

**To:** JCC JC RUPRO Committee  
**Subject:** RUPRO: Request for Action by EMail  
**Date:** Tuesday, June 16, 2015 4:33 PM

Members of the Rules and Projects Committee:

With Justice Hull's approval, we are sending the two attached proposals to you for your review and approval. Justice Hull has determined under rule 10.75(o)(1)(B) that prompt action on these proposals is necessary and has approved RUPRO action by email. Please reply to this email by the end of the day on **Wednesday, June 17**, indicating whether you recommend the proposals to the Judicial Council at the June 26, 2015 meeting. Thank you.

1. **Traffic Law: Payment and Forfeiture of Bail in Installments. (Revise form TR-300)** (This proposal has not been circulated for public comment.)

The Traffic Advisory Committee recommends the revision of form TR-300 to be consistent with newly adopted rule 4.105, Appearance for trial without deposit of bail in traffic infraction cases. The revised form will expressly inform defendants of: (1) the right to appear in court without deposit of bail for formal arraignment, plea, and sentencing, and (2) the right to request and have a court trial without deposit of bail, unless the court orders bail.

2. **Traffic and Criminal Law: Notice to Appear Forms. (Amend Cal. Rules of Court, rule 4.103; revise forms TR-INST, TR-115, TR-120, and TR-130; and adopt forms TR-135 and TR-145).** (This proposal was circulated for comment prior to adoption of rule 4.105. Based on the adoption of rule 4.105, additional revisions have been made to the to the Notice to Appear forms so that they will be consistent with new procedures under rule 4.105 for bail in traffic cases.)

The Traffic Advisory Committee recommends changes to improve the requirements for the notice to appear forms used by law enforcement agencies to issue electronic citations when making arrests for infraction and misdemeanor violations. The proposal would (1) amend California Rules of Court, rule 4.103 to require that law enforcement agencies that issue electronic notice to appear citations submit a copy of the agency's form to the Judicial Council when the forms are revised by the council; (2) clarify and revise form TR-INST, the instructions for the notice to appear and related forms ; (3) revise forms TR-115, *Automated Traffic Enforcement System Notice to Appear*; TR-120, *Nontraffic Notice to Appear*; and TR-130, *Traffic/Nontraffic Notice to Appear*; and (4) create new forms TR-135, *Electronic Traffic/Nontraffic Notice to Appear (4-inch format)* and TR-145, *Electronic Traffic/Nontraffic Notice to Appear (3-inch format)*, for issuing electronic notice to appear citations when making arrests. The recommended forms follow the provisions in rule 4.105 of the California Rules of Court regarding bail and traffic infractions.



## JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue · San Francisco, California 94102-3688

[www.courts.ca.gov](http://www.courts.ca.gov)

---

# REPORT TO THE JUDICIAL COUNCIL

For meeting on: June 26, 2015

---

Title	Agenda Item Type
Traffic: Payment and Forfeiture of Bail in Installments	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Revise form TR-300	June 26, 2015
Recommended by	Date of Report
Traffic Advisory Committee	June 15, 2015
Hon. Mark S. Borrell, Chair	Contact
	Courtney Tucker, Attorney
	Criminal Justice Services
	415-865-7611
	<a href="mailto:courtney.tucker@jud.ca.gov">courtney.tucker@jud.ca.gov</a>

---

### Executive Summary

The Traffic Advisory Committee recommends revising form TR-300, *Agreement to Pay and Forfeit Bail in Installments*. On June 8, 2015, the Judicial Council adopted rule 4.105 of the California rules of Court to govern the imposition of bail in traffic infraction cases when a defendant appears as promised. In connection with adopting rule 4.105, the Judicial Council directed the Traffic Advisory Committee to consider proposals to revise Judicial Council traffic infraction forms related to bail as soon as possible to be consistent with the rule and to promote access to justice in traffic infraction cases.

### Recommendation

The Traffic Advisory Committee recommends that the Judicial Council, effective June 26, 2015, revise form TR-300 to be consistent with rule 4.105 of the California Rules of Court and to promote access to justice in traffic infraction cases.

Revised form TR-300 is attached at pages 4–5.

## **Basis for Rationale for Recommendation**

Recent attention to state traffic infraction laws raised significant concerns about procedural fairness in related proceedings. In response, Chief Justice Tani G. Cantil-Sakauye charged the Judicial Council's Rules and Projects Committee (RUPRO) with developing a recommendation, on an emergency basis, to establish fair and effective statewide practices related to the deposit of bail in traffic infraction cases. Rule 4.105 was adopted as an urgency measure on June 8, 2015. It improves uniformity in traffic infraction bail procedures for pre-trial proceedings by expressly providing for traffic infraction defendants to appear for arraignment and trial without depositing bail, except in specific circumstances in which bail is required. Subdivision (d) of rule 4.105 requires that court forms related to bail for traffic infractions must inform defendants of the option to appear in court without the deposit of bail. To provide sufficient time for courts to carry out the rule, subdivision (d) expressly provides that courts must implement the notice provision for instructions and other materials as soon as reasonably possible, but no later than September 15, 2015.

When the council adopted rule 4.105, the council directed the Traffic Advisory Committee to expeditiously review Judicial Council traffic forms and recommend any revisions that are needed to make the forms consistent with rule 4.105. The Traffic Advisory Committee has subject-matter expertise on traffic infractions and related procedures. It is collaborating as appropriate with the Criminal Law Advisory Committee and other advisory committees, as well as with the work of the Chief Justice's Commission on the Future of California's Court System, to develop additional proposals to present to the Judicial Council through RUPRO.

The Traffic Advisory Committee has identified the need to revise the council's form for traffic infractions, TR-300, *Agreement to Pay and Forfeit Bail in Installments*. Form TR-300 is required when a court permits clerks to set up an installment payment plan for payment of bail when a defendant is not contesting the traffic infraction citation, but is unable to pay the full amount by the due date and wishes to pay in installments. The form includes an advisement and waiver of rights for defendants who wish to pay and forfeit bail in installments without appearing for arraignment. The advisement of rights is revised to expressly inform defendants of

1. the right to appear in court *without deposit of bail* for formal arraignment, plea, and sentencing; and
2. the right to request and have a court trial *without deposit of bail, unless the court orders bail*.

## **Previous Council Action**

Form TR-300 was adopted for statewide on February 22, 2008.

## **Comments, Alternatives Considered, and Policy Implications**

Rule 4.105 was adopted in response to concerns relating to bail for traffic infraction cases and to promote defendants' access to trial in such cases. Revision of form TR-300 to be consistent with

rule 4.105 is considered an urgent matter. The change to the form is fairly straightforward and unlikely to be controversial. For this reason, this proposal has been handled on an expedited basis without a comment period, to be implemented as soon as reasonably possible in accordance with subdivision (d) of rule 4.105. No alternatives were considered because the form was revised to be consistent with the notice requirements of rule 4.105(d).

### **Implementation Requirements, Costs, and Operational Impacts**

In adopting rule 4.105, the Judicial Council recognized that courts will require some time to implement the notice requirements in subdivision (d), including those on this form. To give courts sufficient opportunity to revise instructions, websites, and forms, the rule provides that subdivision (d) must be implemented as soon as reasonably possible but no later than September 15, 2015. Depending on whether a court permits clerks to set up payment of bail in installments for traffic infractions, a varying amount of costs and implementation efforts will be required to implement use of the revised form.

### **Relevant Strategic Plan Goals and Operational Plan Objectives**

The adoption of revised form TR-300 will advance the Judicial Council goal of providing access and fairness in the courts. (See *Justice in Focus: The Strategic Plan for California's Judicial Branch*, Goal I, Access, Fairness, and Diversity.)

### **Attachment**

1. Form TR-300, at pages 4–5

<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	<i>FOR COURT USE ONLY</i>
<b>PEOPLE OF THE STATE OF CALIFORNIA</b>  <b>vs.</b>  DEFENDANT:	
<b>AGREEMENT TO PAY AND FORFEIT BAIL IN INSTALLMENTS</b> <b>(Vehicle Code, § 40510.5)</b>	

**TO BE FILLED OUT BY A COURT CLERK**

**Read carefully and, if you agree, sign and return the form to the clerk.**

CITATION NUMBER:
CASE NUMBER:

1. I am the defendant in this case and I have been charged with the following infraction violation of the Vehicle Code that does not require me to go into court:

a. § \_\_\_\_\_ b. § \_\_\_\_\_ c. § \_\_\_\_\_ d. § \_\_\_\_\_ e. § \_\_\_\_\_

2. My court appearance date has not expired and I am providing proof of correction for correctable violations.
3. I want to pay and forfeit bail for the violation listed above, but I am not able to and I ask the court to allow me to pay in installments. I understand that the court has costs and expenses from accepting a request to pay and forfeit bail in installments and the court does not have to allow me to make installment payments.
4. I understand that by signing below I will be convicted today of each violation that has no proof of correction.

**5. TERMS OF THE AGREEMENT:**

The total bail (including penalties plus an administrative fee of \$\_\_\_\_\_ to pay in installments) is \$\_\_\_\_\_ I agree to pay the total amount as follows:

\$ \_\_\_\_\_ (10 percent or more) immediately and installments of at least \$ \_\_\_\_\_ due:  
 ( ) each month, starting (date): \_\_\_\_\_ and by the \_\_\_\_\_ day of each month until paid in full.  
 ( ) Other (explain): \_\_\_\_\_

I agree that: All payments must be made by the due date and there is no grace period.  
 If I do not make a payment on time, I may have to pay the rest of my unpaid bail immediately.  
 If I do not make my payments by each due date, I will see the clerk on the next court day after the due date of the missed payment.

I understand that if I do not make the payment by each due date, I may be charged with a misdemeanor under Vehicle Code section 40508, be charged up to \$300 under Penal Code section 1214.1 or have a warrant issued for my arrest, and the court may impound my driver's license and place a hold on the license. The court also may assign my case to a collection agency or the State Franchise Tax Board for collection.

I understand that my case will continue to be open until the date that my last installment is paid. On \_\_\_\_\_, if I pay as agreed, all amounts due will be paid. At that time, if proof of correction has been filed with the clerk as required, my bail forfeiture will be complete and no further proceedings will be held in this matter.

**By signing below I declare that I have read and understand my rights printed on the reverse side, which I now choose to give up, and that I have read, understand, and accept the terms and consequences stated above.**

(SIGNATURE OF DEFENDANT)	(DATE)	(TYPE OR PRINT NAME)
(DRIVER'S LICENSE/ID NUMBER)	(EXP. DATE)	(ADDRESS)
		(CITY, STATE, AND ZIP CODE)
		CLERK OF THE SUPERIOR COURT
ACCEPTED (date): _____	BY: _____ (DEPUTY CLERK)	

## ADVISEMENT OF RIGHTS

By choosing to pay and forfeit bail in installments and not go into court, you will be giving up these rights:

- To appear in court **without deposit of bail** for formal arraignment, plea, and sentencing;
- To **request and** have a court trial **without deposit of bail, unless the court orders bail,** and challenge the charges;
- To have a speedy court trial and have the charges dismissed if a speedy trial is requested but not provided;
- To be represented by an attorney at your expense;
- To subpoena or present witnesses and physical evidence using the power of the court at no cost to you and to testify on your own behalf;
- To confront and cross-examine all witnesses under oath testifying against you; and
- To remain silent and not testify.



## JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue · San Francisco, California 94102-3688

[www.courts.ca.gov](http://www.courts.ca.gov)

---

# REPORT TO THE JUDICIAL COUNCIL

For meeting on: June 26, 2015

---

Title	Agenda Item Type
Traffic and Criminal Procedure: Notice to Appear Forms for Traffic and Nontraffic Citations	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Amend Cal. Rules of Court, rule 4.103; revise forms TR-INST, TR-115, TR-120, and TR-130; and adopt forms TR-135 and TR-145.	June 26, 2015
Recommended by	Date of Report
Traffic Advisory Committee	June 16, 2015
Hon. Mark S. Borrell, Chair	Contact
	Courtney Tucker, Attorney
	Criminal Justice Services
	415-865-7611
	<a href="mailto:courtney.tucker@jud.ca.gov">courtney.tucker@jud.ca.gov</a>

---

### Executive Summary

The Traffic Advisory Committee recommends that the Judicial Council revise current Notice to Appear forms and adopt new electronic Notice to Appear forms for traffic and nontraffic citations to improve the uniformity of the content of statewide Notice to Appear forms. The committee also recommends amending rule 4.103 to require law enforcement agencies to submit copies of citation forms to the Judicial Council to ensure compliance. These recommendations were developed at the request of courts to promote electronic filing of Notice to Appear forms and reduce concerns about the validity of the forms as complaints. In addition, the recommended forms are consistent with recently adopted rule 4.105, which sets forth bail requirements in traffic infraction matters.

### Recommendation

The Traffic Advisory Committee recommends that the Judicial Council:

1. Amend California Rules of Court, rule 4.103, Notice to Appear Forms;
2. Revise forms TR-INST, *Notice to Appear and Related Forms*; TR-115, *Automated Traffic Enforcement System Notice to Appear*; TR-120, *Nontraffic Notice to Appear*; and TR-130, *Traffic/Nontraffic Notice to Appear*; and
3. Adopt forms TR-135, *Electronic Traffic/Nontraffic Notice to Appear (4-inch format)* and TR-145, *Electronic Traffic/Nontraffic Notice to Appear (3-inch format)*; effective June 26, 2015, with an extended implementation period for use of the new and revised forms as soon as reasonably possible, but no later than November 15, 2015.

Amended rule 4.103, revised forms TR-INST, TR-115, TR-120, and TR-130, and new forms TR-135 and TR-145 are attached at pages 10-69.

### **Previous Council Action**

Rule 4.103 was adopted effective January 1, 2004, and amended effective January 1, 2007. The council revised form TR-115, effective January 1, 2013. The council revised forms TR-120 and TR-130, effective September 20, 2005.

### **Basis for Rationale for Recommendation**

The form of notices to appear must be prescribed by the Judicial Council. (Veh. Code, § 40500(b).) When a Notice to Appear issued on a Judicial Council form is verified by the issuing officer, it constitutes a complaint in a criminal case. (Pen. Code, § 853.9, and Veh. Code, § 40513(b).) In addition, “a notice to appear issued on a form approved by the Judicial Council may be received and filed by a court in electronic form.” (Pen. Code, § 959.1(d).)

Until 2004, the Judicial Council required under Vehicle Code section 40500 that every law enforcement agency submit its notice to appear citation form for traffic offenses to the council for individual review and approval. In 2005, the council adopted California Rules of Court, rule 4.103, which provides that notices to appear that use the approved council forms and comply with the council’s form instructions in TR-INST, *Notice to Appear and Related Forms* (Instructions), are on a form approved by the Judicial Council. At present, form TR-130, *Traffic-Nontraffic Notice to Appear*, is used for issuing both electronic and preprinted handwritten citations. The California Highway Patrol (CHP) has an ongoing pilot program to issue and file electronic notice to appear citations. Other law enforcement agencies in various counties are currently filing notice to appear citations with courts electronically. The committee’s proposal is designed to facilitate implementation of the CHP program for electronic citations and improve and clarify requirements for other issuing agencies.

