



CAPs and Traffic Violator Fees

REPORT TO THE LEGISLATURE ON
VEHICLE CODE SECTION 11205.4

MAY 10, 2005



ADMINISTRATIVE OFFICE
OF THE COURTS

OFFICE OF GOVERNMENTAL AFFAIRS

CAPS AND TRAFFIC VIOLATOR FEES REPORT

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Background

The Judicial Council submits this report to the Legislature pursuant to California Vehicle Code section 11205.4. That section requires the Judicial Council to collect information from the courts and report to the legislature by June 1, 2005, concerning: (1) how courts work with traffic violator schools (TVS), court-approved programs of traffic safety instruction (CAPTSI), and court assistance programs (CAP); (2) how courts collect fees from traffic violators to fund TVS programs and other CAPTSI; (3) how courts expend the fees they collect from traffic violators under the statutes that govern TVS programs and other CAPTSI; and (4) possible approaches to establishing a fiscal policy for the “CAP fee” charged under Vehicle Code section 11205(m).

Under Vehicle Code section 42005, courts may order or permit *convicted* traffic offenders to attend TVS. In addition, a court may order an *alleged* traffic offender to attend a TVS or CAPTSI in lieu of adjudicating the traffic offense. TVS are brick and mortar traffic schools that are licensed by the Department of Motor Vehicles (DMV) pursuant to chapter 1.5 (commencing with section 11200) of division 5 of the Vehicle Code. On the other hand, CAPTSI are traffic schools not licensed by the DMV, typically because the school is Internet- or home-based and, thus, does not fall within the ambit of DMV regulation.¹ Because the DMV does not regulate or monitor CAPTSI, courts that permit them are responsible for their regulation and monitoring. Some courts utilize a CAP to provide such monitoring, and fund the costs from fees or from the court’s operating budget.²

Courts routinely contract with CAPs to administer their TVS or CAPTSI programs, or both. In this regard, CAPs typically provide the following services to courts:

(1) compiling referral lists of approved TVS and CAPTSI within the court’s jurisdiction, (2) monitoring TVS and CAPTSI for the court, and (3) processing traffic violators that wish to attend a TVS or CAPTSI. Courts are allowed to charge traffic violators a “CAP fee” to “defray the costs incurred by the [CAP] for the monitoring reports and other services provided to the court.”³ The Vehicle Code does not specify a maximum amount for the CAP fee, leaving this determination to the courts.⁴

Definition of CAP

Vehicle Code section 11205.2(a) defines a CAP as “a public or private nonprofit agency that provides services, under contract with a court, to process traffic violators.” As used in the statute, the term “services” refers to “those services relating to the processing of traffic violators at, and for, the court.”⁵ By its express terms, then, the statute does not limit court utilization of CAPs to the processing of traffic violators who wish to attend TVS or CAPTSI. Rather, the statute appears to allow the processing of *all* traffic violators, suggesting that courts may use CAPs for

¹ See Veh. Code, § 11202(a), which states that the DMV may only issue a license to operate a traffic violator school if the school *maintains an established place of business that is open to the public*.

² See Veh. Code, § 11205(l).

³ Veh. Code, § 11205(m).

⁴ *Ibid.*

⁵ Veh Code, § 11205.2(b).

services unrelated to TVS or CAPTSI. Questions have been raised, however, regarding whether the CAP fee can be used to fund services unrelated to a court's TVS or CAPTSI program. A literal reading of the statute suggests that it can. Vehicle Code section 11205(m) generally provides that the court can charge a CAP fee to "defray the costs incurred by the [CAP] for the monitoring reports *and services provided to the court*" (emphasis added). This language seems to imply that CAP fees can be used for all services that a CAP legitimately provides to a court.

Data Collection

This section briefly describes how the Administrative Office of the Courts (AOC) collected the data used in this report.

AOC staff first spoke with interested stakeholders to determine what information would be needed to carry out the mandates of the study. AOC consulted both court and legislative staff, as well as representatives from the CAP and traffic school industries. Based on the information that was received, staff generated a survey instrument consisting of 27 questions to be completed by courts. The survey was transmitted to courts on January 24, 2005. Courts were given approximately two weeks to complete and return the questionnaire. Responses were received from 52 of the 58 county courts. The courts that did not respond were Inyo, Madera, San Bernardino, Santa Barbara, Sierra, and Tehama.

The "Findings" section of this report contains a summary of the data received. Appendix A contains a copy of the survey instrument that was sent to courts. A compilation of the raw data is also available on request from the Judicial Council.

Findings

Summary of Findings

The survey results make immediately apparent the considerable variation among courts in the level and types of services offered to traffic violators. For example, of the 53 responding courts⁶ only 30 utilize a CAP; of these 30 courts, only 22 charge a CAP fee.

CAP fees ranged from \$2 to \$15 and are specific to the court, not the CAP.⁷ Moreover, while 21 courts indicated that they allow traffic violators to attend either a DMV-licensed TVS or a CAPTSI, 4 courts indicated that they allow only traffic violators to attend a DMV-licensed TVS.⁸

This lack of uniformity is not surprising considering the open-endedness of the statutes relating to traffic school programs and CAPs, together with the fact that courts that contract with CAPs use different CAPs to provide traffic violator services. Courts are currently contracting with four separate CAPs, all of which offer distinct levels and types of services that are not really

⁶ In the Superior Court of Nevada County, the Truckee District has a CAP, whereas the Nevada City District does not. Throughout this report, the Superior Court of Nevada County is treated as two separate courts.

⁷ Currently, four different CAPs are being used by courts.

