

UNIFORM BAIL AND PENALTY SCHEDULES (UBPS)

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Every year the Judicial Council is required* to establish a mandatory penalty schedule for:

- traffic infractions

The UBPS also includes suggested base fines for the following schedules:

- boating
- forestry
- fish and game
- public utilities
- parks and recreation
- business licensing

*(See Pen. Code § 1269b(c) and Veh. Code § 40310.)

EXCEPTIONS TO THE UBPS

The following counties may exceed the UBPS traffic infraction schedule:

- | | | |
|-----------------|-----------------|-----------------|
| 1. Alpine | 11. Lassen | 21. San Joaquin |
| 2. Amador | 12. Los Angeles | 22. Santa Clara |
| 3. Butte | 13. Madera | 23. Sierra |
| 4. Calaveras | 14. Mariposa | 24. Stanislaus |
| 5. Contra Costa | 15. Mendocino | 25. Sutter |
| 6. Del Norte | 16. Modoc | 26. Trinity |
| 7. Fresno | 17. Mono | 27. Tulare |
| 8. Humboldt | 18. Plumas | 28. Tuolumne |
| 9. Kings | 19. San Benito | 29. Yolo |
| 10. Lake | 20. San Diego | 30. Yuba |

THE UBPS TRAFFIC INFRACTION SCHEDULE

Unless otherwise specified traffic violations default to the infraction category. Therefore, the vast majority of the annual revisions to the UBPS are to the traffic infraction schedule.

The Council has classified traffic infractions into four penalty categories, according to the severity of offenses, to allow convenient notice and payment of the scheduled penalty.

| Infraction Category: | Severity of offense: | Base fine: |
|----------------------|--|------------|
| 1 | Bicyclist, motorized scooter, pedestrian, pocket bike, vehicle registration and equipment offenses | \$25 |
| 2 | Driver's license, operation of vehicle, and size and load offenses | \$35 |
| 3 | Substance abuse infractions | \$70 |
| 4 | Miscellaneous offenses for which the penalties or the fee for dismissal with proof of correction are specifically set by the Vehicle Code, speeding offenses (refer to Speed Chart), and infractions pursuant to PC 19.8 | \$25 |

Certain offenses are eligible for correction and, if the defendant signs the citation signifying his or her promise to correct, only require payment of a \$25 court processing fee.

COUNTYWIDE BAIL SCHEDULES

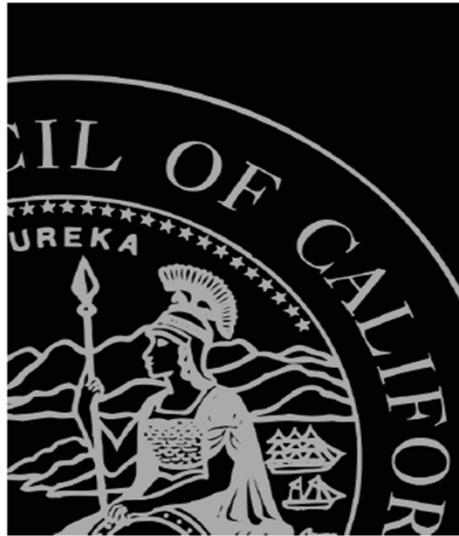
The Council is not the only entity required to publish a bail schedule. Each individual court is required to prepare, adopt and annually revise a uniform countywide schedule of bail for all bailable felony offenses and for all misdemeanor and infraction offenses, except Vehicle Code infractions. Thus, while the Council is required to publish the traffic infraction schedule, the counties are responsible for all of the others.

Rule 4.102 additionally requires that, when performing those duties, counties “give consideration to the (UBPS) approved by the Judicial Council.” After adopting their countywide bail schedule, courts must send a copy of their countywide schedule to the Council “with a report stating how the revised schedule differs from the (UBPS).”

UBPS AS A GUIDE

Although the UBPS began as a penalty schedule for traffic offenses, over time the Council adopted additional schedules under the rule, including boating, forestry, fish and game, public utilities, parks and recreation, and business licensing.

The amounts listed in the non-traffic schedules serve as guidelines for the courts' countywide schedules. The rule requirement that the UBPS provide this guidance to the counties for non-traffic schedules is the reason that, on an annual bases, this committee revises those schedules based upon changes in law during the preceding year.



