

MARIN GENERAL SERVICES AUTHORITY TAXI REGULATION PROGRAM

A. DEFINITIONS

As used herein the capitalized terms shall have the following meanings:

1. **“Agency”** shall mean and refer to each entity, which is a member of the MGSA, however, the term “Agency” specifically shall not include the Marinwood Community Services District or the Bel Marin Community Services District.
2. **“Area of Jurisdiction”** means the jurisdictional boundaries of each Agency.
3. **“Call Log”** shall mean a record prepared by the Company of all trips made by the Company’s Drivers showing date, time and place of origin, and destination.
4. **“Company”** means any entity operating a Taxicab business, including without limitation, a natural person, firm, association, organization, partnership, business, trust, corporation or public entity.
5. **“Company Permit”** means a valid permit issued by the MGSA authorizing a Company to operate Taxicabs in the Area of Jurisdiction of each Agency.
6. **“County”** means the County of Marin.
7. **“DMV”** means the California Department of Motor Vehicles.
8. **“Driver”** means a person who operates a Taxicab.
9. **“Driver Permit”** means a valid permit issued by the MGSA authorizing a person to operate a Taxicab pursuant to the terms and requirements of the Program.
10. **“Executive Director”** shall mean the Executive Director of the MGSA or his/her designee.
11. **“MGSA”** shall mean the Marin General Services Authority or successor entity.
12. **“Program”** means the rules and regulations set out in this MGSA Taxi Regulation Program as the same may be amended from time to time.
13. **“State”** means the State of California.

14. **"Taxicab"** shall mean a motor vehicle regularly engaged in the business of carrying passengers designed for carrying not more than eight persons, excluding the driver.

15. **"Vehicle Permit"** shall mean a valid permit issued by the MGSA authorizing a vehicle to be utilized as a Taxicab pursuant to the terms and requirements of the Program.

B. COMPANY PERMIT

1. **Company Permit Required.** No Company shall operate or permit a Taxicab owned or controlled by it to be operated as a vehicle for hire within the Area of Jurisdiction of any Agency without having first obtained a Company Permit from the MGSA.

2. **Issuance of Company Permit.** The Executive Director shall issue a Company Permit upon full compliance by the Company with all of the following requirements unless one or more basis for denial set forth in Section 3 of this Section B exists:

- a. Submission of a complete Company Permit application; and
- b. Submission of a copy of the Company's drug and alcohol policy which must include at a minimum that employment or an offer of employment for any Driver is conditioned upon an acceptable drug and alcohol test meeting the requirements of these regulations and of California Government Code Section 53075.5 or successor statute; and
- c. Submission of evidence of insurance in full force and effect, which meets the following minimum requirements:
 - i. Automobile liability insurance with a minimum combined single limit of Three Hundred Fifty Thousand Dollars (\$350,000.00) for injury or death of one or more persons in the same accident and for injury to or destruction of property resulting from the operation or maintenance of any Taxicab; and
 - ii. Workers' Compensation insurance as required by the State of California; and
 - iii. The liability policy referred to in subsection i above is to contain, or be endorsed to contain, the following provisions:
 - (A) The MGSA and each Agency, its officers, elected and appointed officials, employees, agents and volunteers are to be covered as additional insureds; and

(B) Coverage shall not be reduced, terminated or canceled, except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the MGSAs; and

iv. Insurance is to be placed with insurers licensed to do business in the State of California with a current A.M. Best's rating of no less than "B+", in the event that an insurer's rating is reduced below "B+" (a "Rating Event") Company shall have ten (10) business days from the date that the rating actually drops below "B+" to present the Executive Director with a written schedule of events detailing the steps Company will take to obtain replacement insurance which meets the requirements of this Program, notwithstanding the foregoing, such replacement insurance shall be obtained by Company within sixty (60) days of the Rating Event or Company shall cease operating until such complying insurance is obtained; and

v. The Executive Director may require complete, certified copies of all required insurance policies, including endorsements effecting the coverage required by these specifications at any time; and

