

JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS
455 Golden Gate Avenue
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Report

TO: Members of the Judicial Council

FROM: Traffic Advisory Committee
Hon. John H. Tiernan, Chair
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DATE: March 23, 2005

SUBJECT: Traffic: Notice to Appear Forms and Traffic Violator School (amend Cal. Rules of Court, rule 851; revise forms TR-115, TR-120, and TR-130; and revise form instructions, *Notice to Appear and Related Forms*) (Action Required)

Issue Statement

Recent legislation requires: (1) amendment of rule 851 to specify that drivers with a commercial driver's license, as specified, or drivers of a commercial vehicle, as defined in Vehicle Code section 15210(b) are ineligible to receive a dismissal for attendance of traffic violator school (TVS); and (2) revision of notice to appear citation forms to provide verification of booking, when booking is required, and to include information necessary to determine eligibility for TVS.

Recommendation

The Traffic Advisory Committee recommends that, to conform to statutory changes, the Judicial Council, effective September 20, 2005:

1. Amend rule 851 of the California Rules of Court (traffic violator school);
2. Revise form TR-115, *Automated Traffic Enforcement System Notice to Appear*;
3. Revise form TR-120, *Nontraffic Notice to Appear*;
4. Revise form TR-130, *Traffic/Nontraffic Notice to Appear*; and
5. Revise form instructions, *Notice to Appear and Related Forms*.

Attached are the following:

1. The text of amended rule 851 at pages 5–6;

2. *Notice to Appear and Related Forms*, including forms TR-115, TR-120, and TR-130, at pages 7–43;
3. Current forms TR-115, TR-120, and TR-130 at pages 44–52; and
4. Comment chart with responses to proposed changes at pages 53–61.

Rationale for Recommendation

Attendance of traffic violator school

Assembly Bill 3049 (Stats. 2004, ch. 952) amended Vehicle Code section 42005 to prohibit dismissal of traffic violations for attendance of TVS by drivers with a commercial driver's license, as specified, or drivers of a commercial vehicle, as defined in Vehicle Code section 15210(b). The amendment is effective September 20, 2005. Rule 851 of the California Rule of Court governs procedures for approving attendance of TVS. Rule 851 (Attachment A) would be amended to specify that drivers with a commercial driver's license, as specified, and drivers of specified commercial vehicles are not eligible for dismissal of traffic violations for attendance of TVS, whether the request is made to a clerk or to a judicial officer.

To facilitate implementation of section 42005, the committee proposes changes to notice to appear citation forms used by law enforcement agencies as citations for infraction and misdemeanor violations. The Judicial Council is authorized to prescribe the form of a notice to appear that is issued when a person is arrested for misdemeanor or infraction violations of the Vehicle Code or ordinances related to traffic offenses. (Veh. Code, § 40500(b).) Penal Code section 853.9 further authorizes the council to approve notice to appear forms for nontraffic offenses. When a Judicial Council notice to appear form is verified by the issuing officer, it constitutes a complaint. (Veh. Code, § 40513(b); Pen. Code, § 853.9.)

Under rule 4.103 of the California Rules of Court, notices to appear that use the approved council forms and comply with the council's Instructions (Attachment B) are on a form approved by the Judicial Council. Current forms TR-115, TR-120, and TR-130 follow as Attachment C. Line 5 on the front of the Forms (Attachment B) would be revised to specify whether a drivers' license is commercial, enabling courts to identify those drivers who are ineligible for a dismissal for TVS attendance.

In addition, the Instructions, including the Forms, would be revised to include the following changes to enable implementation of the new law and improve uniformity of text and format of the notice to appear forms:

- Revision of section 3.010 to require implementation of the revised forms by law enforcement agencies by September 20, 2005, the effective date of AB 3049;
- Revision of section 4.020 to specify that the notice to appear forms conform to a recommended minimum size;

- Revision of section 4.050(b) to specify that text on citation forms TR-115, TR-120, and TR-130 must have a minimum font size of 6.0; and
- Addition of section 6.071 to require that notice to appear forms TR-115 and TR-130 specify whether a defendant's driver's license is commercial and allow the option to include the class of a driver's license.

Amendment of rule 851 and revision of the Forms and Instructions will allow compliance with the statutory changes, provide the courts with the necessary information to respond properly to requests to attend TVS, and avoid issuance of notice to appear forms with print that is too small to be legible.

Verification of booking

Assembly Bill 2853 (Stats. 2004, ch. 889) revised Penal Code section 853.6 to require that verification of booking be entered on a notice to appear form before an appearance in court, if that form indicates that booking is required. The "Booking Required" check boxes on line 19 of the front of form TR-120 and above line 13 on the front of form TR-130 have been revised to instruct defendants to see the reverse of the form. A new section 4 has been added to the reverse with booking Instructions and a verification of booking by the issuing agency. Section 6.170 of the instructions is revised to specify that if the "Booking Required" check box is checked, the verification of booking on the defendant's copy of the form must be completed by the issuing agency before the defendant appears in court.

Amendment of rule 851 and revision of the Forms and Instructions will achieve consistency with recent changes in California law regarding booking procedures and eligibility for TVS and improve statewide uniformity of notice to appear citations.

Alternative Actions Considered

Amendment of rule 851 and revision of the Forms and Instructions is necessary to implement the changes required by AB 2853 and AB 3049. The original proposal to revise the Forms included a mandatory field to specify the class of a driver's license. Comments from the California Highway Patrol (CHP) identified potential difficulties in including that information on all citations and the increased possibility that a citation would be incomplete if the information was not included. The increased possibility that a citation would not include mandatory information could lead to courts having to dismiss citations or require filing of a formal complaint in place of the notice according to Penal Code section 853.9 or Vehicle Code section 40513. Since the legislation specifies that a driver with any class of driver's license that is a commercial license in California is ineligible to attend TVS to obtain a dismissal, the form field for class of driver's license has been made optional.

Comments From Interested Parties

The proposed rule 851 and revised Forms and Instructions were circulated for statewide comment; 11 of the 18 responses received agreed with the proposed

changes, while 6 comments suggested minor changes. Attachment D lists all comments and the committee's responses.

A comment submitted by the CHP requested addition of shading to certain areas of the Forms to indicate areas where discretionary information could be added to address special tracking and processing needs. Because the CHP operates statewide and has specific requirements for processing citations, the requested changes have been incorporated into the Forms.

Implementation Requirements and Costs

To be in compliance with rule 4.103, law enforcement agencies will need to include the new requirements for notice to appear forms on citations issued on September 20, 2005, and afterward. Implementation costs would be limited to the cost of printing the revised forms.

Attachments

Rule 851 of the California Rules of Court would be amended, effective September 20, 2005, to read:

Rule 851. Procedures and eligibility criteria for attending traffic violator school

(a) **[Purpose]** The purpose of this rule is to establish uniform statewide procedures and criteria for eligibility to attend traffic violator school.

(b) **[Authority of a court clerk to grant pretrial diversion]**

(1) (*Eligible offenses*) Except as provided in subdivision (2), a court clerk is authorized to grant a request to attend traffic violator school when a defendant with a valid driver's license requests to attend an 8-hour traffic violator school as pretrial diversion under Vehicle Code sections 41501(b) and 42005 for any infraction under divisions 11 and 12 (rules of the road and equipment violations) of the Vehicle Code if the violation is reportable to the Department of Motor Vehicles.

(2) (*Ineligible offenses*) A court clerk is not authorized to grant a request to attend traffic violator school for a misdemeanor or any of the following infractions:

(A) A violation that carries a negligent operator point count of more than one point under Vehicle Code section 12810 or more than one and one-half points under Vehicle Code section 12810.5(b)(2);

(B) A violation that occurs within 18 months after the date of a previous violation and the defendant either attended or elected to attend a traffic violator school for the previous violation (Veh. Code, § 1808.7);

(C) A violation of Vehicle Code section 22406.5 (tank vehicles);

(D) A violation related to alcohol use or possession or drug use or possession;

(E) A violation on which the defendant failed to appear under Vehicle Code section 40508(a) unless the failure-to-appear charge has been adjudicated and any fine imposed has been paid;

(F) A violation on which the defendant has failed to appear under Penal Code section 1214.1 unless the civil monetary assessment has been paid;

1 (G) A speeding violation in which the speed alleged is more than 25
2 miles over a speed limit as set forth in Chapter 7 (commencing with
3 section 22348) of Division 11 of the Vehicle Code;;

4
5 (H) A violation that occurs in a commercial vehicle as defined in Vehicle
6 Code section 15210(b); and

7
8 (I) A violation by a defendant having a class A, class B, or commercial
9 class C driver's license.

10
11 (c) **[Judicial discretion]**

12
13 (1) A judicial officer may in his or her discretion order attendance at a traffic
14 violator school in an individual case for diversion under Vehicle Code
15 section 41501(a), 41501(b), or 42005; sentencing; or any other purpose
16 permitted by law. A violation by a defendant having a class A, class B, or
17 commercial class C driver's license or that occurs in a commercial
18 vehicle, as defined in Vehicle Code section 15210(b), is not eligible for
19 diversion pursuant to Vehicle Code sections 41501 or 42005.

20
21 (2) If a violation occurs within 18 months of a previous violation, a judicial
22 officer may order a continuance and dismissal in consideration for
23 completion of a licensed program as specified in Vehicle Code section
24 41501(a). The program must consist of at least 12 hours of instruction as
25 specified in section 41501(a). Pursuant to Vehicle Code section 1808.7, a
26 dismissal for completion of the 12-hour program under this subdivision is
27 not confidential.

ATTACHMENT B

NOTICE TO APPEAR AND RELATED FORMS

Revised Effective ~~January 1, 2004~~ September 20, 2005



JUDICIAL COUNCIL OF CALIFORNIA

**Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco, California 94102-3688**

ACKNOWLEDGMENTS

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Chapter 1 PURPOSE OF FORMS

1.000. Definitions

For the purposes of these instructions the following words are synonymous: (a) Notice to Appear, citation; (b) violation, offense, allegation, charges; (c) defendant, violator, person, individual, citee, driver; (d) court, court of jurisdiction; (e) officer, arresting officer, citing officer, issuing officer.

1.010. In General

Notice to Appear forms are designed to meet statutory requirements and, to the extent possible, address the procedural requirements of local courts and law enforcement agencies. Notices to Appear should provide the defendant with pertinent information regarding the charges and what steps the defendant must take to answer the allegations.

The uniform language and data fields assist law enforcement and the courts in the timely and accurate processing of the citation information. The design also ensures statewide conformity of advisements important to the defendant and that those advisements are clear and explicit.

1.020. Notice to Appear

- a) Whenever a person is arrested for any violation declared to be an infraction or misdemeanor, or for a violation of any city or county ordinance, and the person is not immediately taken before a magistrate, the arresting officer must prepare a Notice to Appear form.¹
- b) When the Notice to Appear is prepared on a form approved by the Judicial Council it constitutes a complaint to which the defendant may enter a plea.²

1.030. Continuation Form

- a) The *Continuation of Notice to Appear* or *Continuation of Citation* form must be used when multiple offenses are charged and the Notice to Appear form does not provide sufficient space for the listing of all the charges. A *Continuation of Citation* is a multipurpose form intended for use with either a Notice to Appear form or a Notice to Correct Violation form.
- b) A second Notice to Appear must not be issued in lieu of a continuation form.
- c) The Notice to Appear and the corresponding continuation form must be treated as one law enforcement document and contain the same citation number.

¹Per Veh. Code, § 40500(a) and Pen. Code, § 853.6.

²Per Veh. Code, § 40513(b) and Pen. Code, § 853.9.

1.040. Electronic Notice to Appear

- a) The electronic Notice to Appear eliminates those citation-processing problems caused by the illegibility of handwritten information. The use of an electronic Notice to Appear also reduces the amount of information that must be entered into law enforcement and court computer systems.
- b) A court is authorized to receive and file a Notice to Appear in an electronic form if all of the following conditions are met:³
 - 1) The information is on a form approved by the Judicial Council.
 - 2) The Notice to Appear is transmitted to the court by a law enforcement agency.
 - 3) The court has the facility to electronically store the information for the statutory period of record retention.
 - 4) The court has the ability to reproduce the Notice to Appear in physical form upon the demand and payment of the reproduction costs.

1.050. Notice of Correction and Proof of Service

Form TR-100, *Notice of Correction and Proof of Service*, must be used for any corrections to the original Notice to Appear citation.⁴ (See Appendix A.)

Chapter 2 AUTHORITY TO PRESCRIBE FORMAT

2.010. Judicial Council

- a) The Judicial Council has adopted three forms for the Notice to Appear:
 - 1) Form TR-115, *Automated Traffic Enforcement System Notice to Appear*,⁵ to be used in conjunction with violations of sections 22451, 21453, and 22101 recorded by an automated traffic enforcement system. (See Appendix D.)
 - 2) Form TR-120, *Nontraffic Notice to Appear*,⁶ to be used for violations other than traffic offenses. (See Appendix E.)
 - 3) Form TR-130, *Traffic/Nontraffic Notice to Appear*,⁷ to be used for both infraction and misdemeanor offenses. (See Appendix F.) The electronic Notice to Appear⁸ emulates the format of the *Traffic/Nontraffic Notice to Appear*. A computer-generated paper citation is issued to the defendant at the time of arrest.

³Per Pen. Code, § 959.1.

⁴Per Veh. Code, § 40505.

⁵Per Veh. Code, § 40518.

⁶Per Pen. Code, § 853.9.

⁷Per Veh. Code, §§ 40500(b), 40513(b), 40522, and Pen. Code, § 853.9.

⁸Per Pen. Code, § 959.1.