⁸ The 28 other courts that participated in the survey did not indicate whether they had a preference among TVS or CAPTSI.

comparable or interchangeable. Disparities exist even among courts that use the same CAP. What the survey results show is that each court-CAP relationship is different, with each CAP providing a customized package of services to each court it serves.

The controlling statutes also contribute to the lack of uniformity. The language of many of these statutes is open-ended and ambiguous. For example, Vehicle Code section 11205(m) states that until December 31, 1996, CAP fees shall not exceed the actual cost incurred by the CAP or \$5, whichever is less. Does this mean that post-1997 CAP fee revenues can properly exceed expenditures? It appears so, but the statute is silent on the issue.

Another issue clouded by ambiguity is whether CAP fees can be used to fund CAP services that are not related to TVS or CAPTSI programs. Vehicle Code section 11205.1 makes clear that CAP fees can only be charged to traffic violators who have agreed to (or been ordered to) attend a TVS or CAPTSI. Consequently, one might assume that the Legislature intended to limit CAP fee expenditures to fund only those services related to a court's TVS or CAPTSI programs, yet that is not how the relevant statute is written. Rather, Vehicle Code section 11205(m) explicitly states that CAP fees can be used to fund *all* services that a CAP legitimately provides to a court. On the one hand, the fact that section 11205(m) is situated among statutes that deal primarily with TVS and CAPTSI programs suggests a possible mistake in drafting. On the other hand, the language is clear—CAP fee expenditures are not limited to TVS or CAPTSI programs.

Despite the significant variance in the procedures that courts use to serve traffic violators and regulate traffic school programs, the AOC survey found that court practice was, in almost all situations, entirely consistent with statute. Only a few instances of questionable practice were identified:

- Four courts reported that all traffic violators (regardless of whether or not they attend traffic school) are charged the \$24 fee authorized by Vehicle Code sections 42007(a) and 42007.1, yet section 42007(a) directs courts to impose the fee only on those persons ordered or permitted to attend a TVS or CAPTSI. In a sense, all convicted traffic violators are eligible for traffic school if a court so orders,⁹ so imposition of the \$24 fee on all traffic violators is arguably justified. Although conceivable, this is probably an excessively expansive reading of the statute.
- In another court that does not utilize a CAP, all traffic violators wishing to attend traffic school are charged a \$5 “administrative fee.” The court cites Vehicle Code section 11205(m) as authority for the fee; however, that section governs CAP fees and authorizes the fee only to defray the costs incurred by a CAP. If the court does not contract with a CAP, it probably should not use this code section to justify its fee.

⁹ See Veh. Code, § 42005(a).

- One court charges an unrelated administrative fee of \$15 to all traffic violators, citing Vehicle Code section 40508.6 as authority. While the court can properly charge this fee under that section, the language caps at \$10 the maximum amount a court can charge.

Another theme apparent from the responses to the survey is that courts utilizing CAPs were generally satisfied with the services their CAP provides. One court states:

“Traffic School is a specialized area of the Traffic Division and it is advantageous to the customer for the CAP to train staff to exclusively handle all functions involved with the processing of Traffic School documents. This allows the Court to provide excellent customer service to all Traffic School customers on a consistent basis. Staff are trained to be ‘Traffic School Experts’ and are thus able to provide efficient and swift service to Court customers.”

Another court comments:

“CTSI monitors the traffic school programs for the court. The court would not be able to do that and probably would consider dropping the program completely without its assistance. This is also true of the two clerical staff that we are allowed to have and use for traffic school.”

Although many courts indicated satisfaction with their CAPs, the survey responses also reveal that many of these courts knew little about the services provided by their CAPs or whether their CAPs were actually providing the services listed in their contract.

A. Courts That Use CAPs

Of the 53 courts that responded to this survey, 30 reported using a CAP. Of these 30 courts, 22 charged a CAP fee. CAP fees range from \$2 to \$15, depending on the court. Four different CAPs are used by the courts that responded to the survey: California Traffic Safety Institute (CTSI); Coordinated Court Services (CCS); National Traffic Safety Administration (NTSA); and the Housing Authority of the County of Los Angeles (HACoLA), which exclusively serves the Superior Court of Los Angeles County.

A description of each CAP and the services they provide follows.

California Traffic Safety Institute (CTSI)

This CAP is currently used by 18 courts. All but 1 of these courts charge a CAP fee.

RFP Process

Eight CTSI courts used an request for proposal process while 10 did not. There was considerable variation in the frequency with which the contracts were put out to bid, ranging from “once every two or three years” to “never.”

Adjusting the CAP Fee

Twelve courts reported having increased the CAP fee at some point, to pay for additional staff, cover increases in operational costs, or handle increased workload.

Administrative and Clerical Services Provided by the CAP

In 15 courts, CTSI provides counter staff to assist traffic violators who wish to attend a traffic school program. In 5 courts, CTSI staff are used to perform other duties related to processing traffic citations, in full-time equivalents (FTEs) ranging from 0.1 to 3.3. In 3 courts the CAP performed few administrative and clerical duties, whereas in the other 15 courts the CAP provided all or nearly all the administrative and clerical duties listed in question 12A of the survey.

Traffic School Monitoring

CTSI performs almost all of the monitoring activities described in the questionnaire. Some courts, however, indicated that the CAP did not audit the financial records of DMV-licensed TVS, which, although permitted, is not required. In terms of monitoring frequency, the CAP provided a boilerplate response for all their client courts, stating that the CAP followed the DMV 400-minute curriculum rule and conducted clandestine monitoring of home study programs every 90 days or sooner.

