but who uses or operates the vehicle with the express or implied permission of the owner shall be considered the agent of the owner to receive notices of parking violations served in accordance with this article and may contest the notice of violation.

40200.3. (a) All parking penalties collected by the processing agency, which may be the issuing agency, including process service fees and fees and collection costs related to civil debt collection, shall be deposited to the account of the issuing agency, except that those sums attributable to the issuance of a notice of parking violation by a peace officer of the Department of the California Highway Patrol shall be deposited in the account in the jurisdiction where the violation occurred, and except those sums payable to a county pursuant to Chapter 12 (commencing with Section 76000) of Title 8 of the Government Code and that portion of any parking penalty which is attributable to an increase in the parking bail amount effective between September 16, 1988, and July 1, 1992, inclusive, pursuant to Section 1463.28 of the Penal Code. Those funds attributable to this increase in bail shall be transferred to the county treasurer and deposited in the general fund. Any increase in parking penalties effective after July 1, 1992, shall accrue to the benefit of the issuing agency.

(b) The processing agency shall prepare a report at the end of each fiscal year setting forth the number of cases processed, and all sums received and distributed, together with any other information that may be required by the issuing agency or the Controller. This report is a public record and shall be delivered to each issuing agency. Copies shall be made available, upon request, to the county auditor, the Controller, and the grand jury.

40200.4. (a) The processing agency shall deposit with the county treasurer all sums due the county as the result of processing a parking violation not later than 45 calendar days after the last day of the month in which the parking penalty was received.

(b) Except as provided in subdivisions (c) and (d), if a court within a county has been processing notices of parking violations and notices of delinquent parking violations for a city, a district, or any other issuing agency, the issuing agency and the county shall

provide in an agreement for the orderly transfer of the processing activity as soon as possible but not later than January 1, 1994. The agreement shall permit the court to phase out, and the issuing agency to phase in, or transfer, personnel, equipment, and facilities that may have been acquired or need to be acquired in contemplation of a long-term commitment to processing of notices of parking violations and notices of delinquent parking violations for the issuing agency under this article. The court shall transfer the processing function for parking citations issued by the Department of the California Highway Patrol to the processing agency in the city or county where the violation occurred.

(c) If Contra Costa County or San Mateo County, or a court in either county, had a contract in effect on January 1, 1992, to process notices of parking violations and notices of delinquent parking violations for a city, district, or other issuing agency within the particular county or counties, the county may continue to provide those services to the issuing agencies pursuant to the terms of the contract and any amendments thereto, to and including June 30, 1996, after which Section 40200.5 shall govern any contracts entered into for these services.

(d) San Francisco Municipal Court employees engaged in processing notices of parking violations and the positions of those employees shall be transferred to equivalent civil service positions in the City and County of San Francisco.

(e) No court employee shall be terminated or otherwise released from employment as a result of the transfer of processing notices of parking violations and notices of delinquent parking violations from the courts to the issuing agencies.

(f) As used in this article, "parking penalty" includes the fine authorized by law, including assessments authorized by this article, any late payment penalty, and costs of collection as provided by law.

40200.5. (a) Except as provided in subdivision (c) of Section 40200.4, an issuing agency may elect to contract with the county, with a private vendor, or with any other city or county processing agency, other than the Department of the California Highway Patrol or other state law enforcement agency, within the county, with the consent of that other entity, for the processing of notices of parking violations and notices of delinquent parking violations, prior to filing with the court pursuant to Section 40230.

If an issuing agency contracts with a private vendor for processing services, it shall give special consideration to minority business enterprise participation in providing those services. For purposes of this subdivision, "special consideration" has the same meaning as specified in subdivision (c) of Section 14838 of the Government Code, as it relates to small business preference.

(b) Any contract entered pursuant to subdivision (a) shall provide for monthly distribution of amounts collected between the parties, except those amounts payable to a county pursuant to Chapter 12 (commencing with Section 76000) of Title 8 of the Government Code and amounts payable to the Department of Motor Vehicles pursuant to Section 4763 of this code.

40200.6. (a) If a contract is entered into pursuant to Section

40200.5, for the purposes of this article, "processing agency" means the contracting party responsible for the processing of the notices of parking violations and notices of delinquent parking violations.

(b) The governing body of the issuing agency shall establish written policies and procedures pursuant to which the contracting party shall provide services.

