

FREQUENTLY ASKED QUESTIONS

Traffic Tickets/Infraction Amnesty Program Vehicle Code section 42008.8 Effective October 1, 2015 to March 31, 2017

The Statewide Traffic Tickets/Infraction Amnesty program guidelines and other resources are available at www.courts.ca.gov/partners/941.htm or by e-mail at amnesty@jud.ca.gov.

Below are responses to some of the frequently asked questions about the amnesty program.

1	Program Authority
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1.1 What is the governing authority of the amnesty program?

On June 24, 2015, Senate Bill 85 was enacted, adding section 42008.8 of the Vehicle Code. The statute authorizes and sets the general parameters for a one-time mandatory amnesty program for bail and fines meeting the eligibility requirements. The 18-month program is to be conducted October 1, 2015 through March 31, 2017, and implemented by the local entities responsible for the collection of delinquent court-ordered debt under Penal Code section 1463.010(b).

2	Program Purpose
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2.1 What is the amnesty program?

The amnesty program is a one-time program that will allow individuals to make a payment representing a 50% or 80% reduction of the outstanding balance (after deducting any and all civil assessment balances) to fully satisfy eligible delinquent Vehicle Code or non-Vehicle Code infraction citations or Vehicle Code misdemeanor cases, with the exception of parking tickets, driving under the influence, and reckless driving violations.

2.2 What is the purpose of the amnesty program?

The purpose of the one-time amnesty program is to provide relief to qualified individuals who have found themselves in default of a court-ordered obligation because they have unpaid bail or fines for traffic and non-traffic violations. The program also may provide relief to individuals who have had their driving privileges suspended under Vehicle Code section 13365.

2.3 Are guidelines available for how to implement the amnesty program?

Yes. The Judicial Council approved program guidelines in August 2015, which are available at <http://www.courts.ca.gov/partners/941.htm>. The guidelines may also be requested by e-mail from amnesty@jud.ca.gov.

3	Court and County Participation
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3.1 Who is responsible for implementing the program?

Unless agreed to in writing, the court or county comprehensive collections program is responsible for the implementation of the amnesty program. An amnesty program that chooses to include Vehicle Code misdemeanor cases should identify the collection entity responsible for implementation as agreed upon by the court and county.

3.2 Is an MOU between the court and county required to implement the amnesty program?

No. However, it is recommended that courts and counties document in writing any agreement to jointly administer the program and/or divide operating costs or revenue (e.g., the \$50 amnesty program fee).

3.3 Who is responsible for establishing restitution or warrant eligibility?

Unless agreed to otherwise by the court and county, the local entity currently responsible for collecting court-ordered debt is responsible for verifying eligibility.

4	Program Costs
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4.1 May a fee be added to participate in the amnesty program?

Yes. A \$50 amnesty program fee may be added and collected from each participant. The fee may be collected up front with the first payment (if a payment plan is established) or added to the payment plan based on the ability of a participant to pay.

4.2 Is the \$50 amnesty program fee assessed by case?

No. The fee may be assessed by each court/county, per participant (not by case). If violations exist in multiple counties, the \$50 fee may be assessed by each county.

4.3 Are amnesty program operating costs recoverable?

Yes. Under Vehicle Code section 42008.8, any cost of operating the amnesty program, excluding capital expenditures, may be deducted from the revenues collected by the collection program that incurred the expense. Merchant fees are cost recoverable under the amnesty program and should not be passed on to the participant.

4.4 Are expenses incurred prior to the amnesty program's effective dates recoverable (e.g., startup costs)?

Yes. All costs incurred for the amnesty program are recoverable.

4.5 Do amnesty program costs need to be recorded separately from the standard costs of collections?

Yes. Due to reporting requirements, it is recommended the court and county develop a mechanism to maintain separate accounting of amnesty program information from all other

collections (e.g., forthwith and delinquent) to facilitate reporting. Refer to section 13 Accounting, question 13.3.

5	Amnesty Period
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5.1 What are the effective dates of the amnesty program?

Individuals may apply for the amnesty program between October 1, 2015, and March 31, 2017.

5.2 Can the amnesty effective dates of October 1, 2015 to March 31, 2017, be extended?

No. The program dates are set forth in Vehicle Code section 42008.8 and cannot be extended. Payment plans may extend beyond March 31, 2017, see section 10.

6	Eligibility
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6.1 What are the eligibility criteria for individuals to participate in the amnesty program (reduction only)?