Recent attention to state traffic infraction laws raised significant concerns about procedural fairness in related proceedings. In response, the Judicial Council adopted California Rules of

Court, rule 4.105, as an urgency measure on June 8, 2015. The rule improves uniformity in traffic infraction bail procedures for pre-trial proceedings by expressly providing for traffic infraction defendants to appear for arraignment and trial without depositing bail unless certain exceptions apply.

When the council adopted rule 4.105, the council directed the Traffic Advisory Committee to expeditiously review Judicial Council traffic forms and recommend any revisions that are needed to make the forms consistent with rule 4.105. The Traffic Advisory Committee has identified the need to revise the information on bail to schedule a trial on the council's Notice to Appear forms. The current forms include an advisement that payment of bail will be required to schedule a trial. The forms include a revised instruction that payment of bail may be required to schedule a trial and that defendants may go online or call the court for information on going to court without paying bail.

### **The Proposal**

Under rule 4.103 of the California Rules of Court, notice to appear citations that use the approved council Notice to Appear forms and comply with the council's Instructions are issued on a form approved by the Judicial Council. The Traffic Advisory Committee proposes changes to improve the requirements for the form used by law enforcement agencies to issue preprinted and electronic citations when making arrests for infraction and misdemeanor violations. The complete proposal would (1) amend California Rules of Court, rule 4.103 (Attachment A) to require that law enforcement agencies that issue electronic notice to appear citations submit a copy of the agency's form to the Judicial Council when the forms are revised by the council; (2) clarify and revise the Instructions (Attachment B); (3) revise forms TR-115, *Automated Traffic Enforcement System Notice to Appear*; TR-120, *Nontraffic Notice to Appear*; and TR-130, *Traffic/Nontraffic Notice to Appear*; and (4) create new forms TR-135, *Electronic Traffic/Nontraffic Notice to Appear (4-inch format)* and TR-145, *Electronic Traffic/Nontraffic Notice to Appear (3-inch format)*, for issuing electronic notice to appear citations when making arrests.

The committee recommends the proposal in response to requests by courts to reduce the administrative impact and the expense of processing traffic citations by facilitating electronic filing and to address concerns of the public about the validity of notice to appear citation forms. The 2015 annual agenda of the Traffic Advisory Committee classified the revision of electronic citation requirements as urgently needed to remedy a problem that is causing significant cost or inconvenience to the courts or the public. The proposal is designed to benefit the judicial branch and justice partners by improving the requirements and procedures for issuing and filing electronic citations as an alternative to handwritten citations that require extensive processing and data entry by both courts and law enforcement agencies. Clarification of the requirements would also reduce concerns about the validity of the citations as complaints and avoid potential challenges for statutory deficiencies. In addition, amendment of rule 4.103 to require submission of electronic citation forms by issuing agencies would provide the council with continuing

information about compliance with requirements and identify issues where further action may be needed.

The amendment of rule 4.103, the revision of the Instructions and forms TR-115, TR-120, and TR-130, and the adoption of forms TR-135 and TR-145 will improve compliance with statutory requirements, provide the courts with the necessary information for processing citations in a more cost-effective manner, reduce the issuance and related challenges of unapproved Notice to Appear forms, and provide revised information on appearances in court without prior deposit of bail as set forth in rule 4.105.

**Amendment of rule 4.103.** The committee recommends amendment of rule 4.103 to require law enforcement agencies to provide the Judicial Council with a sample copy of the electronic citation forms issued by those agencies for arrests in traffic and nontraffic criminal cases. The requirement to provide the council with a copy of the form when the council adopts changes to Notice to Appear forms should improve the compliance with related statutes and the council requirements in the Instructions and identify issues where further improvement is needed. Improvement in compliance with the requirements should reduce the expense and administrative burden of cases where citations are challenged and result in decreased workload for judicial officers and court staff in processing contested cases.

**Revision of form TR-INST.** The Instructions would be revised to include the following changes to improve uniformity of content and format and satisfy legal requirements for Notice to Appear forms used to issue and file notice to appear citations:

- Revision of section 1.030 to provide for a continuation page for electronic citations where there are many violations or multiple vehicles would avoid unnecessary printing of duplicate instructions that are part of the existing continuation forms, TR-106, *Continuation of Notice to Appear*, and TR-108, *Continuation of Citation*.
- Revision of section 1.040 to specify use of form TR-135 or TR-145 for issuing and filing electronic citations and to provide for different requirements for electronic and preprinted citations would help identify the circumstances where the requirements for electronic citations differ from those for preprinted handwritten citations.
- Revision of section 2.010 to specify use of form TR-135 or TR-145 for issuing electronic citations at the time of arrest would clarify and improve the requirements for electronic citations.
- Revision of section 3.010 to require implementation by November 15, 2015, of required forms TR-115, TR-120, TR-130, TR-135, and TR-145 by law enforcement agencies would provide time for issuing agencies to implement the changes for notice to appear citations.
- Revision of section 4.010 to specify that the defendant's copy of the citation must include the defendant's signature for the promise to appear would improve compliance with statutory provisions.

- Revision of section 4.020 to specify the “trim” size of Notice to Appear forms would prevent use of a form that is too narrow to allow printing of the form with the approved format and required minimum font size.
- Revision of section 4.050(b) to specify that text on citation form TR-135 or TR-145 must have a minimum font size of 6.0 would avoid use of citations with print that is too small to be legible.
- Revision of section 6.00 to provide that citations issued on form TR-135 or TR-145 may abbreviate terms would facilitate printing of citations when issued. Removal of the provision for minor alterations of formatting for electronic citations would improve standardization of the form and reduce the occurrence of unapproved changes to the form.
- Revision of section 6.030 to specify that the approved barcode data format is USS Code 39 would assist issuing agencies in complying with the standard.
- Revision of section 6.071 to specify that forms TR-135 and TR-145 must specify whether the defendant’s driver’s license is a commercial driver’s license.
- Revision of section 6.120 to require the vehicle description to include the model and color of the vehicle would help identify vehicles on citations.
- Revision of section 6.140 to permit listing of a company as the registered owner of a vehicle would provide appropriate flexibility in completing citations.
- Revision of section 6.160 to specify that notice to appear citations require an issuing officer to indicate whether a violation is eligible for correction by checking a “Yes” or “No” checkbox for eligible offenses would provide clarity about whether an officer has made the determination required by Vehicle Code section 40522.
- Revision of section 6.170 to add forms TR-135 and TR-145 to the forms that have a “Booking Required” checkbox would comply with Penal Code section 853.6.
- Revision of section 6.180 to add specific data fields on forms TR-135 and TR-145 for construction and safety enhancement zone violations and overweight violations would assist courts in imposing the proper penalties for the specific offenses.
- Revision of section 6.210 to add a reference to collision investigation as an example of citations for which the officer executes a declaration on information and belief would assist proper completion of citations.
- Revision of section 6.220 to specify the location for the declaration date that is required by Code of Civil Procedure section 2015.5 for the arresting or citing officer’s declaration to be verified and for the citation to serve as a complaint would improve compliance with statutory requirements.
- Revision of section 6.240 to provide that the signature on the defendant’s copy must be identical to the signature on the copy filed with the court would satisfy the requirement of Vehicle Code section 40505 that the citation issued to the defendant include all information on the copy filed with the court.
- Revision of section 6.280 to remove the exception to have the form approval legend at the top of the form instead of the bottom would improve statewide uniformity and reduce ambiguity about whether a citation is issued on an approved form.

- Revision of section 7.030 to allow adding a thumbprint to a shaded area of form TR-135 or TR-145 would allow issuing agencies flexibility to determine a suitable location on the front of the form.

**Revision of forms TR-115, TR-120, and TR-130.** As discussed above, the committee recommends revision of forms TR-115, TR-120, and TR-130 to further clarify and standardize the requirements that apply for notice to appear citations to be filed and serve as a verified complaint in criminal cases. Adoption of the revised forms and instructions would provide clear and understandable provisions that can be followed to facilitate use of notice to appear citations and allow courts and issuing agencies to improve standardization for processing handwritten citations. The specific details for forms TR-115, TR-120, and TR-130 are discussed above in the changes to form TR-INST. The primary clarifications for citation requirements are that (1) the defendant's copy must include a signature for the promise to appear that is identical to the signature on the copy filed with the court, (2) the issuing officer must indicate whether an offense is eligible for correction by specifying "Yes" for an offense that is correctable or "No" for an offense that is ineligible for correction, (3) the arresting or citing officer's declaration must include a declaration date where specified for the citation to serve as a verified complaint, (4) an optional field would be replaced with a required field on the form instructions for a local website address for citation information, and (5) the forms are revised to notify defendants that payment of bail may be required to schedule a trial and that defendants may go online or call the court for information on going to court without paying bail.

**Adoption of forms TR-135 and TR-145.** As also discussed above, the committee recommends adoption of forms TR-135 and TR-145 to clarify and standardize the requirements that apply for electronic citations to be filed and serve as a verified complaint in criminal cases. Adoption of the new forms and instructions would provide clear and understandable provisions that can be followed to facilitate use of electronic citations and allow courts and issuing agencies to realize cost savings from reduction in administrative expenses for processing handwritten citations. The specific details for forms TR-135 and TR-145 are discussed above in the changes to form TR-INST. The primary clarifications for electronic citation requirements are that (1) the defendant's copy must include a signature for the promise to appear that is identical to the signature on the copy filed with the court, (2) the issuing officer must indicate whether an offense is eligible for correction by specifying "Yes" for an offense that is correctable or "No" for an offense that is ineligible for correction, (3) the officer's declaration must include a declaration date where specified for the citation to serve as a verified complaint, and (4) the forms have a different width and formatting to facilitate use with a variety of existing citation software programs and hardware; and (5) the forms notify defendants that payment of bail may be required to schedule a trial and that defendants may go online or call the court for information on going to court without paying bail.

### **Comments, Alternatives Considered, and Policy Implications**

Rule 4.105 was recently adopted on an urgency basis in response to concern about issues relating to bail for traffic infraction cases, and more specifically about defendants' access to trial in such

cases. The new forms and recommended revisions are consistent with rule 4.105 and have been developed on an expedited basis to be implemented as soon as reasonably possible but no later than November 15, 2015. To expedite consistency with the newly adopted rule, the form revisions related to the rule are recommended without prior public comment period. All other aspects of these recommendations were circulated for public comment as explained below.

***Summary of Comments.***

The new forms and proposed revisions to the current rule and forms were circulated for public comment from October 6 to December 1, 2014. Eleven comments were received in response to invitation to comment, SP14-10. Comments were received from the Superior Courts of Los Angeles, Orange, Riverside, Sacramento, and San Diego Counties; the California Highway Patrol; the Integrated Law and Justice Agency for Orange County, a coalition of local law enforcement agencies; the California Traffic Defense Bar; the Orange County Bar Association; and two police departments. Of the eleven commentators, one agreed with the proposal; six agreed with the proposal, but only if modified; three did not agree with the proposal; and one comment did not indicate a position on the proposal. A chart listing all commentators and showing all comments received and changes requested is attached, at pages 70-92.

The comments included discussion of a few principal issues, including clarifying discussion and changes regarding: the statutory requirement for the officer's declaration under penalty of perjury to be dated for the citation to serve as a verified complaint; the inclusion of a website address for court information on local court procedures; the new optional item to include an e-mail address for the defendant; and the option to include information on the location where the officer's declaration is signed to satisfy statutory requirements when necessary for a verified declaration under penalty of perjury.

Notable comments and committee responses include:

- **Signatures.** Commentators expressed significant concern that the Instructions are revised to expressly state that the defendant's copy of the electronic Notice to Appear form must include the identical signature of the defendant that is on the copy of the notice filed with the court. The comment by the Integrated Law and Justice Agency for Orange County (ILJAOC) expressed concern that the requirement to include the defendant's signature on the defendant's copy of a notice to appear citation issued by an electronic citation device will increase the risk of harm to officers by requiring an additional trip to the defendant's vehicle at a traffic stop after printing the notice with the digital signature on the printer installed in the officer's vehicle. Officer safety is unquestionably a compelling concern. However, the committee believes that the requirement to provide the defendant with a signed copy of the notice is required by statute and this recommendation is designed for consistency with current law. The committee has previously considered the requirement to include the defendant's signature on the copy of the notice issued to the defendant in the council's statewide invitation to comment on notice to appear citations, SPR12-27, in 2012. In light of the current law and concerns for officer safety, the ILJAOC may wish to consider bringing this issue to the Legislature for its attention. An alternative to

legislation would be to consider use of wireless hand-held mobile printers to avoid having to make an extra trip between vehicles.

- **Implementation Period.** A number of comments recommended an extended implementation period for the forms to reduce negative impacts on law enforcement agencies. Historically, when the council adopts revised Notice to Appear forms there is a grace period of several months to a year to implement the changes. This practice has been followed to address the fact that many agencies order citations printed in bulk for a year or more to lower costs. Discarding existing forms and ordering new forms or reprogramming electronic citation devices can negatively impact operational budgets, especially of smaller agencies. Even the California Highway Patrol orders a large quantity of about 70,000 forms per quarter and a grace period of less than 3-4 months could cause a significant expense to replace existing stock in addition to any expenses to reprogram electronic citation devices. Despite this situation, there is a compelling need to update the forms as soon as possible to revise the information about bail procedures to be consistent with the new rule 4.105. While subdivision (d) of rule 4.105 requires courts to update information provided to the public regarding bail for traffic infractions by September 15, 2015, the Notice to Appear forms are not governed by the deadline of the rule as the forms are provided to the public by law enforcement agencies, not the courts. After considering the competing interests, the committee recommends that the extended implementation be specified to require implementation as soon as reasonably possible, but no later than November 15, 2015.

#### ***Alternatives .***

The committee considered clarifying the form requirements in TR-INST while continuing the current practice of using form TR-130, *Traffic/Nontraffic Notice to Appear*, for both electronic and preprinted handwritten citations. This approach was not favored. The committee decided instead to propose new forms with specific requirements, tailored to the unique aspects of electronic citations, which could be distinguished from those that are better suited to preprinted citations. Use of new forms that are consistent with the CHP pilot program, local agency programs, and statutory requirements will allow other agencies to implement future electronic citation systems in a more uniform, understandable, and well-established manner.

The committee also considered reinstatement of the prior council requirement for agencies to submit citation forms for individual review and approval by the council. This approach was not favored because of the administrative burden, staffing, and cost that would be necessary for implementation of this reinstatement. The committee considered that the proposed requirement to provide the council with an annual copy of the electronic citation form would be satisfied with minimal expense and provide continuing information to the council for future improvements. Based on comments received, the committee is recommending that agencies submit a copy of the citation when the council adopts changes to the form in order to minimize the administrative impact and allow a means to monitor compliance with council requirements.

## **Implementation Requirements, Costs, and Operational Impacts**

This proposal is expected to result in long-term cost savings and time savings for courts and issuing agencies, because costs of processing handwritten citations will be reduced or eventually eliminated. Implementation of the proposal would facilitate efforts of courts to expand electronic filing of citations and result in reduced court costs for labor related to processing and data input for handwritten citations. Law enforcement agencies with existing electronic citation programs may have programming costs to implement the changes that are proposed to comply with existing law.

## **Relevant Strategic Plan Goals and Operational Plan Objectives**

The adoption of new and revised Notice to Appear forms would advance the Judicial Council goal of providing access and fairness in the courts. (See *Justice in Focus: The Strategic Plan for California's Judicial Branch*, Goal I, Access, Fairness, and Diversity; Goal III, Modernization of Management and Administration.).