Equipment and Supplies

Eleven courts reported that CTSI did not provide any equipment or technology. Seven courts reported that the CAP provided some sort of equipment or technology, such as computer

hardware or software, or office supplies. In some cases, the equipment (for example, credit card machines, headsets) was donated to the courts by the CAP.

Choosing Which Schools Appear on the Referral List

CTSI provided a boilerplate response, stating that traffic school programs are added in compliance with Vehicle Code section 11205(l) and that all decisions to add or remove a school are made by the court.

Processing Certificates of Completion

Six CTSI courts did not require that the CAP process the certificate of completion within a particular time frame. The other 12 required processing with a certain period, ranging from “in a timely manner” to one day to one week.

Expedited Handling of Traffic Citations

CTSI does not offer this service.

Coordinated Court Services (CCS)

This CAP is currently used by eight courts. Four of these courts charge a CAP fee.

RFP Process

Three of the eight CCS courts used a request for proposal process to contract with their CAP.

Adjusting the CAP fee

Two CCS courts reported that they had previously increased the CAP fee.

Administrative and Clerical Services Provided by the CAP

CCS provides staff to assist traffic violators who wish to attend traffic school to three of the courts that charged a CAP fee. CCS provides other administrative and/or clerical services, but there was no consistent pattern in services offered. Courts that charged a CAP fee were provided with slightly more services, compared to courts that did not.

Traffic School Monitoring

The four CCS courts that charged a CAP fee reported that CCS performed all the monitoring activities detailed in the survey questions. Of the four courts that did not charge a CAP fee, two reported that CCS provided unspecified monitoring, and two reported that their contracts with CCS required monitoring, but they were not sure whether the monitoring was being performed.

Equipment and Supplies

No equipment or technology were provided.

Choosing Which Schools Appear on the Referral List

Most CCS courts responded that walk-in schools must meet DMV curriculum requirements, and home-study schools had to provide a curriculum similar to that of walk-in schools.

Processing Certificates of Completion

Only one CSS court required that certificates of completion be processed in a certain time frame. The timeframe is five working days.

Expedited Handling of Traffic Citations

Five courts reported that the CAP offers expedited handling of traffic school certificates. The service offered is overnight mail and it costs \$20. In one court, traffic violators could also select electronic processing for a \$10 fee. The CAP reported that overall, 3.4 percent of traffic school attendees request expedited service.

National Traffic Safety Administration (NTSA)

This CAP is currently used by three courts, none of which charges a CAP fee.

RFP Process

Only one of the three NTSA courts used a request for proposal process, putting the contract out to bid once every three years.

Adjusting the CAP fee

N/A

Administrative and Clerical Services Provided by the CAP

NTSA prepares traffic school completion certificates and publishes a list of court-approved traffic violator schools. Two courts also reported that NTSA provides home-study course review and approval, and also serves as a final examination site for individuals who attend CAPTSI.

Traffic School Monitoring

NTSA reviews the curriculum of CAPTSI and, in the case of two courts, reviews the curriculum standards that are approved by those courts.

Equipment and Supplies

No equipment or technology were provided.

Choosing Which Schools Appear on the Referral List

Each school is given a list of the court-approved course standards and is monitored to make sure they are meeting the standards. Schools that meet the court's standards are placed on the referral list.

Processing Certificates of Completion

Two courts required that NTSA process the certificates within 24 hours.

Expedited Handling of Traffic Citations

NTSA does not offer this service.

Housing Authority of the County of Los Angeles (HACoLA)

The Housing Authority has established within itself a traffic school monitoring unit to provide CAP services to the Superior Court of Los Angeles County. HACoLA serves only this court.

RFP Process

HACoLA provides CAP services to the Superior Court of Los Angeles under a noncompetitive bid process.

Adjusting the CAP Fee

The CAP fee was last adjusted in September 2003 to provide additional monitoring services as well as to match services and fees charged by other courts.

Administrative and Clerical Services Provided by the CAP

HACoLA reviews and publishes a list of traffic school programs, evaluates home-study traffic school applications, and addresses student complaints.

Traffic School Monitoring

HACoLA performs all the monitoring activities listed in the questionnaire. It also audits the financial records of CAPTSI.

Equipment and Supplies

No equipment or technology were provided.

Choosing Which Schools Appear on the Referral List

Schools must submit an application to HACoLA. Walk-in schools must be DMV-approved, and home-study programs must adhere to the court's established criteria.

Processing Certificates of Completion

None is done.

Expedited Handling of Traffic Citations

N/A

B. Courts That Do Not Contract With CAPs

A total of 23 courts responded that they do not have a CAP.

Of the 23 courts that have no CAP, only 1 charges an administrative fee to traffic violators wishing to attend a traffic safety program. The fee is used for administrative duties, including providing one FTE to assist traffic violators in signing up for traffic school, handle some supplies, and monitor TVS and/or CAPTSI. The total expended by the courts for these services was reported as \$237,718.13. Interestingly, revenue generated from the CAP fee (\$5 multiplied by 25,823 persons reported as having signed up for traffic violator school) is only \$129,115,

suggesting that the court must be using funds from its operating budget to make up for the discrepancy. The court cites Vehicle Code section 11205(m) as the authority for the fee. This may be improper practice, however, as that section governs CAP fees and authorizes the imposition of the fee only to defray the costs incurred by a CAP.

The remaining 22 courts responded that they pay for the processing of traffic violators who wish to attend traffic school out of existing resources. In some cases, the courts restricted traffic violators to only attending schools that appeared on the DMV referral list, thus relieving the courts of the burden of monitoring court-approved programs. Most of these courts (17 out of 23) are small, rural courts.