Reduction criteria:

- The citation or case is filed with the court;
- The individual failed to appear or failed to pay (bail or fine) that was due on or before January 1, 2013;
- The individual does not owe restitution to a victim within the county where the violation occurred;
- The individual has no outstanding misdemeanor or felony warrants within the county where the violation occurred; and
- No payments made after September 30, 2015.

6.2 How should eligible amnesty cases be handled with misdemeanor violations of Vehicle Code section 40508(a) or (b) and Penal Code section 853.7 added to an infraction case?

Failure to appear and failure to pay violations are included in the amnesty program and are eligible if added to an underlying infraction citation that meets eligibility criteria.

6.3 Which type of victim restitution still owing makes a case ineligible for this amnesty program?

Only restitution owed to a victim by court order under Penal Code section 1202.4(f) makes a case ineligible for amnesty.

6.4 If a debtor meets the eligibility criteria under Vehicle Code section 42008.8, but has made a payment after September 30, 2015, is the case eligible for the amnesty program?

No. A voluntary payment made on the specific case(s) on which amnesty is requested after September 30, 2015, disqualifies the case from eligibility for a reduction of the outstanding amount. However, an individual's driver's license may be reinstated. (See also 17.6 for involuntary payments to the FTB.)

6.5 Are accounts receivable or installment payment plan fees under Penal Code section 1205(e) included as qualifying fees to be reduced by 50% or 80%?

Yes. Vehicle Code section 42008.8 allows prior accounts receivable or installment payment plan fees to be included in the amnesty reduction calculation.

6.6 Can an individual with two eligible amnesty cases within the same county choose which account to apply the payment?

Yes. Programs should consider consolidating and reducing the total of a participant's outstanding balance for all eligible violations, in that county.

6.7 Is a fine converted to a civil judgment eligible for amnesty?

Yes. The individual still owes the fine amount and will be eligible for amnesty if all other criteria are met.

6.8 Is a case with a court appearance made after January 1, 2013, eligible for amnesty?

Yes. A case with a payment due date prior to January 1, 2013, where an individual made a court appearance but made no payments after September 30, 2015, is eligible for amnesty.

6.9 If a payment on a case is received after September 30, 2015, is the case eligible for the amnesty program?

If payment was received and posted after September 30, 2015, the account is not eligible for a reduction of the outstanding balance, but may be eligible for the driver's license reinstatement.

6.10 If an individual agreed to a due date(s) for payment(s) on an installment account or account receivable but did *not* make a payment after September 30, 2015, is the individual's case eligible for the amnesty program?

Yes. A case may be eligible for amnesty reduction if the original due date for payment was on or before January 1, 2013 and no payments were posted after September 30, 2015.

6.11 Can amnesty be offered on those cases with payments made after September 30, 2015?

No. A voluntary payment made on the specific case(s) on which amnesty is requested after September, 30, 2015, disqualifies the case from eligibility for a reduction. However,

an individual's driver's license may be reinstated if eligible. (See also 17.6 for involuntary payments to the FTB.)

6.12 Does “violation filed with the court” mean that if a case is in collections, it does not qualify for amnesty?

No. The statutory requirement that a violation must be an infraction or misdemeanor filed with the court to be eligible means that after the ticket was issued; it was filed and processed by the court. If a citation or account is in collections with a private collection agency or county and meets the eligibility criteria, it is eligible for amnesty.

6.13 If an individual has violations in more than one county, are they required to apply for amnesty in the county where each violation occurred?

Yes. The amnesty program is specific to each county where the violation occurred.

6.14 Are collections programs required to proactively determine if cases are eligible and notify potential participants?

No. Programs are not required to determine if cases are eligible and notify participants, but may do so if resources permit. An individual should contact the court or county to initiate the process and determine eligibility.

6.15 If the individual qualifies for the amnesty reduction, do they also qualify for the release of the driver license hold released?

Yes. If the violation qualifies for the reduction, release of the driver's license is permitted.

6.16 If the individual only qualifies for the driver's license hold release, is the civil assessment waived?

No.

6.17 Can violations eligible for amnesty be resolved through traffic violator school?

No. The violation may not be resolved through traffic violator school if an amnesty reduction is approved.

6.18 How does a mandatory appearance impact eligibility for amnesty?

VC 42008.8(g) (4) expressly limits amnesty eligibility to violations where: “The initial due date for payment of the fine or bail was on or before January 1, 2013.” With the mandatory appearance violations, when a defendant fails to appear, the appearance date for arraignment may have been on or before January 1, 2013, but the bail or fine would not be due until after the defendant made an appearance in court. Although the defendant was required to appear in court before the cutoff, the violations would not be eligible for an amnesty reduction as the due date for payment of bail or a fine is not before the cutoff. If a person had a mandatory appearance on or before January 1, 2013, but the bail or fine

was due after January 1, 2013, they would be eligible only for a license hold release if they are current on a payment plan.