## **Attachments**

1. Amended California Rules of Court, rule 4.103, at pages 10-11
2. Revised form TR-INST, *Notice to Appear and Related Forms*, at pages 12-56
3. Revised form TR-115, *Automated Traffic Enforcement System Notice to Appear*, at pages 57-58
4. Revised form TR-120, *Nontraffic Notice to Appear*, at pages 59-61
5. Revised form TR-130, *Traffic/Nontraffic Notice to Appear*, at pages 62-64
6. Form TR-135, *Electronic Traffic/Nontraffic Notice to Appear (4-Inch format)*, at pages 65-67
7. Form TR-145, *Electronic Traffic/Nontraffic Notice to Appear (3-Inch format)*, at pages 68-69
8. Comment chart, at pages 70-92

Rule 4.103 of the California Rules of Court is amended, effective June 26, 2015, to read:

1 **Rule 4.103. Notice to appear forms**

2  
3 **(a) Traffic offenses**

4  
5 A printed or electronic notice to appear that is issued for any violation of the  
6 Vehicle Code other than a felony or for a violation of an ordinance of a city or  
7 county relating to traffic offenses must be prepared and filed with the court on  
8 *Automated Traffic Enforcement System Notice to Appear* (form TR-115), ~~or~~  
9 *Traffic/Nontraffic Notice to Appear* (form TR-130), *Electronic Traffic/Nontraffic*  
10 *Notice to Appear (4-inch format)* (form TR-135), or *Electronic Traffic/Nontraffic*  
11 *Notice to Appear (3-inch format)* (form TR-145), and must comply with the  
12 requirements in the current version of the Judicial Council’s instructions, *Notice to*  
13 *Appear and Related Forms* (form TR-INST).

14  
15 **(b) Nontraffic offenses**

16  
17 A notice to appear issued for a nontraffic infraction or misdemeanor offense that is  
18 prepared on *Nontraffic Notice to Appear* (form TR-120), ~~or~~ *Traffic/Nontraffic*  
19 *Notice to Appear* (form TR-130), *Electronic Traffic/Nontraffic Notice to Appear (4-*  
20 *inch format)*(form TR-135), or *Electronic Traffic/Nontraffic Notice to Appear (3-*  
21 *inch format)* (form TR-145), and that complies with the requirements in the current  
22 version of the Judicial Council’s instructions, *Notice to Appear and Related Forms*  
23 (form TR-INST), may be filed with the court and serve as a complaint as provided  
24 in Penal Code section 853.9 or 959.1.

25  
26 **(c) Corrections**

27  
28 Corrections to citations previously issued on *Continuation of Notice to Appear*  
29 (form TR-106), *Continuation of Citation* (form TR-108), *Automated Traffic*  
30 *Enforcement System Notice to Appear* (form TR-115), *Nontraffic Notice to Appear*  
31 (form TR-120), ~~or~~ *Traffic/Nontraffic Notice to Appear* (form TR-130), *Electronic*  
32 *Traffic/Nontraffic Notice to Appear (4-inch format)* (form TR-135), or *Electronic*  
33 *Traffic/Nontraffic Notice to Appear (3-inch format)* (form TR-145) must be made  
34 on a *Notice of Correction and Proof of Service* (form TR-100).

35  
36 **(d) Electronic citation forms**

37  
38 A law enforcement agency that uses an electronic citation device to issue notice to  
39 appear citations on the Judicial Council’s *Electronic Traffic/Nontraffic Notice to*  
40 *Appear (4-inch format)* (form TR-135) or *Electronic Traffic/Nontraffic Notice to*  
41 *Appear (3-inch format)* (form TR-145) must submit to the Judicial Council an exact  
42 printed copy of the agency’s current citation form that complies with the

- 1 requirements in the most recent version of the Judicial Council's instructions,
- 2 *Notice to Appear and Related Forms* (form TR-INST).

**TR-INST, NOTICE TO APPEAR AND RELATED FORMS**

Revised Effective ~~February 26, 2013~~ June 26, 2015



**JUDICIAL COUNCIL OF CALIFORNIA**

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

---

## ACKNOWLEDGMENTS

The ~~Administrative Office of the Courts~~ [Judicial Council](#) gratefully acknowledges the contributions and cooperation of those representatives from the judicial community, law enforcement agencies, and special interest groups who made this manual possible.

---

## TABLE OF CONTENTS

<b>CHAPTER 1 PURPOSE OF FORMS .....</b>	<b>1</b>
1.000. DEFINITIONS.....	1
1.010. IN GENERAL .....	1
1.020. NOTICE TO APPEAR .....	1
1.030. CONTINUATION FORM .....	1
1.040. ELECTRONIC NOTICE TO APPEAR .....	2
1.050. NOTICE OF CORRECTION AND PROOF OF SERVICE.....	2
<b>CHAPTER 2 AUTHORITY TO PRESCRIBE FORMAT .....</b>	<b>2</b>
2.010. JUDICIAL COUNCIL .....	2
<b>CHAPTER 3 REVISION DATE .....</b>	<b>3</b>
3.010. JUDICIAL COUNCIL .....	3
<b>CHAPTER 4 FORM SPECIFICATIONS.....</b>	<b>3</b>
4.010. REQUIRED COPIES .....	3
4.020. SIZE AND COLOR .....	4
4.030. PAPER STOCK .....	4
4.040. SERIAL NUMBERS.....	4
4.050. PRINTING FORMAT .....	4
4.060. PRINTING EXPENSES.....	5
<b>CHAPTER 5 VARIATIONS OF MANDATORY LANGUAGE/DATA FIELDS .....</b>	<b>5</b>
5.000. IN GENERAL .....	5
5.010. PERMITTED VARIATIONS .....	5
<b>CHAPTER 6 MANDATORY LANGUAGE/DATA FIELDS .....</b>	<b>5</b>
6.000. IN GENERAL .....	5
6.010. AGENCY NAME .....	6
6.020. TITLE OF FORM.....	6
6.030. SERIAL NUMBER .....	6
6.040. MISDEMEANOR CHECK BOX.....	7
6.050. DATE AND TIME .....	7
6.060. DEFENDANT’S NAME.....	7
6.070. DEFENDANT’S ADDRESS .....	7
6.071. DEFENDANT’S CLASS AND CATEGORY OF DRIVER’S LICENSE .....	7
6.080. DEFENDANT’S AGE AND BIRTH DATE .....	7
6.090. DEFENDANT’S PHYSICAL DESCRIPTION.....	8
6.100. COMMERCIAL VEHICLE .....	8
6.110. HAZARDOUS MATERIAL .....	8
6.120. VEHICLE DESCRIPTION .....	8
6.130. FINANCIAL RESPONSIBILITY.....	8
6.140. NAME OF REGISTERED OWNER/LESSEE.....	8
6.150. ADDRESS OF THE REGISTERED OWNER/LESSEE.....	8
6.160. CORRECTABLE VIOLATION ADVISEMENT AND CHECK BOXES .....	9
6.170. BOOKING REQUIRED .....	9
6.180. VIOLATIONS .....	9
6.190. SPEED.....	9
6.200. LOCATION OF VIOLATION.....	10
6.210. OFFICER’S DECLARATION ON INFORMATION AND BELIEF .....	10
6.220. OFFICER’S DECLARATION UNDER PENALTY OF PERJURY .....	10

---

6.230. OTHER OFFICER .....	10
6.231. DECLARANT-AUTOMATED TRAFFIC ENFORCEMENT SYSTEM CITATIONS .....	10
6.240. DEFENDANT’S SIGNATURE .....	10
6.250. TIME TO APPEAR .....	11
6.260. PLACE TO APPEAR .....	11
6.270. NIGHT COURT .....	11
6.280. LEGEND.....	11
<b>CHAPTER 7 DISCRETIONARY LANGUAGE/DATA FIELDS .....</b>	<b>12</b>
7.000. IN GENERAL .....	12
7.010. BAIL STATEMENT .....	12
7.020. DEFENDANT’S RACE/ETHNICITY .....	12
7.030. DEFENDANT’S THUMBPRINT .....	12
<b>CHAPTER 8 PROHIBITED LANGUAGE/DATA FIELDS.....</b>	<b>13</b>
8.010. DEFENDANT’S SOCIAL SECURITY NUMBER .....	13
<b>APPENDIXES OF COUNCIL FORMS</b>	
Appendix A <i>Notice of Correction and Proof of Service</i> , Form TR-100.....	A
Appendix B <i>Continuation of Notice to Appear</i> , Form TR-106.....	B
Appendix C <i>Continuation of Citation</i> , Form TR-108.....	C
Appendix D <i>Automated Traffic Enforcement System Notice to Appear</i> , Form TR-115.....	D
Appendix E <i>Nontraffic Notice to Appear</i> , Form TR-120.....	E
Appendix F <i>Traffic/Nontraffic Notice to Appear</i> , Form TR-130 .....	F
<a href="#"><u>Appendix G <i>Electronic Traffic/Nontraffic Notice to Appear (4-inch format)</i>, Form TR-135 .....</u></a>	<a href="#"><u>G</u></a>
<a href="#"><u>Appendix H <i>Electronic Traffic/Nontraffic Notice to Appear (3-inch format)</i>, Form TR-145 .....</u></a>	<a href="#"><u>H</u></a>

---

## Chapter 1 PURPOSE OF FORMS

### **1.000. Definitions**

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

### **1.010. In General**

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

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

### **1.020. Notice to Appear**

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

### **1.030. Continuation Form**

- a) The *Continuation of Notice to Appear* or *Continuation of Citation* form must be used when multiple offenses are charged and the Notice to Appear form does not provide sufficient space for the listing of all the charges. A *Continuation of Citation* is a multipurpose form intended for use with either a Notice to Appear form or a Notice to Correct Violation form.
- b) A second Notice to Appear must not be issued in lieu of a continuation form.
- c) The Notice to Appear and the corresponding continuation form must be treated as one law enforcement document and contain the same citation number.
- d) [Form TR-135, \*Electronic Traffic/Nontraffic Notice to Appear \(4-inch format\)\*, may, when necessary, include a short-version continuation page to allow for citing multiple offenses or offenses that involve multiple vehicles.](#)

---

<sup>1</sup>Per Veh. Code, § 40500(a) and Pen. Code, § 853.6.

<sup>2</sup>Per Veh. Code, § 40513(b) and Pen. Code, § 853.9.

---

### **1.040. Electronic Notice to Appear**

- a) The electronic Notice to Appear [issued on either form TR-135, \*Electronic Traffic/Nontraffic Notice to Appear \(4-inch format\)\* or form TR-145, \*Electronic Traffic/Nontraffic Notice to Appear \(3-inch format\)\*](#), eliminates those citation-processing problems caused by the illegibility of handwritten information. The use of an electronic Notice to Appear also reduces the amount of information that must be entered into law enforcement and court computer systems.
- b) A court is authorized to receive and file a Notice to Appear in an electronic form if all of the following conditions are met:<sup>3</sup>
  - 1) The information is on a form approved by the Judicial Council.
  - 2) The Notice to Appear is transmitted to the court by a law enforcement agency.
  - 3) The court has the facility to electronically store the information for the statutory period of record retention.
  - 4) The court has the ability to reproduce the Notice to Appear in physical form upon the demand and payment of the reproduction costs.
- c) [Requirements for citations issued by an electronic citation device on form TR-135 or form TR-145 that differ from those for preprinted citations are specified below where necessary.](#)

### **1.050. Notice of Correction and Proof of Service**

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

## **Chapter 2 AUTHORITY TO PRESCRIBE FORMAT**

### **2.010. Judicial Council**

- a) The Judicial Council has adopted [three five](#) forms for the Notice to Appear:
  - 1) Form TR-115, *Automated Traffic Enforcement System Notice to Appear*,<sup>5</sup> to be used in conjunction with violations of sections 22451, 21453, and 22101 recorded by an automated traffic enforcement system. (See Appendix D.)
  - 2) Form TR-120, *Nontraffic Notice to Appear*,<sup>6</sup> to be used for violations other than traffic offenses. (See Appendix E.)

---

<sup>3</sup>Per Pen. Code, § 959.1.

<sup>4</sup>Per Veh. Code, § 40505.

<sup>5</sup>Per Veh. Code, § 40518.

<sup>6</sup>Per Pen. Code, § 853.9.

- 
- 3) Form TR-130, *Traffic/Nontraffic Notice to Appear*,<sup>7</sup> to be used for both infraction and misdemeanor offenses. (See Appendix F.) ~~The electronic Notice to Appear<sup>8</sup> emulates the format of the Traffic/Nontraffic Notice to Appear. A computer generated paper citation is issued to the defendant at the time of arrest.~~
  - 4) Forms TR-135 and TR-145<sup>8</sup> to be used for both infraction and misdemeanor offenses. (See Appendix G and Appendix H.) A computer-generated paper citation is issued to the defendant at the time of arrest and a copy is filed with the court either electronically when permitted or as a paper copy.
- b) Form TR-106, *Continuation of Notice to Appear*, and form TR-108, *Continuation of Citation*, are intended for use in conjunction with *Nontraffic* and *Traffic/Nontraffic Notice to Appear* forms. (See Appendix B.)
  - c) The Judicial Council has not adopted a form for, nor established guidelines governing, the following: (1) parking citations, (2) arrest/booking reports, and (3) court bail courtesy notices.

## Chapter 3 REVISION DATES

### 3.010. Judicial Council

- a) Periodically, the Judicial Council will adopt revisions of Notice to Appear forms. **Law enforcement must use the revised Notice to Appear form by the effective date of the revised form adopted by the Judicial Council.** (See section 6.030 for exception.) Depending on changes in statutory requirements, effective dates are established to allow law enforcement as much time as possible to deplete any existing supplies of the old form, print and disseminate new forms, and, if necessary, develop new procedures and train personnel regarding the revisions.
- b) The council adopted forms TR-135 and TR-145 and revised forms TR-115, TR-120, and TR-130, effective January 1, 2013 June 26, 2015, with implementation as soon as reasonably possible, but no later than November 15, 2015. The council adopted revised forms TR-120 and TR-130, effective September 20, 2005. The council adopted forms TR-100, TR-106, and TR-108 with an effective date of January 1, 2004.

## Chapter 4 FORM SPECIFICATIONS

### 4.010. Required Copies

The arresting officer must prepare the Notice to Appear form, at a minimum, in triplicate with a copy delivered to the court and the issuing agency for Vehicle Code violations<sup>9</sup> and in duplicate for all other violations.<sup>10</sup> The copy of the citation issued to the arrested

---

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

<sup>8</sup>~~Per Pen. Code, § 959.1.~~

<sup>8</sup>Per Pen. Code, § 959.1.

<sup>9</sup>Per Veh. Code, § 40500(a) and Veh. Code, § 40506.

<sup>10</sup>Per Pen. Code, § 853.6.

---

[person must include all of the information on the copy of the citation filed with the court, including any signature for the defendant's promise to appear.](#)<sup>11</sup> Before printing [or programming](#) Notice to Appear forms, law enforcement agencies should contact their local court to determine if there are any local requirements for the court's case management system.