-
- b) Form TR-106, *Continuation of Notice to Appear*, and form TR-108, *Continuation of Citation*, are intended for use in conjunction with *Nontraffic* and *Traffic/Nontraffic Notice to Appear* forms. (See Appendix B.)
 - c) The Judicial Council has not adopted a form for, nor established guidelines governing, the following: (1) parking citations, (2) arrest/booking reports, and (3) court bail courtesy notices.

Chapter 3 REVISION DATES

3.010. Judicial Council

- a) Periodically, the Judicial Council will adopt revisions of Notice to Appear forms. **Law enforcement must use the revised Notice to Appear form within one year of its being by the effective date of the revised form adopted by the Judicial Council.** (See section 6.030 for exception.) ~~This policy will~~ Depending on changes in statutory requirements, effective dates are established to allow law enforcement as much time as possible to deplete any existing supplies of the old form, print and disseminate new forms, and, if necessary, develop new procedures and train personnel regarding the revisions.
- b) ~~January 1, 2004, is the effective date of the most recently~~ The council adopted revised forms TR-115, TR-120, and TR-130, effective September 20, 2005. The council adopted forms TR-100, TR-106, and TR-108 with an effective date of January 1, 2004.

Chapter 4 FORM SPECIFICATIONS

4.010. Required Copies

The arresting officer must prepare the Notice to Appear form, at a minimum, in triplicate for Vehicle Code violations⁹ and in duplicate for all other violations.¹⁰ Before printing Notice to Appear forms, law enforcement agencies should contact their local court to determine if there are any local requirements for the court's case management system.

4.020. Size and Color

The size and color of Notice to Appear copies should conform with the requirements of the courts in which they are filed. The Judicial Council recommends the following minimum size and other form specifications:

- a) A "trim" size of 4 1/4 inches wide and 7 1/2 inches long; 5/8-inch tabs on the top or bottom of the form.
- b) Original (Court's copy) white, 15-pound paper stock. Print head-to-head.
- c) Duplicate (Police agency's copy) pink, 15-pound paper stock. No printing on reverse.

⁹Per Veh. Code, § 40500(a).

¹⁰Per Pen. Code, § 853.6.

-
- d) Triplicate (Officer's copy) green, 15-pound paper stock. Print reverse head-to-head.
 - e) Quadruplicate (Defendant's copy) yellow, 20-pound paper stock. Print reverse head-to-head.
 - f) The colors of the "Court's copy" and "Police agency's copy" correspond with rule 1:3-1 of the "Model Rules Governing Procedure in Traffic Cases" adopted by the National Conference of Commissioners on Uniform State Laws.

4.030. Paper Stock

Paper stock for hand-written citations must be pressure sensitive and have a shelf life of at least five years. The citation text must be reproducible on photocopy equipment.

4.040. Serial Numbers

- a) The serial numbers of the form sets must be sequential. There must be no "duplication" of numbers between form sets.
- b) The format of the serial numbers is at the discretion of local law enforcement with the approval of the court.

4.050. Printing Format

- a) A vertical format is required, except for the Proof of Service on form TR-100, which is printed horizontally to facilitate mailing.
- b) All text on the forms must be printed in black ink; All text on citation forms TR-115, TR-120, and TR-130 must have a minimum font size of 6.0. ~~except s~~Serial numbers, ~~which~~ may be printed in red ink. The box for the defendant's signature may be printed in red ink.

4.060. Printing Expenses

The printing of the forms and the associated costs are not the responsibility of the Judicial Council; printing is to be arranged in accordance with local custom.

Chapter 5 VARIATIONS OF MANDATORY LANGUAGE/DATA FIELDS

5.000. In General

Mandatory language and data fields are indicated on examples of Judicial Council-adopted forms by unshaded areas; see section 5.010 for exceptions.

5.010. Permitted Variations

- a) To meet the unique customs and/or needs of local law enforcement agencies and courts, the Judicial Council form permits limited variations in the "time," "place," and "proof of correction certification" data fields, among others. To indicate that

variations may be permitted, these data fields are identified by shaded areas. Shading should not appear on printed forms.

- b) The California Highway Patrol is permitted to alter the format and location of the fields for the name of the court, court address, and phone number and to add a field for the location of a CHP Inspection Facility on the face of a form TR-130, *Traffic/Nontraffic Notice to Appear* for their form CHP-215X.

Chapter 6 MANDATORY LANGUAGE/DATA FIELDS (FACE OF FORMS)

6.000. In General

The mandatory language and data fields vary between the various Notice to Appear forms depending on the purpose of the form. All language and data fields in unshaded areas on the forms are mandatory, even if not discussed below. Mandatory text or data fields of the forms may not be re-worded or omitted, except for references to statutory authorities, which may be abbreviated differently. Electronic Notice to Appear forms may abbreviate terms and have minor alterations to formatting to facilitate printing of forms.

Law enforcement agencies should be aware that if a written Notice to Appear is not prepared on an approved council form, a court may conclude that it does not constitute a complaint to which a defendant may enter a plea. (Veh. Code, § 40513(b).) If a defendant pleads other than “guilty” or “nolo contendere” and the court concludes that the Notice to Appear is defective, it could be necessary to re-file the charges by a formal complaint. (Veh. Code, § 40513(a).)

6.010. Agency Name

The name of the citing agency and jurisdiction must appear near the top of the form.

6.020. Title of Form

The title of the form must be printed near the top of the form.

6.030. Serial Number

- a) A sequential serial number for each multipart set of Notice to Appear forms must appear horizontally near the top right corner of each form.
- b) To facilitate the filing systems of some courts, statewide law enforcement agencies must also print the serial number in the lower right margin of the court’s copy. Statewide law enforcement agencies must comply with this requirement as specified in section 3.010. Local law enforcement agencies must comply with the requirement for the duplication of the serial number in the right margin within one calendar year of a request from a local court.
- c) The serial number may be preprinted on the Notice to Appear.
- d) The serial number on the continuation form must be the same as that on the corresponding Notice to Appear; the duplication of the serial number in the right margin is not required.

e) Bar coding of the serial number permits those courts with bar code readers to improve the timeliness and accuracy of processing Notice to Appear forms. Within the following parameters, the bar coding of the serial number must be placed on the face of the court's copy of the Notice to Appear form:

1. The bar code must appear as near as practical to the bottom of the form.
2. The bar code should have a 1/4-inch area (quiet zone) that is clear and free of all printing preceding the start character and the following stop character.
3. Statewide law enforcement agencies must comply with the bar code requirement as specified in section 3.010.
4. Local law enforcement agencies must comply with the bar code requirement within one calendar year of a request from a local court.

6.040. Misdemeanor Check Box

To facilitate processing, the citing officer must check the misdemeanor box at the top of the Notice to Appear if one of the offenses charged is a misdemeanor. The misdemeanor check box does not appear on the automated traffic enforcement system notice.

6.050. Date and Time

- a) The date and time of the issuance of the Notice to Appear must be indicated near the top of the form.
- b) The "Date of Violation" data field must be: Mo./Day/Yr.
- c) A check box "A.M./P.M." format is provided as an optional field to indicate the time. Indicating the time in the form of "A.M./P.M." is more easily understood by most defendants than the use of the 24 hour clock (military time).

6.060. Defendant's Name

- a) The defendant's name is required on the Notice to Appear.¹¹
- b) The sequence of the defendant's name must be First/Middle/Last. This sequence corresponds with the California Driver License/Identification Card.

6.070. Defendant's Address

- a) The defendant's address must be indicated on the Notice to Appear.¹²
- b) The address must be the defendant's mailing address. The mailing address allows the court to mail a courtesy notice and/or other correspondence to the defendant.
- c) A street address may also be indicated in addition to the mailing address.

¹¹Per Veh. Code, §§ 40500(a), 40518(b) and Pen. Code, § 853.6.

¹²Per Veh. Code, §§ 40500(a), 40518(b) and Pen. Code, § 853.6.

6.071. Defendant's Class and Category of Driver's License

- a) The defendant's class of driver's license may be specified on the Notice to Appear.
- b) Notice to Appear forms TR-115 and TR-130 must specify whether the defendant's driver's license is a commercial driver's license.

6.080. Defendant's Age and Birth Date

- a) The defendant's age and birth date is required on the Notice to Appear. The sequence of the birth date must be: Mo./Day/Yr.
- b) The birth date data field is designed to accept a numerical entry.

6.090. Defendant's Physical Description

- a) The defendant's sex, hair, color of eyes, height, and weight are required on the Notice to Appear. See section 8.020 for the policy regarding the defendant's race/ethnicity.
- b) Data fields for the recording of the defendant's physical description are designed to accept the standard abbreviations of physical descriptors.

6.100. Commercial Vehicle

If the vehicle involved in an offense when a notice to appear is issued is a commercial vehicle;¹³ the citing officer must mark the check box within the data field, "COMMERCIAL VEHICLE (Veh. Code, § 15210(b))."

6.110. Hazardous Material

If the vehicle involved in an offense when a notice to appear is issued was transporting hazardous material, the citing officer must mark the check box within the data field, "HAZARDOUS MATERIAL (Veh. Code, § 353)".

6.120 Vehicle Description

The year, make, and body style of the vehicle operated by the defendant at the time of the offense must be indicated on the Notice to Appear.¹⁴

6.130. Financial Responsibility

The officer must write the driver's evidence of financial responsibility on the Notice to Appear.¹⁵ A person issued a Notice to Appear for a violation of this section may submit to the clerk of the court, in person or by mail, written evidence that the driver was in compliance with this section at the time of the citation.

¹³Commercial vehicle is defined in Veh. Code, § 15210(b). The requirement to indicate if offense involves a motor vehicle is per Veh. Code, § 40300.2.

¹⁴Per Veh. Code, § 40500(a).

¹⁵Per Veh. Code, § 16028.

6.140. Name of Registered Owner/Lessee

- a) The Notice to Appear must contain the name of the registered owner or lessee.¹⁶
- b) The name must be indicated on the Notice to Appear in the following sequence:
First/Middle/Last.

6.150. Address of the Registered Owner/Lessee

- a) The address of the registered Owner/Lessee must be indicated on the Notice to Appear.¹⁷
- b) The address must be the registered owner's mailing address.

6.160. Correctable Violation Advisement and Check Boxes

- a) Whenever a person is arrested for violations specified in Vehicle Code section 40303.5 and none of the disqualifying conditions set forth in Vehicle Code section 40610(b) exist, and the officer issues a Notice to Appear, the notice must specify the offense charged and note in a form approved by the Judicial Council that the charge will be dismissed upon proof of correction.¹⁸
- b) For offenses identified in Vehicle Code section 40303.5 the citing officer must indicate by marking the appropriate check box whether or not the offense is eligible for dismissal upon proof of timely correction. Marking the "no" box denotes that disqualifying conditions specified in Vehicle Code section 40610(b) exist.
- c) The correctable violation advisement and the check boxes do not appear on the *Automated Traffic Enforcement System* notice.

6.170. Booking Required

The officer may either book the arrested person prior to release, or indicate on the Notice to Appear that the arrested person must be booked before appearing in court.¹⁹ If the "Booking Required" check box is checked on form TR-120 or TR-130, the arresting agency must complete the verification of booking section on the defendant's copy of the form. The "booking required" check box does not appear on the *Automated Traffic Enforcement System* notice.

6.180. Violations

The Notice to Appear must state the offenses charged.²⁰

6.190. Speed

A Notice to Appear charging a speeding violation must specify the approximate speed, prima facie or maximum speed, and any other speed limit exceeded.²¹

¹⁶Per Veh. Code, § 40500(a).

¹⁷Per Veh. Code, § 40500(a).

¹⁸Per Veh. Code, § 40522.

¹⁹Per Pen. Code, § 853.6.

²⁰Per Veh. Code, § 40500(a) and Pen. Code, § 853.6.

²¹Per Veh. Code, § 40503.

-
- a) The “safe speed” box is provided so that the officer can indicate a speed different from the maximum or prima facie (posted) speed when the Notice to Appear is prepared charging a violation of the basic speed law (Veh. Code, § 22350). Conditions affecting the safe speed limit should be noted on the Notice to Appear (e.g., fog, rain, etc.).
 - b) When a speed violation is charged, both the approximate speed and the prima facie speed applicable to the street or highway should be indicated.
 - c) Entry of the maximum speed limit pertaining to the particular type of vehicle, or combination of vehicles, is only required if the defendant is cited for exceeding the speed limit for that vehicle.

6.200. Location of Violation

The Notice to Appear must state the location of where the offenses charged occurred.

6.210. Officer’s Declaration on Information and Belief

The officer must indicate on the Notice to Appear (check box) when the offense was not committed in his/her presence and that his/her declaration is on information and belief. A citizen’s complaint is an example of a situation that may result in the officer’s checking the box. The declaration is separate and distinct from the officer’s declaration under penalty of perjury discussed in section 6.220.

6.220. Officer’s Declaration under Penalty of Perjury

The Notice to Appear must contain the officer’s declaration, under penalty of perjury, subscribed by the officer, that the information regarding the violations is true and correct.²²

6.230. Other Officer

The name of the arresting officer, if different from the name of the officer completing the Notice to Appear, must be stated on the Notice to Appear. This policy was adopted to address situations in which there are teams of officers working radar enforcement or aerial patrol. This option is not available on the *Automated Traffic Enforcement System Notice to Appear*. (See section 6.231.)

6.231. Declarant-Automated Traffic Enforcement System Citations

The name of the government agency or law enforcement representative making the declaration, “Violation was not committed in my presence. The above is declared on information and belief and is based on photographic evidence,” must be stated on the *Automated Traffic Enforcement System Notice to Appear*.

6.240. Defendant’s Signature

To secure release from arrest, the defendant must give his/her written promise to appear.²³ This option does not apply to citations issued for violations recorded by an *Automated Traffic Enforcement System Notice to Appear*.

²²Per Code Civ. Proc., § 2015.5.