6.19 What if an individual has partially completed community service on an eligible citation?

The issue of incomplete community service required by statute is not addressed in section 42008.8, which addresses unpaid bail or fines. Incomplete community service should be completed if it is a statutory requirement that is imposed in addition to the fine.

Incomplete community service that was imposed in lieu of a fine could be reconverted to a fine and adjusted as part of amnesty for eligible violations.

7	Mandatory Program Components
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7.1 What type of cases with warrants can be included in the amnesty program?

Warrants issued for failure to appear or failure to pay that are added to an underlying infraction citation and warrants issued for specified misdemeanor violations, as authorized by the court and county, are included in the amnesty program.

7.2 What is the process of recalling a warrant in order to make a case amnesty eligible?

Local court procedures should be used to recall warrants.

7.3 Does an individual have the right to see a judge if he or she requests amnesty on a failure to appear case?

No. All amnesty applications are processed by program staff.

7.4 If an individual has a warrant and it is dismissed during amnesty, is the case eligible for amnesty?

Yes, if it meets the eligibility criteria.

7.5 If the collection program cannot establish the victim restitution and warrant criteria, can an amnesty payment be accepted?

Yes. Each collection program should determine if amnesty payments should be accepted when eligibility criteria cannot be verified. A sample form has been developed and is available on the web page referenced in item 2.3 above. The sample Amnesty Participation Form may be considered for use and can be modified by a collection program.

7.6 Should we deny a request to participate in the amnesty program if we have reason to believe the individual may have a misdemeanor warrant or owe restitution that we cannot verify?

Collection Program's may not deny requests to participate without verification or proof of ineligibility.

7.7 How do we handle a case that was originally filed as a misdemeanor, that was subsequently reduced by the court to an infraction? Our amnesty program is not including misdemeanors, and the legislation states that only "Infraction violations filed with the court" are eligible.

If the misdemeanor charge was reduced to an infraction by a court process (for example, a wobblette charged as a misdemeanor that proceeds as an infraction case under Penal Code section 17(d), or a plea deal in which a misdemeanor becomes an infraction for the purposes of charges and sentencing, etc.) for which the original mandatory appearance date was on or before January 1, 2013, and if the infraction is not for a charge that is otherwise prohibited by the amnesty legislation (reckless driving or DUI-related), then the infraction is eligible for amnesty. For a wobblette case, when there is a judgment after trial in absentia or referral to collections for "delinquent debt" under Penal Code section 1463.007(b)(1), the court should amend the file to reflect that court proceedings were conducted for an infraction, not a misdemeanor.

If the court process occurred after January 1, 2013, the violation will only qualify for the driver's license reinstatement. The violation will not qualify for an amnesty reduction. Any reduction to a fine for this type of infraction (i.e., one that was reduced from a misdemeanor in a court process occurring after January 1, 2013) should be processed as a fine reduction pursuant to judicial discretion instead of as an amnesty reduction.

8	Driver's License Reinstatement and Issuance
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8.1 Is it the court or county's responsibility to identify all eligible cases and release the driver's license hold?

No. The process is initiated by an application for amnesty reduction or release of driver's license hold. Once the appropriate conditions have been met, standard procedures should be utilized for notifying the DMV.

8.2 May the license hold be released if the individual is otherwise eligible for amnesty but owes victim restitution or has outstanding warrants on the other cases?

Yes. Victim restitution, under Penal Code section 1202.4, or a warrant will not make the person ineligible to get their driver's license hold or suspension lifted.

8.3 If an unpaid ticket was due on or before January 1, 2013, and the driver's license is suspended while payments are being made, can the driver license be reinstated?

Yes. The individual may be eligible for traffic amnesty if they have an unpaid ticket that was due on or before January 1, 2013, and they are meeting the terms and conditions of

their payment agreement. The court may send an abstract to DMV releasing the hold or suspension.

8.4 Is the individual responsible for paying the \$50 amnesty program fee if the violation qualifies only for release of the driver's license?

Yes. The \$50 amnesty program fee may be added and collected.

8.5 Can an individual request the \$55 DMV reinstatement fee be added to the amnesty payment plan?

No. This amount cannot be added to the payment plan and is separately collected by DMV.

8.6 Is the release of the driver's license hold an optional component of the amnesty program?

No.

8.7 Is an individual eligible for a driver's license hold release if the citation due date is September 30, 2015, or later?

Yes.