vi. At least thirty (30) days prior to the expiration of current policies a Company shall submit a letter from its insurance carrier(s) indicating that the carrier is processing Company's request for continuance of coverage or new coverage and that the carrier believes that such coverage will be continued/issued; and

vii. As soon as it is received by the Company but in no event later than the date of the expiration of current policies a Company shall submit insurance binders evidencing insurance coverage for the policy period subsequent to the expiration of the current policies; and

viii. No self insured retention shall be allowed and deductibles shall not exceed Two Thousand Five Hundred Dollars (\$2500.00); and

d. Submission of proof of current DMV registration for each Taxicab listed in the Company Permit application; and

e. Prior to the issuance of the initial Company Permit (but not upon renewal) every owner, partner or principal officer of Company shall have:

i. submitted to fingerprinting by the County Sheriff's Department; and

ii. successfully cleared a background check performed by the County Sheriff's Department; and

f. List of every Driver authorized to operate the Taxicab(s) identified in the Company Permit application; and

- g. The rates of fare proposed to be charged by the Company; and
- h. Payment of all applicable fees including without limitation the Company Permit application fee and Taxicab Permit application fee.
- i. As a condition to the receipt of a Company Permit, the Company must submit for approval by the Executive Director an indemnification agreement, executed by an authorized representative of the Company, agreeing to release, indemnify, hold harmless and defend with counsel reasonably acceptable to the Executive Director, the MGSA, including every Agency which is a member thereof, and their respective elected and appointed officials, officers, employees, agents and volunteers harmless against and from liability and/or claims of any kind arising out of the Program and/or the operation of Taxicab(s) including, without limitation, claims for personal injury or death or loss or damage to property.

3. **Basis for Denial of Company Permit.** The Executive Director shall deny the issuance of a Company Permit in the event that any owner, partner or principal officer of applicant:

- a. Is under the age of 18 years; or
- b. Falsifies material information on an application for a Company Permit; or
- c. Is a registered sex offender pursuant to California Penal Code Section 290; or
- d. Is on formal probation or parole for any offense outlined in this Section B.3.; or
- e. Has at any time been convicted (or pled guilty or nolo contendere) in any state, the District of Columbia, and/or in any federal proceeding for any of the following: murder; robbery; pandering; pimping; crimes related to the sale or transportation of controlled substances; and/or crimes involving the use of a weapon; or
- f. Within five (5) years of the application been convicted of (or pled guilty or nolo contendere) in any state, the District of Columbia, and/or in any federal proceeding or had any final administrative determination of a violation of any statute, ordinance, or regulation reasonably related to the same or similar business operation which would have resulted in suspension or revocation of the Company Permit under these Regulations.

4. **Requirements Following Issuance.** A Company, which has received a Company Permit, shall comply with all of the following during the term of the Company Permit:

a. Company shall maintain the insurance required pursuant to Section B.2.c. of these Regulations in full force and effect during the term of the Company Permit; and

b. Company shall notify the Executive Director of any information or fact(s) that would cause any of the information set forth in the Company Permit Application to no longer be true and correct; and

c. Company shall provide the Executive Director with written notice within 72 hours in the event that any of its Drivers listed in the Company Permit are terminated or are otherwise no longer authorized to operate a Taxicab identified in the Company Permit; and

d. Company shall notify the Executive Director if it desires to add Drivers to the Company Permit and any such Drivers shall only be added to the Company Permit and be authorized to operate the Taxicab after such Driver has obtained a Driver's Permit.

e. Company shall notify the Executive Director of any new address for Company within forty eight (48) hours of Company occupying said new address.

5. Term and Renewal.

a. A Company Permit shall remain in effect for a period of five (5) years from issuance unless sooner suspended or revoked.

b. In order to renew a Company Permit prior to the expiration of an existing Permit, Company must submit a completed application for renewal within thirty (30) days prior to the expiration of the Company Permit. Upon submission of a completed application for a renewal of a Company Permit, provided that the Company is in compliance with all of the provisions of these Regulations and provided further that the existing Company Permit is not otherwise suspended or revoked in accordance with the provisions of these Regulations, the existing Company Permit shall remain in effect until the later to occur of (i) such time as the application for renewal is either granted or denied; or (ii) the expiration of the existing Company Permit; at which time the existing Company Permit shall automatically be of no further force and effect.