Uniform Bail and Penalty Schedules

~~2016~~ 2017 EDITION

1461

(Cal. Rules of Court, rule 4.102)

TRAFFIC
BOATING
FORESTRY
FISH AND GAME
PUBLIC UTILITIES
PARKS AND RECREATION
BUSINESS LICENSING



JUDICIAL COUNCIL
OF CALIFORNIA

- F. "Total Bail" shall not exceed statutory limits. Vehicle Code section 40310 specifies that the "fine" amount of the total bail shall not exceed the limitations specified by Vehicle Code sections 42001 and 42001.5.
- G. Rule 4.105 of the California Rules of Court provides that with certain exceptions deposit of bail is not required to appear for arraignment or trial for an infraction case. Deposit may be required: by statute, such as trial by written declaration; if a person does not sign a promise to appear as ordered by the court; or a judicial officer states a reason for a deposit to schedule a trial.

In cases where a court appearance is required by a court, the amounts set forth in the Uniform Bail and Penalty Schedules do not necessarily indicate the appropriate total penalties; rather, they ensure that, in most cases, when bail is posted, sufficient funds will be available to meet the defendant's obligations. Upon conviction, however, "additional penalties" are added to any fine. It is incumbent upon the judge who hears each case to determine the proper total penalty (fine and "additional penalties") based on the particular facts presented.

With the exception of juveniles under age 18, there shall be no mandatory court appearance for any infraction of the California Vehicle Code punishable by fine only. A court may require a mandatory appearance for an infraction violation of the Vehicle Code when a statutory driver's license restriction, suspension, or revocation is authorized; community service or proof of payment or correction is mandatory; or a violation requires specific action under the Vehicle Code in addition to a fine. This paragraph does not apply to violations of local ordinances based on Vehicle Code sections.

- H. The "Total Bail" for an offense *not specifically listed* in the Uniform Traffic Infraction Bail and Penalty Schedule is the amount set for the general category of that offense unless a California code or regulation specifies otherwise. The court operations assessment and criminal conviction assessment are collected in addition to the "Total Bail." The suggested minimum "Total Bail" for an offense *not specifically listed* in the Uniform Traffic Misdemeanor Bail and Penalty Schedule, unless a California code or regulation specifies otherwise, is:

| | Base | + | Additional Penalties*& | Surcharge | + | Fees | = | Total Bail*/Fees (*See sections II-IV) |
|-------------|-------|---|------------------------|-----------|---|------|---|--|
| Misdemeanor | \$ 75 | + | \$251 | | + | \$70 | = | \$396 |
| Infraction | \$ 35 | + | \$127 | | + | \$75 | = | \$237 |

The suggested minimum "Total Bail" for an offense *not specifically listed* in the Uniform Public Utilities Bail and Penalty Schedule, unless a California code or regulation specifies otherwise, is:

| | | | | | | | | |
|-------------|-------|---|-------|--|---|------|---|--------------|
| Misdemeanor | \$185 | + | \$588 | | + | \$70 | = | <u>\$843</u> |
|-------------|-------|---|-------|--|---|------|---|--------------|

The suggested minimum "Total Bail" for an offense *not specifically listed* in the Uniform Boating, Business Licensing, Fish and Game, Forestry, or Parks and Recreation Bail and Penalty Schedules, unless a California code or regulation specifies otherwise, is:

| | | | | | | | | |
|-------------|-------|---|-------|--|---|------|---|-------|
| Misdemeanor | \$100 | + | \$310 | | + | \$70 | = | \$480 |
| Infraction | \$ 35 | + | \$123 | | + | \$75 | = | \$233 |

TRAFFIC INFRACTION FIXED PENALTY SCHEDULE

(*See Preface, Section III) (**See Preface, Section IV)

(Vehicle Code)

| Offense | Base Fine /Fee | State PA* | County PA*/10 | DNA PA* | Court PA* /10 | Surcharge* | EMS PA* /10 | EMAT PA* | Fine Surcharge & PA Subtotal | Court OPS | Conv. Assess | Night Court | TAP Fee | "Total Bail" ** / Fee | Category | DMV Points |
|--|----------------------|--------------|------------------|------------|---------------------|------------|----------------|-------------|---------------------------------------|-----------|--------------|-------------|------------|-----------------------------|----------|------------|
| Failure to Furnish Name and Address to Officer Upon Request | 35 | 40 | 28.00 | 20 | 20 | 7 | 8 | 4 | 162.00 | 40 | 35 | 1 | 0.00 | 238.00 | 2a | 0 |
| Failure to Maintain Registration Card With Vehicle | 25 | 30 | 21.00 | 15 | 15 | 5 | 6 | 4 | 121.00 | 40 | 35 | 1 | 0.00 | 197.00 | 1a | 0 |
| Failure to Maintain Registration Card With Vehicle | 25 | 0 | 0.00 | 0 | 0 | 0 | 0 | 0 | 0.00 | 0 | 0 | 0 | 0.00 | 25.00 | 4a | 0 |
| Failure to Display Temporary Permit–Foreign Commercial Vehicle | 25 | 30 | 21.00 | 15 | 15 | 5 | 6 | 4 | 121.00 | 40 | 35 | 1 | 0.00 | 197.00 | 1a | 0 |
| Failure to Display Temporary Permit–Foreign Commercial Vehicle | 25 | 0 | 0.00 | 0 | 0 | 0 | 0 | 0 | 0.00 | 0 | 0 | 0 | 0.00 | 25.00 | 4a | 0 |
| ⁷ Reporting Vehicle Sale to the DMV | 25 | 30 | 21.00 | 15 | 15 | 5 | 6 | 4 | 121.00 | 40 | 35 | 1 | 0.00 | 197.00 | 1a | 0 |
| Reporting Vehicle Sale to the DMV | 25 | 0 | 0.00 | 0 | 0 | 0 | 0 | 0 | 0.00 | 0 | 0 | 0 | 0.00 | 25.00 | 4a | 0 |
| ³ Reporting Auction Vehicle Sale to the DMV | 25 | 30 | 21.00 | 15 | 15 | 5 | 6 | 4 | 121.00 | 40 | 35 | 1 | 0.00 | 197.00 | 1a | 0 |