6.250. Time to Appear

- a) The time specified in a Notice to Appear issued for a traffic offense must be a specific date which is at least 21 days after arrest; the court having jurisdiction over the offense charged may authorize the arresting officer to specify on the Notice to Appear that the appearance may be made before the time specified.²⁴
- b) When a Notice to Appear has been issued for a violation recorded by an automated traffic enforcement system, it must be mailed within 15 days of the violation date to the current address of the registered owner of the vehicle on file with the Department of Motor Vehicles, with a certificate of mailing obtained as evidence of service.²⁵ The time to appear must be at least ten days after the Notice to Appear is delivered.²⁶
- c) The time to appear placed on the *Nontraffic Notice to Appear* or on a *Traffic/Nontraffic Notice to Appear* for a nontraffic offense must be at least 10 days after the date of arrest for a nontraffic violation. (Pen. Code, § 853.6.)
- d) In the case of juveniles, the court having jurisdiction over the offense charged may require the arresting officer to indicate on the Notice to Appear “to be notified” rather than a specific date.²⁷

6.260. Place to Appear

The place specified on the Notice to Appear must be one of the following:

- a) Before a magistrate or judge.²⁸
- b) Before a person authorized to receive a deposit of bail.²⁹
- c) Before the juvenile court, juvenile court referee, or juvenile hearing officer.³⁰

6.270. Night Court

If the court identified in the Notice to Appear holds night sessions, the notice must include a statement advising the defendant.³¹

6.280. Legend

The lower left corner of the Notice to Appear forms must denote that the form is a Judicial Council form and specify the council’s form number. On electronic Notice to Appear forms, the approval legend may appear near the top of the form.

²³Per Veh. Code, § 40504 and Pen. Code, § 853.6.

²⁴Per Veh. Code, § 40501(a).

²⁵Per Veh. Code, § 40518(a).

²⁶Per Veh. Code, § 40518(b).

²⁷Per Veh. Code, § 40501(b).

²⁸Per Veh. Code, § 40502(a)–(b) and Pen. Code, § 853.6.

²⁹Per Veh. Code, § 40502(c) and Pen. Code, § 853.6.

³⁰Per Veh. Code, § 40502(d).

³¹Per Veh. Code, § 40502(d).

Chapter 7 DISCRETIONARY LANGUAGE/DATA FIELDS

7.000. In General

The discretionary (shaded) areas on the forms (see Appendix) depict language and data fields that are frequently included at the option of the court or law enforcement agency (with the consent of the court in which the Notice to Appear is to be filed).

Because of limited space, not all of the discretionary language and data fields used throughout the state can be shown on the sample forms. The following are narrative descriptions of several discretionary data fields.

7.010. Bail Statement

If the offense is bailable, the magistrate must fix the amount of bail and endorse the following statement on the warrant for arrest.³⁵

BAIL:

The defendant is to be admitted to bail in the sum of _____ dollars.

Judge

Note: The mandatory requirement that the above statement appear on the reverse of the court's copy disrupts the processing of Notice to Appear forms in those automated courts that use the space for cash register validations, automated traffic system notations, and notes of court proceedings. These courts use a separate form when issuing a warrant for arrest. For those reasons, the warrant for arrest statement is now discretionary.

7.020. Defendant's Race/Ethnicity

- a) A specific data field for the defendant's "Race" or "Ethnicity" may be added to the Notice to Appear form. The data field should be located on the same line as other physical descriptors.
- b) The defendant's "Race" or "Ethnicity" may be indicated in the "Other Description" data field.
- c) If the defendant's "Race" or "Ethnicity" is to be indicated, the Judicial Council recommends the use of a single alpha character. Reference: California Department of Justice's Arrest and Disposition Instruction Manual.

7.030. Defendant's Thumbprint

- a) The defendant's thumbprint may be placed on the Notice to Appear in situations in which there is a question in the citing officer's mind as to the true identity of the defendant. The court will then have the option of comparing thumbprints in those cases where the defendant alleges that another person has committed the cited offense.³³

³²Per Pen. Code, § 815(a).

³³Per Veh. Code, § 40500(a) and Pen. Code, § 853.6.

-
- b) The Judicial Council recommends that the thumbprint be placed in a one-inch square area located on the reverse of the court's copy in the lower left corner.
 - c) The thumbprint item does not appear on the *Automated Traffic Enforcement System Notice to Appear*.

Chapter 8 PROHIBITED LANGUAGE/DATA FIELDS

8.010. Defendant's Social Security Number

The defendant's social security number must not be indicated on the Notice to Appear, unless the social security number is also the driver license number and/or the defendant holds a commercial driver license.

To protect an individual's civil rights, federal statutes allow a very restricted compulsory use of a person's social security number for the purpose of establishing identity.³⁴

Federal statutes do permit an agency having administrative responsibility for driver license and motor vehicle registration laws to use a person's social security number to establish that person's identity as it relates to the laws within the agency's jurisdiction.³⁵

The California Department of Motor Vehicles requires an individual to disclose his or her social security number in order to obtain a driver license or identification card.³⁶ A number of other states use the individual's social security number as the driver license number.

³⁴Per Public Law 93-579, § 7.

³⁵Per 42 USC § 405, (c)(2)(c)(i)-(iv).

³⁶Per Veh. Code, §§ 1653.5 and 12801.

APPENDIXES OF COUNCIL FORMS

Appendix A *Notice of Correction and Proof of Service*, Form TR-100

PROOF OF SERVICE

I am at least 18 years of age, not a party to this action, and I am a resident of or employed in the county where

| | |
|---|--------------------|
| NAME OF COURT: STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME: TELEPHONE: | |
| PEOPLE OF THE STATE OF CALIFORNIA vs. | |
| DEFENDANT: | |
| NOTICE OF CORRECTION AND PROOF OF SERVICE (Vehicle Code, § 40505) | |
| AMENDING OFFICER NAME/ID NO.: | DEPARTMENT/AGENCY: |
| CITATION NUMBER: | CASE NUMBER: |

1. A *Notice to Appear/Notice to Correct Violation* was issued to you by an officer of this department on *(date)*:

2. The citation issued to you contained an error as indicated by the items checked below. This notice of correction does not affect the validity of the citation or the required court appearance.

Date/time of violation should be _____

Date/time of court appearance should be changed
_____ to _____

Violation section(s) should be changed
_____ to _____

Location of violation should be changed
_____ to _____

Other *(specify)*:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____
(Signature of officer)

Form Adopted for Mandatory Use
Judicial Council of California
TR-100 [Rev. January 1, 2004]

Date: _____

Original to Court

Defendant's Address: _____

(SIGNATURE)

Appendix B *Continuation of Notice to Appear*, Form TR-106

CONTINUATION OF NOTICE TO APPEAR
(Face of Violator's Copy)

| | | | | |
|---|--------------------------|--|--|------------------------------------|
| (Name of Agency and Jurisdiction) CONTINUATION OF NOTICE TO APPEAR | | | | |
| | | <input type="checkbox"/> MISDEMEANOR <input type="checkbox"/> Traffic <input type="checkbox"/> Nontraffic | | (Citation No.) |
| Date | Time | AM PM | Day of Week S M T W T F S | Case No. |
| 1. / / | | | | |
| 2. Name (First, Middle, Last) | | | | |
| 3. Veh. Lic. No. or VIN | | | | State |
| Correctable Violation (Veh. Code, § 40610) | | | | |
| Yes | No | Code and Section | Description | Misdemeanor or Infraction (Circle) |
| 4. <input type="checkbox"/> | <input type="checkbox"/> | | | M I |
| 5. <input type="checkbox"/> | <input type="checkbox"/> | | | M I |
| 6. <input type="checkbox"/> | <input type="checkbox"/> | | | M I |
| 7. <input type="checkbox"/> | <input type="checkbox"/> | | | M I |
| 8. <input type="checkbox"/> | <input type="checkbox"/> | | | M I |
| 9. <input type="checkbox"/> | <input type="checkbox"/> | | | M I |
| 10. <input type="checkbox"/> | <input type="checkbox"/> | | | M I |
| 11. <input type="checkbox"/> | <input type="checkbox"/> | | | M I |
| 12. <input type="checkbox"/> | <input type="checkbox"/> | | | M I |
| 13. <input type="checkbox"/> | <input type="checkbox"/> | | | M I |
| 14. <input type="checkbox"/> | <input type="checkbox"/> | | | M I |
| 15. <input type="checkbox"/> | <input type="checkbox"/> | | | M I |
| 16. <input type="checkbox"/> | <input type="checkbox"/> | | | M I |
| 17. <input type="checkbox"/> | <input type="checkbox"/> | | | M I |
| 18. <input type="checkbox"/> | <input type="checkbox"/> | | | M I |
| 19. <input type="checkbox"/> | <input type="checkbox"/> | | | M I |
| 20. <input type="checkbox"/> | <input type="checkbox"/> | | | M I |
| 21. <input type="checkbox"/> Violations not committed in my presence, declared on information and belief. | | | | |
| I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct, and a continuation of the enforcement document noted. | | | | |
| 22. _____ Arresting or Citing Officer | | | | Serial No. |
| 23. / / | | Name of Arresting Officer, if different from Citing Officer | | Serial No. |
| | | | | Serial No. |
| 24. WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED. X Signature | | | | |
| Judicial Council of California Form Rev. 01-01-04 (Veh. Code, §§ 40500(b), 40513(b), 40522, 40600; Pen. Code, § 853.9) | | | | SEE REVERSE TR-106 |

Shaded areas on the form indicate spaces subject to modification for local or agency requirements.

CONTINUATION OF NOTICE TO APPEAR
(REVERSE OF VIOLATOR'S COPY)

IMPORTANT — READ CAREFULLY

This form is used when multiple offenses are charged and the original notice to appear form does not provide sufficient space for the listing of all the charges. PLEASE REFER TO THE REVERSE OF THE ORIGINAL NOTICE TO APPEAR FOR IMPORTANT INFORMATION REGARDING YOUR LEGAL OBLIGATIONS.

CORRECTABLE VIOLATIONS: Those driver license, vehicle registration, and mechanical violations cited in accordance with Vehicle Code section 40610(a) will be dismissed by the court *if* PROOF OF CORRECTION and payment of a transaction fee are presented to the court by mail or in person on or before the appearance date.

Violations of Vehicle Code section 16028 (automobile insurance) will be dismissed upon your showing to the court that evidence of financial responsibility was valid at the time this citation was issued.

Proof of correction should be obtained for driver license, registration, and equipment violations. CORRECT EQUIPMENT VIOLATIONS IMMEDIATELY.

METHODS FOR OBTAINING CERTIFICATION OF CORRECTION (Veh. Code, § 40616):
1. Pollution control device violations must be certified by a smog check station licensed by the California Bureau of Automobile Repair.
2. Lamp, brakes, and exhaust system violations may be certified as corrected by an authorized inspection and installation station for the specific violation(s).
3. Registration and driver license violations may also be certified as corrected by an office of the Department of Motor Vehicles or by any clerk or deputy clerk of a court.
4. Proof of correction, except for violations that must be cleared at a certified inspection and installation station, may be obtained at _____ (fill in location) during regular business hours.

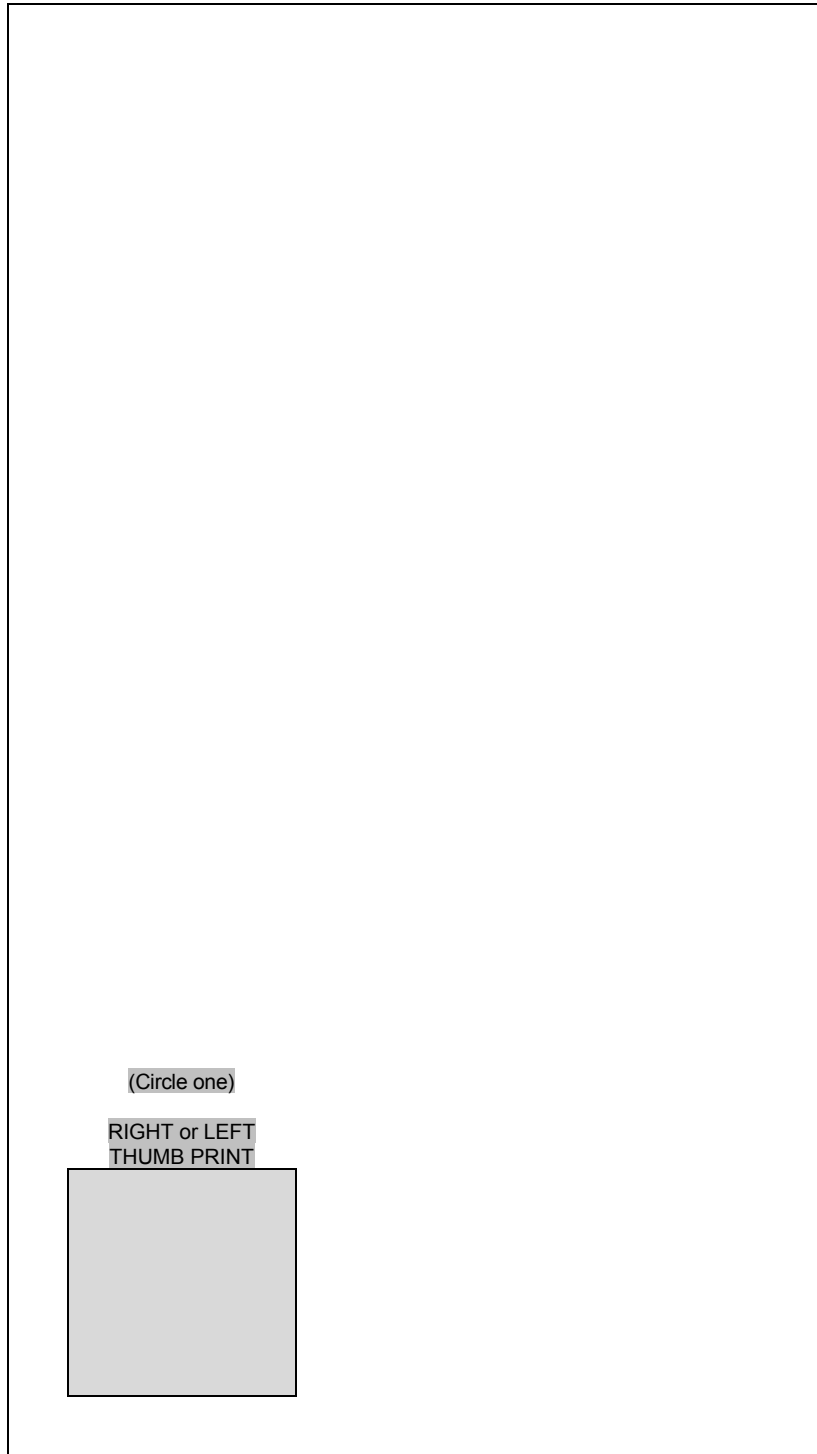
| CERTIFICATE OF CORRECTION (MUST BE RETURNED TO COURT) | | | | |
|---|---|------------|--------|------|
| Section(s) Violated | Signature of Person Certifying Correction | Serial No. | Agency | Date |
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Shaded areas on the form indicate spaces subject to modification for local or agency requirements.