(c) The issuing agency shall be responsible for all actions taken by contracting parties and shall exercise effective oversight over the parties. "Effective oversight" includes, at a minimum, an annual review of the services of the processing agency and a review of complaints made by motorists using the services of the processing agency. The issuing agency shall establish procedures to investigate and resolve complaints by motorists about any processing agency.

(d) Subdivision (c) does not apply to an issuing agency that is a law enforcement agency if the issuing agency does not also act as the processing agency.

40200.8. The parking processing agency shall notify the department and recall any hold on the registration of a vehicle that it filed with the department in connection with a parking citation if the processing agency is awarded a civil judgment for the citation pursuant to subdivision (b) or (c) of Section 40220, or if the processing agency has granted a review of the issuance of the citation pursuant to Section 40200.7 or Section 40215.

40202. (a) If a vehicle is unattended during the time of the violation, the peace officer or person authorized to enforce parking laws and regulations shall securely attach to the vehicle a notice of parking violation setting forth the violation, including reference to the section of this code or of the Public Resources Code, the local ordinance, or the federal statute or regulation so violated; the date; the approximate time thereof; the location where the violation occurred; a statement printed on the notice indicating that the date of payment is required to be made not later than 21 calendar days from the date of citation issuance; and the procedure for the registered owner, lessee, or rentee to deposit the parking penalty or, pursuant to Section 40215, contest the citation. The notice of parking violation shall also set forth the vehicle license number and registration expiration date if they are visible, the last four digits of the vehicle identification number, if that number is readable through the windshield, the color of the vehicle, and, if possible, the make of the vehicle. The notice of parking violation, or copy thereof, shall be considered a record kept in the ordinary course of business of the issuing agency and the processing agency and shall be prima facie evidence of the facts contained therein.

(b) The notice of parking violation shall be served by attaching it to the vehicle either under the windshield wiper or in another conspicuous place upon the vehicle so as to be easily observed by the person in charge of the vehicle upon the return of that person.

(c) Once the issuing officer has prepared the notice of parking violation and has attached it to the vehicle as provided in subdivisions (a) and (b), the officer shall file the notice with the processing agency. Any person, including the issuing officer and any member of the officer's department or agency, or any peace officer

who alters, conceals, modifies, nullifies, or destroys, or causes to be altered, concealed, modified, nullified, or destroyed the face of the remaining original or any copy of a citation that was retained by the officer, for any reason, before it is filed with the processing agency or with a person authorized to receive the deposit of the parking penalty, is guilty of a misdemeanor.

(d) If, during the issuance of a notice of parking violation, without regard to whether the vehicle was initially attended or unattended, the vehicle is driven away prior to attaching the notice to the vehicle, the issuing officer shall file the notice with the processing agency. The processing agency shall mail, within 15 calendar days of issuance of the notice of parking violation, a copy of the notice of parking violation or transmit an electronic facsimile of the notice to the registered owner.

(e) If, within 21 days after the notice of parking violation is attached to the vehicle, the issuing officer or the issuing agency determines that, in the interest of justice, the notice of parking violation should be canceled, the issuing agency, pursuant to subdivision (a) of Section 40215, shall cancel the notice of parking violation or, if the issuing agency has contracted with a processing agency, shall notify the processing agency to cancel the notice of parking violation pursuant to subdivision (a) of Section 40215. The reason for the cancellation shall be set forth in writing.

If, after a copy of the notice of parking violation is attached to the vehicle, the issuing officer determines that there is incorrect data on the notice, including, but not limited to, the date or time, the issuing officer may indicate in writing, on a form attached to the original notice, the necessary correction to allow for the timely entry of the notice on the processing agency's data system. A copy of the correction shall be mailed to the registered owner of the vehicle.

(f) Under no circumstances shall a personal relationship with any officer, public official, or law enforcement agency be grounds for cancellation.

40203. The notice of parking violation shall be accompanied by a written notice of the amount of the parking penalty due for that violation, the address of the person authorized to receive a deposit of the parking penalty, a statement in bold print that payments of the parking penalty for the parking violation may be sent through the mail, and instructions on obtaining information on the procedures to contest the notice of parking violation.

40203.5. (a) The schedule of parking penalties for parking violations and late payment penalties shall be established by the governing body of the jurisdiction where the notice of violation is issued. To the extent possible, issuing agencies within the same county shall standardize parking penalties.