#### **4.020. Size and Color**

The size and color of Notice to Appear copies [for forms TR-106, TR-108, TR-120, and TR-130](#) should conform with the requirements of the courts in which they are filed. The Judicial Council recommends the following minimum size and other form specifications:

- a) A "trim" size of 4 1/4 inches wide and 7 1/2 inches long; 5/8-inch tabs on the top or bottom of the form.
- b) Original (Court's copy) white, 15-pound paper stock. Print head-to-head.
- c) Duplicate (Police agency's copy) pink, 15-pound paper stock. No printing on reverse.
- d) Triplicate (Officer's copy) green, 15-pound paper stock. Print reverse head-to-head.
- e) Quadruplicate (Defendant's copy) yellow, 20-pound paper stock. Print reverse head-to-head.
- f) The colors of the "Court's copy" and "Police agency's copy" correspond with rule 1:3-1 of the "Model Rules Governing Procedure in Traffic Cases" adopted by the National Conference of Commissioners on Uniform State Laws.

[Form TR-135 has a "trim" size of 4 inches wide, and form TR-145 has a "trim" size of 3 inches wide.](#)

#### **4.030. Paper Stock**

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

#### **4.040. Serial Numbers**

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

#### **4.050. Printing Format**

- a) A vertical format is required, except for the Proof of Service on form TR-100, which is printed horizontally to facilitate mailing.

---

<sup>11</sup>[Per Veh. Code, § 40505.](#)

- 
- b) All text on the forms must be printed in black ink. All text on citation forms TR-115, TR-120, ~~and~~ TR-130, [TR-135](#), and [TR-145](#) must have a minimum font size of 6.0. Serial numbers may be printed in red ink. The box for the defendant’s signature may be printed in red ink.

#### **4.060. Printing Expenses**

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

## **Chapter 5 VARIATIONS OF MANDATORY LANGUAGE/DATA FIELDS**

### **5.000. In General**

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

### **5.010. Permitted Variations**

- a) To meet the unique customs and/or needs of local law enforcement agencies and courts, the Judicial Council form permits limited variations in the “time,” “place,” and “proof of correction certification” data fields, among others. To indicate that variations may be permitted, these data fields are identified by shaded areas. Shading should not appear on printed forms.
- b) The California Highway Patrol is permitted to alter the format and location of the fields for the name of the court, court address, and phone number and to add a field for the location of a CHP Inspection Facility on the face of a form TR-130, *Traffic/Nontraffic Notice to Appear* for their form CHP-215X.
- c) Formatting for the bracketed information that is required in the “Where” field on notice to appear forms may be modified to include information for multiple court locations.

## **Chapter 6 MANDATORY LANGUAGE/DATA FIELDS**

### **6.000. In General**

The mandatory language and data fields vary between the various Notice to Appear forms depending on the purpose of the form. All language and data fields in unshaded areas on the forms are mandatory, even if not discussed below. Mandatory text or data fields of the forms may not be re-worded or omitted, except for references to statutory authorities, which may be abbreviated differently. Electronic Notice to Appear [citations issued on forms \[TR-135\]\(#\) and \[TR-145\]\(#\)](#) may abbreviate terms ~~and have minor alterations to formatting~~ to facilitate printing of forms.

---

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

### **6.010. Agency Name**

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

### **6.020. Title of Form**

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

### **6.030. Serial Number**

- a) A sequential serial number for each multipart set of Notice to Appear forms must appear horizontally near the top right corner of each form.
- b) To facilitate the filing systems of some courts, statewide law enforcement agencies must also print the serial number in the lower right margin of the court’s copy. Statewide law enforcement agencies must comply with this requirement as specified in section 3.010. Local law enforcement agencies must comply with the requirement for the duplication of the serial number in the right margin within one calendar year of a request from a local court.
- c) The serial number may be preprinted on the Notice to Appear.
- d) The serial number on ~~the~~ continuation form [TR-106 or TR-108](#) must be the same as that on the corresponding Notice to Appear; the duplication of the serial number in the right margin is not required.
- e) Bar coding of the serial number permits those courts with bar code readers to improve the timeliness and accuracy of processing Notice to Appear forms. Within the following parameters, the bar coding of the serial number must be placed on the face of the court’s copy of the Notice to Appear form:
  1. The bar code must appear as near as practical to the bottom of the form [and is the USS Code 39 barcode data format](#).
  2. The bar code should have a 1/4-inch area (quiet zone) that is clear and free of all printing preceding the start character and the following stop character.
  3. Statewide law enforcement agencies must comply with the bar code requirement as specified in section 3.010.
  4. Local law enforcement agencies must comply with the bar code requirement within one calendar year of a request from a local court.

---

#### **6.040. Misdemeanor Check Box**

To facilitate processing, the citing officer must check the misdemeanor box at the top of the Notice to Appear if one of the offenses charged is a misdemeanor. The misdemeanor check box does not appear on the *Automated Traffic Enforcement System* notice [form, TR-115](#).

#### **6.050. Date and Time**

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

#### **6.060. Defendant’s Name**

- a) The defendant’s name is required on the Notice to Appear.<sup>12</sup>
- b) The sequence of the defendant’s name must be First/Middle/Last. This sequence corresponds with the California Driver License/Identification Card.

#### **6.070. Defendant’s Address**

- a) The defendant’s address must be indicated on the Notice to Appear.<sup>13</sup>
- b) The address must be the defendant’s mailing address. The mailing address allows the court to mail a courtesy notice and/or other correspondence to the defendant.
- c) A street address may also be indicated in addition to the mailing address.

#### **6.071. Defendant’s Class and Category of Driver’s License**

- a) The defendant’s class of driver’s license may be specified on the Notice to Appear.
- b) Notice to Appear forms TR-115 ~~and~~, TR-130, [TR-135](#), and [TR-145](#) must specify whether the defendant’s driver’s license is a commercial driver’s license.

#### **6.080. Defendant’s Age and Birth Date**

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

---

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

<sup>13</sup>Per Veh. Code, §§ 40500(a), 40518(b) and Pen. Code, § 853.6.

---

### **6.090. Defendant's Physical Description**

- a) The defendant's sex, hair, color of eyes, height, and weight are required on the Notice to Appear. See section 7.020 for the policy regarding the defendant's race/ethnicity.
  
- b) Data fields for the recording of the defendant's physical description are designed to accept the standard abbreviations of physical descriptors.

### **6.100. Commercial Vehicle**

If the vehicle involved in an offense when a notice to appear is issued is a commercial vehicle,<sup>14</sup> the citing officer must mark the check box within the data field, "COMMERCIAL VEHICLE (Veh. Code, § 15210(b))."

### **6.110. Hazardous Material**

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

### **6.120. Vehicle Description**

The year, make, model, and body style, and color of the vehicle operated by the defendant at the time of the offense must be indicated on the Notice to Appear.<sup>15</sup>

### **6.130. Financial Responsibility**

The officer must write the driver's evidence of financial responsibility on the Notice to Appear.<sup>16</sup> A person issued a Notice to Appear for a violation of this section may submit to the clerk of the court, in person or by mail, written evidence that the driver was in compliance with this section at the time of the citation.

### **6.140. Name of Registered Owner/Lessee**

- a) The Notice to Appear must contain the name of the registered owner or lessee.<sup>17</sup>
  
- b) The name must be indicated on the Notice to Appear in the following sequence: First/Middle/Last, unless a company is listed as the registered owner of the vehicle or vehicles.

### **6.150. Address of the Registered Owner/Lessee**

- a) The address of the registered Owner/Lessee must be indicated on the Notice to Appear.<sup>18</sup>

---

<sup>14</sup>Commercial vehicle is defined in Veh. Code, § 15210(b). The requirement to indicate if offense involves a motor vehicle is per Veh. Code, § 40300.2.

<sup>15</sup>Per Veh. Code, § 40500(a).

<sup>16</sup>Per Veh. Code, § 16028.

<sup>17</sup>Per Veh. Code, § 40500(a).

- 
- b) The address must be the registered owner's mailing address.

### **6.160. Correctable Violation Advisement and Check Boxes**

- a) Whenever a person is arrested for violations specified in Vehicle Code section 40303.5 and none of the disqualifying conditions set forth in Vehicle Code section 40610(b) exist, and the officer issues a Notice to Appear, the notice must specify the offense charged and note in a form approved by the Judicial Council that the charge will be dismissed upon proof of correction.<sup>19</sup>
- b) For offenses identified in Vehicle Code section 40303.5 the citing officer must indicate by marking the appropriate "Yes" or "No" check box whether or not the offense is eligible for dismissal upon proof of timely correction. Marking the "#No" box denotes that disqualifying conditions specified in Vehicle Code section 40610(b) exist.
- c) The correctable violation advisement and the check boxes do not appear on the *Automated Traffic Enforcement System* notice [form, TR-115](#).

### **6.170. Booking Required**

The officer may either book the arrested person prior to release, or indicate on the Notice to Appear that the arrested person must be booked before appearing in court.<sup>20</sup> If the "Booking Required" check box is checked on form TR-120-~~or~~, TR-130, [TR-135](#), or [TR-145](#) the arresting agency must complete the verification of booking section on the defendant's copy of the form. The "booking required" check box does not appear on the *Automated Traffic Enforcement System* notice.

### **6.180. Violations**

The Notice to Appear must state the offenses charged.<sup>21</sup> [Forms TR-135 and TR-145 may include special data fields to cite construction zone violations \(Veh. Code, § 42009\), Safety Enhancement-Double Fine Zone violations \(Veh. Code, § 42010\), and overweight violations \(Veh. Code, §§ 42030 and 42030.1\).](#)

### **6.190. Speed**

A Notice to Appear charging a speeding violation must specify the approximate speed, prima facie or maximum speed, and any other speed limit exceeded.<sup>22</sup>

- a) The "safe speed" box is provided so that the officer can indicate a speed different from the maximum or prima facie (posted) speed when the Notice to Appear is prepared charging a violation of the basic speed law (Veh. Code, § 22350). Conditions affecting the safe speed limit should be noted on the Notice to Appear (e.g., fog, rain, etc.).

---

<sup>18</sup>Per Veh. Code, § 40500(a).

<sup>19</sup>Per Veh. Code, § 40522.

<sup>20</sup>Per Pen. Code, § 853.6.

<sup>21</sup>Per Veh. Code, § 40500(a) and Pen. Code, § 853.6.

<sup>22</sup>Per Veh. Code, § 40503.

- 
- b) When a speed violation is charged, both the approximate speed and the prima facie speed applicable to the street or highway should be indicated.
  - c) Entry of the maximum speed limit pertaining to the particular type of vehicle, or combination of vehicles, is only required if the defendant is cited for exceeding the speed limit for that vehicle.

#### **6.200. Location of Violation**

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

#### **6.210. Officer's Declaration on Information and Belief**

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

#### **6.220. Officer's Declaration under Penalty of Perjury**

The Notice to Appear must contain the officer's dated declaration, under penalty of perjury, subscribed by the officer, that the information regarding the violations is true and correct.<sup>23</sup> The date of the declaration must appear in the declaration date field when completed by either an arresting or a citing officer.

#### **6.230. Other Officer**

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

#### **6.231. Declarant-Automated Traffic Enforcement System Citations**

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

#### **6.240. Defendant's Signature**

To secure release from arrest, the defendant must give his/her written promise to appear.<sup>24</sup> The defendant's signature on the defendant's copy of the citation must be identical to the signature on the copy of the citation filed with the court. This option The requirement for a signed promise to appear does not apply to citations issued for violations recorded by an *Automated Traffic Enforcement System Notice to Appear*.

---

<sup>23</sup>Per Code Civ. Proc., § 2015.5.

<sup>24</sup>Per Veh. Code, § 40504 and Pen. Code, § 853.6.

---

### **6.250. Time to Appear**

- a) The time specified in a Notice to Appear issued for a traffic offense must be a specific date which is at least 21 days after arrest; the court having jurisdiction over the offense charged may authorize the arresting officer to specify on the Notice to Appear that the appearance may be made before the time specified.<sup>25</sup>
- b) When a Notice to Appear has been issued for a violation recorded by an automated traffic enforcement system, it must be mailed within 15 days of the violation date to the current address of the registered owner of the vehicle on file with the Department of Motor Vehicles, with a certificate of mailing obtained as evidence of service.<sup>26</sup> The time to appear must be at least ten days after the Notice to Appear is delivered.<sup>27</sup>
- c) The time to appear placed on ~~the Nontraffic Notice to Appear or on a Traffic/Nontraffic~~ Notice to Appear for a nontraffic offense must be at least 10 days after the date of arrest for a nontraffic violation. (Pen. Code, § 853.6.)
- d) In the case of juveniles, the court having jurisdiction over the offense charged may require the arresting officer to indicate on the Notice to Appear “to be notified” rather than a specific date.<sup>28</sup>

### **6.260. Place to Appear**

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

- a) Before a magistrate or judge.<sup>29</sup>
- b) Before a person authorized to receive a deposit of bail.<sup>30</sup>
- c) Before the juvenile court, juvenile court referee, or juvenile hearing officer.<sup>31</sup>

### **6.270. Night Court**

If the court identified in the Notice to Appear holds night sessions, the notice must include a statement advising the defendant.<sup>32</sup>

### **6.280. Legend**

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

---

<sup>25</sup>Per Veh. Code, § 40501(a).

<sup>26</sup>Per Veh. Code, § 40518(a).

<sup>27</sup>Per Veh. Code, § 40518(b).

<sup>28</sup>Per Veh. Code, § 40501(b).

<sup>29</sup>Per Veh. Code, § 40502(a)–(b) and Pen. Code, § 853.6.

<sup>30</sup>Per Veh. Code, § 40502(c) and Pen. Code, § 853.6.

<sup>31</sup>Per Veh. Code, § 40502(d).

<sup>32</sup>Per Veh. Code, § 40502(d).

---

## Chapter 7 DISCRETIONARY LANGUAGE/DATA FIELDS

### **7.000. In General**

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

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

### **7.010. Bail Statement**

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

BAIL:

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

\_\_\_\_\_  
Judge

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

### **7.020. Defendant's Race/Ethnicity**

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

### **7.030. Defendant's Thumbprint**

- a) The defendant's thumbprint may be placed on the Notice to Appear in situations in which there is a question in the citing officer's mind as to the true identity of the defendant. The court will then have the option of comparing thumbprints in those

---

<sup>32</sup>Per Pen. Code, § 815(a).

---

cases where the defendant alleges that another person has committed the cited offense.<sup>33</sup>

- b) The Judicial Council recommends that the thumbprint [on form TR-120 or TR-130](#) be placed in a one-inch square area located on the reverse of the court's copy in the lower left corner. [For citations on forms TR-135 or TR-145, a digitized thumbprint or fingerprint may be printed on the defendant's paper copy of the citation and filed with the court as part of the notice to appear. If the defendant's thumbprint or fingerprint is captured electronically as a digital image, but not included as part of the notice to appear, the digital image may be retained by the arresting agency for use as provided in Penal Code sections 853.5 and 853.6 and Vehicle Code sections 40500 and 40504 and any other purposes permitted by law.](#)
- c) The thumbprint item does not appear on the *Automated Traffic Enforcement System Notice to Appear*.

## Chapter 8 PROHIBITED LANGUAGE/DATA FIELDS

### **8.010. Defendant's Social Security Number**

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

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

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

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

---

<sup>33</sup>Per Veh. Code, § 40500(a) and Pen. Code, § 853.6.

<sup>34</sup>Per Public Law 93-579, § 7.

<sup>35</sup>Per 42 USC § 405, (c)(2)(c)(i)-(iv).

<sup>36</sup>Per Veh. Code, §§ 1653.5 and 12801.