C. Identity Verification

Question 22 of the AOC survey asked courts whether students who had completed a CAPTSI had to verify their identity before taking their final exam.

- A total of 21 courts indicated that identity verification was required.
- In all, 24 courts indicated that identity verification was not required.
- For 6 courts, this question was not applicable because these courts do not permit traffic violators to attend CAPTSI.
- The remaining 2 courts were not sure whether their CAP required identity verification.

Question 23 of the survey asked those courts that utilize identity verification to indicate the entity that required that identity be verified.

- The court required it (9 courts).
- The CAP required it (4 courts).
- Both the court and the CAP required it (2 courts).
- The CAPTSI required it (5 courts); 4 of these courts had no CAP, and the other contracted with CTSI.
- The court and the CAPTSI required it (1 court).

Question 24 of the survey asked courts to identify the specific methods that students can use to verify their identity before taking the final examination. The following responses were received:

- Some courts required students to take their final exam at an alternate site or third-party location where their identity can be verified. Examples included Mail Boxes Etc., Fed Ex Kinko's stores, and county libraries.
- Some required students to take the examination in the presence of a notary.
- Some required students to take the examination on a secured Web site.
- Some required students, before taking the final examination, to verify their identity under penalty of perjury.

- Two courts indicated that their CAP of choice, NTSA, requires each student to incorporate personal security questions when signing up for a course to verify their identity. NTSA further requires the course provider to develop course-specific questions about their course provider that are integrated into NTSA’s final exam.

Identity verification fees ranged from \$0 to \$10.00, with one court reporting a fee of \$22.50.

D. Revenue and Expenditure Information

Of the 23 courts that charge a CAP or “administrative fee,” 21 courts provided complete revenue and expenditure data for fiscal year 2003–2004. Revenue was calculated by multiplying the total number of persons who indicated that they wished to attend traffic school by the CAP or administrative fee charged by the court. Appendix B contains a chart of all the revenue and expenditure information that was received.

A total of 12 courts reported positive net revenue (revenue minus expenditures); as a percentage of total revenue, net revenue for these courts ranged from 5.8 percent to 58 percent. In some cases, the net revenue probably serves as the CAP’s fee for the services it provides. One court showed revenues matching expenditures. Nine courts reported negative net revenue (expenditures higher than revenue); as a percentage of total revenue, the net revenue for these courts ranged from –0.7 percent to –84.1 percent. In some of the courts, it may be that CAP revenue is now insufficient to cover expenses and needs to be adjusted, particularly for those courts where the CAP provides counter staff.

Suggested Approaches to Setting a Fiscal Policy for CAP Fees

A. Introduction

Concerns have been expressed regarding the amount of the fee charged in some courts and who should properly be charged the fee. With respect to the amount of the fee, discussions within the Legislature have focused on how to reach a proper balance between CAP fee revenues and expenditures.

To address these issues Vehicle Code section 11205.4 instructs the Judicial Council to recommend one or more approaches to setting a fiscal policy for CAP fees. Although this section is narrowly tailored to CAP fees, the survey demonstrates that to sufficiently attend to the CAP fee issue, the traffic school system should be examined in toto. Thus, the recommendations/proposals that follow necessarily address matters that are related to the CAP fee but that do not directly involve the CAP fee itself.

Although many of these recommendations already represent existing court practice, the Administrative Office of the Courts may wish to explore adopting them as fiscal policies. As an alternative, the Legislature might also look to revising the statutes controlling CAP fees so as to more clearly articulate state policy with respect to these fees.

B. Proposals

Issue: Who should be charged the \$24 fee authorized by Vehicle Code section 42007.1?

Proposal: Consistent with Vehicle Code section 42007(a), the \$24 fee should only be collected from persons who are ordered by the court or permitted to attend a traffic violator school pursuant to Section 42005 or who attends any other court-supervised program of traffic safety instruction.

Issue: Who should be charged the CAP fee?

Proposal: The CAP fee should only be charged to those individuals who have been permitted or agreed to attend a TVS or CAPTSI.

Issue: How should courts determine the amount of the CAP fee?

Proposal: The CAP fee is intended to defray costs. The amount of the CAP fee collected should be related to the actual costs incurred by the CAP in providing services to the court, and the actual costs incurred by the court in operating its traffic school program. Any CAP fee adjustments should be justified by tangible data demonstrating the need for that adjustment.

Issue: For what functions may CAP fee revenues be properly spent?

Proposal: CAP fee revenues should be spent (1) for services that a CAP is authorized to provide a court and (2) for other costs that a court incurs in operating its traffic school program.

Issue: What requirements must a court meet to charge traffic violators a CAP fee?

Proposal: The Judicial Council should seek amendments to the relevant statutes to allow courts that offer traffic school services to charge a CAP fee regardless of whether they utilize a CAP.

Issue: Should all courts that use a CAP institute a CAP fee?

Proposal: The CAP fee is intended to defray costs. Courts that use a CAP should be strongly encouraged to collect a CAP fee to mitigate their costs.

Issue: Should courts engage in a competitive bid process with prospective CAPs before choosing which CAP to contract with?

Proposal: Courts should contract for CAP services in accordance with existing Judicial Council procurement policies, as outlined in Section 6- FIN 6.01 of the *Trial Court Financial Policies and Procedures Manual*.

Issue: Should courts keep a record of the monitoring activities performed by their CAPs?