(b) Parking penalties under this article shall be collected as civil penalties.

40204. If the parking penalty is received by the person authorized to receive the deposit of the parking penalty and there is no contest as to that parking violation, the proceedings under this article

shall terminate.

40205. If a person contests the parking violation, the processing agency shall proceed in accordance with Section 40215.

40206. (a) If the payment of the parking penalty is not received by the person authorized to receive a deposit of the parking penalty by the date fixed on the notice of parking violation under Section 40202, the processing agency shall deliver to the registered owner a notice of delinquent parking violation.

(b) Delivery of a notice of delinquent parking violation under this section may be made by personal service or by first-class mail addressed to the registered owner, as shown on records of the Department of Motor Vehicles.

40206.5. (a) Within 15 days of a request, by mail or in person, the processing agency shall mail or otherwise provide to any person who has received a notice of delinquent parking violation, or his or her agent, a photostatic copy of the original notice of parking violation or an electronically produced facsimile of the original notice of parking violation. The issuing agency may charge a fee sufficient to recover the actual cost of providing the copy, not to exceed two dollars (\$2). Until the issuing agency complies with a request for a copy of the original notice of parking violation, the processing agency may not proceed pursuant to subdivision (i) of Section 22651, Section 22651.7, or Section 40220.

(b) If the description of the vehicle on the notice of parking violation does not substantially match the corresponding information on the registration card for that vehicle and the processing agency is satisfied that the vehicle has not been incorrectly described due to the intentional switching of license plates, the processing agency shall, on written request of the person cancel the notice of parking violation without the necessity of an appearance by that person.

(c) For purposes of this section, a copy of the notice of parking violation may be a photostatic copy or an electronically produced facsimile.

40207. The notice of delinquent parking violation shall contain the information specified in subdivision (a) of Section 40202 and Section 40203, and, additionally shall contain a notice to the registered owner that, unless the registered owner pays the parking penalty or contests the citation within 21 calendar days from the date of issuance of the citation or 14 calendar days after the mailing of the notice of delinquent parking violation or completes and files an affidavit of nonliability which complies with Section 40208 or 40209, the renewal of the vehicle registration shall be contingent upon compliance with the notice of delinquent parking violation. If the registered owner, by appearance or by mail, makes payment to the processing agency within 21 calendar days from the date of issuance of the citation or 14 calendar days after the mailing of the notice of delinquent parking violation, the parking penalty shall consist solely of the amount of the original penalty.

No additional fees, assessments, or other charges shall be added.

40208. The notice of delinquent parking violation shall contain, or be accompanied with, an affidavit of nonliability and information of what constitutes nonliability, information as to the effect of executing the affidavit, and instructions for returning the affidavit to the issuing agency.

40209. If the affidavit of nonliability is returned to the processing agency within 30 calendar days of the mailing of the notice of delinquent parking violation together with the proof of a written lease or rental agreement between a bona fide rental or leasing company, and its customer which identifies the rentee or lessee and provides the driver's license number, name, and address of the rentee or lessee, the processing agency shall serve or mail to the rentee or lessee identified in the affidavit of nonliability a notice of delinquent parking violation. If payment is not received within 21 calendar days from the date of issuance of the citation or 14 calendar days after the mailing of the notice of delinquent parking violation, the processing agency may proceed against the rentee or lessee pursuant to Section 40220.

40210. (a) If the affidavit of nonliability is returned with evidence that the registered owner served has made a bona fide sale or transfer of the vehicle and has delivered possession thereof to the purchaser prior to the date of the alleged violation, the processing agency shall obtain verification from the department that the registered owner has complied with Section 5602.

(b) If the registered owner has complied with Section 5602, the processing agency shall cancel the notice of delinquent parking violation with respect to the registered owner.

(c) If the registered owner has not complied with Section 5602, the processing agency shall inform the registered owner that the citation shall be paid in full or contested pursuant to Section 40215. If the registered owner does not comply, the processing agency shall proceed pursuant to Section 40220.