9	Optional Program Components
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9.1 Are misdemeanors eligible for amnesty?

It depends on the individual collections program. If a court and county agree, amnesty may be extended to specified Vehicle Code misdemeanors except driving under the influence and reckless driving violations. Misdemeanor warrants issued for misdemeanor violations that are authorized by the court and county may be included in the amnesty program.

9.2 If the court and county choose to extend amnesty to Vehicle Code misdemeanor violations, must the court and county enter into an MOU?

No. It is recommended that an agreement to extend misdemeanor violations be documented appropriately.

10	Amnesty Payment Plan
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10.1 If the participant does not comply with the terms of the amnesty payment plan, can a civil assessment for failure to pay be imposed?

No. Civil assessments may not be added to an amnesty balance; refer to FAQ section 11 for additional information.

10.2 If installment payments have been made on an account originally due on or before September 30, 2015, does the outstanding balance on the account qualify for amnesty?

The balance on the account qualifies for amnesty only if the last installment payment was made in person or payment was postmarked on or before September 30, 2015.

10.3 Can payment plans extend past the end of amnesty program, and if so, how long after?

Yes. Payments under an amnesty payment plan may be extended past the March 31, 2017, end date.

10.4 Can a collections program add an administrative fee to offset costs of the amnesty payment plan?

No. A collections program (including a third party vendor) *may not* add additional administrative fees to offset costs of administering an installment payment or accounts receivable plan under the amnesty program.

10.5 Is there a minimum amount the collecting entity is required to collect when an individual enters into an amnesty payment plan?

No. However, a participant's ability to pay must be a consideration when determining a payment plan structure. Community service may also be considered at the local level.

11	Default on Amnesty Payment Plan
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11.1 What if an individual defaults on the amnesty payment plan agreement?

In the event an individual defaults and does not meet the terms of the payment plan, the case's remaining balance may be referred to the Franchise Tax Board for collection, which may include wage garnishment, or to a third party vendor.

11.2 What other collection tools are available for participants who default on amnesty payment plan?

During the amnesty program period, the court and county may use other collection efforts authorized by Penal Code section 1463.007 to pursue the remaining outstanding balance under the amnesty program, except initiating driver's license suspension or hold actions.

11.3 If the individual has failed to pay the amnesty amount in full after the amnesty program ends, is the original balance reinstated?

No. The balance should reflect the reduced amount owed under the amnesty program.

11.4 If an individual fails to respond within the 30 days of notification of a default on their payment plan, are they allowed back into the program?

Yes. The individual can re-enroll in amnesty as long as they do so on or before March 31, 2017.

12	Payment Processing
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12.1 Which forms of payment are acceptable for the amnesty program?

Courts and counties may determine which forms of payment are acceptable.

12.2 If an individual makes a payment with a personal check that is returned for non-sufficient funds are they disqualified entirely or can the payment be resubmitted in another form?

The individual may make another payment using an alternative payment method.

12.3 Are civil assessments collected under the amnesty program?

No. For amnesty program purposes, any remaining civil assessment balance must be deducted from the outstanding bail or fine amount *before* any amnesty reduction calculations and *shall not* be collected.

12.4 Must a financial evaluation be completed to determine amnesty eligibility?

No. If a violation meets the eligibility criteria, the defendant must be allowed to participate in the program regardless of their ability to pay; refer to Government Code section 68633 and 68634 for guidance on determining eligibility. However, if a violation is determined to be ineligible, the amount paid is forfeited and the remaining balance should be referred to collections.

12.5 If a payment is postmarked March 28, 2017, but received after March 31, 2017, can the amnesty payment be accepted?

Yes. Payment plans may extend well beyond the March 31, 2017, program end date.

12.6 Does the amnesty program include the restitution fund fine?

Yes. The restitution fund fine is included in the outstanding balance reduction calculation.

12.7 What is the payment “due date” referenced in the eligibility criteria?

The payment due date refers to the last date set by the court for payment (e.g., the original due date, lawfully granted extension, or due date set for installment payments or accounts receivable).

12.8 If an amnesty payment is accepted and it is later determined the individual is ineligible due to unpaid victim restitution or has an outstanding warrant, can the payment be applied as a partial payment?

Yes. If an amnesty payment is accepted and it is later determined the case was not eligible, the payment should be applied to the individual’s balance as a partial payment with the remaining original balance still due.

12.9 Is debt discharged from accountability eligible for amnesty?

Yes. Court-ordered debt discharged from accountability, as authorized by Government Code section 25257-25259.95, does not constitute a release from liability for payment.