CONTINUATION OF NOTICE TO APPEAR
(Reverse of Court Copy)

(Circle one)

RIGHT or LEFT
THUMB PRINT



Shaded areas on the form indicate spaces subject to modification for local or agency requirements.

Appendix C *Continuation of Citation*, Form TR-108

CONTINUATION OF CITATION (Face of Violator's Copy)

(Name of Agency and Jurisdiction)

CONTINUATION OF CITATION NOTICE TO APPEAR MISDEMEANOR
 NOTICE TO CORRECT VIOLATION Traffic Nontraffic (Citation No.)

| | | | | |
|----------------------------|------|--|-------------------------------------|----------|
| Date of Violation | Time | <input type="checkbox"/> AM <input type="checkbox"/> PM | Day of Week S M T W T F S | Case No. |
| 1 / / | | | | |
| Name (First, Middle, Last) | | | | |
| 2 | | | | |
| Veh. Lic. No. or VIN | | | | State |
| 3 | | | | |

Correctable Violation (Veh. Code, § 40610)

| Yes | No | Code and Section | Description | Misdemeanor or Infraction (Circle) |
|-----------------------------|--------------------------|------------------|-------------|---------------------------------------|
| 4 <input type="checkbox"/> | <input type="checkbox"/> | | | M I |
| 5 <input type="checkbox"/> | <input type="checkbox"/> | | | M I |
| 6 <input type="checkbox"/> | <input type="checkbox"/> | | | M I |
| 7 <input type="checkbox"/> | <input type="checkbox"/> | | | M I |
| 8 <input type="checkbox"/> | <input type="checkbox"/> | | | M I |
| 9 <input type="checkbox"/> | <input type="checkbox"/> | | | M I |
| 10 <input type="checkbox"/> | <input type="checkbox"/> | | | M I |
| 11 <input type="checkbox"/> | <input type="checkbox"/> | | | M I |
| 12 <input type="checkbox"/> | <input type="checkbox"/> | | | M I |
| 13 <input type="checkbox"/> | <input type="checkbox"/> | | | M I |
| 14 <input type="checkbox"/> | <input type="checkbox"/> | | | M I |
| 15 <input type="checkbox"/> | <input type="checkbox"/> | | | M I |
| 16 <input type="checkbox"/> | <input type="checkbox"/> | | | M I |
| 17 <input type="checkbox"/> | <input type="checkbox"/> | | | M I |
| 18 <input type="checkbox"/> | <input type="checkbox"/> | | | M I |
| 19 <input type="checkbox"/> | <input type="checkbox"/> | | | M I |
| 20 <input type="checkbox"/> | <input type="checkbox"/> | | | M I |

21 Violations not committed in my presence, declared on information and belief.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct, and a continuation of the enforcement document noted.

| | |
|---|------------|
| 22 _____ Arresting or Citing Officer | Serial No. |
| 23 / / _____ Date Name of Arresting Officer, if different from Citing Officer | Serial No. |

24 **WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED.**
X Signature

Judicial Council of California Form TR-108
Rev. 01-01-04 (Veh. Code, §§ 40500(b), 40513(b), 40522, 40600, 40610(d), 40618; Pen. Code, § 853.9) **SEE REVERSE**

Shaded areas on the form indicate spaces subject to modification for local or agency requirements.

**CONTINUATION OF CITATION
(Reverse of Violator's Copy)**

IMPORTANT—READ CAREFULLY

This form is used when multiple offenses are charged and the original Notice to Appear/Notice to Correct Violation form does not provide sufficient space for the listing of all the charges. PLEASE REFER TO THE REVERSE OF THE ORIGINAL NOTICE TO APPEAR/NOTICE TO CORRECT VIOLATION FOR IMPORTANT INFORMATION REGARDING YOUR LEGAL OBLIGATIONS.

CORRECTABLE VIOLATIONS ON A NOTICE TO APPEAR: Those driver license, vehicle registration, and mechanical violations cited in accordance with Vehicle Code section 40610(a) will be dismissed by the court *if* PROOF OF CORRECTION and payment of a transaction fee are presented to the court by mail or in person on or before the appearance date. Proof of correction should be obtained for driver license, registration, and equipment violations. **CORRECT EQUIPMENT VIOLATIONS IMMEDIATELY.**

Violations of Vehicle Code section 16028 (automobile insurance) will be dismissed only upon (1) your showing or mailing to the court evidence of financial responsibility valid at the time this notice to appear was issued and (2) your payment of a transaction fee.

CORRECTABLE VIOLATIONS ON A NOTICE TO CORRECT VIOLATION: Those driver license, vehicle registration, and mechanical violations cited in accordance with Vehicle Code section 40610(a) must be corrected and PROOF OF CORRECTION must be provided to the law enforcement agency's office designated on the reverse side of the Notice to Correct Violation form within 30 days in order to have the violation cleared. Proof of correction should be obtained for driver license, registration, and equipment violations. **CORRECT EQUIPMENT VIOLATIONS IMMEDIATELY.**

METHODS FOR OBTAINING CERTIFICATION OF CORRECTION (Veh. Code, § 40616):

1. Pollution control device violations must be certified by a smog check station licensed by the California Bureau of Automobile Repair.
2. Lamp, brakes, and exhaust system violations may be certified as corrected by an authorized inspection and installation station for the specific violation(s).
3. Registration and driver license violations may also be certified as corrected at an office of the Department of Motor Vehicles or by any clerk or deputy clerk of a court.
4. Proof of correction, except for violations that must be cleared at a certified inspection and installation station, may be obtained at _____ (fill in location) during regular business hours.

CERTIFICATE OF CORRECTION (MUST BE RETURNED TO: COURT, CITING AGENCY)

| Section(s) Violated | Signature of Person Certifying Correction | Serial No. | Agency | Date |
|------------------------|--|------------|--------|------|
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Shaded areas on the form indicate spaces subject to modification for local or agency requirements.

CONTINUATION OF CITATION
(Reverse of Court's Copy)

(Circle one)
**RIGHT or LEFT
THUMBPRINT**

Shaded areas on the form indicate spaces subject to modification for local or agency requirements.

Appendix D *Automated Traffic Enforcement System Notice to Appear*, Form TR-115

TRAFFIC NOTICE TO APPEAR

Automated Traffic Enforcement System

| | | | | | | |
|--|------|--|---------------------------|---|--|------------|
| (NAME OF AGENCY AND JURISDICTION) | | | | | | |
| NOTICE TO APPEAR Automated Traffic Enforcement (Citation No.) | | | | | | |
| Date of Violation 1. / / | | Time <input type="checkbox"/> AM <input type="checkbox"/> PM | | Day of Week S M T W T F S | | Case No. |
| Name (First, Middle, Last) 2. | | | | | | |
| Address 3. | | | | | | |
| City 4. | | State | | ZIP Code | | |
| Driver Lic. No. 5. | | | State | Class | Commercial <input type="checkbox"/> Yes <input type="checkbox"/> No | Age / / |
| Sex 6. | Hair | Eyes | Height | Weight | Race | |
| Veh. Lic. No. or VIN 7. | | | | State | | |
| Yr. of Veh. 8. | | Make | Model | Body Style | Color | |
| | | | | <input type="checkbox"/> COMMERCIAL VEHICLE (Veh. Code, § 15210(b)) <input type="checkbox"/> HAZARDOUS MATERIAL (Veh. Code, § 353) | | |
| Registered Owner or Lessee 9. | | | | | | |
| Address 10. | | | | | | |
| City 11. | | State | | ZIP Code | | |
| Code and Section 12. | | | Description | | | |
| Location of Violation at 13. | | | City/County of Occurrence | | | |
| <p><input checked="" type="checkbox"/> Violation was not committed in my presence. The above is declared on information and belief and is based on photographic evidence.</p> <p>I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.</p> | | | | | | |
| Date Issued 14. | | Declarant | | | ID No. | |
| YOU MUST RESPOND TO THE COURT ON OR BEFORE: | | | | | | |
| 15. WHEN: DATE: _____ | | Time: _____ <input type="checkbox"/> AM <input type="checkbox"/> PM | | | | |
| WHAT TO DO: FOLLOW THE INSTRUCTIONS ON THE REVERSE. | | | | | | |
| 16. WHERE: [Name of court[s]] | | Clerk's Office Hours <i>[Insert hours clerk's office is open.]</i> | | | | |
| [Section[s] or division[s], room no[s].] | | | | | | |
| [Street address[es]] | | | | | | |
| [Phone no.] | | | | | | |
| <div style="border: 1px solid black; padding: 10px; display: inline-block; margin: 0 auto;">FPO Barcode</div> | | | | | | |
| | | | | | DEFENDANT COPY | |
| Judicial Council of California Form Rev. 09-20-05 (Veh. Code, § 40518) | | | | | SEE REVERSE TR-115 | |

Shaded areas on the form indicate spaces subject to modification for local or agency requirements.

TRAFFIC NOTICE TO APPEAR
Automated Traffic Enforcement System

| | |
|--|--|
| IMPORTANT—READ CAREFULLY | |
| This Citation Is Based on Photographic Evidence The vehicle identified on the front was photographed in violation of a traffic signal or sign. You may see the photographs. Contact: _____ | |
| If you were not driving the vehicle at the time of the violation, contact _____ | |
| WHAT TO DO | |
| You have been issued a citation that charges you with a traffic infraction. You must respond by following one of the procedures below by the date on the front (see "WHEN"). If you do not, you may lose your license to drive, and your money penalties may increase. 1. If you do NOT contest the violation a. (Pay the bail amount) (See "BAIL INFORMATION" below) Your bail will be forfeited to the court. You will not have to appear in court. You will be convicted of the violation, and it will appear on your record at the Department of Motor Vehicles (DMV). A point count will be charged to your DMV record for this offense and your insurance may be adversely affected. b. (Traffic school) You may be able to avoid the point count and adverse effect on your insurance by attending traffic school. Contact the court to request traffic school. You must pay the bail amount as a fee, and you may have to pay other fees. 2. If you contest the violation (select one) a. (Court trial) Send a certified or registered letter postmarked not later than five days prior to the appearance date, or come to the court by the appearance date to request a court trial on a future date when an officer and witnesses will be present. You will be required to submit the bail amount. You will be given a date for your trial. —OR— b. (Trial by written declaration) Send a certified or registered letter postmarked not later than five days prior to the appearance date, or come to the court on or before the date on the front and request a trial by written declaration. Submit the bail amount. You will be given forms to allow you to write a statement and submit other evidence without appearing in court. An officer will also submit a statement. The judicial officer will consider all of the evidence at the same time and decide the case. | |
| WRITING TO THE COURT | |
| If you write to the court, always write the citation number and your driver license number on your letter. Use of certified or registered mail is required. Do not send your copy of the citation. Keep it for your own records. | |
| BAIL INFORMATION | |
| The "bail" is the amount you must pay or deposit for the charged violation. <table border="1" style="margin-left: auto; margin-right: auto;"><tr><td style="text-align: center;">Bail Amount: \$ _____ OR [See enclosed information]</td></tr></table> Make the check or money order payable to _____. Write the citation number and your driver license number on your check or money order. You may deposit the bail in person, by mail or by phone. | Bail Amount: \$ _____ OR [See enclosed information] |
| Bail Amount: \$ _____ OR [See enclosed information] | |
| NIGHT COURT TRIALS [are] [are NOT] available for this citation. | |
| JUVENILES | |
| If you are under 18, you must be accompanied by your parent or guardian when you appear in court. Bring this citation and your driver license. You will be notified by the Juvenile Court of your court date. [For additional information, call the Juvenile Traffic Court at _____] | |
| ONLINE INFORMATION | |
| You may obtain additional information at [Local Web site: _____] | |

Shaded areas on the form indicate spaces subject to modification for local or agency requirements.