Proposal: Yes, CAPs should forward their monitoring reports to each appropriate court (as required by Vehicle Code section 11205.2(c)), and courts should keep these reports on file.

Issue: Should courts be knowledgeable about the services provided by the CAPs and take steps to ensure that the CAPs are fulfilling the terms of the contract?

Proposal: Courts should monitor contracts in accordance with Section 7 – FIN 7.03 Contract Administration in the *Trial Court Financial Policies and Procedures Manual*.

Issue: Should the Judicial Council adopt a policy regarding the use of CAP fees to purchase equipment and supplies for the court?

Proposal: Yes. Equipment and supplies purchased with CAP fees should primarily be used for TVS and CAPTSI program purposes. Equipment and supplies provided by the CAP should be specified in the contract as outlined in Section 7 – Fin 7.01 in the *Trial Court Policies and Procedures Manual*.

Issue: Should the Judicial Council adopt a policy regarding the time frame for CAPs to process certificates of completion for students who successfully complete a TVS or CAPTSI?

Proposal: Yes. Courts should explicitly specify, in their contracts with CAPs, a time frame for the processing of certificates of completion. If a CAP offers expedited service for an additional fee, the traffic violator should be apprised of the normal turnaround time for nonexpedited service.

Issue: Should the Judicial Council adopt a policy regarding identity verification procedures for students who attend CAPTSI?

Proposal: If yes, the Judicial Council should strive for uniformity among courts. Identity verification should be required either in all courts that use CAPTSI or in none. The Judicial Council may also wish to publish a list of approved methods of verifying identity.

Issue: What steps should be taken should the Legislature decide to shift regulation of CAPTSI from courts to the DMV, so that CAPTSI are regulated in the same manner as TVS?

Proposal: In the event that the Legislature decides to shift regulation of CAPTSI from the courts to the DMV, the Administrative Office of the Courts Finance Division should re-examine court policies with respect to CAPs to make sure that they are consistent with the change in oversight responsibilities.

C. Recommendation

The Judicial Council recommends that the Administrative Office of the Court's Finance Division develop a fiscal policy for the fees collected pursuant to Vehicle Code section 11205 by January 1, 2006.

APPENDIX A

SURVEY INSTRUMENT

SB 1269: Traffic Violator School Survey

Section I: To be filled out by all survey respondents

Instructions: You may either print this survey out and type or write in your answers manually or you may complete this survey on the computer. If completing the survey on the computer, click on the gray area to type a response to a question or click once in a checkbox to make a check mark. Use the tab key or the mouse to move between the fields.

1. Your Court:

2. Name/Title of Person Filling out this Survey:
 Contact Phone Number:
 E-mail Address:

3. In fiscal year 2003-04 (July 1, 2003 to June 30, 2004), how many traffic violators in your county attended traffic violator schools or home study traffic schools as permitted under Vehicle Code (V.C.) 41501 and Welfare and Institutions Code section 258, subdivision (a)(6): _____

4. In the following table, please indicate the number of traffic schools approved for use by your court. In the last column, indicate the approximate percentage of students who received a certificate of completion from each of the authorized school types in FY 2003-04. The percentages should total 100%.

Type of School	Number of Schools Approved for Use by your Court in FY 2003-04 (if a certain school type was not approved for use by your court in FY 2003-04, write "N/A")	Percentage of Students who Completed this Type of Traffic Violator School in FY 2003-04
DMV-licensed traffic violator schools (classroom) per V.C. 11200	_____	_____%
Internet (web-based, on line) home study traffic school	_____	_____%
Video (CD, DVD or similar media) home study traffic school	_____	_____%
Booklet home study traffic school (instruction provided wholly or in part by written materials)	_____	_____%
Mixed media home study traffic school (provided via other means)	_____	_____%
Other home study traffic school (please describe):	_____	_____%
TOTAL:		100%

5. Please use the following table to describe the fees charged by your court to traffic violators in FY 2003-04. The first column lists fees charged to traffic violators, and the second column indicates the applicable vehicle code section for the fee. In the third column, check the corresponding box or describe which traffic violators are charged the fee.

Fee Charged to Traffic Violators	Vehicle Code Section or Local or Other Authority for Fee	Who is charged this fee? (Check one)
\$24.00	Authorized by V.C. 42007.1	<input type="checkbox"/> All traffic violators <input type="checkbox"/> Only traffic violators who wish to attend traffic school <input type="checkbox"/> Other (please describe): _____ <input type="checkbox"/> Our court does not charge this fee.
Bail for traffic violation	Authorized by V.C. 42007	<input type="checkbox"/> All traffic violators <input type="checkbox"/> Only traffic violators who wish to attend traffic school <input type="checkbox"/> Other (please describe): _____ <input type="checkbox"/> Our court does not charge this fee.
CAP Fee: \$ _____ (please indicate the amount charged by your court, if applicable)	Authorized by V.C. 11205 (m)	<input type="checkbox"/> All traffic violators <input type="checkbox"/> Only traffic violators who wish to attend traffic school <input type="checkbox"/> Other (please describe): _____ <input type="checkbox"/> Our court does not charge this fee.
Other Court Administrative Fee: \$ _____ (please indicate the amount charged by your court, if applicable)	Local or other authority for fee (please describe):	<input type="checkbox"/> All traffic violators <input type="checkbox"/> Only traffic violators who wish to attend traffic school <input type="checkbox"/> Other (please describe): _____ <input type="checkbox"/> Our court does not charge this fee.