---

**APPENDIXES OF COUNCIL FORMS**

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

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

1. A *Notice to Appear/Notice to Correct Violation* was issued to you by an officer of this department on *(date)*:
2. The citation issued to you contained an error as indicated by the items checked below. This notice of correction does not affect the validity of the citation or the required court appearance.
  - Date/time of violation should be \_\_\_\_\_
  - Date/time of court appearance should be changed  
from \_\_\_\_\_ to \_\_\_\_\_
  - Violation section(s) should be changed  
from \_\_\_\_\_ to \_\_\_\_\_
  - Location of violation should be changed  
from \_\_\_\_\_ to \_\_\_\_\_
  - Other (*specify*): \_\_\_\_\_

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

Date: \_\_\_\_\_  
(Signature of officer)

I am at least 18 years of age, not a party to this action, and ~~not~~ <sup>am</sup> a resident of or employed in the county where the mailing took place. My business address is:

On (date): \_\_\_\_\_, I served this Notice of Correction on the parties at the address listed below by depositing it in a sealed envelope, postage prepaid, with the United States Postal Service at (city and state):

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

Original to Court

Defendant's Address:

(Type or print name)

(SIGNATURE)

---

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

# CONTINUATION OF NOTICE TO APPEAR

(Face of Violator's Copy)

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

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



CONTINUATION OF NOTICE TO APEAR  
(Reverse of Court Copy)

(Circle one)

RIGHT or LEFT  
THUMB PRINT



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

---

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





CONTINUATION OF CITATION  
(Reverse of Court's Copy)

*(Circle one)*

**RIGHT or LEFT  
THUMBPRINT**

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

---

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

# TRAFFIC NOTICE TO APPEAR

## Automated Traffic Enforcement System

(NAME OF AGENCY AND JURISDICTION)						
<b>NOTICE TO APPEAR</b> Automated Traffic Enforcement (Citation No.)						
Date of Violation 1. / /		Time <input type="checkbox"/> AM <input type="checkbox"/> PM		Day of Week <b>S M T W T F S</b>		Case No.
Name (First, Middle, Last) 2.						
Address 3.						
City 4.		State		ZIP Code		
Driver Lic. No. 5.		State	Class	Commercial <input type="checkbox"/> Yes <input type="checkbox"/> No	Age	Birth Date / /
Sex 6.	Hair	Eyes	Height	Weight	Race	
Veh. Lic. No. or VIN 7.				State		
				<input type="checkbox"/> <b>COMMERCIAL VEHICLE</b> (Veh. Code, § 15210(b))		
Yr. of Veh. 8.	Make	Model	Body Style	Color	<input type="checkbox"/> <b>HAZARDOUS MATERIAL</b> (Veh. Code, § 353)	
Registered Owner or Lessee 9.						
Address 10.						
City 11.		State		ZIP Code		
<b>Code and Section</b> 12.			<b>Description</b>			
Location of Violation at 13.			City/County of Occurrence			
<p><input checked="" type="checkbox"/> Violation was not committed in my presence. The above is declared on information and belief and is based on photographic evidence.</p> <p>I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.</p>						
Date Issued 14.		Declarant			ID No.	
<b>YOU MUST RESPOND TO THE COURT ON OR BEFORE:</b>						
15. WHEN: DATE: _____				Time: _____ <input type="checkbox"/> AM <input type="checkbox"/> PM		
WHAT TO DO: FOLLOW THE INSTRUCTIONS ON THE REVERSE.						
16. WHERE: [Name of court[s]] [Section[s] or division[s], room no[s].] [Street address(es)] [Phone no.]				<b>Clerk's Office Hours</b> [Insert hours clerk's office is open.]		
<div style="border: 1px solid black; padding: 10px; display: inline-block; margin: 10px auto; width: 80%;">FPO Barcode</div>						
Judicial Council of California Form Rev. <a href="#">06-26-15</a> (Veh. Code, § 40518)						DEFENDANT COPY <b>SEE REVERSE</b> TR-115

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

# TRAFFIC NOTICE TO APPEAR

## Automated Traffic Enforcement System

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

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

---

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



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

**IMPORTANT — READ CAREFULLY**

**LOCAL INFORMATION FOR THE CITATION IS AVAILABLE ONLINE  
AT [website address]**

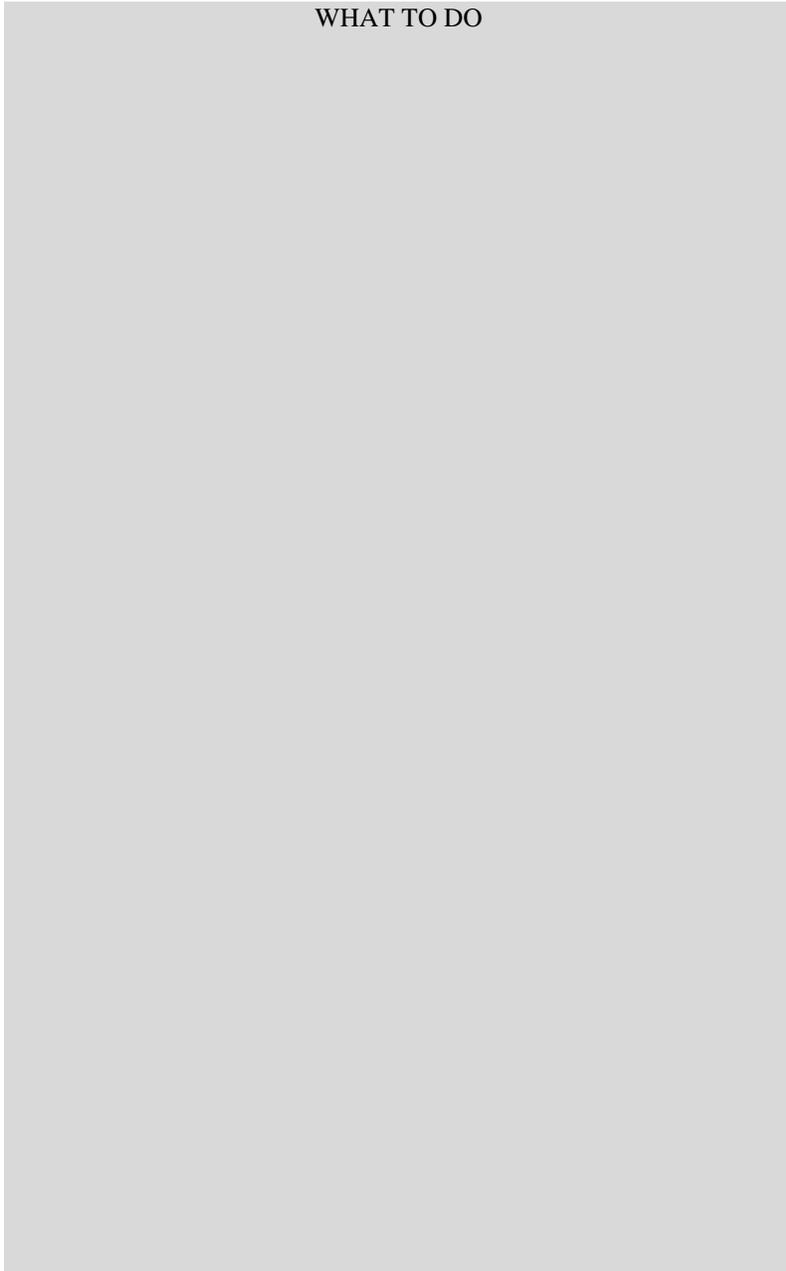
**WARNING:** If you fail to appear in court as you have promised, you may be arrested and punished by 6 MONTHS IN JAIL AND/OR A \$1,000 FINE, regardless of the disposition of the original charge. (Pen. Code, § 853.7.)

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

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

\_\_\_\_\_ was booked on \_\_\_\_\_ Date \_\_\_\_\_ Officer \_\_\_\_\_ Serial No. \_\_\_\_\_

WHAT TO DO

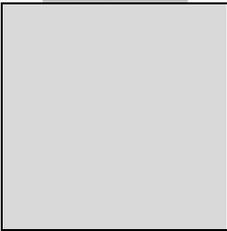


Shaded areas on the form indicate spaces subject to modification for local or agency requirements.

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

(Circle one)

RIGHT or LEFT  
THUMB PRINT



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

---

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

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

(NAME OF AGENCY AND JURISDICTION)										<input type="checkbox"/> MISDEMEANOR			
<b>NOTICE TO APPEAR</b>										<input type="checkbox"/> Traffic <input type="checkbox"/> Nontraffic		(Citation No.)	
Date of Violation 1. / /			Time		<input type="checkbox"/> AM <input type="checkbox"/> PM		Day of Week <b>S M T W T F S</b>		Case No.				
Name (First, Middle, Last) 2.										<input type="checkbox"/> Owner's Responsibility (Veh. Code, § 40001)			
Address 3.													
City 4.				State		ZIP Code		E-mail Address					
Driver Lic. No. 5.			State		Class	Commercial <input type="checkbox"/> Yes <input type="checkbox"/> No		Age	Birth Date / /				
Sex 6.	Hair	Eyes	Height	Weight	Race		<input type="checkbox"/> Juvenile (Phone No.) ( )						
Veh. Lic. No. or VIN 7.			State		Reg. MO/YR		<input type="checkbox"/> COMMERCIAL VEHICLE (Veh. Code, § 15210(b))						
Yr. of Veh. 8.	Make	Model	Body Style	Color		<input type="checkbox"/> HAZARDOUS MATERIAL (Veh. Code, § 353)							
Evidence of Financial Responsibility 9.			CHP/DOT/PUC/ICC										
Registered Owner or Lessee 10.										<input type="checkbox"/> Same as Driver			
Address 11.													
City 12.				State		ZIP Code							
Correctable Violation (Veh. Code, § 40610)										<input type="checkbox"/> Booking Required (see reverse)		Misdemeanor or Infraction (Circle)	
Yes	No	Code and Section		Description									
13. <input type="checkbox"/>	<input type="checkbox"/>												
14. <input type="checkbox"/>	<input type="checkbox"/>												
15. <input type="checkbox"/>	<input type="checkbox"/>												
16. <input type="checkbox"/>	<input type="checkbox"/>												
Speed Approx. 17.	P.F./Max Spd.	Veh. Lmt.	Safe	Radar	<input type="checkbox"/> Continuation Form Issued		N						
Location of Violation(s) 18. at						City/County of Occurrence		W	E				
Comments (Weather, Road & Traffic Conditions) 19.										<input type="checkbox"/> Accident		S	
<input type="checkbox"/> Violations not committed in my presence, declared on information and belief.													
I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.													
Executed at (place) Violation Location													
21. / / Dec. Date	Arresting or Citing Officer						Serial No.	to	Dates Off				
22. / / Dec. Date	Name of Arresting Officer, if different from Citing Officer						Serial No.	to	Dates Off				
<b>WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW.</b>													
<b>X Signature</b>													
24. WHEN:	ON OR BEFORE THIS DATE: / /						Time: _____	<input type="checkbox"/> AM	<input type="checkbox"/> PM	Time: _____	<input type="checkbox"/> AM	<input type="checkbox"/> PM	
25. WHAT TO DO:	FOLLOW THE INSTRUCTIONS ON THE REVERSE.												
WHERE:	[Name of court[s]] [Section[s] or division[s], room no[s].] [Street address[es]] [Phone No.]												
26. <input type="checkbox"/> To be notified	<input type="checkbox"/> You may arrange with the clerk to appear at a night session of the court.												
<b>FPO Barcode (USS Code 39)</b>										DEFENDANT COPY			
Judicial Council of California Form										<b>SEE REVERSE</b>			
Rev. 06-26-15 (Veh. Code, §§ 40500(b), 40513(b), 40522, 40600; Pen. Code, § 853.9)										TR-130			

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

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

## IMPORTANT — READ CAREFULLY

LOCAL INFORMATION FOR THE CITATION IS AVAILABLE ONLINE  
AT [[website address](#)]

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

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

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

### WHAT TO DO

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

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

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

**1. If you do NOT contest the violation:**

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

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

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

### CERTIFICATE OF CORRECTION (MUST BE RETURNED TO COURT)

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

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

**a. (Court trial)** Send a certified or registered letter postmarked not later than five days prior to the appearance date or come to the court by the appearance date to request a court trial on a future date when an officer and any witnesses will be present. **You will may be required to submit the bail amount.** [Go online or call the court for information on going to court without paying bail.](#) —OR—

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

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

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

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

\_\_\_\_\_ was booked on \_\_\_\_\_ Date \_\_\_\_\_ Officer \_\_\_\_\_ Serial No. \_\_\_\_\_

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

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

(Circle one)

RIGHT or LEFT  
THUMB PRINT



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

---

Appendix G *Electronic Traffic/Nontraffic Notice to Appear (4-inch format)*, Form TR-135

---

# ELECTRONIC TRAFFIC/NONTRAFFIC NOTICE TO APPEAR (Defendant's Copy)

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

(NAME OF AGENCY AND JURISDICTION)		<input type="checkbox"/> MISDEMEANOR (Citation No.) <input type="checkbox"/> TRAFFIC <input type="checkbox"/> NONTRAFFIC	
<b>NOTICE TO APPEAR</b>			
Date of Violation 1. / /		Time <input type="checkbox"/> AM <input type="checkbox"/> PM	
Day of Week		Case No.	
Name (First, Middle, Last)/(Company) 2. <input type="checkbox"/> Owner's Responsibility (VC 40001)			
Address 3.			
City 4.		State/Country	ZIP Code
<input type="checkbox"/> Juvenile (Phone No.) ( )			
Driver Lic. No. 5.		State/Country	Class
Commercial <input type="checkbox"/> Yes <input type="checkbox"/> No		Age	Birth Date / /
Sex 6.	Hair	Eyes	Height
Weight	Race	Other Description	
E-mail Address 7.			
Veh. Lic. No. or VIN 8.		State/Country	Reg. Mo/Yr Exp
<input type="checkbox"/> COMM. VEH. (VC 15210(b))			
Yr. of Veh. 9.	Make	Model	Body Style
Color	<input type="checkbox"/> HAZ. MAT. (VC 353)		
Evidence of Financial Responsibility 10. <u>CHP/DOT/PUC/ICC</u>			
Registered Owner or Lessee 11. <input type="checkbox"/> Same as Driver			
Address 12.		City	State/Country
ZIP Code		<input type="checkbox"/> Same as Driver	
Veh. Lic. No. or VIN 13. Veh. 2		State/Country	Reg. Mo/Yr Exp.
Yr. of Veh. 14.	Make	Model	Body Style
Color	Type		
15. <input type="checkbox"/> VC 42009 Construction Zone <input type="checkbox"/> VC 42010 Safety Zone <input type="checkbox"/> School Zone			
Correctable Violation (VC 40610) Yes/No		Code and Section	Description
<input type="checkbox"/> Booking Required (see below)		Misdemeanor or Infraction	Overweight
16 (Y/N)		lbs	M <input type="checkbox"/> I <input type="checkbox"/>
17 (Y/N)		lbs	<input type="checkbox"/> <input type="checkbox"/>
18 (Y/N)		lbs	<input type="checkbox"/> <input type="checkbox"/>
19 (Y/N)		lbs	<input type="checkbox"/> <input type="checkbox"/>
Speed Approx. 20. >	P.F./Max Spd.	Veh. Lmt.	Safe
Radar	<input type="checkbox"/> Accident		
Location of Violation(s) 21. at		City/County of Occurrence	<b>RIGHT / LEFT THUMB/ FINGER PRINT</b>
Comments (Weather, Road & Traffic Conditions, Etc.) 22.			
23. <input type="checkbox"/> Violations not committed in my presence, declared on information and belief.			
24. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.			
Citation #	Violation location	Executed at (place)	
25. / /	Arresting or Citing Officer	Serial No.	Fm To Vac. Dates
26. / /	Name of Arresting Officer, if different from Citing Officer	Serial No.	Fm To Vac. Dates
27. <b>WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW.</b> X Signature			
28. WHEN: ON OR BEFORE THIS DATE: / /		Time: <input type="checkbox"/> AM <input type="checkbox"/> PM	
WHAT TO DO: FOLLOW THE INSTRUCTIONS BELOW.		Time: <input type="checkbox"/> AM <input type="checkbox"/> PM	
29. WHERE: [Name of court[s]] [Section[s] or division[s], room no[s].] [Street address[es]] [Phone No.]		<b>PHOTO</b> (Citation No.)	
30. <input type="checkbox"/> To be notified <input type="checkbox"/> Contact the clerk to appear at a night court session.			
Judicial Council of California Form New 06-26-15 (VC 40500(b), 40513(b), 40522, and 40600; PC 853.9 and 959.1) TR-135		DEFENDANT COPY	
FPO Barcode		(USS Code 39)	

# ELECTRONIC TRAFFIC/NONTRAFFIC NOTICE TO APPEAR

## (Continuation of Defendant's Copy)

Shaded areas indicate conditional fields for use when citing multiple vehicles or violations with a continuation page.