12.10 On juvenile cases that are eligible for the amnesty reduction, will the juvenile’s income be used to determine ability to pay?

No. The parent’s income should be used to determine eligibility to pay. Programs may request that a parent or guardian complete the amnesty participation form on behalf of juvenile.

12.11 May courts and counties collect the amnesty program fee in installments, rather than require full payment of the fee at the time of the first installment payment of the fine?

Yes. The relevant passage in [VC 42008.8\(i\)](#) states, “(1) Each court or county responsible for implementation of the amnesty program pursuant to subdivision (b) shall recover costs pursuant to subdivision (a) of Section 1463.007 of the Penal Code and **may** charge an amnesty program fee of fifty dollars (\$50) that **may** be collected with the receipt of the first payment of a participant.”

This allows, but does not require, the court or county to charge the full amount of the program fee with receipt of the first payment. Courts and counties have the discretion to collect the program fee in installments.

12.12 If the program fee may be collected in installments, may courts and counties collect the program fee prior to distributing the payments in accordance with Penal Code §1462.5, i.e., the Guidelines, or should each payment received be subject to distribution?

No. While the court or county has the discretion to collect the full program fee at the time of the first payment, it is not otherwise privileged. While [PC §1463.007](#) allows for the collection of the costs of operating a collection program prior to distribution of revenues, the amnesty program fee is distinct from those costs, as seen in VC §42008.8(i)(1) above.

If the collecting agency foregoes its option to collect the full program fee at the time of the first payment and includes it as part of an installment payment plan, the program fee should be treated as any other assessment or fee levied in connection with a fine. It should be included in the distribution of each payment received on a pro-rata basis, as specified by [PC §1462.5](#).

13	Accounting
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13.1 Where is amnesty revenue deposited?

Payments collected under the amnesty program do not change where a court or county deposits the funds. Revenue should be deposited in the county treasury or an account established pursuant to Government Code section 77009, based on legislation or an individual court and county memorandum of understanding.

13.2 Is the \$50 amnesty program fee retained locally or remitted monthly with the TC-145 or TC-31?

The \$50 amnesty program fee is retained locally, by either the court or the county, and is not to be remitted to any state-level entity.

13.3 How should amnesty program revenue and expenses be accounted for?

For trial courts, “Traffic Amnesty 2015” WBSE’s have been established in the Phoenix financial system. The WBSE number is O-BA9501, where BA is a 2-digit court business area. If you would like to add project manager and/or derivation rules information to the “Traffic Amnesty 2015” WBSE for your court, please e-mail TCAFS.ProjectRequest@jud.ca.gov. All other Phoenix questions should be directed to your General Ledger Lead.

Counties should establish separate tracking and accounting processes.

13.4 May collection programs deduct amnesty operating costs from all delinquent court ordered debt revenues collected by the program?

Yes. Collection programs may deduct amnesty operating costs from any revenues collected as part of their comprehensive collections program, not just from revenues generated by amnesty collections. This includes all delinquent court-ordered debt collection revenues excluding only monies not subject to cost recovery, such as victim restitution.

14	Distribution
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14.1 If partial payments have been made, how is an amnesty payment distributed?

If partial payments have been made, the amnesty payment should be distributed on a pro rata basis.

14.2 Are programs required to perform separate distributions (e.g., one for “regular payments” and another for “amnesty payments”)?

No. A significant impact on local revenue distribution is not anticipated. The State Controller’s Office (SCO) published reporting guidance detailing how specific amnesty revenues should be distributed. Additionally, the SCO updated the TC-31 Remittance Advice form, which added a separate line item (*State Penalty Fund-Vehicle Code 42008.8—Amnesty*). Programs will identify and report State Penalty Fund amnesty revenues in this line item. All other amnesty related revenues should be distributed in the same manner as partial payments.

All State Penalty Fund distributions related to amnesty-specific revenues should be reported under the *State Penalty Fund-Vehicle Code 42088.8 – Amnesty* row, as noted below:

State Penalty Fund - Penal Code 1464
Penal Code 1464(b) State Penalty Fund - Traumatic Brain Injury - Vehicle Code 27315
State Penalty Fund - Vehicle Code 40611 State Penalty Fund - Proof of Correction
State Penalty Fund - Penal Code 1464 - Fish & Game Assessment
State Penalty Fund - Vehicle Code 42008.8 - Amnesty

Distributions associated with non-amnesty collections revenue should be made consistent with standard practice and TC-31 guidance. Questions specific to the TC-31 should be directed to the appropriate SCO section contact.