6. During FY 2003-04, did your court use a Court Assistance Program (CAP) to administer its traffic violator program?

- Yes (please proceed to Question 7)
- No (please proceed to Question 19)

If your court contracts with a Court Assistance Program (CAP), please proceed to Section II: Question 7. If your court DOES NOT contract with a CAP, please go to Section III: Question 19.

Section II: For courts that contract with a Court Assistance Program (CAP)

If your court DOES NOT contract with a CAP, please proceed to Question 19.

7. Does your court use a Request for Proposals process to contract with the CAP?

Yes (please proceed to Question 8)

No (please proceed to Question 9)

8. If you answered "yes" to question 10 above, how frequently is the contract put out to bid?

9. Who was your court's CAP in FY 2003-04?

10. When was the CAP fee last adjusted (increased or decreased)?

11. If your court **has** adjusted the CAP fee, please describe how the adjustment was calculated:

12. For courts that used a CAP in FY 2003-04, indicate the services that were **paid for by the CAP fee** and were provided by the CAP to your court in the second column of the table below.

A. ADMINISTRATIVE AND CLERICAL SERVICES	Service Provided by CAP in FY 2003-04?
<p>A1. During FY 2003-04, provided counter staff on site at the court to answer questions and/or process walk-up customers who wished to attend traffic violator school and/or a home study traffic violator program.</p> <p>Full time equivalent (FTE) staff assigned to this task: _____</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>A2. Provided counter staff on site at the court to provide services not related to traffic violator school and/or home study traffic violator programs (please describe):</p> <p>Full time equivalent (FTE) staff assigned to this task: _____</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>A3. Collected and processed all fees charged by the court to attend traffic violator school and/or a home study traffic violator program.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>A4. Processed all paperwork for those wanting to attend traffic violator school and/or a home study traffic violator program.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>A5. Prepared traffic school completion certificates.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>A6. Transmitted traffic school completion information to the DMV.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>A7. Published a court-specific referral list of traffic violator schools and/or a home study traffic violator program approved by the court.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>A8. Reviewed and processed traffic violator school names pursuant to V.C. 11205.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>A9. Other (please describe):</p>	
<p>A10. Other (please describe):</p>	

B. TRAFFIC SCHOOL MONITORING	Service Provided by CAP in FY 2003-04?
B1. Conducted on site reviews of the DMV-licensed traffic violator school's program of traffic safety instruction pursuant to V.C. 11205.2 and 11214.	<input type="checkbox"/> Yes <input type="checkbox"/> No
B2. Monitors each classroom location of traffic schools that appear on a court's referral list every ninety days pursuant to V.C. 11205 (l).	<input type="checkbox"/> Yes <input type="checkbox"/> No
B3. Forwards a report summarizing the results of the classroom monitoring to the DMV and the court on a monthly basis pursuant to V.C. 11205 (l).	<input type="checkbox"/> Yes <input type="checkbox"/> No
B4. Transmitted adverse monitoring reports of DMV- licensed traffic violator schools to the DMV and traffic school licensees pursuant to V.C. 11205.2(c).	<input type="checkbox"/> Yes <input type="checkbox"/> No
B5. Audited and/or inspected the financial records of DMV-licensed traffic violator schools pursuant to V.C. 11205.2(f).	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>B6. Reviewed the curriculum of other court-approved programs of traffic instruction (pleaserespond for each program offered by your court; check N/A if this program is not offered in your court):</p> <ul style="list-style-type: none"> a. Internet (on line, web-based) home study traffic schools b. Video (CD, DVD or similar media) home study traffic schools c. Booklet home study traffic schools (instruction provided wholly or in part by written materials) d. Mixed media home study traffic schools (provided via other means) e. Other (please describe): 	<ul style="list-style-type: none"> a. <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A b. <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A c. <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A d. <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A e. <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
B7. Other monitoring activity (please describe):	
B8. Other monitoring activity (please describe):	
C. EQUIPMENT AND TECHNOLOGY	Service Provided by CAP in FY 2003-04?
C1. Provided computer hardware, copiers, FAX machines and other equipment to the court to process all traffic violations.	<input type="checkbox"/> Yes <input type="checkbox"/> No
C2. Provided computer hardware, copiers, FAX machines and other equipment to the court to process traffic violators who wish to attend traffic violator school and/or a home study traffic violator program..	<input type="checkbox"/> Yes <input type="checkbox"/> No
C3. Provided computer software to process traffic citations or to automate handling of traffic citations, and/or developed/maintained a web-based interface to process traffic citations on behalf of the court.	<input type="checkbox"/> Yes <input type="checkbox"/> No
C4. Other (please describe):	
C5. Other (please describe):	

13. If you answered “yes” to Question 12, item A7 (i.e. Does the CAP publish a court-specific referral list of traffic violator schools and/or home study traffic violator programs approved by the court), please list the criteria the CAP uses to choose which traffic schools appear on the referral list:

14. Use the table below to show the amount of money spent by your CAP in each of the following categories of service. Note that the service categories correspond to those used in Question 12 above. If you or your CAP do not know the exact dollar amounts, you may estimate.

	Amount expended by CAP to provide these services in FY 2003-2004
A. Administrative and Clerical Services	\$ _____
B. Traffic School Monitoring	\$ _____
C. Equipment and Technology	\$ _____

15. If you indicated in your response to Question 5 that your court collects an administrative fee (**in addition** to the CAP fee) from traffic violators, please indicate how that fee is used or what services are provided with the fee:

16. Do you require that your CAP process traffic school certificates of completion within a certain amount of time (i.e. one day, one week)?