Appendix E *Nontraffic Notice to Appear*, Form TR-120

NONTRAFFIC NOTICE TO APPEAR

(Face of Court's Copy)

| | | | |
|---|--|--|---|
| (Name of Agency and Jurisdiction) | | <input type="checkbox"/> MISDEMEANOR | |
| NOTICE TO APPEAR | | Nontraffic | (Citation No.) |
| Date of Violation 1. / / | Time <input type="checkbox"/> AM <input type="checkbox"/> PM | Day of Week S M T W T F S | Case No. |
| Name (First, Middle, Last) 2. | | | |
| Address 3. | | | |
| City 4. | | State | ZIP Code |
| Driver Lic. No. 5. | State | Class | Age Birth Date / / <input type="checkbox"/> Juvenile (Phone No.) () |
| Sex 6. | Hair | Eyes | Height Weight Race Other Description |
| Code | Ordinance | Description | Misdemeanor or Infraction (Circle) M I |
| 7. | | | M I |
| 8. | | | M I |
| 9. | | | M I |
| 10. | | | M I |
| 11. | | | M I |
| 12. | | | M I |
| 13. | | | M I |
| 14. | | | M I |
| 15. | | | M I |
| 16. | | | M I |
| 17. | | | M I |
| 18. | | | M I |
| Evidence Seized 19. | | <input type="checkbox"/> Booking Required (see reverse) | |
| Location of Violation(s) 20. | | City/County of Occurrence | |
| Comments 21. | | | |
| <input type="checkbox"/> Violations not committed in my presence, declared on information and belief. | | | |
| 22. I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct. | | | |
| 23. _____ Arresting or Citing Officer | | Serial No. | to Dates Off |
| 24. / / Date Name of Arresting Officer, if different from Citing Officer | | Serial No. | to Dates Off |
| 25. WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW. X Signature | | | |
| 26. WHEN: ON OR BEFORE THIS DATE: / / | | Time: <input type="checkbox"/> AM <input type="checkbox"/> PM Time: <input type="checkbox"/> AM <input type="checkbox"/> PM | |
| 27. WHAT TO DO: FOLLOW THE INSTRUCTIONS ON THE REVERSE. WHERE: [Name of court[s]] [Section[s] or division[s], room no[s].] [Street address[es]] [Phone No.] | | | |
| 28. <input type="checkbox"/> To be notified <input type="checkbox"/> You may arrange with the clerk to appear at a night session of the court. | | | |
| | | FPO Barcode | |
| | | DEFENDANT COPY | |
| Judicial Council of California Form Rev. 09-20-05 (Pen. Code, § 853.9) | | SEE REVERSE TR-120 | |

Shaded areas on the form indicate spaces subject to modification for local or agency requirements.

NONTRAFFIC NOTICE TO APPEAR
(Reverse Of Defendant's Copy)

IMPORTANT — READ CAREFULLY

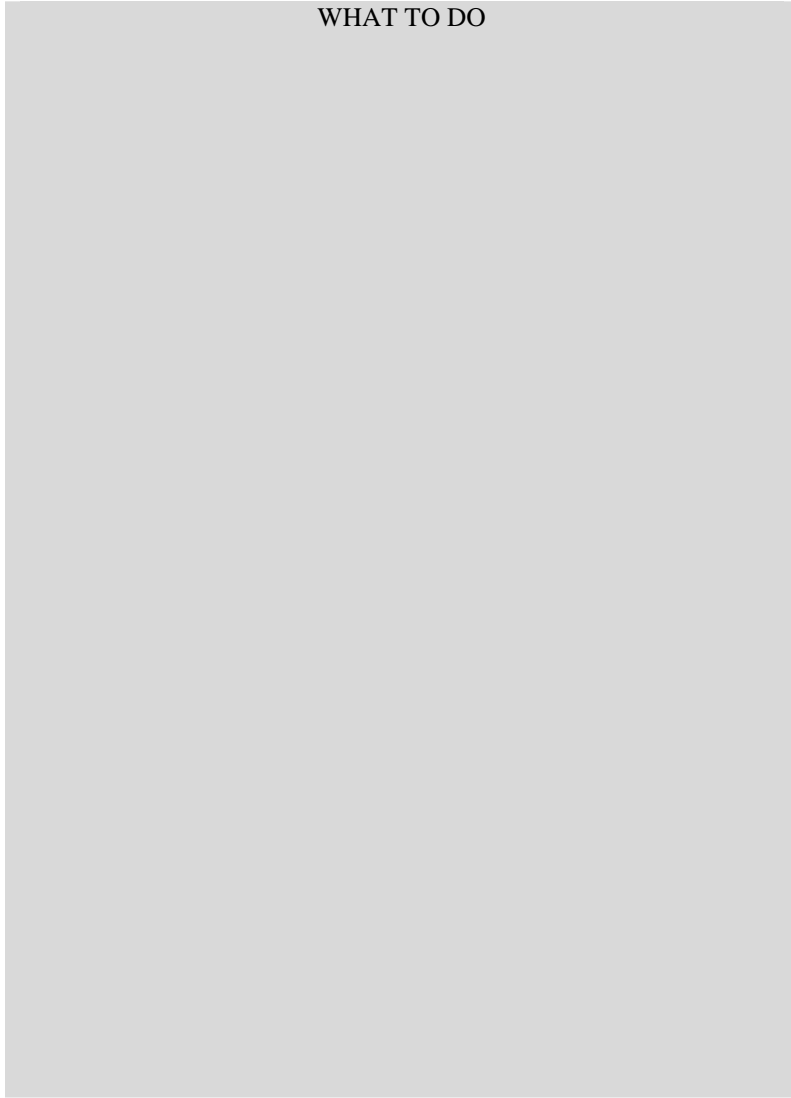
WARNING: If you fail to appear in court as you have promised, you may be arrested and punished by 6 MONTHS IN JAIL AND/OR A \$1,000 FINE, regardless of the disposition of the original charge. (Pen. Code, § 853.7.)

If "Booking Required" is checked you must appear on a weekday prior to your court date for booking at: _____ between the hours of _____ and _____ and bring the signed verification to your court appearance. Call _____ for more information.

Booking Verification: I declare under penalty of perjury under the laws of the State of California that

_____ was booked on _____ Date _____ Officer _____ Serial No. _____

WHAT TO DO

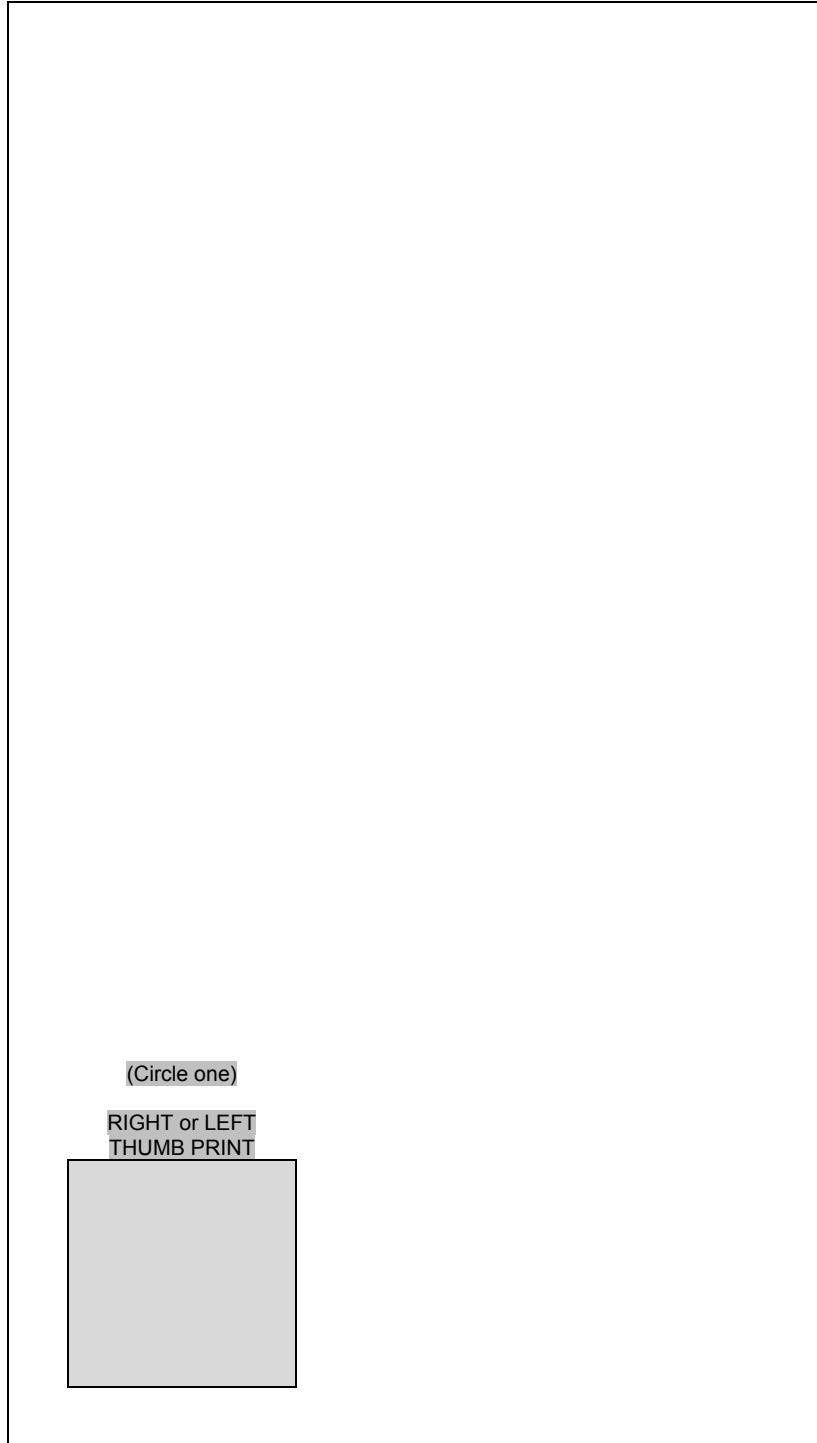


Shaded areas on the form indicate spaces subject to modification for local or agency requirements.

NONTRAFFIC NOTICE TO APPEAR
(Reverse Of Court's Copy)

(Circle one)

RIGHT or LEFT
THUMB PRINT



Shaded areas on the form indicate spaces subject to modification for local or agency requirements.

Appendix F *Traffic/Nontraffic Notice to Appear*, Form TR-130

TRAFFIC/NONTRAFFIC NOTICE TO APPEAR (Face of Court's Copy)

| | | | | | |
|---|--|---|--|--|--|
| (NAME OF AGENCY AND JURISDICTION) | | <input type="checkbox"/> MISDEMEANOR | | (Citation No.) | |
| NOTICE TO APPEAR | | <input type="checkbox"/> Traffic <input type="checkbox"/> Nontraffic | | | |
| Date of Violation 1. / / | | Time <input type="checkbox"/> AM <input type="checkbox"/> PM | | Day of Week S M T W T F S | |
| Case No. | | Name (First, Middle, Last) 2. <input type="checkbox"/> Owner's Responsibility (Veh. Code, § 40001) | | | |
| Address 3. | | | | | |
| City 4. | | State | | ZIP Code | |
| <input type="checkbox"/> Juvenile (Phone No.) () | | | | | |
| Driver Lic. No. 5. | | State | | Class | |
| | | | | Commercial <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| | | | | Age | |
| | | | | Birth Date / / | |
| Sex 6. | | Hair | | Eyes | |
| | | | | Height | |
| | | | | Weight | |
| | | | | Race | |
| | | | | Other Description | |
| Veh. Lic. No. or VIN 7. | | State | | Reg. MO/YR | |
| Yr. of Veh. 8. | | Make | | Model | |
| | | | | Body Style | |
| | | | | Color | |
| Evidence of Financial Responsibility 9. | | CHP/DOT/PUC/ICC | | | |
| Registered Owner or Lessee 10. | | <input type="checkbox"/> Same as Driver | | | |
| Address 11. | | <input type="checkbox"/> Same as Driver | | | |
| City 12. | | State | | ZIP Code | |
| Correctable Violation (Veh. Code, § 40610) Yes No Code and Section | | <input type="checkbox"/> Booking Required (see reverse) Description | | Misdemeanor or Infraction (Circle) | |
| 13. <input type="checkbox"/> <input type="checkbox"/> | | | | M I | |
| 14. <input type="checkbox"/> <input type="checkbox"/> | | | | M I | |
| 15. <input type="checkbox"/> <input type="checkbox"/> | | | | M I | |
| 16. <input type="checkbox"/> <input type="checkbox"/> | | | | M I | |
| Speed Approx. 17. > | | P.F./Max Spd. | | Veh. Lmt. | |
| | | | | Safe Radar | |
| | | | | <input type="checkbox"/> Continuation Form Issued | |
| | | | | N | |
| Location of Violation(s) 18. at | | City/County of Occurrence | | W E | |
| Comments (Weather, Road & Traffic Conditions) 19. | | <input type="checkbox"/> Accident | | | |
| | | S | | | |
| <input type="checkbox"/> Violations not committed in my presence, declared on information and belief. | | | | | |
| 20. I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct. | | | | | |
| Executed at (place) | | Violation location | | | |
| 21. / / | | Arresting or Citing Officer | | Serial No. to Dates Off | |
| 22. / / | | Name of Arresting Officer, if different from Citing Officer | | Serial No. to Dates Off | |
| 23. WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW. X Signature | | | | | |
| 24. WHEN: | | ON OR BEFORE THIS DATE: / / | | Time: <input type="checkbox"/> AM <input type="checkbox"/> PM Time: <input type="checkbox"/> AM <input type="checkbox"/> PM | |
| 25. WHAT TO DO: FOLLOW THE INSTRUCTIONS ON THE REVERSE. | | | | | |
| WHERE: [Name of court[s]] [Section[s] or division[s], room no[s].] [Street address[es]] [Phone No.] | | | | | |
| 26. <input type="checkbox"/> To be notified | | <input type="checkbox"/> You may arrange with the clerk to appear at a night session of the court. | | | |
| FPO Barcode | | | | DEFENDANT COPY | |
| Judicial Council of California Form Rev. 09-20-05 (Veh. Code, §§ 40500(b), 40513(b), 40522, 40600; Pen. Code, § 853.9) | | | | SEE REVERSE TR-130 | |

Shaded areas on the form indicate spaces subject to modification for local or agency requirements.