6. **Appeal.** A Company may appeal the denial or non-renewal of the issuance of a Company Permit in accordance with the provisions of Section F of these Regulations.

7. **Transfer.** Company Permits are not transferable or assignable.

C. DRIVERS PERMIT.

1. **Driver's Permit Required.** No person shall operate a Taxicab within the Area of Jurisdiction of any Agency without having first obtained a Driver's Permit therefore.

2. **Issuance of Driver's Permit.** The Executive Director shall issue a Driver's Permit upon submission by the Driver of all of the following requirements unless one or more basis for denial set forth in Section 3 of this Section C exists:

a. A fully completed Driver's Permit application signed by an authorized representative of a Company holding a Company Permit; and

b. A valid permanent California Class C driver's license; and

c. Evidence of compliance with the mandatory controlled substance and alcohol testing certification program, as set forth below:

i. Drivers shall show proof from a drug testing company approved by the Executive Director that the Driver tested negative for each of the controlled substances specified in Part 40 (commencing with Section 40.1) of Title 49 of the Code of Federal Regulations, before employment. Drivers must also test negative for alcohol. Drivers must show proof of negative tests for these controlled substances and for alcohol as a condition of Permit issuance or renewal. ***Drivers may also be subject to random drug and/or alcohol testing during the term of his/her Permit.*** As used in this section, a negative test for alcohol means an alcohol screening test showing a breath alcohol concentration of less than 0.02 percent; and

ii. Procedures shall be substantially as in Part 40 (commencing with Section 40.1) of Title 49 of the Code of Federal Regulations, except that the Driver shall show a valid California driver's license at the time and place of testing. Requirements for rehabilitation and for return to duty and follow up testing and other requirements and shall be substantially as in Part 382 (commencing with Section 382.101) of Title 49 of the Code of Federal Regulations.

iii. A test consistent with subsections c. i. and ii. performed in a jurisdiction outside of the County shall be accepted as meeting the same requirement as a test performed within the County. Any negative test results shall be accepted for one year as meeting a requirement for periodic permit renewal testing or any other periodic testing if the Driver has not tested positive subsequent to the negative result. However, an earlier negative result shall not be accepted as meeting the pre-employment testing requirement for any subsequent employment or any testing requirements under the program other than periodic testing.

iv. In the case of a self-employed independent Driver, the test results shall be reported directly to the Executive Director, which shall notify the taxicab leasing company of record, if any, of positive results. In all other cases, the results shall

be reported directly to the Company, who may be required to notify the Executive Director of positive results.

v. All test results are confidential and shall not be released without the consent of the Driver, except as authorized or required by law.

vi. Self-employed independent drivers shall be responsible for compliance with, and shall pay all costs of, this program with regard to themselves. The Company shall be responsible for compliance with, and shall pay all costs of, this program with respect to their employees and potential employees, except that an operator may require employees who test positive to pay the cost of rehabilitation and of return to duty and follow up testing.

vii. Upon the request of a Driver applying for a permit, the Executive Director shall give the Driver a list of consortia certified pursuant to Part 382 (commencing with Section 382.101) of Title 49 of the Code of Federal Regulations that the Executive Director knows offer tests in or near the County.

d. Fingerprints taken by or on file with the County Sheriff's Department; and

e. A cleared background check performed by the County Sheriff's Department; and

f. Two current 2" by 2" professional quality color photos (passport photos) of the applicant.

g. Payment of all applicable fees including without limitation the background check fee and the Driver Permit application fee.