(NAME OF AGENCY AND JURISDICTION)		<input type="checkbox"/> MISDEMEANOR (Citation No.)	
<b>NOTICE TO APPEAR</b>		<input type="checkbox"/> TRAFFIC <input type="checkbox"/> NONTRAFFIC	
Date of Violation		Time	Day of Week
1. / /		<input type="checkbox"/> AM <input type="checkbox"/> PM	Case No.
Name (First, Middle, Last)/(Company)		<input type="checkbox"/> Owner's Responsibility (VC 40001)	
2.			
Address			
3.			
City		State/Country	ZIP Code
4.			<input type="checkbox"/> Juvenile (Phone No.) ( )
Driver Lic. No.		State/Country	Class
5.			Commercial <input type="checkbox"/> Yes <input type="checkbox"/> No
Age		Birth Date	
/ /			
Sex	Hair	Eyes	Height
6.			Weight
			Race
Other Description			
E-mail Address			
7.			
8. <input type="checkbox"/> VC 42009 Construction Zone <input type="checkbox"/> VC 42010 Safety Zone <input type="checkbox"/> School Zone			
Correctable Violation (VC 40610)		<input type="checkbox"/> Booking Required (see below)	
Yes/No	Code and Section	Description	Misdemeanor or Infraction
		Overweight	
9. (Y/N)		lbs	M <input type="checkbox"/> I <input type="checkbox"/>
10. (Y/N)		lbs	<input type="checkbox"/> <input type="checkbox"/>
11. (Y/N)		lbs	<input type="checkbox"/> <input type="checkbox"/>
12. (Y/N)		lbs	<input type="checkbox"/> <input type="checkbox"/>
13. (Y/N)		lbs	<input type="checkbox"/> <input type="checkbox"/>
14. (Y/N)		lbs	<input type="checkbox"/> <input type="checkbox"/>
15. (Y/N)		lbs	<input type="checkbox"/> <input type="checkbox"/>
16. (Y/N)		lbs	<input type="checkbox"/> <input type="checkbox"/>
17. (Y/N)		lbs	<input type="checkbox"/> <input type="checkbox"/>
18. (Y/N)		lbs	<input type="checkbox"/> <input type="checkbox"/>
19. (Y/N)		lbs	<input type="checkbox"/> <input type="checkbox"/>
20. (Y/N)		lbs	<input type="checkbox"/> <input type="checkbox"/>
21.	Veh. Lic. No. or VIN	State/Country	Reg. Mo/Yr Expiration Date
22.	Veh. Lic. No. / VIN	State/Country	Reg. Mo/Yr Exp.
Veh. 3			
23.	Yr. of Veh.	Make	Model Body Style Color Type
24.	Veh. Lic. No. / VIN	State/Country	Reg. Mo/Yr Exp.
Veh. 4			
25.	Yr. of Veh.	Make	Model Body Style Color Type
26.	Veh. Lic. No. / VIN	State/Country	Reg. Mo/Yr Exp.
Veh. 5			
27.	Yr. of Veh.	Make	Model Body Style Color Type
Location of Violation			
28. <input type="checkbox"/> Violations not committed in my presence, declared on information and belief.			
29. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.			
Citation# Violation location Executed at (place)			
30. / /	Arresting or Citing Officer		Fm To Vac. Dates
Dec. Date			Serial No. Fm To Vac. Dates
31. / /	Name of Arresting Officer, if different from Citing Officer		Serial No. Fm To Vac. Dates
Dec. Date			Serial No. Fm To Vac. Dates
32. <input checked="" type="checkbox"/> Signature			
Judicial Council of California Form New 06-26-15 (VC 40500(b), 40513(b), 40522, and 40600; PC 853.9 and 959.1) TR-135		FPO Barcode (USS Code 39)	

Citation No.

# ELECTRONIC TRAFFIC/NONTRAFFIC NOTICE TO APPEAR (Defendant's Instructions)

(Citation No.)

**LOCAL INFORMATION FOR THE CITATION IS AVAILABLE ONLINE AT**  
 [website address]

**IMPORTANT — READ CAREFULLY**

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

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

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

**WHAT TO DO**

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

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

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

**1. If you do NOT contest the violation:**

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

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

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

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

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

**a. (Court trial)** Send a certified or registered letter postmarked not later than five days prior to the appearance date or come to the court by the appearance date to request a court trial on a future date when an officer and any witnesses will be present. **You may be required to submit the bail amount. Go online or call the court for information on going to court without paying bail —OR—**

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

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

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

**Booking Verification:** I declare under penalty of perjury under the laws of the State of California that \_\_\_\_\_ was booked on \_\_\_\_\_

Officer \_\_\_\_\_ Defendant's name \_\_\_\_\_ Date \_\_\_\_\_ Serial / ID No. \_\_\_\_\_

---

Appendix J *Electronic Traffic/Nontraffic Notice to Appear (5-inch format)*, Form TR-165

---

**ELECTRONIC TRAFFIC/NONTRAFFIC NOTICE TO APPEAR (Defendant's Copy)**

Shaded areas indicate spaces subject to violation details or modification for local or agency requirements.

Agency: (Name and Jurisdiction)	
<b>NOTICE TO APPEAR</b>	
Misdemeanor: (Y/N) Traffic: (Y/N) Nontraffic: (Y/N)	Citation: (No.)
Violation Date: (Day of Week) / / Time: (AM/PM) Case No.:	
Owner's Responsibility: (Y/N) (VC 40001)	
Name: (First, Middle, Last)/(Company)	
Address:	
City:	State/Country: ZIP:
Juvenile (Phone #): ( )	E-mail Address:
Driver Lic.: (No.) State/Country: Class:	Comm. Lic.: (Y/N)
Birth Date: / / Age:	Juvenile: (Y/N)
Sex: Hair: Eyes: Ht: Wt: Race:	Other Descr.:
Veh. Lic. or VIN: (No.) State/Country:	Reg.: (Mo/Yr) Exp
Yr. of Veh.: Make: Model:	
Body Style: Color:	
<b>COMMERCIAL VEH. (VC 15210(b)): (Y/N) HAZ. MAT. (VC 353): (Y/N)</b>	
Evid. of Financial Resp.:	CHP/DOT/PUC/ICC
Registered Owner or Lessee: (First, Middle, Last/Company)	
Address:	
City:	State/Country: ZIP:
<b>Veh. 2:</b> Veh. Lic. or VIN: (No.) State/Country: Reg.: (Mo/Yr) Exp	
Yr. of Veh.: Make: Model: Body Style: Color:	
<b>Veh. 3:</b> Veh. Lic. or VIN: (No.) State/Country: Reg.: (Mo/Yr) Exp	
Yr. of Veh.: Make: Model: Body Style: Color:	
<b>Veh. 4:</b> Veh. Lic. or VIN: (No.) State/Country: Reg.: (Mo/Yr) Exp	
Yr. of Veh.: Make: Model: Body Style: Color:	
Construction-VC 42009 (Y/N) Safety Zone-VC 42010 (Y/N) School Zone (Y/N)	
Correctable	Booking Required: (Y/N) (see reverse)
Violation (VC 40610)	
(Yes/No) Code Section Description	Weight Misd./ Infrac.
(Y/N)	lbs (M/I)
Speed Approx: P.F./Max Spd.: Veh. Lmt.: Safe:	Radar: (Y/N)
Location of Violation(s) at: (City/County of Occurrence)	
Conditions: (Weather, Road & Traffic Conditions, Etc.)	<b>RIGHT / LEFT THUMB / FINGER PRINT</b>
Remarks:	
Accident (Y/N)	
<b>WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW.</b>	
X Signature	
WHEN: ON OR BEFORE THIS DATE: / /	Time: (AM/PM)
WHAT TO DO: FOLLOW THE INSTRUCTIONS ON THE REVERSE.	
WHERE: BEFORE A JUDGE OR CLERK OF THE	<b>PHOTO</b>
(Name of court[s])	
(Section[s] or division[s], room no[s].)	
(Street address[es])	
(Phone No.)	
To be notified (Y/N) Contact the clerk to appear at a night court session: (Y/N)	
<input type="checkbox"/> Violations not committed in my presence, declared on information or belief.	
I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.	
Executed at: (Place)	Violation Location:
(Signature)	/ /
Arresting or Citing Officer	Declaration Date
(Name)	/ /
Arresting Officer,	Declaration Date
if different from Citing Officer:	
Serial / ID: _____	Dates Off: / / to / /
Judicial Council of California Form New 06-26-15 (VC 40500(b), 40513(b), 40522, and 40600; PC 853.9 and 959.1) TR-145 DEFENDANT COPY	<b>FPO Barcode USS Code 39</b>

ELECTRONIC TRAFFIC/NONTRAFFIC NOTICE TO APPEAR (Defendant's Instructions)

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

<b>LOCAL INFORMATION FOR THE CITATION IS AVAILABLE ONLINE AT [website address]</b>
<b>IMPORTANT — READ CAREFULLY</b>
<b>WARNING:</b> If you fail to appear in court as you have promised, you may be arrested and punished by 6 MONTHS IN JAIL AND/OR A \$1,000 FINE regardless of the disposition of the original charge. (Veh. Code, § 40508 or Pen. Code, § 853.7.) In addition, any person who fails to appear as provided by law may be deemed to have elected to have a trial by written declaration (in absentia) pursuant to Vehicle Code section 40903(a) upon any alleged infraction, as charged by the arresting/citing officer.
<b>JUVENILE:</b> If you were under age 18 at the time the citation was issued, you must appear in court with your parent or guardian.
<b>COURTESY NOTICE:</b> A courtesy notice may be mailed to the address shown on your citation, indicating the required deposit of money (bail) that may be forfeited instead of your appearing in court. If you do not receive such courtesy notice, you are still required to comply with the items below by the appearance date.

**WHAT TO DO**

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

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

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

**1. If you do NOT contest the violation:**

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

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

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

CERTIFICATE OF CORRECTION (MUST BE RETURNED TO COURT)				
Section Violated	Signature Certifying Correction	Serial/ ID No.	Agency	Date

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

**a. (Court trial)** Send a certified or registered letter postmarked not later than five days prior to the appearance date or come to the court by the appearance date to request a court trial on a future date when an officer and any witnesses will be present. **You may be required to submit the bail amount. Go online or call the court for information on going to court without paying bail.—OR—**

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

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

**4.** If "Booking Required" is checked you must appear for booking on a weekday prior to your court date at \_\_\_\_\_ between the hours of \_\_\_\_\_ and \_\_\_\_\_ and bring the signed verification to your court appearance.

Call \_\_\_\_\_ for more information.

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

California that \_\_\_\_\_ (Defendant's Name)

was booked on \_\_\_\_\_ (Date)

Officer: \_\_\_\_\_

Serial / ID No.: \_\_\_\_\_

(L/R) THUMB/  
FINGER PRINT

# TRAFFIC NOTICE TO APPEAR

## Automated Traffic Enforcement System

(NAME OF AGENCY AND JURISDICTION)						
<b>NOTICE TO APPEAR</b> Automated Traffic Enforcement (Citation No.)						
Date of Violation 1. / /		Time <input type="checkbox"/> AM <input type="checkbox"/> PM		Day of Week <b>S M T W T F S</b>		Case No.
Name (First, Middle, Last) 2.						
Address 3.						
City 4.		State		ZIP Code		
Driver Lic. No. 5.		State	Class	Commercial <input type="checkbox"/> Yes <input type="checkbox"/> No	Age	Birth Date / /
Sex 6.	Hair	Eyes	Height	Weight	Race	
Veh. Lic. No. or VIN 7.				State		
				<input type="checkbox"/> <b>COMMERCIAL VEHICLE</b> (Veh. Code, § 15210(b))		
Yr. of Veh. 8.	Make	Model	Body Style	Color		
				<input type="checkbox"/> <b>HAZARDOUS MATERIAL</b> (Veh. Code, § 353)		
Registered Owner or Lessee 9.						
Address 10.						
City 11.		State		ZIP Code		
<b>Code and Section</b> 12.			<b>Description</b>			
Location of Violation at 13.			City/County of Occurrence			
<p><input checked="" type="checkbox"/> Violation was not committed in my presence. The above is declared on information and belief and is based on photographic evidence.</p> <p>I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.</p>						
Date Issued 14.		Declarant			ID No.	
<b>YOU MUST RESPOND TO THE COURT ON OR BEFORE:</b>						
15. WHEN: DATE: _____				Time: _____ <input type="checkbox"/> AM <input type="checkbox"/> PM		
WHAT TO DO: FOLLOW THE INSTRUCTIONS ON THE REVERSE.						
16. WHERE: [Name of court[s]] [Section[s] or division[s], room no[s].] [Street address(es)] [Phone no.]				<b>Clerk's Office Hours</b> [Insert hours clerk's office is open.]		
<div style="border: 1px solid black; padding: 10px; display: inline-block; margin: 10px auto; width: 80%;">FPO Barcode</div>						
Judicial Council of California Form Rev. <a href="#">06-26-15</a> (Veh. Code, § 40518)						DEFENDANT COPY <b>SEE REVERSE</b> TR-115