14.3 How is revenue collected under the amnesty program distributed?

Revenue collected under the amnesty program shall be distributed on a pro rata basis in the same manner as a partial payment distributed under Penal Code section 1462.5.

14.4 Does the court distribute 82.2% and 17.8% of the fine amount collected to the Peace Officers Training Fund and Corrections Training fund?

No. The court should remit gross revenue collected and separately report amnesty-related State Penalty Fund distributions. The State Controller’s Office will take care of any special distributions identified in the statute. Refer to FAQ 14.2 for additional information.

14.5 Is the reduction in amount collected (50% or 80%, as prescribed) to be applied proportionally among all fines, fees, penalties, and assessments originally levied, so that each component of the total fine receives 20% or 50% of the original, or does the reduction apply only to the total amount collected, with the money to be distributed according to the priority order established in Penal Code (PC) §1203.1d?

The reduction of 50% or 80% in the total fine collected is to be applied proportionally among all components of the fine or bail.

VC §42008.8(l) states in relevant part:

- (1) *The total amount of funds collected under the amnesty program shall, as soon as practical after receipt thereof, be deposited in the county treasury or the account established under Section 77009 of the Government Code. After acceptance of the amount specified in subdivision (h), **notwithstanding Section 1203.1d of the Penal Code**, the remaining revenues collected under the amnesty program shall be distributed on a **pro rata** basis in the same manner as a partial payment distributed pursuant to Section 1462.5 of the Penal Code.*

Penal Code §1462.5 states that:

“[e]ach installment or partial payment of a fine, penalty, forfeiture or fee shall be prorated among the state and local shares according to the uniform accounting system established by the State Controller pursuant to Section 71380 of the Government Code.”

Each component of the total fine is to be reduced by 50% or 80%, as specified, and distributed according to the *Trial Court Revenue Distribution Guidelines*. The order of priority in PC §1203.1d is explicitly disregarded.

15	Reporting Requirements
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15.1 Will the amnesty program be monitored?

Yes. Courts and counties are required to report amnesty program information to the Judicial Council on a quarterly basis.

15.2 Are collection programs required to report on the amnesty program?

Yes. Each court or county collection program must jointly submit the Amnesty Program Collections Report on a quarterly basis as outlined in the Amnesty Guidelines (p.8). The report must include monthly data on the number of cases resolved, the amount collected, and the operating costs. Additional program elements should be reported to the extent possible.

15.3 What is the difference between operating cost and recovered cost in the Amnesty Program Reporting Template?

The operating cost is the total amount expended for administering the program and the recovered cost is the total amount deducted from each revenue fund prior to distribution.

15.4 Must amnesty collections be reported in both the Amnesty Program Collections Report and the Collections Reporting Template?

Yes. Revenues collected under amnesty must be reported in the quarterly Amnesty Program Collections Reports as well as included in the FY 2015-16 and FY 2016-17 annual Collections Reporting Templates.

15.5 If a payment is received during amnesty, but later determined ineligible, is it reported on the Amnesty Program Collections Report?

No. The amount collected should be reported in the Collections Reporting Template under regular delinquent collections.

15.6 When is the Amnesty Program Collections Report due?

The Amnesty Program Report is due as follows and should include data for the specified months:

- January 31, 2016 (October - December 2015)
- May 31, 2016 (January - April 2016)
- September 30, 2016 (May - August 2016)
- January 31, 2017 (September - December 2016)
- May 31, 2017 (January - March 2017, Final Report)

16	Amnesty Program Action Plan
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16.1 Who will create amnesty outreach materials?

The Judicial Council developed a resource webpage for potential participants as well as a separate webpage for entities administering the program. An informational YouTube video was also produced, which can be translated (closed captioning) into 52 languages. The Department of Motor Vehicles is also producing an insert, translated into the 9 most commonly used languages at DMV offices and call centers, which will be placed in all vehicle registration reminders throughout the course of the program. DMV will also post information on their webpage. Advocacy groups and community organizations will likely be a lead role in helping to promote the program.

16.2 When will outreach materials be distributed?

Program and outreach materials can be accessed here:

<http://www.courts.ca.gov/partners/941.htm>.

17	Third Party Collections
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17.1 Can a collection program refer eligible amnesty cases to its current private collection agency for collections?

Yes. A collection program may refer amnesty-eligible cases to its existing private vendor, under the Statewide Master Agreement.

17.2 Will the FTB-COD program participate in the amnesty program?

Yes. The FTB-COD program will participate in the amnesty program by accepting the referral of cases from courts and counties in which an individual has defaulted on an amnesty payment plan.