3. **Basis for Denial of Driver's Permit.** The Executive Director shall deny the issuance of a Driver's Permit in the event that the applicant:

a. Is under the age of 18 years; or

b. Falsifies material information on an application for a Driver's Permit; or

c. Does not possess a valid Class C California Driver's License; or

d. Fails the drug and/or alcohol test required hereunder. Upon testing positive for drugs and/or alcohol the applicant shall not be eligible to reapply for a Driver's Permit for a period of six (6) months from the test date; or

e. Is a registered sex offender pursuant to California Penal Code Section 290; or

f. Is on formal probation or parole for any offense outlined in this section 3; or

g. Has at any time been convicted (or pled guilty or nolo contendere) in any state, the District of Columbia, and/or in any federal proceeding, for any of the following: murder; robbery; pandering; pimping; crimes related to the sale or transportation of controlled substances, *except for offenses involving marijuana*; and/or crimes involving the use of a weapon; or

h. Within five (5) years of the application been convicted of (or pled guilty or nolo contendere) in any state, the District of Columbia, and/or in any federal proceeding, of reckless driving, driving under the influence of intoxicating liquor or drugs (DUI), a violation of California Vehicle Code Sections 2800.1 (pertaining to flight from peace officer), Section 20002 (imposing duties on the driver of any vehicle involved in an accident resulting only in damage to any property), Section 20003 (imposing duties on the driver of any vehicle involved in an accident resulting in injury or death) or any corresponding substitute sections or similar sections of the Vehicle Code of another state; vehicular manslaughter; and/or California Penal Code Sections 240, 241, 242, or 243 pertaining to assault and battery or any corresponding substitute sections or similar sections of the Penal Code of another state, the District of Columbia, and/or a federal entity.

4. **Term and Renewal.**

a. A Driver's Permit shall remain in effect for a period of five (5) years from issuance unless sooner suspended or revoked. A Driver's Permit shall be automatically suspended upon the revocation or suspension of the Driver's Class C Drivers License until such time as the Driver presents evidence to the Executive Director that the requisite Driver's License has been reinstated and is in full force and effect.

b. In order to renew a Driver's Permit, the Driver must submit a completed application for renewal within thirty (30) days prior to the expiration of the Driver's Permit. Upon submission of a completed application for a renewal of a Driver's Permit, provided that the Driver is in compliance with all of the provisions of these Regulations and provided further that the existing Driver Permit is not otherwise suspended or revoked in accordance with the provisions of these Regulations, the existing Driver Permit shall remain in effect until the later to occur of (i) such time as the application for renewal is either granted or denied; or (ii) the expiration of the existing Driver Permit; at which time the existing Driver Permit shall automatically be of no further force and effect.

c. The Driver's Permit shall be automatically void upon termination of Driver's employment with the Company listed in the Driver Permit application and the Driver's Permit shall be returned to the Executive Director upon such termination.

d. Driver shall notify the Executive Director in writing of any new address for Driver within forty eight (48) hours of Driver occupying said new address.

5. **Appeal.** A Driver may appeal the denial or non-renewal of the issuance of a Driver Permit in accordance with the provisions of Section F of these Regulations.

6. **Transfer.** Driver's Permits are not transferable or assignable.

D. VEHICLE PERMIT.

1. **Initial Vehicle Inspection.** Prior to the use and operation of any vehicle as a Taxicab under the provisions of these Regulations, documentation reasonably acceptable to the Executive Director shall be submitted indicating that the vehicle has been thoroughly examined and found to comply with all the standards established in the California Vehicle Code or successor statute.

2. **Issuance of Vehicle Permit/Renewal.** Upon meeting the initial inspection requirements set forth in Section D.1 above and upon payment of any and all applicable fees, a non-transferable Vehicle Permit shall be issued for each approved Taxicab. The Vehicle Permit shall remain in effect for a period of one (1) year. No Vehicle Permit shall be renewed unless and until the inspection requirements set forth in Section D.3 below are met and any and all applicable fees have been paid. The Vehicle Permit must be displayed in the Taxicab at all times during its operation.

3. **Annual Inspections.** Every vehicle operating under these Regulations shall be inspected annually to ensure that it complies with all the standards established in the California Vehicle Code or successor statute.

4. **Vehicles Must Be Kept in a Clean and Sanitary Condition.** Every vehicle operating under these Regulations shall be kept in a clean and sanitary condition and free of offensive odors.