40211. (a) If the registered owner, or an agent of the registered owner, or a rentee or lessee who was served with the notice of delinquent parking violation pursuant to Section 40206 or Section 40209, or any other person who presents the notice of parking violation or notice of delinquent parking violation after the notice of delinquent parking violation has been issued for delivery under Section 40206, deposits the parking penalty with a person authorized to receive it, the processing agency shall do both of the following:

(1) Deliver a copy of one of the following: the notice of delinquent parking violation issued under Section 40206; a true and correct abstract containing the information set forth in the notice

of parking violation if the citation was issued electronically; or an electronically reproduced listing of the citation information presented in a notice of delinquent parking violation to the person and record the name, address, and driver's license number of the person actually given the copy in the records of the issuing agency.

For the purposes of this paragraph, a copy of the notice of delinquent parking violation may be a photostatic copy.

(2) Determine whether the notice of delinquent parking violation has been filed with the department pursuant to subdivision (b) of Section 40220 or a civil judgment has been entered pursuant to Section 40220.

(b) If the notice of delinquent parking violation has not been filed with the department or judgment entered and payment of the parking penalty, including any applicable assessments, is received, the proceedings under this article shall terminate.

(c) If the notice of delinquent parking violation has been filed with the department, has been returned under subdivision (b) or (c) of Section 4760 or Section 4764, and payment of the parking penalty together with the administrative service fee of the processing agency for costs of service and any applicable assessments is received, the proceedings under this article shall terminate.

(d) If the notice of delinquent parking violation has been filed with the department and has not been returned under Section 4760, 4762, and 4764, and payment of the parking penalty for, and any applicable costs of, service in connection with civil debt collection, is received by the processing agency, the processing agency shall do all of the following:

(1) Deliver a certificate of payment to the registered owner, the agent, the lessee, or the rentee or other person making the payment.

(2) Immediately transmit the payment information to the department in the manner prescribed by the department.

(3) Terminate proceedings on the notice of delinquent parking violation.

(4) Transmit for deposit all parking penalties and assessments in accordance with law.

40215. (a) For a period of 21 calendar days from the issuance of a notice of parking violation or 14 calendar days from the mailing of a notice of delinquent parking violation, a person may request an initial review of the notice by the issuing agency. The request may be made by telephone, in writing, or in person. There shall be no charge for this review. If, following the initial review, the issuing agency is satisfied that the violation did not occur, that the registered owner was not responsible for the violation, or that extenuating circumstances make dismissal of the citation appropriate in the interest of justice, the issuing agency shall cancel the notice of parking violation or notice of delinquent parking violation. The issuing agency shall advise the processing agency, if any, of the cancellation. The issuing agency or the processing agency shall mail the results of the initial review to the person contesting the notice.

(b) If the person is dissatisfied with the results of the initial review, the person may request an administrative hearing of the violation no later than 21 calendar days following the mailing of the

results of the issuing agency's initial review. The request may be made by telephone, in writing, or in person. The person requesting an administrative hearing shall deposit the amount of the parking penalty with the processing agency. The issuing agency shall provide a written procedure to allow a person to request an administrative hearing without payment of the parking penalty upon satisfactory proof of an inability to pay the amount due. Notice of this procedure shall be provided to all persons requesting an administrative hearing. After January 1, 1996, an administrative hearing shall be held within 90 calendar days following the receipt of a request for an administrative hearing, excluding time tolled pursuant to this article. The person requesting the hearing may request one continuance, not to exceed 21 calendar days.

(c) The administrative hearing process shall include the following:

(1) The person requesting a hearing shall have the choice of a hearing by mail or in person. An in-person hearing shall be conducted within the jurisdiction of the issuing agency. If an issuing agency contracts with an administrative provider, hearings shall be held within the jurisdiction of the issuing agency or no more than 21 miles outside the county.

(2) If the person requesting a hearing is a minor, that person shall be permitted to appear at a hearing or admit responsibility for the parking violation without the necessity of the appointment of a guardian. The processing agency may proceed against the minor in the same manner as against an adult.

(3) The administrative hearing shall be conducted in accordance with written procedures established by the issuing agency and approved by the governing body or chief executive officer of the issuing agency. The hearing shall provide an independent, objective, fair, and impartial review of contested parking violations.

(4) (A) The issuing agency's governing body or chief executive officer shall appoint or contract with qualified examiners or administrative hearing providers that employ qualified examiners to conduct the administrative hearings. Examiners shall demonstrate those qualifications, training, and objectivity necessary to conduct a fair and impartial review. An examiner shall not be employed, managed, or controlled by a person whose primary duties are parking enforcement, parking citation, processing, collection, or issuance. The examiner shall be separate and independent from the citation collection or processing function. An examiner's continued employment, performance evaluation, compensation, and benefits shall not, directly or indirectly, be linked to the amount of fines collected by the examiner.