TRAFFIC/NONTRAFFIC NOTICE TO APPEAR (Reverse of Defendant's Copy)

IMPORTANT — READ CAREFULLY

WARNING: If you fail to appear in court as you have promised, you may be arrested and punished by 6 MONTHS IN JAIL AND/OR A \$1,000 FINE regardless of the disposition of the original charge. (Veh. Code, § 40508 or Pen. Code, § 853.7.) In addition, any person who fails to appear as provided by law may be deemed to have elected to have a trial by written declaration (in absentia) pursuant to Vehicle Code section 40903(a) upon any alleged infraction, as charged by the arresting/citing officer.

JUVENILE: If you were under age 18 at the time the citation was issued, you must appear in court with your parent or guardian.

COURTESY NOTICE: A courtesy notice may be mailed to the address shown on your citation, indicating the required deposit of money (bail) that may be forfeited instead of your appearing in court. If you do not receive such courtesy notice, you are still required to comply with the items below by the appearance date.

WHAT TO DO

You are required to appear at court for a misdemeanor violation. For all violations, your court date/time/place are on the front of this notice to appear. Have the citation with you when contacting the court. In all infraction cases, you must do one or more of the following for each violation:

- Pay the fine (bail).
- Appear in court.
- Contest the violation.
- Correct the violation (traffic cases, when applicable).
- Request traffic school (traffic cases, when applicable).
- Request trial by written declaration (traffic cases).

If you do not do one of the above actions, then a "failure to appear" charge will be filed against you (Veh. Code, § 40508(a)) and your driver license may be withheld, suspended, or revoked. In some courts you may be charged an amount in addition to the bail amount and the case may be turned over to a collection agency. (Pen. Code, § 1214.1.)

1. If you do NOT contest the violation:

a. (Pay the bail amount) Contact the court for bail information. You will not have to appear in court. You will be convicted of the violation, and it will appear on your record at the Department of Motor Vehicles (DMV). A point count may be charged to your DMV record and your insurance may be adversely affected.

b. (Traffic school) You may be able to avoid the point count by completing traffic school. You must pay the bail amount as a fee, and you may have to pay other fees. Contact the court to request traffic school.

c. (Correctable violations) If the "Yes" box is checked on the front of your ticket, the violation is correctable. Upon correction of the violation, have a law enforcement officer or an authorized inspection/installation station agent sign below. (Veh. Code, § 40616.) Registration and driver license violations may also be certified as corrected at an office of the DMV or by any clerk or deputy clerk of a court. The violation will be dismissed by the court after PROOF OF CORRECTION and payment of a transaction fee are presented to the court by mail or in person by the appearance date. Violations of Vehicle Code section 16028 (automobile liability insurance) will be dismissed **only** upon (1) your **showing or mailing to the court** evidence of financial responsibility valid at the time this notice to appear was issued, and (2) your payment of a transaction fee.

CERTIFICATE OF CORRECTION (MUST BE RETURNED TO COURT)

| Section(s) Violated | Signature of Person Certifying Correction | Serial No. | Agency | Date |
|------------------------|--|------------|--------|------|
| | | | | |
| | | | | |
| | | | | |

2. If you contest the violation (select a or b):

a. (Court trial) Send a certified or registered letter postmarked not later than five days prior to the appearance date or come to the court by the appearance date to request a court trial on a future date when an officer and any witnesses will be present. **You will be required to submit the bail amount. —OR—**

b. (Trial by written declaration (traffic infractions)) Send a certified or registered letter postmarked not later than five days prior to the appearance date or come to the court on or before the appearance date to request a trial by written declaration. **Submit the bail amount.** You will be given forms to allow you to write a statement and to submit other evidence without appearing in court. An officer will also submit a statement. The judicial officer will consider the evidence and decide the case.

3 Make check/money order payable to **Clerk of the Court**. Write your citation number and driver license number on your check or money order. You may pay in person, by mail, or by phone.

4. If "Booking Required" is checked you must appear for booking on a weekday prior to your court date at: _____ between the hours of _____ and _____ and bring the signed verification to your court appearance. Call _____ for more information.

Booking Verification: I declare under penalty of perjury under the laws of the State of California that

_____ was booked on _____ Date _____ Officer _____ Serial No. _____

5. Additional information is available at

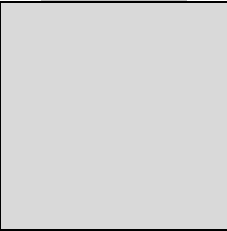
Local Web site _____

Shaded areas on the form indicate spaces subject to modification for local or agency requirements.

TRAFFIC/NONTRAFFIC NOTICE TO APPEAR
(Reverse of Court's Copy)

(Circle one)

RIGHT or LEFT
THUMB PRINT



Shaded areas on the form indicate spaces subject to modification for local or agency requirements.

ATTACHMENT C

TRAFFIC NOTICE TO APPEAR

Automated Traffic Enforcement System

| | | | | | |
|--|------|--|-------------------------------------|---|--------------------|
| (NAME OF AGENCY AND JURISDICTION) | | | | | |
| NOTICE TO APPEAR Automated Traffic Enforcement | | | | | (Citation No.) |
| Date of Violation 1. / / | | Time <input type="checkbox"/> AM <input type="checkbox"/> PM | Day of Week S M T W T F S | Case No. | |
| Name (First, Middle, Last) 2. | | | | | |
| Address 3. | | | | | |
| City 4. | | State | ZIP Code | | |
| Driver Lic. No. 5. | | State | Class | Age | Birth Date / / |
| Sex 6. | Hair | Eyes | Height | Weight | Race |
| Veh. Lic. No. or VIN 7. | | | | State | |
| | | | | <input type="checkbox"/> COMMERCIAL VEHICLE (Veh. Code, § 15210(b)) | |
| Yr. of Veh. 8. | | | | Make | Model |
| | | | | Body Style | Color |
| Registered Owner or Lessee 9. | | | | | |
| Address 10. | | | | | |
| City 11. | | State | ZIP Code | | |
| Code and Section 12. | | | Description | | |
| Location of Violation at 13. | | | City/County of Occurrence | | |
| <p><input checked="" type="checkbox"/> Violation was not committed in my presence. The above is declared on information and belief and is based on photographic evidence.</p> <p>I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.</p> | | | | | |
| Date Issued 14. | | Declarant | | | ID No. |
| YOU MUST RESPOND TO THE COURT ON OR BEFORE: | | | | | |
| 15. WHEN: DATE: _____ | | Time: _____ <input type="checkbox"/> AM <input type="checkbox"/> PM | | | |
| WHAT TO DO: FOLLOW THE INSTRUCTIONS ON THE REVERSE. | | | | | |
| 16. WHERE: [Name of court[s]] [Section[s] or division[s], room no[s].] [Street address[es]] [Phone no.] | | Clerk's Office Hours <i>[Insert hours clerk's office is open.]</i> | | | |
| <div style="border: 1px solid black; padding: 10px; display: inline-block; margin: 10px auto; width: 80%;">FPO Barcode</div> | | | | | |
| DEFENDANT COPY | | | | | SEE REVERSE |
| <small>Judicial Council of California Form Rev. 01-01-04 (Veh. Code, § 40518)</small> | | | | | |
| <small>TR-115</small> | | | | | |

Shaded areas on the form indicate spaces subject to modification for local or agency requirements.

TRAFFIC NOTICE TO APPEAR
Automated Traffic Enforcement System

| |
|--|
| IMPORTANT—READ CAREFULLY |
| This Citation Is Based on Photographic Evidence The vehicle identified on the front was photographed in violation of a traffic signal or sign. You may see the photographs. Contact: _____ |
| If you were not driving the vehicle at the time of the violation, contact _____ |
| WHAT TO DO |
| <p>You have been issued a citation that charges you with a traffic infraction. You must respond by following one of the procedures below by the date on the front (see "WHEN"). If you do not, you may lose your license to drive, and your money penalties may increase.</p> <p>1. If you do NOT contest the violation</p> <p>a. (Pay the bail amount) (See "BAIL INFORMATION" below) Your bail will be forfeited to the court. You will not have to appear in court. You will be convicted of the violation, and it will appear on your record at the Department of Motor Vehicles (DMV). A point count will be charged to your DMV record for this offense and your insurance may be adversely affected.</p> <p>b. (Traffic school) You may be able to avoid the point count and adverse effect on your insurance by attending traffic school. Contact the court to request traffic school. You must pay the bail amount as a fee and you may have to pay other fees.</p> <p>2. If you contest the violation (select one)</p> <p>a. (Court trial) Send a certified or registered letter postmarked not later than five days prior to the appearance date, or come to the court by the appearance date to request a court trial on a future date when an officer and any witnesses will be present. You will be required to submit the bail amount. You will be given a date for your trial.</p> <p style="text-align: center;">—OR—</p> <p>b. (Trial by written declaration) Send a certified or registered letter postmarked not later than five days prior to the appearance date, or come to the court on or before the date on the front and request a trial by written declaration. Submit the bail amount. You will be given forms to allow you to write a statement and submit other evidence without appearing in court. An officer will also submit a statement. The judicial officer will consider all of the evidence at the same time and decide the case.</p> |
| WRITING TO THE COURT |
| If you write to the court, always write the citation number and your driver license number on your letter. Use of certified or registered mail is required. Do not send your copy of the citation. Keep it for your own records. |
| BAIL INFORMATION |
| The "bail" is the amount you must pay or deposit for the charged violation. |
| Bail Amount: \$ _____ OR [See enclosed information] |
| Make the check or money order payable to _____. Write the citation number and your driver license number on your check or money order. You may deposit the bail in person, by mail or by phone. |
| NIGHT COURT TRIALS [are] [are NOT] available for this citation. |
| JUVENILES |
| If you are under 18, you must be accompanied by your parent or guardian when you appear in court. Bring this citation and your driver license. You will be notified by the Juvenile Court of your court date. [For additional information, call the Juvenile Traffic Court at _____] |
| ONLINE INFORMATION |
| You may obtain additional information at [Local Web site: _____] |

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NONTRAFFIC NOTICE TO APPEAR (Face of Court's Copy)

| | | | | | |
|--|-----------|---|---------------------------|---|------------------------------------|
| (Name of Agency and Jurisdiction) | | <input type="checkbox"/> MISDEMEANOR | | (Citation No.) | |
| NOTICE TO APPEAR | | Nontraffic | | | |
| Date of Violation 1. / / | | Time <input type="checkbox"/> AM <input type="checkbox"/> PM | | Day of Week S M T W T F S | |
| Case No. | | | | | |
| Name (First, Middle, Last) 2. | | | | | |
| Address 3. | | | | | |
| City 4. | | State | | ZIP Code | |
| Driver Lic. No. 5. | | State | Class | Age | Birth Date / / |
| <input type="checkbox"/> Juvenile (Phone No.) () | | | | | |
| Sex 6. | Hair | Eyes | Height | Weight | Race |
| Other Description | | | | | |
| Code | Ordinance | Description | | | Misdemeanor Infraction (Circle) |
| 7. | | | | | M I |
| 8. | | | | | M I |
| 9. | | | | | M I |
| 10. | | | | | M I |
| 11. | | | | | M I |
| 12. | | | | | M I |
| 13. | | | | | M I |
| 14. | | | | | M I |
| 15. | | | | | M I |
| 16. | | | | | M I |
| 17. | | | | | M I |
| 18. | | | | | M I |
| Evidence Seized 19. | | | | <input type="checkbox"/> Booking Required | |
| Location of Violation(s) 20. | | | City/County of Occurrence | | |
| Comments 21. | | | | | |
| <input type="checkbox"/> Violations not committed in my presence, declared on information and belief. | | | | | |
| 22. I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct. | | | | | |
| 23. _____ Arresting or Citing Officer | | | | Serial No. | to Dates Off |
| 24. / / Date | | Name of Arresting Officer, if different from Citing Officer | | Serial No. | to Dates Off |
| 25. WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW. X Signature | | | | | |
| 26. WHEN: | | ON OR BEFORE THIS DATE: / / | | Time: <input type="checkbox"/> AM <input type="checkbox"/> PM | |
| | | | | Time: <input type="checkbox"/> AM <input type="checkbox"/> PM | |
| 27. WHAT TO DO: | | FOLLOW THE INSTRUCTIONS ON THE REVERSE. | | | |
| WHERE: | | [Name of court[s]] [Section[s] or division[s], room no[s].] [Street address[es]] [Phone No.] | | | |
| 28. <input type="checkbox"/> To be notified | | <input type="checkbox"/> You may arrange with the clerk to appear at a night session of the court. | | | |
| FPO Barcode | | | | DEFENDANT COPY | |
| Judicial Council of California Form Rev. 01-01-04 (Pen. Code, § 853.9) | | | | SEE REVERSE TR-120 | |

Shaded areas on the form indicate spaces subject to modification for local or agency requirements.

NONTRAFFIC NOTICE TO APPEAR
(Reverse Of Defendant's Copy)

IMPORTANT — READ CAREFULLY

WARNING: If you fail to appear in court as you have promised, you may be arrested and punished by 6 MONTHS IN JAIL AND/OR A \$1,000 FINE, regardless of the disposition of the original charge. (Pen. Code, § 853.7.)