5. **Designation of Taxicabs.** Each Taxicab shall bear on the outside of at least one door on each side of the vehicle, in painted letters not less than five inches nor more than seven inches in height, the name of the Company; and, in addition, may bear an identifying design approved by the Executive Director. No vehicle shall be licensed whose color scheme, identifying design, monogram, or insignia to be used thereon shall, in the opinion of the Executive Director, conflict with or imitate any vehicles already operating under a permit issued pursuant to these Regulations, in such a manner as to be misleading or tend to deceive or defraud the public; and provided further, that if after a license has been issued for a Taxicab hereunder, the color scheme, identifying design, monogram, or insignia thereof is changed so as to be, in the opinion of the Executive Director, in conflict with or imitate any color scheme, identifying design, monogram, or insignia used by any other person, owner or operator, in such a manner as to be misleading or tend to deceive the public, the permit for such Taxicab or Taxicabs shall be suspended or revoked

6. **Revocation of Vehicle Permit.** The Executive Director may revoke any Vehicle Permit in the event that the vehicle, which is the subject of the permit, does not meet the requirements of these Regulations. The determination of the Executive Director may be appealed in accordance with the provisions of Section F. hereof.

E. TAXICAB OPERATION.

1. **Rates of Fare.** Every Taxicab shall have a rate card setting forth its rates of fare displayed in such a place as to be in view of all passengers. Such card shall be in a form approved by the Executive Director. No rates of fare shall be either adopted or changed until a complete schedule thereof has been filed with the Executive Director.

2. **Receipts.** The Driver of any Taxicab shall upon demand by the passenger render to such passenger a receipt for the amount charged on a receipt which shall bear the name of the owner, driver number, amount of meter reading or charges and date of transaction.

3. **Taxicab Service.** All Companies and Drivers shall answer all calls received by them for services as soon as they can do so and if the services cannot be rendered within a reasonable time they shall then notify the prospective passengers how long it will be before the call can be answered and give the reason therefore.

4. **Call Logs.** Every Company shall maintain daily Call Logs. The form of the Call Log shall be approved by the Executive Director. Every Company shall retain and preserve all Call Logs in a safe place for at least the fiscal year following the fiscal year in which the Call Log is created, and said Call Logs shall be available to the inspection by the Executive Director upon demand.

5. **Taxicab Meters.** Every Taxicab operated under this section shall be equipped with a taxicab meter and the Company shall keep such meter accurate at all times. The Company shall file an annual "certificate of inspection" from County Department of Agriculture. Upon discovery of any inaccuracy of the meter the Executive Director is authorized to remove or cause to be removed from service any such vehicle equipped with such meter until the meter shall have been repaired and accurately adjusted.

F. APPEAL OF PERMIT DENIAL/NON-RENEWAL. *The Executive Director's decision to issue or not issue any permit under these Regulations is discretionary.* In the event a Company Permit or Driver Permit is denied or not renewed, the applicant, Company or Driver shall be notified in writing of the proposed adverse action and the reason(s) therefore (the "Notice of Adverse Action"). No later than ten (10) days following the date on the Notice of Proposed Action the applicant, Company or Driver may submit a written appeal to the MGSA Board on the form provided by the Executive Director, which shall include the basis for such appeal together with the payment of any and all applicable fees. Failure to file a timely Notice of Appeal

shall constitute a waiver of the right to appeal. An appeal is not timely filed if the applicable fees are not paid concurrently with the submittal of the appeal. Within forty five (45) days following the date on the Notice of Appeal a public hearing shall be held before the MGSA Board on the proposed action. The decision of the MGSA Board shall be issued within thirty (30) days of the date of the public hearing and such decision shall be final.

G. PENALTIES/ENFORCEMENT OF PROGRAM.

1. **Issuance of Compliance Order.** Provided that there is no immediate danger to health or safety, the Executive Director may issue a "Compliance Order" to any Company or Driver, which fails to comply with any of the regulations set forth herein and/or for any of the following:

- a. Providing false or inaccurate information in any Permit application; or
- b. Company allows a Taxicab to be operated by a Driver who does not hold a valid Driver's Permit; or
- c. Refusal by the Company or a Driver of the Company to accept a call anywhere in the corporate limits of an Agency at any time when such Company has available Taxicabs; provided, however, that a Company or a Driver may refuse to accept a call for service when the Company or Driver reasonably determines that there is a threat to the health or safety of the Driver; or
- d. Revocation or suspension of a Driver's California Driver's License; or
- e. Driver's failure to cooperate with any law enforcement personnel of any Agency and/or the California Highway Patrol.