17.3 What should a court or county do if an individual makes a payment on an amnesty-eligible case that is currently with a third party vendor?

Courts and counties need to develop a local process to accommodate the payment and notify the vendor.

17.4 If the FTB-COD accepts a partial payment on an amnesty-eligible case during the amnesty period, are they entitled to commission?

Yes. The FTB-COD may charge a reasonable administrative cost (up to 15%).

17.5 How many notices is the court required to mail to a participant if payment is late?

At least one notice must be sent upon late payment, but multiple notices can be mailed to an individual that does not comply with the terms of payment. The individual will have 30 days to bring the account current or request a modification on the terms.

17.6 If a payment is made to the Franchise Tax Board’s Tax Intercept program (FTB-IIC) after September 30, 2015, does that make the violation ineligible for amnesty?

If an individual applies for amnesty and would be eligible *but for* the FTB-IIC involuntary payment (i.e., intercepted tax return), the program should recall the case from the FTB and the account balance may be deemed eligible to participate in amnesty. A refund of intercepted funds is not required and the reduction is only eligible for the remaining balance.

Example No. 1:

Carrie Customer goes to the court upon realizing that her tax return was intercepted for unpaid tickets. She comes to your program asking for relief under amnesty. You determine that the only issue with her account is the fact of the FTB intercept. Otherwise, she would qualify for amnesty (i.e., payment for her violations was due on or before January 1, 2013; she owes no outstanding victim restitution; she has no outstanding misdemeanor or felony warrants; and, she made no payments (other than her intercepted tax returns) after September 30, 2015). Carrie’s account should be recalled from the FTB, and the remaining balance should be eligible for amnesty.

Example No. 2

Karl Customer goes to the court upon realizing that his tax return was intercepted for unpaid tickets. He comes to your program asking for relief under amnesty. You determine that, in addition to the fact that his account was already sent to FTB, Karl *would not* have qualified for amnesty (i.e., payment for his violations was due *after* January 1, 2013; *or*, he owes victim restitution; *or*, he has one or more outstanding misdemeanor or felony warrants; *or*, he made payments (other than his intercepted tax returns) after September 30, 2015). Karl’s account should *NOT* be recalled from the FTB, and he should *NOT* be allowed to participate in the amnesty program.

17.7 Can a third party vendor reduce an amnesty-eligible fine or bail?

Yes. Vendors may reduce an outstanding fine or bail and waive any and all civil assessment amounts, as applicable, if given written authority to collect amnesty-eligible payments.

17.8 Will the third party vendor commission be based on the full fine amount or on the amnesty-reduced amount?

Any vendor that collects amnesty payments will be paid commission based on the amount collected. For example, if an \$800 fine is reduced by 50% and the vendor collects \$400 under the amnesty program, the vendor’s commission will be based on the \$400 collected.

17.9 Is there a minimum balance amount required by the FTB-COD before it can collect on an amnesty case?

Per the FTB, the sum total amount per an individual's account (may include multiple citations) must be at least \$100. The minimum balance on any given case is \$25.

18	Miscellaneous
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18.1 Is the sample Amnesty Program Participation Form required?

Use of the sample Amnesty Program Participation Form is not mandatory. However, it is a tool that may be used to determine eligibility and track amnesty cases for reporting purposes.

The sample **Amnesty Program Participation Form** is located on the partner site, <http://www.courts.ca.gov/partners/941.htm>, or can be requested by e-mail at amnesty@jud.ca.gov.

18.2 Can the Amnesty Program Participation Form be taken over the phone?

It depends on the program. Programs can set local processes for allowing a participant to enroll in the program. However, keep in mind the varying program components may require an individual to attest the information provided is correct under penalty of perjury. Example: when a participant is seeking an 80% reduction of outstanding debt he/she must:

1. Certify under penalty of perjury that they receive the specified public benefits;
2. Live below the current poverty levels (consistent with Government Code section 68632).

19	Program End
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19.1 What is the cut-off date by which someone who already has been determined to be eligible for amnesty must sign up for a payment plan?

There is no specific cut-off date in the statute to sign up for a payment plan if the person applied for amnesty on or before April 3, 2017. Keep in mind the specific court operations and procedures to facilitate amnesty (including but not limited to waiving the amnesty program fee) are discretionary once the case is deemed eligible.

19.2 If a defendant was qualified to participate in the Amnesty Program, but has not paid in full or set up a payment plan by April 3, 2017 because he/she was incarcerated or in rehab, are they still eligible for amnesty?

Yes. Once the account qualifies for amnesty, that account is part of amnesty and there is no cut-off date in the statute to pay the reduced amount in full or sign up for payment plan.