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

# TRAFFIC NOTICE TO APPEAR

## Automated Traffic Enforcement System

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

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

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

(Name of Agency and Jurisdiction)		<input type="checkbox"/> MISDEMEANOR		(Citation No.)	
<b>NOTICE TO APPEAR</b>		Nontraffic			
Date of Violation 1. / /		Time		<input type="checkbox"/> AM <input type="checkbox"/> PM	
		Day of Week <b>S M T W T F S</b>		Case No.	
Name (First, Middle, Last) 2.					
Address 3.					
City 4.		State		ZIP Code	
<a href="#">E-mail Address</a>					
Driver Lic. No. 5.		State		<input type="checkbox"/> Juvenile (Phone No.) ( )	
Class		Age		Birth Date / /	
Sex 6.		Hair		Eyes	
Height		Weight		Race	
Other Description					
Code		Ordinance		Description	
				Misdemeanor Infraction (Circle)	
7.				M I	
8.				M I	
9.				M I	
10.				M I	
11.				M I	
12.				M I	
13.				M I	
14.				M I	
15.				M I	
16.				M I	
17.				M I	
18.				M I	
Evidence Seized 19.				<input type="checkbox"/> Booking Required	
Location of Violation(s) 20.				City/County of Occurrence	
Comments 21.					
<input type="checkbox"/> Violations not committed in my presence, declared on information and belief. 22. I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.					
23. / / Dec. Date		Arresting or Citing Officer		Serial No. to Dates Off	
24. / / Dec. Date		Name of Arresting Officer, if different from Citing Officer		Serial No. to Dates Off	
25. <b>WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW.</b> <b>X Signature</b>					
26. WHEN:		ON OR BEFORE THIS DATE: / /		Time: <input type="checkbox"/> AM <input type="checkbox"/> PM	
				Time: <input type="checkbox"/> AM <input type="checkbox"/> PM	
27. WHAT TO DO:		FOLLOW THE INSTRUCTIONS ON THE REVERSE.			
WHERE:		[Name of court[s]] [Section[s] or division[s], room no[s].] [Street address[es]] [Phone No.]			
28. <input type="checkbox"/> To be notified		<input type="checkbox"/> You may arrange with the clerk to appear at a night session of the court.			
<b>FPO Barcode (USS Code 39)</b>				DEFENDANT COPY	
Judicial Council of California Form Rev. 06-26-15 (Pen. Code, § 853.9)				SEE REVERSE TR-120	

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

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

**IMPORTANT — READ CAREFULLY**

**LOCAL INFORMATION FOR THE CITATION IS AVAILABLE ONLINE  
AT [website address]**

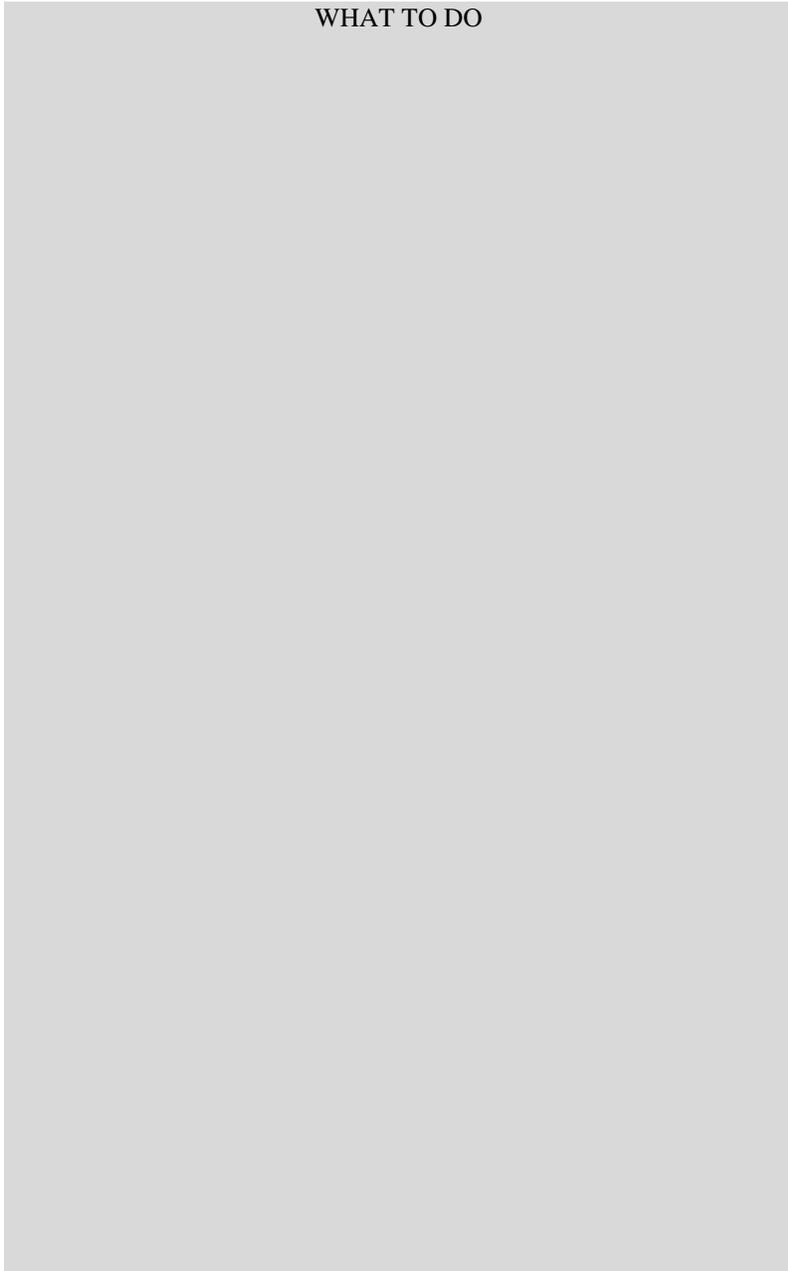
**WARNING:** If you fail to appear in court as you have promised, you may be arrested and punished by 6 MONTHS IN JAIL AND/OR A \$1,000 FINE, regardless of the disposition of the original charge. (Pen. Code, § 853.7.)

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

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

\_\_\_\_\_ was booked on \_\_\_\_\_ Date \_\_\_\_\_ Officer \_\_\_\_\_ Serial No. \_\_\_\_\_

WHAT TO DO



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

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

(Circle one)

RIGHT or LEFT  
THUMB PRINT



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



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

## IMPORTANT — READ CAREFULLY

LOCAL INFORMATION FOR THE CITATION IS AVAILABLE ONLINE  
AT [[website address](#)]

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

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

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

### WHAT TO DO

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

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

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

**1. If you do NOT contest the violation:**

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

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

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

### CERTIFICATE OF CORRECTION (MUST BE RETURNED TO COURT)

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

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

**a. (Court trial)** Send a certified or registered letter postmarked not later than five days prior to the appearance date or come to the court by the appearance date to request a court trial on a future date when an officer and any witnesses will be present. **You will may be required to submit the bail amount.** [Go online or call the court for information on going to court without paying bail.](#) —OR—

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

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

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

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

\_\_\_\_\_ was booked on \_\_\_\_\_ Date \_\_\_\_\_ Officer \_\_\_\_\_ Serial No. \_\_\_\_\_

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

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

(Circle one)

RIGHT or LEFT  
THUMB PRINT



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

# ELECTRONIC TRAFFIC/NONTRAFFIC NOTICE TO APPEAR (Defendant's Copy)

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

(NAME OF AGENCY AND JURISDICTION)		<input type="checkbox"/> MISDEMEANOR (Citation No.) <input type="checkbox"/> TRAFFIC <input type="checkbox"/> NONTRAFFIC	
<b>NOTICE TO APPEAR</b>			
Date of Violation 1. / /		Time <input type="checkbox"/> AM <input type="checkbox"/> PM	
Day of Week		Case No.	
Name (First, Middle, Last)/(Company) 2. <input type="checkbox"/> Owner's Responsibility (VC 40001)			
Address 3.			
City 4.		State/Country	ZIP Code
<input type="checkbox"/> Juvenile (Phone No.) ( )			
Driver Lic. No. 5.		State/Country	Class
Commercial <input type="checkbox"/> Yes <input type="checkbox"/> No		Age	Birth Date / /
Sex 6.	Hair	Eyes	Height
Weight	Race	Other Description	
E-mail Address 7.			
Veh. Lic. No. or VIN 8.		State/Country	Reg. Mo/Yr Exp
<input type="checkbox"/> COMM. VEH. (VC 15210(b))			
Yr. of Veh. 9.	Make	Model	Body Style
Color	<input type="checkbox"/> HAZ. MAT. (VC 353)		
Evidence of Financial Responsibility 10. <u>CHP/DOT/PUC/ICC</u>			
Registered Owner or Lessee 11. <input type="checkbox"/> Same as Driver			
Address 12.		City	State/Country
ZIP Code		<input type="checkbox"/> Same as Driver	
Veh. Lic. No. or VIN 13. Veh. 2		State/Country	Reg. Mo/Yr Exp.
Yr. of Veh. 14.	Make	Model	Body Style
Color	Type		
15. <input type="checkbox"/> VC 42009 Construction Zone <input type="checkbox"/> VC 42010 Safety Zone <input type="checkbox"/> School Zone			
Correctable Violation (VC 40610) Yes/No		Code and Section	Description
<input type="checkbox"/> Booking Required (see below)		Misdemeanor or Infraction	<input type="checkbox"/> Overweight
16 (Y/N)		lbs	M <input type="checkbox"/> I <input type="checkbox"/>
17 (Y/N)		lbs	<input type="checkbox"/> <input type="checkbox"/>
18 (Y/N)		lbs	<input type="checkbox"/> <input type="checkbox"/>
19 (Y/N)		lbs	<input type="checkbox"/> <input type="checkbox"/>
Speed Approx. 20. >	P.F./Max Spd.	Veh. Lmt.	Safe
Radar	<input type="checkbox"/> Accident		
Location of Violation(s) 21. at		City/County of Occurrence	<b>RIGHT / LEFT THUMB/ FINGER PRINT</b>
Comments (Weather, Road & Traffic Conditions, Etc.) 22.			
23. <input type="checkbox"/> Violations not committed in my presence, declared on information and belief.			
24. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.			
Citation #	Violation location	Executed at (place)	
25. / / Dec. Date	Arresting or Citing Officer		Fm To Serial No. Vac. Dates
26. / / Dec. Date	Name of Arresting Officer, if different from Citing Officer		Fm To Serial No. Vac. Dates
27. <b>WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW.</b> X Signature			
28. WHEN: ON OR BEFORE THIS DATE: / /		Time: <input type="checkbox"/> AM <input type="checkbox"/> PM	
WHAT TO DO: FOLLOW THE INSTRUCTIONS BELOW.		Time: <input type="checkbox"/> AM <input type="checkbox"/> PM	
29. WHERE: [Name of court[s]] [Section[s] or division[s], room no[s].] [Street address[es]] [Phone No.]		<b>PHOTO</b> <small>(Citation No.)</small>	
30. <input type="checkbox"/> To be notified <input type="checkbox"/> Contact the clerk to appear at a night court session.			
Judicial Council of California Form New 06-26-15 (VC 40500(b), 40513(b), 40522, and 40600; PC 853.9 and 959.1) TR-135		DEFENDANT COPY	
FPO Barcode		(USS Code 39)	

# ELECTRONIC TRAFFIC/NONTRAFFIC NOTICE TO APPEAR

## (Continuation of Defendant's Copy)

Shaded areas indicate conditional fields for use when citing multiple vehicles or violations with a continuation page.

(NAME OF AGENCY AND JURISDICTION)		<input type="checkbox"/> MISDEMEANOR (Citation No.)	
<b>NOTICE TO APPEAR</b>		<input type="checkbox"/> TRAFFIC <input type="checkbox"/> NONTRAFFIC	
Date of Violation		Time	Day of Week
1. / /		<input type="checkbox"/> AM <input type="checkbox"/> PM	Case No.
Name (First, Middle, Last)/(Company)		<input type="checkbox"/> Owner's Responsibility (VC 40001)	
2.			
Address			
3.			
City		State/Country	ZIP Code
4.			<input type="checkbox"/> Juvenile (Phone No.) ( )
Driver Lic. No.		State/Country	Class
5.			Commercial <input type="checkbox"/> Yes <input type="checkbox"/> No
Age		Birth Date	
/ /			
Sex	Hair	Eyes	Height
6.			Weight
			Race
Other Description			
E-mail Address			
7.			
8. <input type="checkbox"/> VC 42009 Construction Zone <input type="checkbox"/> VC 42010 Safety Zone <input type="checkbox"/> School Zone			
Correctable Violation (VC 40610)		<input type="checkbox"/> Booking Required (see below)	
Yes/No	Code and Section	Description	Misdemeanor or Infraction
		Overweight	
9. (Y/N)		lbs	M <input type="checkbox"/> I <input type="checkbox"/>
10. (Y/N)		lbs	<input type="checkbox"/> <input type="checkbox"/>
11. (Y/N)		lbs	<input type="checkbox"/> <input type="checkbox"/>
12. (Y/N)		lbs	<input type="checkbox"/> <input type="checkbox"/>
13. (Y/N)		lbs	<input type="checkbox"/> <input type="checkbox"/>
14. (Y/N)		lbs	<input type="checkbox"/> <input type="checkbox"/>
15. (Y/N)		lbs	<input type="checkbox"/> <input type="checkbox"/>
16. (Y/N)		lbs	<input type="checkbox"/> <input type="checkbox"/>
17. (Y/N)		lbs	<input type="checkbox"/> <input type="checkbox"/>
18. (Y/N)		lbs	<input type="checkbox"/> <input type="checkbox"/>
19. (Y/N)		lbs	<input type="checkbox"/> <input type="checkbox"/>
20. (Y/N)		lbs	<input type="checkbox"/> <input type="checkbox"/>
21.	Veh. Lic. No. or VIN	State/Country	Reg. Mo/Yr Expiration Date
22.	Veh. Lic. No. / VIN	State/Country	Reg. Mo/Yr Exp.
Veh. 3			
23.	Yr. of Veh.	Make	Model Body Style Color Type
24.	Veh. Lic. No. / VIN	State/Country	Reg. Mo/Yr Exp.
Veh. 4			
25.	Yr. of Veh.	Make	Model Body Style Color Type
26.	Veh. Lic. No. / VIN	State/Country	Reg. Mo/Yr Exp.
Veh. 5			
27.	Yr. of Veh.	Make	Model Body Style Color Type
Location of Violation			
28. <input type="checkbox"/> Violations not committed in my presence, declared on information and belief.			
29. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.			
Citation# Violation location Executed at (place)			
30.	Dec. Date	Arresting or Citing Officer	Fm To Serial No. Vac. Dates
31.	Dec. Date	Name of Arresting Officer, if different from Citing Officer	Fm To Serial No. Vac. Dates
<b>WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED.</b>			
32. X Signature			
Judicial Council of California Form New 06-26-15 (VC 40500(b), 40513(b), 40522, and 40600; PC 853.9 and 959.1) TR-135		FPO Barcode (USS Code 39)	

Citation No.

# ELECTRONIC TRAFFIC/NONTRAFFIC NOTICE TO APPEAR (Defendant's Instructions)

(Citation No.)

**LOCAL INFORMATION FOR THE CITATION IS AVAILABLE ONLINE AT**  
[website address]

**IMPORTANT — READ CAREFULLY**

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

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

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

**WHAT TO DO**

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

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

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

**1. If you do NOT contest the violation:**

- a. (Pay the bail amount)** Contact the court for bail information. You will not have to appear in court. You will be convicted of the violation, and it will appear on your record at the Department of Motor Vehicles (DMV). A point count may be charged to your DMV record, and your insurance may be adversely affected.
- b. (Traffic school)** You may be able to avoid the point count by completing traffic school. You must pay the bail amount as a fee, and you may have to pay other fees. Contact the court to request traffic school.