WHAT TO DO

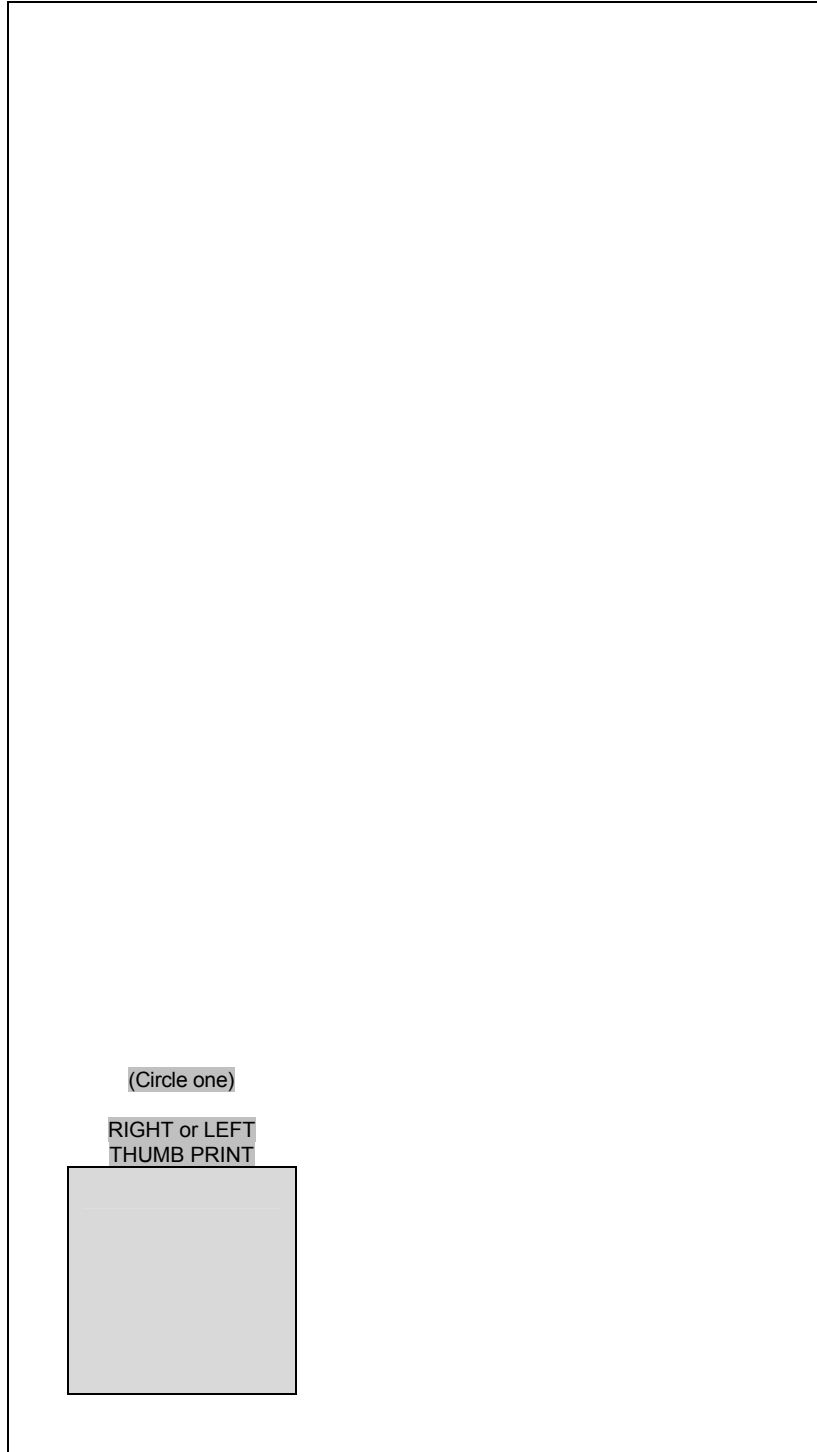


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NONTRAFFIC NOTICE TO APPEAR
(Reverse Of Court's Copy)

(Circle one)

RIGHT or LEFT
THUMB PRINT



Shaded areas on the form indicate spaces subject to modification for local or agency requirements.

TRAFFIC/NONTRAFFIC NOTICE TO APPEAR (Face of Court's Copy)

| | | | | | | | | | | | | | | | |
|--|--|---|-------|------------------|-------|--|-------------------|-------------------------------------|--|--|----------|--|--|---|--|
| (NAME OF AGENCY AND JURISDICTION) | | | | | | | | | | | | <input type="checkbox"/> MISDEMEANOR | | | |
| NOTICE TO APPEAR | | | | | | | | | | | | <input type="checkbox"/> Traffic <input type="checkbox"/> Nontraffic | | (Citation No.) | |
| Date of Violation 1. / / | | | Time | | | <input type="checkbox"/> AM <input type="checkbox"/> PM | | Day of Week S M T W T F S | | | Case No. | | | | |
| Name (First, Middle, Last) 2. | | | | | | | | | | | | <input type="checkbox"/> Owner's Responsibility (Veh. Code, § 40001) | | | |
| Address 3. | | | | | | | | | | | | | | | |
| City 4. | | | | State | | | | ZIP Code | | | | | | | |
| Driver Lic. No. 5. | | | State | | Class | Age | Birth Date / / | | <input type="checkbox"/> Juvenile (Phone No.) () | | | | | | |
| Sex 6. | | Hair | | Eyes | | Height | | Weight | | Race | | Other Description | | | |
| Veh. Lic. No. or VIN 7. | | | | | | State | | | | | | <input type="checkbox"/> COMMERCIAL VEHICLE (Veh. Code, § 15210(b)) | | | |
| Yr. of Veh. 8. | | Make | | Model | | Body Style | | Color | | | | | | | |
| Evidence of Financial Responsibility 9. | | | | | | | | | | | | <input type="checkbox"/> HAZARDOUS MATERIAL (Veh. Code, § 353) | | | |
| Registered Owner or Lessee 10. | | | | | | | | | | | | <input type="checkbox"/> Same as Driver | | | |
| Address 11. | | | | | | | | | | | | <input type="checkbox"/> Same as Driver | | | |
| City 12. | | | | State | | | | ZIP Code | | | | | | | |
| Correctable Violation (Veh. Code, § 40610) | | | | | | | | | | | | <input type="checkbox"/> Booking Required | | Misdemeanor or Infraction (Circle) | |
| Yes | | No | | Code and Section | | Description | | | | | | | | | |
| 13. <input type="checkbox"/> | | <input type="checkbox"/> | | | | | | | | M | | I | | | |
| 14. <input type="checkbox"/> | | <input type="checkbox"/> | | | | | | | | M | | I | | | |
| 15. <input type="checkbox"/> | | <input type="checkbox"/> | | | | | | | | M | | I | | | |
| 16. <input type="checkbox"/> | | <input type="checkbox"/> | | | | | | | | M | | I | | | |
| Speed Approx. 17. > | | P.F./Max Spd. | | Veh. Lmt. | | Safe | | Radar | | <input type="checkbox"/> Continuation Form Issued | | N | | | |
| Location of Violation(s) 18. at | | | | | | | | City/County of Occurrence | | | | W | | E | |
| Comments (Weather, Road & Traffic Conditions) 19. | | | | | | | | | | | | <input type="checkbox"/> Accident | | S | |
| <input type="checkbox"/> Violations not committed in my presence, declared on information and belief. 20. I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct. | | | | | | | | | | | | | | | |
| Arresting or Citing Officer 21. _____ | | | | | | | | | | | | Serial No. | | to Dates Off | |
| Date 22. / / | | Name of Arresting Officer, if different from Citing Officer | | | | | | Serial No. | | to Dates Off | | | | | |
| 23. WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW. X Signature | | | | | | | | | | | | | | | |
| 24. WHEN: ON OR BEFORE THIS DATE: ____ / ____ / ____ | | | | | | | | | | | | Time: _____ | | <input type="checkbox"/> AM <input type="checkbox"/> PM | |
| 25. WHAT TO DO: FOLLOW THE INSTRUCTIONS ON THE REVERSE. WHERE: [Name of court[s]] [Section[s] or division[s], room no[s].] [Street address[es]] [Phone No.] | | | | | | | | | | | | Time: _____ | | <input type="checkbox"/> AM <input type="checkbox"/> PM | |
| 26. <input type="checkbox"/> To be notified <input type="checkbox"/> You may arrange with the clerk to appear at a night session of the court. | | | | | | | | | | | | | | | |
| FPO Barcode | | | | | | | | | | DEFENDANT COPY | | | | | |
| Judicial Council of California Form Rev. 01-01-04 (Veh. Code, §§ 40500(b), 40513(b), 40522, 40600; Pen. Code, § 853.9) | | | | | | | | | | | | SEE REVERSE TR-130 | | | |

Shaded areas on the form indicate spaces subject to modification for local or agency requirements.

TRAFFIC/NONTRAFFIC NOTICE TO APPEAR (Reverse of Defendant's Copy)

IMPORTANT — READ CAREFULLY

WARNING: If you fail to appear in court as you have promised, you may be arrested and punished by **6 MONTHS IN JAIL AND/OR A \$1,000 FINE** regardless of the disposition of the original charge. (Veh. Code, § 40508 or Pen. Code, § 853.7.) In addition, any person who fails to appear as provided by law may be deemed to have elected to have a trial by written declaration (in absentia) pursuant to Vehicle Code section 40903(a) upon any alleged infraction, as charged by the arresting/citing officer.

JUVENILE: If you were under age 18 at the time the citation was issued, you must appear in court with your parent or guardian.

COURTESY NOTICE: A courtesy notice may be mailed to the address shown on your citation, indicating the required deposit of money (bail) that may be forfeited instead of your appearing in court. If you do not receive such courtesy notice, you are still required to comply with the items below by the appearance date.

WHAT TO DO

You are required to appear at court for a misdemeanor violation. For all violations, your court date/time/place are on the front of this notice to appear. Have the citation with you when contacting the court. In all infraction cases, you must do one or more of the following for each violation:

- Pay the fine (bail).
- Appear in court.
- Contest the violation.
- Correct the violation (traffic cases, when applicable).
- Request traffic school (traffic cases, when applicable).
- Request trial by written declaration (traffic infractions).

If you do not do one of the above actions, then a "failure to appear" charge will be filed against you (Veh. Code, § 40508(a)) and your driver license may be withheld, suspended, or revoked. In some courts you may be charged an amount in addition to the bail amount and the case may be turned over to a collection agency. (Pen. Code, § 1214.1.)

1. If you do NOT contest the violation:

a. (Pay the bail amount) Contact the court for bail information. You will not have to appear in court. You will be convicted of the violation, and it will appear on your record at the Department of Motor Vehicles (DMV). A point count may be charged to your DMV record and your insurance may be adversely affected.

b. (Traffic school) You may be able to avoid the point count by completing traffic school. You must pay the bail amount as a fee and you may have to pay other fees. Contact the court to request traffic school.

c. (Correctable violations) If the "Yes" box is checked on the front of your ticket, the violation is correctable. Upon correction of the violation, have a law enforcement officer or an authorized inspection/installation station agent sign below. (Veh. Code, § 40616.) Registration and driver license violations may also be certified as corrected at an office of the DMV or by any clerk or deputy clerk of a court. The violation will be dismissed by the court after PROOF OF CORRECTION and payment of a transaction fee are presented to the court by mail or in person by the appearance date. Violations of Vehicle Code section 16028 (automobile liability insurance) will be dismissed **only** upon (1) your **showing or mailing to the court** evidence of financial responsibility valid at the time this notice to appear was issued, and (2) your payment of a transaction fee.

| CERTIFICATE OF CORRECTION (MUST BE RETURNED TO COURT) | | | | |
|---|--|------------|--------|------|
| Section(s) Violated | Signature of Person Certifying Correction | Serial No. | Agency | Date |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

2. If you contest the violation (select a or b):

a. (Court trial) Send a certified or registered letter postmarked not later than five days prior to the appearance date or come to the court by the appearance date to request a court trial on a future date when an officer and any witnesses will be present. **You will be required to submit the bail amount.**

—OR—

b. (Trial by written declaration (traffic infractions)) Send a certified or registered letter postmarked not later than five days prior to the appearance date or come to the court on or before the appearance date to request a trial by written declaration. **Submit the bail amount.** You will be given forms to allow you to write a statement and to submit other evidence without appearing in court. An officer will also submit a statement. The judicial officer will consider the evidence and decide the case.

3. Make check/money order payable to Clerk of the Court. Write your citation number and driver license number on your check or money order. You may pay in person, by mail, or by phone.