2. **Contents of Compliance Order.** Each Compliance Order shall be in writing and shall include, without limitation, the following information:

- a. The date of the violation(s) and, if different, the date of service of the Compliance Order.
- b. The name, address, and other identifying information of the Company and/or the Driver.
- c. A description of the violation(s), including citation to the section(s) of the Regulations violated.

d. An order requiring correction of the violation(s) within ten (10) days of the date of the Compliance Order, or within such other reasonable time as the Executive Director may determine, and notifying the Company and/or the Driver that a fine may be due or the applicable permit may be suspended or revoked if correction is not made before the expiration of the correction period.

e. An order prohibiting the continuation or repeated occurrence of the violation(s).

f. The fine schedule for the violation(s).

3. **Correction of Violation.** If the Executive Director determines that all violation(s) specified in the Compliance Order have been corrected within the time set forth in the Compliance Order, no further action shall be taken against the Company and/or the Driver regarding the violations. If all violation(s) specified in the Compliance Order are not corrected within the time set forth in the Compliance Order, the Executive Director may issue an Administrative Citation to the Company and/or the Driver. Issuance of an Administrative Citation does not alter any obligation to comply fully with the Compliance Order.

4. **Administrative Citation.** When a violation of these Regulations poses an immediate danger to health or safety, or when all violation(s) in a Compliance Order have not been corrected within the time set forth in that Compliance Order, the Executive Director may issue an Administrative Citation to a Company and/or Driver.

5. **Contents of Administrative Citation.** Each Administrative Citation shall be in writing and shall include, without limitation, the following information:

a. The date of the violation(s) and, if different, the date of service of the Administrative Citation.

b. The name, address, and other identifying information of the Company and/or Driver.

c. A description of the violation(s), including citation to the section(s) of the Regulations violated.

d. An order prohibiting the continuation or repeated occurrence of the violation.

- e. The penalty imposed for the violation, which may include:
 - i. the imposition of a fine in which case the Administrative Citation shall include fine schedule for the violation and a description of how, when, and where the fine must be paid; and/or
 - ii. a period of suspension of the applicable permit; or
 - iii. revocation of the applicable permit in the event that the violation involves an on-going and continuous threat to public health and safety.
- f. A brief description of the Administrative Citation hearing process; including a statement that the Company and/or Driver has the right to contest the Administrative Citation by requesting a hearing within ten (10) calendar days of the date of service of the Administrative Citation and a statement that anyone aggrieved by the decision of the administrative Hearing Officer may petition for review by the Marin County Superior Court within the time frame and in accordance with the requirements of Government Code Section 53069.4.
- g. The name and signature of the Executive Director.

6. **Separate Violations.** Each violation of these Regulations whether after the expiration of any correction period set forth in a Compliance Order or otherwise constitutes a separate violation for every day such violation continues, and an Administrative Citation may be issued for each and every separate violation.

7. **Notices.** All notices, including Compliance Orders and Administrative Citations, shall be served on the Company and/or Driver in accordance with the following provisions:

- a. Notices may be personally served and when so served the responsible person shall be asked to sign the Compliance Order or Administrative Citation to acknowledge receipt. Failure or refusal to sign a Compliance Order or an Administrative Citation shall not affect the validity of that Compliance Order or Administrative Citation; and a signature on any Administrative Citation shall not constitute an admission of responsibility.
- b. Notices may be mailed by certified mail, postage prepaid, return receipt requested. Simultaneously, the same notice may be sent by first-class mail, postage prepaid. If a notice sent by certified mail is returned unclaimed, service by first-class mail shall nevertheless be effective if that mail is sent to the address of record for the Company or Driver.
- c. If a Compliance Order or Administrative Citation is issued for violation of these Regulations by a business or other organization, and if the person cited is not the sole owner of that business or other organization, a copy of the Compliance Order or Administrative Citation and of any other notices required in connection with that Administrative Citation shall also be personally delivered or shall be sent by first-class mail, postage prepaid, to the owner or director of that business or other organization, as may be revealed by the Executive Director's reasonable investigation.