Addition or modification of infraction offenses for violation of Vehicle Code sections

- 4456(a), reporting vehicle sales to the Department of Motor Vehicles;
- 4456(b), reporting auction vehicle sales to the Department of Motor Vehicles;
- 5011, display of identification plates;
- 11754, rental of vehicle subject to recall;
- 13386(i), prohibition of disclosure of individuals required to install ignition interlock device;
- 21113, unlawful driving on public grounds;
- 21655.1(a), driving in restricted use designated public transit bus lane;
- 22354, failure to abide by speed limits;
- 22500(m), stopping or parking in designated public transit bus lane;
- 23123.5, driving while using a wireless device;
- 24603(a–h), stop lamp requirements and specifications;
- 24612(c), failure to display reflective material on trailer or semitrailer;
- 25300(d)(2), display on warning device near disabled commercial vehicle;

Addition or modification of infraction offenses for violation of Vehicle Code sections cont'd

- 25300(d)(3), placement and display of warning device near disabled commercial vehicle;
- 25300(d)(4), use of flame producing emergency signal near vehicles transporting explosives, flammable liquid, or gas;
- 27000(a), adequate horn required;
- 27003, unlawful use of siren by armored car;
- 27007, use of sound amplification systems;
- 27150.1, sale of exhaust system restricted;
- 27315(d, e), mandatory use of seat belts;
- 27360(a), use of child passenger restraint systems for children under 8;
- 27360.5(a), mandatory use of child passenger restraints for children 8–16;
- 27363(b), transportation for child in emergencies;
- 27363(f), transportation of child in rear-facing child passenger restraint systems in front seat;
- 27400, limitations on use of headsets while driving or biking;

Addition or modification of infraction offenses for violation of Vehicle Code sections cont'd

- 27425(a), charter bus emergency lighting;
- 27500(a), pneumatic tire standard regulations;
- 27906, improper display of school bus sign;
- 29200(c), repealed;
- 31407, farm labor vehicle in motion with sharp tool unsecured;
- 34500.3, cargo securement standards;
- 34501(c), multiple safety violations on tour bus;
- 34505.8(a), charter bus trip safety briefing;
- 35401.9, overlength-driveaway-towaway combination; and,
- 38374(a), sirens on off-highway motor vehicles.

Addition or Modification of misdemeanor offense for violation of Vehicle Code section cont'd

- 22513.1(a)(1), failure to maintain required information for tow and storage of vehicle;
- 22513.1(b), business taking possession of a vehicle from a tow truck after hours;
- 22513.1(c), failure to maintain and provide required information for tow and storage of vehicle;
- 23152(e), driving under the influence of drug;
- 23152(f), driving under the influence of drug;
- 23152(g), driving under the influence of alcohol and drug;
- 23153(e), driving under the influence of drug causing injury;
- 23153(f), driving under the influence of drug while causing injury;
- 23153(g), driving under the influence of alcohol and drug while causing injury;
- 27317(a), manufacture or sell counterfeit or nonfunctioning airbag; and
- 27317(b), sell or install device that disables a vehicle's counterfeit airbag indicator.

Addition or modification of Business and Professions Code sections cont'd

- 25623(b), sale of powdered alcohol; and
- 25623.5(b), possession of powdered alcohol.
- Revision of a sample calculation in section IV. H on page vii of the preface regarding “total bail” for misdemeanors in the Uniform Public Utilities Bail and Penalty Schedule.
- Revision of a sample calculation in section VII. D.3 on page x of the preface regarding the number of court operations fees and conviction assessments assessed in cases involving multiple offenses.