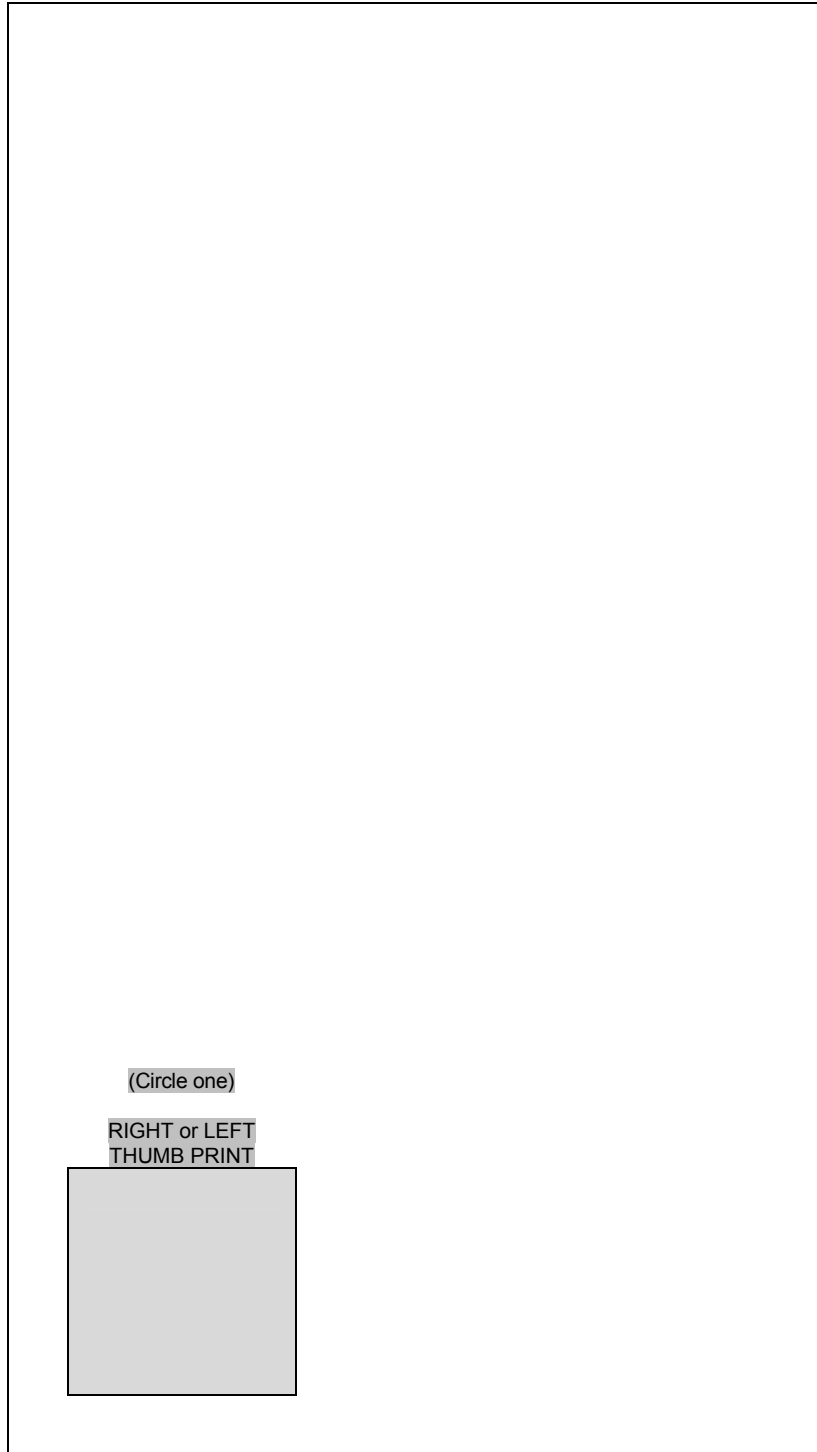
4. Additional information is available at
Local Web site _____

Shaded areas on the form indicate spaces subject to modification for local or agency requirements.

TRAFFIC/NONTRAFFIC NOTICE TO APPEAR
(Reverse of Court's Copy)

(Circle one)

RIGHT or LEFT
THUMB PRINT



Shaded areas on the form indicate spaces subject to modification for local or agency requirements.

Attachment D

Traffic: Notice to Appear Forms and Traffic Violator School
(amend Cal. Rules of Court, rule 851;

revise forms TR-115, TR-120, TR-130, and the form instructions, *Notice to Appear and Related Forms*)

| | Commentator | Position | Comment on behalf of group? | Comment | Committee Response |
|----|---|-----------------|------------------------------------|---|---|
| 1. | Captain Rob Allen California Department of Fish and Game Sacramento | N | N | This addition has minimal bearing on our citations. These areas of enforcement are seldom used. | None. |
| 2. | Ms. Nancy Brown Traffic and Criminal Operations Manager Superior Court of California County of Orange Westminster | AM | N | The proposed changes to section (c)(1) of rule 851 should be added as a separate section. Including the changes in section (c)(1) makes it appear as though there is judicial discretion when there is not. I would propose that the changes be added as follows: (d) [Non-discretional] (1) A violation by a defendant having a class A, class B, or commercial class C driver's license or that occurs in a commercial vehicle, as defined in subdivision (b) of Vehicle Code section 15210, is not eligible for diversion pursuant to Vehicle Code 41501 or 42005. | Disagree. As drafted, the proposed amendment accurately specifies the statutory limitation of judicial discretion. |
| 3. | Ms. Sue DuFour Supervising Legal Clerk II Superior Court of California, County of Stanislaus Turlock | A | N | None. | None. |
| 4. | Ms. Melissa Fowler-Bradley Asst. Court Executive Officer Superior Court of California County of Shasta Redding | AM | N | 1. The proposed Traffic/Nontraffic Notice to Appear form does not have a box where law enforcement can check "Commercial Yes/No." | Agree, in part. 1. Proposed form TR-130 on page 40 of the Invitation to Comment includes check boxes to designate whether a driver's license is commercial or noncommercial. |

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| | | | | <p>2. Most citations include an area for obtaining a telephone number for juvenile violators. It would be helpful to have the same information for adults.</p> <p>3. Many citation forms contain a statement for important additional information for the officer to check, such as accident, hazardous material, and the suggested commercial driver's license comment. A specific block could contain this important information where it would not be easily overlooked by officers and clerks.</p> | <p>2. Adult notice to appear citations are public documents. Requiring inclusion of phone numbers would raise privacy issues. Phone numbers are allowed on juvenile citations because of the need to contact parents and guardians.</p> <p>3. A prominent required field regarding hazardous material and commercial vehicle violations already appears on lines 7, 8, and 9 of Form TR-130. A check box for accidents is a shaded field on line 19 of Form TR-130. This information should appear in the same location on any Form TR-130.</p> |
| 5. | Sergeant Thomas LeVeque Arcadia Police Department Arcadia | A | N | None. | None. |
| 6. | Mr. Stephen V. Love Executive Officer Superior Court of California County of San Diego San Diego | AM | N | The following was received from Court's traffic managers: Can the thumbprint box be included on all citations? | Agree, in part. The thumbprint is a shaded optional field on the reverse of the court copy. A thumbprint cannot be made a mandatory field on the council's notice to appear because inclusion of a thumbprint is discretionary under Vehicle Code section 40500 and Penal Code section 853.9. |
| 7. | Hon. James P. Madden Commissioner Superior Court of California County of Santa Clara San Jose | A | N | None. | None. |

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| 8. | Mr. James Metz Printer Computer and Business Printing South San Francisco | AM | N | We have had the opportunity to print both the Parking Citations and the Traffic/Nontraffic Notice to Appear TR-130 Citations for the Police Departments on the San Francisco Peninsula for a number of years. After review of your proposed changes for the TR-130, and from my understanding from the conversations I have had with a number of the Police Departments, the only comment I would like to make is on line 7, which lists “Veh. Lic. No. or VIN – space – State.” If “Reg. MO/YR” could be added after “State” it would help greatly since quite a number of the citations written are registration based. | Agree. On line 7, “Reg. MO/YR” will be added after “State” to the proposed form as shaded text. |
| 9. | Chief S. H. Perez California Highway Patrol Sacramento | AM | Y | 1. The class and commercial information that has been added to the proposed Notice to Appear form was added due to legislation outlined in Assembly Bill (AB) 3049. This legislation would preclude commercial drivers from attending traffic school, and would not differentiate whether they are driving a commercial vehicle or their personal vehicle. However, according to legislation outlined in this bill [California Vehicle Code Section 41502(c)], it appears this legislation pertains only to commercial driver license classes specific to the State of California. If AB 3049 only pertains to commercial drivers licensed in California, | Agree, in part. 1. The Federal Motor Carrier Safety Improvement Act of 1999 amended federal law to prohibit masking of traffic offenses by commercial drivers for attendance of traffic violator school (TVS). Vehicle Code section 42005 is amended effective September 20, 2005, to exclude drivers with a class A, B, or C commercial license from diversion for attendance of TVS. In order to implement this change, the proposed form TR-130, <i>Traffic/Nontraffic Notice to Appear</i> , requires the issuing officer to specify whether the driver’s license is a commercial or noncommercial |

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| | | | | <p>will the courts return Notice to Appear forms when the class and commercial section are not completed for Notice to Appear forms issued to out-of-state drivers? In addition, if this requirement is for all states, the class and whether they have a commercial license might not be readily available. Specifically, all states may not indicate the class on their driver license or be automated through the National Law Enforcement Telecommunications System.</p> | <p>classification. Failure to provide this information will render the citation incomplete and prevent courts from determining eligibility for traffic violator school. Furthermore, Vehicle Code section 40505 may prevent issuing agencies from amending the original citation to indicate the driver's license classification of the defendant. Section 40505 prohibits an officer from setting forth on the notice filed with the court or attaching to it any information not contained in the notice delivered to the defendant issued the notice to appear. Revising the proposed form to make the "Class" field discretionary and require a check box to specify whether a driver's license is commercial or noncommercial should allow the courts to process requests for TVS and facilitate completion of the citation. Otherwise, when a violation is eligible for TVS, if the class of the driver's license is required but not included on the notice to appear, courts may be forced to notify the issuing agency that the citation is incomplete and a formal complaint is needed to process the citation.</p> <p>VC 42005 specifies that holders of commercial class A, B, and C licenses are</p> |

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| | | | | <p>2. The CHP does not agree with the proposed verbiage added to the reverse of the defendant’s copy of the Notice to Appear form. The CHP has current policy that requires officers to provide a CHP 194, Fingerprint Notification/ Verification, to individuals that receive a Notice to Appear form rather than be formally booked. The CHP currently follows law prescribed in Penal Code section 853.6. The CHP is a statewide organization and some court jurisdictions only will accept Live Scan fingerprints. It is recommended that the fill-in area after the word “at” be a shaded area in order to give CHP Area offices more latitude to provide accurate</p> | <p>ineligible for diversion for attendance of TVS. The new law is not expressly limited to California licenses. If out-of-state drivers are issued commercial driver’s licenses classified as Class A, B, or C, they will be ineligible for TVS diversion if noted on the citation.</p> <p>Identification of an out-of-state commercial driver’s license classification is possible through use of the Department of Motor Vehicles’ 49-state report or publications such as the <i>Identification Card Guide, U.S. and Canada Edition</i>.</p> <p>2. Assembly Bill 2853 amended Penal Code section 853.6(g), effective September 29, 2004. The amended code section specifies that if a citation indicates that booking is required, verification of booking must be provided by “making an entry on the citation.” There is no longer any authority to prepare the verification on a different form. Moreover, section 853.6(g) requires that the defendant provide the verification to the court that the booking was done by the arresting agency before the proceedings begin. If the verification is not provided to the court at the start of proceedings, the court must require that the defendant be booked by the arresting</p> |

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| | | | | <p>information to violators.</p> <p>3. Recommend adding a shaded area on line 19, next to “Evidence of Financial Responsibility.” In September 2001, the CHP submitted a revised CHP 215, Notice to Appear, to the Judicial Council for approval. At that time, the Judicial Council permitted the CHP to place the text “CHP/DOT/PUC/ICC” next to the text “Evidence of Financial Responsibility.” The CHP/DOT/PUC/ICC is used by the CHP to positively identify motor carrier companies. The information in this field is entered into a CHP database called Management Information System of</p> | <p>agency and provide the verification at the next court appearance. Regardless of whether a court also requires Live Scan fingerprints or an arresting agency has an additional special booking form, section 853.6(g) requires delivery to the court of a verification of booking on the citation, where the citation requires booking. In order to allow an agency to specify additional procedures, beyond those on the form, such as those in CHP 194, the second line of the proposed booking verification will be shaded. The shading will allow a statement such as: “Follow the booking instructions provided in form CHP 194.”</p> <p>3.– 4. The shading will be added to the requested areas on the proposed form to allow the CHP to include the information as before.</p> |

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| | | | | <p>Terminal Evaluation Records. As required by federal law, this information is also made part of a Federal database system called Safety Net. This information is not included on the proposed TR-130.</p> <p>4. Recommend adding a shaded area under line 20 and before line 21 that would allow the “Executed at” line to be reestablished. The “Executed at” line was previously approved by the JCC. However, in January 2004, the JCC changed the requirement that mandated agencies submit their proposed Notice to Appear form for approval. Subsequently, the CHP did not have the latitude to keep this line on the revised Notice to Appear form. The CHP has been advised by many superior courts that they utilize information gleaned from this line to distribute the funding to cities or counties. The removal of this line has caused a hardship to the courts.</p> | |

| | | | | | |
|-----|--|---|---|-------|-------|
| 10. | Ms. Jill Ramirez Program Manager Superior Court of California County of Solano Fairfield | A | N | None. | None. |
|-----|--|---|---|-------|-------|

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|-----|--|-----------------|------------------------------------|--|---|
| 11. | Ms. Susan Rawlin Principal Service Clerk Superior Court of California County of Placer Roseville | A | N | None. | None. |
| 12. | Captain Wes Reynolds Redding Police Department Redding | A | N | None. | None. |
| 13. | Lieutenant Ray Scheu Culver City Police Department Culver City | A | N | Please note that on the signature line of the citing officer, there should be a date of execution before the signature. | Disagree. The date field for the signature line of the citing officer follows immediately below the signature line. |
| 14. | Ms. Elizabeth Schlesinger Police Services Manager Los Altos Police Department Los Altos | A | N | None. | None. |
| 15. | Hon. David Sotelo Judge Superior Court of California County of Los Angeles Los Angeles | A | N | None. | None. |
| 16. | Captain Mark Weiss Livermore Police Department Livermore | A | N | None. | None. |
| 17. | Ms. Sandra Zepeda Records Supervisor Tracy Police Department Tracy | AM | N | Regarding verification of booking: we only do court-ordered bookings on Thursdays between 8 a.m. and 5 p.m. In section 4, adding shading to “weekday” would allow a particular day of the week to be specified instead of “weekday.” | Agree. “Weekday” will be shaded on the proposed form to allow designation of specific days. |

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|-----|---|-----------------|------------------------------------|----------------|---------------------------|
| 18. | Mr. Dean J. Zipser President Orange County Bar Association Irvine | A | Y | None. | None. |