(B) Examiners shall have a minimum of 20 hours of training. The examiner is responsible for the costs of the training. The issuing agency may reimburse the examiner for those costs. Training may be provided through (i) an accredited college or university, (ii) a program conducted by the Commission on Peace Officer Standards and Training, (iii) American Arbitration Association or a similar established organization, or (iv) through any program approved by the governing board of the issuing agency, including a program developed and provided by, or for, the agency. Training programs may include topics relevant to the administrative hearing, including, but not limited to, applicable laws and regulations, parking enforcement procedures, due process, evaluation of evidence, hearing procedures, and effective oral and written communication. Upon the approval of the governing board of the issuing agency, up to 12 hours of relevant

experience may be substituted for up to 12 hours of training. In addition, up to eight hours of the training requirements described in this subparagraph may be credited to an individual, at the discretion of the governing board of the issuing agency, based upon training programs or courses described in (i) to (iv), inclusive, that the individual attended within the last five years.

(5) The officer or person who issues a notice of parking violation shall not be required to participate in an administrative hearing. The issuing agency shall not be required to produce any evidence other than the notice of parking violation or copy thereof and information received from the Department of Motor Vehicles identifying the registered owner of the vehicle. The documentation in proper form shall be prima facie evidence of the violation.

(6) The examiner's decision following the administrative hearing may be personally delivered to the person by the examiner or sent by first-class mail.

(7) Following a determination by the examiner that a person has committed the violation, the examiner may, consistent with the written guidelines established by the issuing agency, allow payment of the parking penalty in installments, or an issuing agency may allow for deferred payment or allow for payments in installments, if the person provides evidence satisfactory to the examiner or the issuing agency, as the case may be, of an inability to pay the parking penalty in full. If authorized by the governing board of the issuing agency, the examiner may permit the performance of community service in lieu of payment of a parking penalty.

(d) The provisions of this section relating to the administrative appeal process do not apply to an issuing agency that is a law enforcement agency if the issuing agency does not also act as the processing agency.

40220. Except as otherwise provided in Sections 40221 and 40222, the processing agency shall proceed under only one of the following options in order to collect an unpaid parking penalty:

(a) File an itemization of unpaid parking penalties and service fees with the department for collection with the registration of the vehicle pursuant to Section 4760.

(b) If more than four hundred dollars (\$400) in unpaid penalties and fees have been accrued by any person or registered owner, proof thereof may be filed with the court with the same effect as a civil judgment. Execution may be levied and other measures may be taken for the collection of the judgment as are authorized for the collection of an unpaid civil judgment entered against a defendant in an action on a debtor. The court may assess costs against a judgment debtor to be paid upon satisfaction of the judgment. The processing agency shall send a notice by first-class mail to the person or registered owner indicating that a judgment shall be entered for the unpaid penalties, fees, and costs and that, after 21 calendar days from the date of the mailing of the notice, the judgment shall have the same effect as an entry of judgment against a judgment debtor. The person or registered owner shall also be notified at that time that execution may be levied against his or her assets, liens may be placed against his or her property, his or her wages may be garnisheed, and other steps may be taken to satisfy the judgment. If a judgment is rendered for the processing agency, that agency may contract with a collection agency to collect the amount of that judgment.

Notwithstanding any other provision of law, the processing agency shall pay the established first paper civil filing fee at the time an entry of civil judgment is requested.

(c) If the registration of the vehicle has not been renewed for 60 days beyond the renewal date, and the citation has not been collected by the department pursuant to Section 4760, file proof of unpaid penalties and fees with the court with the same effect as a civil judgment as provided in subdivision (b).

40221. The processing agency shall not file a civil judgment with the court relating to a parking violation which has been filed with the department unless the processing agency has determined that the registration of the vehicle has not been renewed for 60 days beyond the renewal date and the citation has not been collected by the department pursuant to Section 4760.

40222. The processing agency shall terminate proceedings on the notice of delinquent parking violation in any of the following cases:

(a) Upon receipt of collected penalties and administrative fees remitted by the department under Section 4762 for that notice of delinquent parking violation. The termination under this subdivision is by satisfaction of the parking penalty.