d. If the Executive Director does not succeed in serving the Company and/or Driver personally, and if the Executive Director's reasonable investigation reveals no home or business address for the responsible person the Executive Director shall cause the notice to be published once a week for four successive weeks in a local newspaper published at least once per week.

e. Service of any notice in accordance with these requirements may be proven by declaration or affidavit. Service is complete upon personal delivery, upon deposit with the United States Postal Service, or upon completion of publication according to subdivision d above. Failure of any person with an interest in the Compliance Order or Administrative Citation to receive properly served notice shall not affect the validity of any proceedings.

8. **Request for Hearing.** Any Company and/or Driver may contest an Administrative Citation by requesting a hearing within ten (10) calendar days from the date of service of the Administrative Citation. The hearing request must be in writing on a form furnished by the MGSA, specifying in detail the basis for contesting the Administrative Citation. The Company and/or Driver requesting the hearing shall deposit the amount of the fine if any with the MGSA or apply for a hardship waiver in accordance with paragraph 6 below. If the deadline for requesting a hearing falls on a weekend or on another date that MGSA offices are closed for all of the normal business day, then the deadline shall be extended until 5:00 p.m. on the next regular MGSA business day. Failure to file an appeal request in accordance with this paragraph shall constitute a waiver of the Company's and/or Driver's right to contest any matters set forth in the Administrative Citation.

9. **Hardship Waiver.** Any Company and/or Driver who requests a hearing to contest an Administrative Citation and who is financially unable to deposit the administrative fine may request a "Hardship Waiver." This request shall be filed with the hearing request. The request shall be accompanied by a sworn affidavit, and any other relevant supporting materials, demonstrating the Company's/Driver's inability to deposit the fine in advance of the hearing. The Executive Director shall decide within ten (10) days of receipt of the Hardship Waiver request whether or not to issue a Hardship Waiver. The decision shall be in writing, and shall be served upon the party requesting the waiver. The decision shall be final. If the Executive Director decides that a Hardship Waiver is unwarranted, the Company/Driver shall deposit the full amount of the fine within ten (10) days of service of the written decision, or within ten (10) days from the date of the Administrative Citation, whichever is later. If the Company/Driver fails to deposit this fine before this due date, the MGSA may disregard the hearing request, and any scheduled hearing may be cancelled.

10. **Holding Hearing.** The hearing shall be held within thirty (30) days of receiving a hearing request that complies fully with paragraph 5 above. The party requesting the hearing, as well as any other persons upon whom the Administrative Citation was served, shall be notified of the time and place of the hearing at least ten (10) days before the hearing date. Either the Company/Driver or the MGSA may request a continuance of the hearing to a mutually agreeable date, but in no event may the hearing begin later than sixty (60) days after the MGSA receives a hearing request, accompanied by deposit of the applicable fine or a completed Hardship Waiver application.

11. **Hearing Officer.** The Executive Director shall designate a Hearing Officer to hear and decide appeals of Administrative Citations. This Hearing Officer may, but need not, be an employee of the MGSA. The employment, performance evaluation, compensation, and benefits, if any, of this Hearing Officer shall not be directly or indirectly conditioned upon the number of Administrative Citations or the amount of administrative fines, if any, upheld by the Hearing Officer.