Yes (If yes, what is the time frame: _____)

No

17. Is there an additional fee charged by the CAP or the CAP’s affiliates to expedite the handling of a certificate of completion of traffic school? If yes, what is the fee per certificate?

18. If you answered “yes” to Question 17, please describe the types of expedited services (electronic processing, etc.) that were available. What were the fees for this service and what percentage of those who attended traffic violator school opted to use this service in FY 2003-04?

Service Type (ex: electronic processing, etc.)	Fee Charged	Percentage of those who attended traffic violator school who opted to use this service
	\$ _____	_____ %
	\$ _____	_____ %
	\$ _____	_____ %

If you have completed Sections I and II, please skip Section III and proceed to Section IV.

Section III: For courts that DO NOT contract with a Court Assistance Program (CAP).

If your court contracts with a CAP, please DO NOT fill out Section III. Please make sure you filled out Sections I and II, then proceed to Section IV.

19. If you responded in Question 5 that your court collects an administrative fee from traffic violators, please mark the services that the court provided **with that fee** in FY 2003-04 in the second column of the table below.

A. ADMINISTRATIVE AND CLERICAL SERVICES	Service paid for by administrative fee charged by court in FY 2003-04?
A1. During FY 2003-04, revenues from the administrative fee were used to provide counter staff on site at the court to answer questions and/or process walk-up customers who wished to attend traffic violator school and/or a home study traffic violator program. Full time equivalent (FTE) staff assigned to this task: _____	<input type="checkbox"/> Yes <input type="checkbox"/> No
A2. To provide counter staff on site at the court to provide other services (please describe): Full time equivalent (FTE) staff assigned to this task: _____	<input type="checkbox"/> Yes <input type="checkbox"/> No
A3. To collect and process all fees charged by the court to attend traffic violator school and/or a home study traffic violator program.	<input type="checkbox"/> Yes <input type="checkbox"/> No
A4. To process all paperwork for those wanting to attend traffic violator school and/or a home study traffic violator program.	<input type="checkbox"/> Yes <input type="checkbox"/> No
A5. To prepare traffic school completion certificates.	<input type="checkbox"/> Yes <input type="checkbox"/> No
A6. To transmit traffic school completion information to the DMV.	<input type="checkbox"/> Yes <input type="checkbox"/> No
A7. To publish a court-specific referral list of traffic violator schools and/or home study traffic violator programs approved by the court.	<input type="checkbox"/> Yes <input type="checkbox"/> No
A8. To review and process traffic violator school names pursuant to V.C. 11205.	<input type="checkbox"/> Yes <input type="checkbox"/> No
A9. Other (please describe):	
A10. Other (please describe):	
B. TRAFFIC SCHOOL MONITORING	Service paid for by administrative fee charged by court in FY 03-04?
B1. To conduct on site reviews of the DMV-licensed traffic violator school's program of traffic safety instruction pursuant to V.C. 11205.2 and 11214.	<input type="checkbox"/> Yes <input type="checkbox"/> No
B2. To monitor each classroom location of traffic schools that appear on a court's referral list every ninety days pursuant to V.C. 11205 (l).	<input type="checkbox"/> Yes <input type="checkbox"/> No
B3. To forward a report summarizing the results of the classroom monitoring to the DMV and the court on a monthly basis pursuant to V.C. 11205 (l).	<input type="checkbox"/> Yes <input type="checkbox"/> No
B4. To transmit adverse monitoring reports of DMV- licensed traffic violator schools to the DMV and traffic school licensees pursuant to V.C. 11205.2(c).	<input type="checkbox"/> Yes <input type="checkbox"/> No
B5. To audit and/or inspect the financial records of DMV-licensed traffic violator schools pursuant to V.C. 11205.2(f).	<input type="checkbox"/> Yes <input type="checkbox"/> No

<p><i>B6. To review the curriculum of other court-approved programs of traffic instruction (please respond for each program offered by your court; check N/A if this program is not offered in your court):</i></p> <p>a. Internet (on line, web-based) home study traffic schools</p> <p>b. Video (CD, DVD or similar media) home study traffic schools</p> <p>c. Booklet home study traffic schools (instruction provided wholly or in part by written materials)</p> <p>d. Mixed media home study traffic schools (provided via other means)</p> <p>e. Other (please describe):</p>	<p>a. <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>b. <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>c. <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>d. <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>e. <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>
<p>B7. Other monitoring activity (please describe):</p>	
<p>B8. Other monitoring activity (please describe):</p>	
<p>C. EQUIPMENT AND TECHNOLOGY</p>	<p>Paid for by administrative fee charged by court in FY 2003-04?</p>
<p>C1. To provide computer hardware, copiers, FAX machines and other equipment to the court to process all traffic violations.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>C2. To provide computer hardware, copiers, FAX machines and other equipment to the court to process traffic violators who wish to attend traffic violator school and/or home study traffic violator programs.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>C3. To provide computer software to process traffic citations or to automate handling of traffic citations, and/or developed/maintained a web-based interface to process traffic citations for the court.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>C4. Other (please describe):</p>	
<p>C5. Other (please describe):</p>	

20. If you responded in Question 5 that your court charges an administrative fee to traffic violators, use the table below to show the amount expended in each of the following categories of service in FY 2003-04. Note that the service categories correspond to those used in Question 19 above. If you do not know the exact dollar amounts, please estimate.

	Amount expended by court to provide these services in FY 2003-2004
A. Administrative and Clerical Services	\$ _____
B. Traffic School Monitoring	\$ _____
C. Equipment and Technology	\$ _____

21. If your court **does not** charge an administrative fee to traffic violators who wish to attend traffic school, please describe how your court pays for the administrative and monitoring services associated with your court's traffic violator school program:

If you have completed Sections I and III (for courts that DO NOT contract with a CAP), please proceed to Section IV.