(b) If the notice of delinquent parking violation was returned to the processing agency pursuant to Section 4764 and five years have elapsed since the date of the violation. The termination under this subdivision is by the running of a statute of limitation of proceedings.

(c) The processing agency receives information, which it shall verify with the department, that the penalty has been paid to the department pursuant to Section 4762.

40224. The time limitation provided by law for commencement of a civil action for a violation specified in Section 40200 shall be tolled from and after the date a notice of delinquent parking violation is filed with the department pursuant to subdivision (b) of Section 40220 until the notice is returned to the processing agency under subdivision (b) of Section 4760 or Section 4762 or 4764 or is recalled by the processing agency pursuant to subdivision (d) of Section 40211.

40225. (a) An equipment violation entered on the notice of parking violation attached to the vehicle under Section 40203 shall be processed in accordance with this article. All of the violations entered on the notice of parking violation shall be noticed in the notice of delinquent parking violation delivered pursuant to Section 40206, together with the amount of civil penalty.

(b) Whether or not a vehicle is in violation of any regulation governing the standing or parking of a vehicle but is in violation of subdivision (a) of Section 5204, a person authorized to enforce parking laws and regulations shall issue a written notice of parking

violation, setting forth the alleged violation. The violation shall be processed pursuant to this section.

(c) The civil penalty for each equipment violation, including failure to properly display a license plate, is the amount established for the violation in the Uniform Bail and Penalty Schedule, as adopted by the Judicial Council, except that upon proof of the correction to the processing agency, the penalty shall be reduced to ten dollars (\$10). The reduction provided for in this subdivision involving failure to properly display license plates shall only apply if, at the time of the violation, valid license plates were issued for that vehicle in accordance with this code. The civil penalty for each violation of Section 5204 is the amount established for the violation in the Uniform Bail and Penalty Schedule, as adopted by the Judicial Council, except that upon proof of the correction to the processing agency, the penalty shall be reduced to ten dollars (\$10).

(d) Fifty percent of any penalty collected pursuant to this section for registration or equipment violations by a processing agency shall be paid to the county for remittance to the State Treasurer and the remaining 50 percent shall be retained by the issuing agency and processing agency subject to the terms of the contract described in Section 40200.5.

(e) Subdivisions (a) and (b) do not preclude the recording of a violation of subdivision (a) or (b) of Section 4000 on a notice of parking violation or the adjudication of that violation under the civil process set forth in this article.

40226. An issuing agency may, in lieu of collecting a fine for a citation for failure to display a disabled placard, charge an administrative fee not to exceed twenty-five dollars (\$25) to process cancellation of a citation in any case where the individual who received the citation can show proof that he or she had been issued a valid placard at the time the citation was received.

40230. (a) Within 30 calendar days after the mailing or personal delivery of the final decision described in subdivision (b) of Section 40215, the contestant may seek review by filing an appeal to be heard by the superior court where the same shall be heard de novo, except that the contents of the processing agency's file in the case shall be received in evidence. A copy of the notice of parking violation or, if the citation was issued electronically, a true and correct abstract containing the information set forth in the notice of parking violation shall be admitted into evidence as prima facie evidence of the facts stated therein. A copy of the notice of appeal shall be served in person or by first-class mail upon the processing agency by the contestant. For purposes of computing the 30-calendar-day period, Section 1013 of the Code of Civil Procedure shall be applicable. A proceeding under this subdivision is a limited civil case.

(b) The fee for filing the notice of appeal is twenty-five dollars (\$25). The court shall request that the processing agency's file on the case be forwarded to the court, to be received within 15 calendar days of the request. The court shall notify the contestant of the appearance date by mail or personal delivery. The court shall retain

the twenty-five dollar (\$25) fee regardless of the outcome of the appeal. If the court finds in favor of the contestant, the amount of the fee shall be reimbursed to the contestant by the processing agency. Any deposit of parking penalty shall be refunded by the processing agency in accordance with the judgment of the court.

(c) The conduct of the appeal under this section is a subordinate judicial duty that may be performed by traffic trial commissioners and other subordinate judicial officials at the direction of the presiding judge of the court.

(d) If no notice of appeal of the processing agency's decision is filed within the period set forth in subdivision (a), the decision shall be deemed final.

(e) If the parking penalty has not been deposited and the decision is against the contestant, the processing agency shall, after the decision becomes final, proceed to collect the penalty pursuant to Section 40220.

The End