12. **Hearing Procedure.** On the date and at the time and place set forth in the notice of hearing, the Hearing Officer shall conduct an orderly hearing and shall accept evidence on which persons commonly would rely in the conduct of their business affairs. Formal rules of evidence need not apply. The party contesting the Administrative Citation shall have the opportunity to testify, under oath, and to present evidence, including witnesses, who shall be under oath, concerning the alleged violation. Any other interested party may also present evidence. The Hearing Officer shall limit the evidence to that which is relevant to establishing or refuting the violation alleged in the Administrative Citation. If the Company/Driver or any other interested person fails to attend the scheduled hearing, that person shall have waived any right to present evidence on the matter. The Administrative Citation and any other reports submitted by the Executive Director shall constitute prima facie evidence of the facts recited in those documents. The Hearing Officer may take the matter under consideration, may continue the hearing, and may request additional information from the Executive Director or from the Company and/or Driver. On the basis of a preponderance of the evidence, the Hearing Officer shall determine whether to affirm or dismiss the Administrative Citation. The Hearing Officer may not reduce, waive, or conditionally reduce the fines established by the MGSA. The Hearing Officer shall make findings based on the record of the hearing, and shall issue a final written decision based on those findings. The written decision shall be served upon the Company and/or Driver along with notice regarding the right to further appeal. If the Hearing Officer affirms the Administrative Citation, any period of suspension or revocation of the permit shall commence and the MGSA shall retain any fine deposited by the Company and/or Driver. If the Hearing Officer affirms the Administrative Citation and the fine has not yet been deposited because of an approved Hardship Waiver, the Hearing Officer shall specify in the written decision a payment schedule for the fine, including the date upon which the fine will be overdue. If the Hearing Officer dismisses the Administrative Citation, any fine deposited with the MGSA shall be promptly refunded.

13. **Appeal.** Any person aggrieved by an administrative decision of a Hearing Officer may obtain review of that decision by filing a petition for review in the Marin County Superior Court, according to the requirements of Government Code Section 53069.4.

14. **Administrative Citation Collection.** For any violation of these Regulations, the fine imposed by an Administrative Citation shall be One Hundred Dollars (\$100.00) for a first violation; Two Hundred Dollars (\$200.00) for a second violation of the same provision of these Regulations within a twelve-month period; and Five Hundred Dollars (\$500.00) for each additional violation of that same provision within a twelve-month period or such higher amount as may be authorized by California Government Code Section 36900(b). Fines for Administrative Citations shall be payable

directly to the MGSA and are due immediately upon service of the Administrative Citation. Such fines constitute a debt owed to the MGSA. Payment of the fine associated with any Administrative Citation shall not excuse the violation, nor shall it bar other or further enforcement activity by the MGSA. Any fine paid for an Administrative Citation shall be refunded if it is determined after a hearing that the violation charged in the Administrative Citation did not exist or occur. If payment of a fine is not received by the MGSA within thirty (30) days of its due date, the fine is overdue unless a timely hearing request including an application for a Hardship Waiver has been filed. If a Hardship Waiver application is denied, the fine is overdue unless the full amount is deposited within ten (10) days of service of the written decision denying the Hardship Waiver, or within thirty (30) days from the date of the Administrative Citation, whichever is later. If a Hardship Waiver is granted, but the hearing officer affirms the Administrative Citation, the Hearing Officer shall set forth a payment schedule for the fine that shall specify the date on which the fine becomes overdue. In such case, the fine shall be overdue on that date, unless a timely appeal from the Hearing Officer's determination is filed with the Marin County Superior Court. If any such appeal is dismissed, or if the decision of the court affirms the Administrative Citation, the fine shall be overdue ten (10) days after service by the court or by the City of notice of entry of judgment or of dismissal, or twenty (20) days after entry of judgment or of dismissal, whichever is first. A late penalty equal to 50% of the total fine shall be assessed for any overdue fine. Failure to pay such fine and/or penalty within five (5) calendar days shall result in the revocation of the permit of the Company and/or the Driver so found.

15. **Other Remedies.** The remedies set forth in this section are not exclusive. Each Agency has the authority to enforce the provisions of the Program within its jurisdictional boundaries in accordance with the applicable provisions of its own Municipal Code. In addition, the MGSA may collect past due fines for Administrative Citations, and penalties for late fines, by the use of the small claims court or by any other legal remedy.

16. **Amendment.** The MGSA retains the right to amend this Program and the regulations set forth herein at any time.