19.3 Regarding applications that are received via mail, would we consider the application timely if the postmark is on or before April 3, 2017? What about if the postmark is dated after April 3, 2017? What about the date that the court actually received the application?

If the correspondence is postmarked on or before April 3, 2017 then the participation form is considered timely and should be accepted.

19.4 If the individual fails to pay after April 3, 2107, should the court continue to mail the amnesty failure to pay (FTP) letter as required during the program, or is a standard failure to pay letter sufficient?

The code does not require mailing of amnesty specific FTP notices, so the standard notices are sufficient. However, the amounts under amnesty should not be increased.

19.5 Should the court continue to track the statistics as required during the program, just in case they should be needed?

Courts and counties are required to submit final amnesty program data on or before May 31, 2017. It is recommended, but not required, that programs develop a mechanism for maintaining separate accounting of amnesty program information from other collections (e.g., forthwith and delinquent) to facilitate reporting on the Collections Reporting Template.

19.6 Should recovery of amnesty program operating costs be allocated only from amnesty revenues?

No. Collections programs should maintain a separate accounting of all amnesty revenues, operating costs, and costs recovered for the amnesty program, but programs may recover amnesty expenses from amnesty revenue and non-amnesty delinquent collections revenues pursuant PC 1463.007. Costs cannot be rolled over and must be recovered in the same fiscal year in which the costs were incurred. As such, costs associated with amnesty that have not been recovered from amnesty revenue should be recovered from standard collections by June 30, 2017. [See Guidelines on Cost Recovery.](#)

19.7 When does reporting amnesty revenues separately on the TC-31 (e.g., State Penalty Fund distribution) end?

According to the State Controller's office, VC 42008.8, as amended by the amnesty bill (Stats. of 2016, Ch. 779), states that "[f]or applications submitted on or before March 31, 2017, all terms and procedures related to the participant's payment plans shall remain in effect after March 31, 2017." Those terms and procedures include the distribution specified in subdivision (l), namely the pro rata distribution of revenues in the same manner as a partial payment per Penal Code §1462.5, and the distribution of state penalty fund revenues into the two specified funds (Peace Officers' Training Fund and Corrections Training Fund). This means that as long as an individual is participating in the amnesty payment plan authorized by VC §42008.8, the funds shall continue to be distributed in accordance with that code section's provisions. This includes reporting the distribution to the state penalty fund on the line for VC §42008.8 on the TC-31.

19.8 Should amnesty transactions occurring in April (April 3 plus any others received timely, but processed after April 3) be included in March figures, or should another line be added on the report for April?

Please add a line to the Amnesty Program Report and include all April amnesty transactions.

19.9 Will the periodic Amnesty Program Report be required after May 31, 2017?

No. However, programs should report amnesty program collections on the Collections Reporting Template, until the amnesty amount is paid in full. To the extent possible, information on the total revenue collected, costs recovered, and the number of cases resolved should be included in the Performance Report portion of the Collections Reporting Template.

19.10 Amnesty FAQ 11.2 states that during the amnesty program period the license suspension/hold cannot be initiated if the individual defaults on their amnesty payment plan. If the individual does not become current with their payment plan after April 3, 2017, the end of the amnesty period, can a hold be placed on the license for failure to pay?

No. If hold on the driver's license renewal was lifted under the amnesty program, even if the individual defaults on payments), a hold for failure to pay cannot be placed on driver's license—this applies during and after the amnesty program ends.

19.11 With the Amnesty Program ending on April 3, 2017, is the Court required to accept initial payments for amnesty after April 3 as long as a debtor's Amnesty Participation form was received on or before that date? Yes.

19.12 If an individual submitted the amnesty participation form, but never satisfied the payment requirements of the program fee or fine amounts or, in the instance where a participation form was received via mail without payment, but postmarked by April 3, 2017, must the court contact the debtor to collect payment to close out the case?

Yes. In both instances, the court should process these cases using established procedures for delinquent collections cases; e.g., mailing of notice(s) and allowing specified number of days for individual to respond by either appearing or paying. Under amnesty, the court is required (by the guidelines) to confirm eligibility on individual cases based on criteria established by VC42008.8 upon contact by an individual. Therefore, the court should mail notice(s) and set a payment due date, as you would with any other collections case.

19.13 After the program ends, if an individual who submitted the participation form but never satisfied the payment requirement calls to pay or have their DL reinstated, is the court obligated to grant amnesty reduction or DL release?

If the participation form was submitted/postmarked on or before April 3, the answer is yes. If the participation form was submitted after the deadline, the answer is no.