Section IV: To be filled out by ALL survey respondents

22. If your court allows traffic violators to attend **home study traffic school programs** (i.e. Internet, video, booklet, or mixed media programs), do students have to verify their identity (i.e. by taking the final examination in person at another site or location or by taking the exam on a secure website)?

- Yes (please proceed to Question 23)
- No (please proceed to Question 25)

23. If you answered "yes" to Question 22, who requires that the student verify their identity?

- The court
- The CAP (if applicable)
- The home study traffic school
- Other, please specify:

24. If you answered “yes” to Question 22, please indicate how can traffic violators verify their identity, the fees charged to verify one’s identity, and who is charged the fee:

Method of verifying a home study traffic school student’s identity (Check all that apply)	Fee charged to verify identity	Who is charged the fee?
<input type="checkbox"/> By taking the examination at another site or location (please specify where: _____)	\$_____	<input type="checkbox"/> Home study traffic school programs <input type="checkbox"/> Traffic violators
<input type="checkbox"/> By taking the exam on a secured website	\$_____	<input type="checkbox"/> Home study traffic school programs <input type="checkbox"/> Traffic violators
<input type="checkbox"/> Other (please specify: _____)	\$_____	<input type="checkbox"/> Home study traffic school programs <input type="checkbox"/> Traffic violators

25. If applicable, is there anything else you can tell us to help us better understand how your court uses the Court Assistance Program (CAP)?

26. Is there anything else you can tell us to help us better understand how your court provides services to traffic violators?

27. Any additional comments?

Thank you for taking the time to complete this survey. Your input is very valuable.

Please submit your responses to:

Dag.MacLeod@jud.ca.gov

Office of Court Research

Administrative Office of the Courts

455 Golden Gate Avenue, San Francisco, CA 94102

Appendix B: Revenue & Expenditure Information

A		B		C		D		E		F		G		H		I		J	
APPENDIX B - REVENUE & EXPENDITURE INFORMATION																			
Court	Number of traffic violators who attended traffic school in FY 2003-04	Cap Fee	Admin Fee	Total Fee Revenue, FY 2003-04	FY 2003-04 Expenditures			Total FY 2003-04 Expenditures	Revenue minus Expenditures										
					A	B	C												
Alameda	68,456	\$ 5.00	NA	342,280.00	240,982.66	(for A, B)	NA	240,982.66	101,297.34										
El Dorado	6,168	\$ 10.00	NA	61,680.00	62,838.00	14,888.00	NA	77,726.00	(16,046.00)										
Fresno	36,133	\$ 15.00	NA	541,995.00	339,545.00	17,500.00	-	357,045.00	184,950.00										
Kern	44,958	\$ 12.00	NA	539,496.00	517,450.00	25,691.00	-	543,141.00	(3,645.00)										
Kings	8,013	\$ 9.00	NA	72,117.00	105,118.00	3,703.00	-	108,821.00	(36,704.00)										
Los Angeles	456,818	\$ 15.00	NA	6,852,270.00	4,375,509.33	693,448.00	95,500.00	5,164,457.33	1,687,812.67										
Merced	8,375	\$ 15.00	NA	125,625.00	66,663.00	4,250.00	3,390.00	74,303.00	51,322.00										
Napa	4,785	\$ 5.00	NA	23,925.00	28,000.00	2,500.00	-	30,500.00	(6,575.00)										
Nevada- Truckee	3,225	\$ 8.00	NA	25,800.00	25,537.00	3,723.00	55.00	29,315.00	(3,515.00)										
Placer	16,604	\$ 10.00	\$ 10.00	332,080.00	131,050.00	13,200.00	4,044.47	148,294.47	183,785.53										
Sacramento	36,703	\$ 7.00		256,921.00	171,118.00	7,100.00	462.22	178,680.22	78,240.78										
San Diego	70,000	\$ 4.00		280,000.00	-	117,655.00	-	117,655.00	162,345.00										
San Joaquin	22,365	\$ 2.00	NA	44,730.00	25,118.00	17,023.00	-	42,141.00	2,589.00										
San Luis Obispo	13,200	\$ 10.00	\$ 10.00	264,000.00	115,485.50	9,994.00	360.00	125,839.50	138,160.50										
San Mateo	38,330	\$ 8.00	NA	306,640.00	131,633.72	3,215.00	49,259.00	184,107.72	122,532.28										
Shasta	5,340	\$ 12.00	\$ -	64,080.00	88,742.00	3,700.00	1,900.00	94,342.00	(30,262.00)										
Sonoma	16,627	\$ 6.00	NA	99,762.00	101,865.00	9,171.00	3,399.00	114,435.00	(14,673.00)										
Stanislaus	17,534	\$ 7.00	NA	122,738.00	88,965.00	8,759.00	-	97,724.00	25,014.00										
Tulare	10,429	\$ 9.00	NA	93,861.00	149,588.00	5,500.00	-	155,088.00	(61,227.00)										
Tuolumne	445	\$ 5.00	NA	2,225.00	1,112.50	1,112.50	-	2,225.00	-										
Ventura	25,823	NA	\$ 5.00	129,115.00	66,660.84	144,654.70	26,402.59	237,718.13	(108,603.13)										
Yolo	7,330	\$ 15.00	NA	109,950.00	90,000.00	4,500.00	193.94	94,693.94	15,256.06										
				10,691,290.00				8,219,234.97											