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

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

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

- a. (Court trial)** Send a certified or registered letter postmarked not later than five days prior to the appearance date or come to the court by the appearance date to request a court trial on a future date when an officer and any witnesses will be present. **You may be required to submit the bail amount. Go online or call the court for information on going to court without paying bail —OR—**
- b. (Trial by written declaration (traffic infractions))** Send a certified or registered letter postmarked not later than five days prior to the appearance date or come to the court on or before the appearance date to request a trial by written declaration. **Submit the bail amount.** You will be given forms to allow you to write a statement and to submit other evidence without appearing in court. An officer will also submit a statement. The judicial officer will consider the evidence and decide the case.

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

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

**Booking Verification:** I declare under penalty of perjury under the laws of the State of California that \_\_\_\_\_ was booked on \_\_\_\_\_

Defendant's name \_\_\_\_\_ Date \_\_\_\_\_

Officer \_\_\_\_\_ Serial / ID No. \_\_\_\_\_

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

**ELECTRONIC TRAFFIC/NONTRAFFIC NOTICE TO APPEAR (Defendant's Copy)**

Shaded areas indicate spaces subject to violation details or modification for local or agency requirements.

Agency: (Name and Jurisdiction)	
<b>NOTICE TO APPEAR</b>	
Misdemeanor: (Y/N) Traffic: (Y/N) Nontraffic: (Y/N)	Citation: (No.)
Violation Date: (Day of Week) / / Time: (AM/PM) Case No.:	
Owner's Responsibility: (Y/N) (VC 40001)	
Name: (First, Middle, Last)/(Company)	
Address:	
City:	State/Country: ZIP:
Juvenile (Phone #): ( )	E-mail Address:
Driver Lic.: (No.) State/Country: Class:	Comm. Lic.: (Y/N)
Birth Date: / / Age:	Juvenile: (Y/N)
Sex: Hair: Eyes: Ht: Wt: Race:	Other Descr.:
Veh. Lic. or VIN: (No.) State/Country:	Reg.: (Mo/Yr) Exp
Yr. of Veh.: Make: Model:	
Body Style: Color:	
<b>COMMERCIAL VEH. (VC 15210(b)): (Y/N) HAZ. MAT. (VC 353): (Y/N)</b>	
Evid. of Financial Resp.:	CHP/DOT/PUC/ICC
Registered Owner or Lessee: (First, Middle, Last/Company)	
Address:	
City:	State/Country: ZIP:
<b>Veh. 2:</b> Veh. Lic. or VIN: (No.) State/Country: Reg.: (Mo/Yr) Exp	
Yr. of Veh.: Make: Model: Body Style: Color:	
<b>Veh. 3:</b> Veh. Lic. or VIN: (No.) State/Country: Reg.: (Mo/Yr) Exp	
Yr. of Veh.: Make: Model: Body Style: Color:	
<b>Veh. 4:</b> Veh. Lic. or VIN: (No.) State/Country: Reg.: (Mo/Yr) Exp	
Yr. of Veh.: Make: Model: Body Style: Color:	
Construction-VC 42009 (Y/N) Safety Zone-VC 42010 (Y/N) School Zone (Y/N)	
Correctable	Booking Required: (Y/N) (see reverse)
Violation (VC 40610)	
(Yes/No) Code Section Description	Weight Misd./ Infrac.
(Y/N)	lbs (M/I)
Speed Approx: P.F./Max Spd.: Veh. Lmt.: Safe:	Radar: (Y/N)
Location of Violation(s) at: (City/County of Occurrence)	
Conditions: (Weather, Road & Traffic Conditions, Etc.)	<b>RIGHT / LEFT THUMB / FINGER PRINT</b>
Remarks:	
Accident (Y/N)	
<b>WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW.</b>	
X Signature	
WHEN: ON OR BEFORE THIS DATE: / /	Time: (AM/PM)
WHAT TO DO: FOLLOW THE INSTRUCTIONS ON THE REVERSE.	
WHERE: BEFORE A JUDGE OR CLERK OF THE	<b>PHOTO</b>
(Name of court[s])	
(Section[s] or division[s], room no[s].)	
(Street address[es])	
(Phone No.)	
To be notified (Y/N) Contact the clerk to appear at a night court session: (Y/N)	
<input type="checkbox"/> Violations not committed in my presence, declared on information or belief.	
I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.	
Executed at: (Place)	Violation Location:
(Signature)	/ /
Arresting or Citing Officer	Declaration Date
(Name)	/ /
Arresting Officer,	Declaration Date
if different from Citing Officer:	
Serial / ID: _____	Dates Off: / / to / /
Judicial Council of California Form New 06-26-15 (VC 40500(b), 40513(b), 40522, and 40600; PC 853.9 and 959.1) TR-145 DEFENDANT COPY	<b>FPO Barcode USS Code 39</b>

ELECTRONIC TRAFFIC/NONTRAFFIC NOTICE TO APPEAR (Defendant's Instructions)

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

<b>LOCAL INFORMATION FOR THE CITATION IS AVAILABLE ONLINE AT [website address]</b>
<b>IMPORTANT — READ CAREFULLY</b>
<b>WARNING:</b> If you fail to appear in court as you have promised, you may be arrested and punished by 6 MONTHS IN JAIL AND/OR A \$1,000 FINE regardless of the disposition of the original charge. (Veh. Code, § 40508 or Pen. Code, § 853.7.) In addition, any person who fails to appear as provided by law may be deemed to have elected to have a trial by written declaration (in absentia) pursuant to Vehicle Code section 40903(a) upon any alleged infraction, as charged by the arresting/citing officer.
<b>JUVENILE:</b> If you were under age 18 at the time the citation was issued, you must appear in court with your parent or guardian.
<b>COURTESY NOTICE:</b> A courtesy notice may be mailed to the address shown on your citation, indicating the required deposit of money (bail) that may be forfeited instead of your appearing in court. If you do not receive such courtesy notice, you are still required to comply with the items below by the appearance date.

**WHAT TO DO**

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

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

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

**1. If you do NOT contest the violation:**

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

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

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

CERTIFICATE OF CORRECTION (MUST BE RETURNED TO COURT)				
Section Violated	Signature Certifying Correction	Serial/ ID No.	Agency	Date

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

**a. (Court trial)** Send a certified or registered letter postmarked not later than five days prior to the appearance date or come to the court by the appearance date to request a court trial on a future date when an officer and any witnesses will be present. **You may be required to submit the bail amount. Go online or call the court for information on going to court without paying bail.—OR—**

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

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

**4.** If "Booking Required" is checked you must appear for booking on a weekday prior to your court date at \_\_\_\_\_ between the hours of \_\_\_\_\_ and \_\_\_\_\_ and bring the signed verification to your court appearance.

Call \_\_\_\_\_ for more information.

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

California that \_\_\_\_\_ (Defendant's Name)

was booked on \_\_\_\_\_ (Date)

Officer: \_\_\_\_\_

Serial / ID No.: \_\_\_\_\_

(L/R) THUMB/  
FINGER PRINT

**SP14-10**

**Traffic and Criminal Law: Notice to Appear Forms**

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Draft Committee Response</b>
1.	Atherton Police Department By Sergeant Anthony Kockler Atherton, California	N	<p>I have reviewed the changes recommended for the TR-130 citation form. I believe the changes to the form are so minor that they are not warranted.</p> <ol style="list-style-type: none"> <li>1. An e-mail address (line 4) does not need to be placed on the form and will most likely not be filled out by the officer on the street.</li> <li>2. Putting a date on line 21 and changing the word "date" to "dec date" on line 22 is not needed since the citation is already dated.</li> <li>3. As for the website address on the back, most people are capable of finding information on the Internet without having to have a website address printed. Plus, if the website address is changed, then the citations with that information become useless.</li> </ol> <p>In my opinion, the costs (both financial and environmental) departments will incur to make changes to the citations, print new citations, and destroy existing citations are not worth it.</p> <p>If the recommended citation changes were of a greater nature I would be fine with this proposal. However, I believe the current proposed recommended changes are so small and negligible that they are not worth the time or cost to departments.</p> <p>My opinion is keep the citation the way it currently is designed.</p> <p>Thank you.</p>	<ol style="list-style-type: none"> <li>1. Disagree. The e-mail address is a shaded optional field to modernize processing of citations for the future as technology advances and citations are more automated.</li> <li>2. Disagree. Code of Civil Procedure section 2015.5 and Vehicle Code section 40513.require that the officer’s declaration under penalty of perjury is dated for the notice to appear citation to be verified and serve as a complaint. If the declaration date data field on line 22 is left blank, the date of violation data field on the citation does not serve as the date for the officer’s declaration. One specific example where dates would be different is for an accident citation where the declaration date that the citation is issued after an investigation is not the same as the date of the violation. Also, the declaration must be dated whether the declaration is executed by the citing officer or issuing officer.</li> <li>3. Disagree. For local police and sheriffs the court website address will be relatively constant and court websites may provide a transfer link online if the address changes. Without a web address for the local court’s traffic information, defendants will be more likely to be inconvenienced by calling the court for assistance where telephone systems are either automated without access to court staff or budget cuts have reduced or eliminated court</li> </ol>

**SP14-10**

**Traffic and Criminal Law: Notice to Appear Forms**

All comments are verbatim unless indicated by an asterisk (\*).

	Commentator	Position	Comment	Draft Committee Response
				<p>staffing for telephone information services. The proposed changes are significant and necessary to improve processing of citations.</p>
2.	<p>California Traffic Defense Bar By Linda A. Iannelli, Esq. Newport Beach, California</p>	N	<ol style="list-style-type: none"> <li>1. The main disagreement is the 6pt type size. The proposed rule indicates 6pt text size but does not clarify if this requirement is for the preprinted text on the citation or for the variable areas for the specific individual's citation, such as the alleged code violation information. During the pilot program, many of the electronic tickets have resulted in the variable data (fill in areas which are defendant specific) the text is smaller than the form font size. Especially when it comes to the alleged violation or the filling in of any of the boxes and the court location in which the defendant is to appear. The form's box size needs to accommodate at least 6pt text with sufficient space around it so that the end result is something that is legible without a magnifying glass.</li> <li>2. Also, at the time the ticket is submitted to the court by the officer, shouldn't the officer be considered a prosecutor since he is directly filing the Complaint against a defendant.</li> </ol>	<ol style="list-style-type: none"> <li>1. The 6 point font minimum size for text is stated as a minimum font size requirement without any express exceptions and therefore applies to all information on the citation whether preprinted paper citations or generated by an electronic citation device to ensure legibility.</li> <li>2. Under Vehicle Code section 40513 and Code of Civil Procedure section 1215.5, California law expressly permits the notice to appear citation form that is filed with the court on an approved Judicial Council form to serve as the complaint if the form is verified by a declaration under penalty of perjury that is dated and subscribed by the citing or issuing law enforcement officer. The official role of the citing or issuing officer in a traffic infraction case is to serve as a</li> </ol>

**SP14-10****Traffic and Criminal Law: Notice to Appear Forms**

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Draft Committee Response</b>
				witness for the prosecution and testify at trial.
3.	California Highway Patrol By Captain Kevin Davis Sacramento, California	AM	After review of proposed changes to the TR-130 (TRAFFIC/NONTRAFFIC NOTICE TO APPEAR) the California Highway Patrol requests that the addition of “LOCAL INFORMATION FOR THE CITATION IS AVAILABLE ONLINE AT [website address] be an optional item (shaded for agency use). As a statewide law enforcement agency, we print and utilize the same TR-130 in all 58 counties. As a result, this information could not be preprinted for statewide use. The other proposed changes are not of issue to the Department.	Agree, in part. The requirement to include a court website is necessary to promote use of online options to improve efficiency and expedite processing of cases when possible. Because the California Highway Patrol (CHP) files citations across the entire state, the CHP’s citations may list the statewide court website address, which provides links to the website address for the court website in each county: <a href="http://www.courts.ca.gov/find-my-court.htm">http://www.courts.ca.gov/find-my-court.htm</a>

**SP14-10****Traffic and Criminal Law: Notice to Appear Forms**

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Draft Committee Response</b>
4.	Integrated Law and Justice Agency for Orange County By Mr. Bob McDonell Orange County, California	N	See attached correspondence.	<p>The comment by the Integrated Law and Justice Agency for Orange County (ILJAOC) expresses concern that the requirement to include the defendant's signature on the defendant's copy of a notice to appear citation issued by an electronic citation device will increase the risk of harm to officers by requiring an additional trip to the defendant's vehicle at a traffic stop. The committee appreciates the concern of the ILJAOC for officer safety. However, the committee believes that the recommendation of the ILJAOC to issue an unsigned copy of the notice to defendants would conflict with the statutory requirement to provide the defendant with a signed copy of the notice and therefore cannot be addressed by the committee in this proposal. The committee has previously considered the requirement to include the defendant's signature on the copy of the notice issued to the defendant in the council's statewide invitation to comment on notice to appear citations, SPR12-27, in 2012. In light of the current law and concerns for officer safety, an unquestionably compelling concern, the ILJAOC may wish to consider bringing this issue to the Legislature for its attention. An alternative to legislation would be to consider use of wireless hand-held mobile printers to avoid having to make an extra trip between vehicles.</p> <p>The specific requirements for notice to appear</p>

**SP14-10**

**Traffic and Criminal Law: Notice to Appear Forms**

All comments are verbatim unless indicated by an asterisk (\*).

	Commentator	Position	Comment	Draft Committee Response
				<p>citation forms issued by an electronic citation device are governed by Penal Code section 959.1. General requirements for notice to appear citations that are found in related statutes in the Penal Code and Vehicle Code apply to electronic notice to appear citations unless the general requirements are altered by section 959.1.</p> <p>An essential requirement for a notice to appear citation for a traffic violation is that the defendant signs a promise to appear in court. The defendant's signed promise to appear is a critical piece of information that is required for the court to have jurisdiction to compel the defendant to appear in court and adjudicate the charges against the defendant. Under Vehicle Code section 40500(a), when a law enforcement officer conducts a traffic stop, the officer is required to prepare a notice to appear in triplicate. Section 40500(b) specifies that "[t]he Judicial Council shall prescribe the form of the notice to appear." Under section 40500(d), "[o]nce the officer has prepared the written notice to appear, and has delivered a copy to the arrested person, the officer shall deliver the remaining original and all copies of the notice to appear as provided by Section 40506" to the court and the officer's superior officer. Section 40500(d) specifically indicates that "the arrested person has signed and received a copy of the citation." Section 40505 provides that "[w]henver any traffic or</p>

**SP14-10**

**Traffic and Criminal Law: Notice to Appear Forms**

All comments are verbatim unless indicated by an asterisk (\*).

	Commentator	Position	Comment	Draft Committee Response
				<p>police officer delivers a notice to appear . . . to any person, it shall include all information set forth upon the copy of the notice filed with the magistrate.”</p> <p>The defendant’s signature for the promise to appear is a crucial piece of information on the notice as it provides the court with jurisdiction to adjudicate the case. Additionally, if a defendant refuses to sign the promise to appear, section 40302(b) requires that the officer take the defendant into custody and bring the defendant before a magistrate.</p> <p>When an officer issues a notice to appear with an electronic citation device, the general requirements for notice to appear citations apply unless Penal Code section 959.1 alters them. Section 959.1 expressly eliminates the requirement that the citation include a signature for the officer’s declaration under penalty of perjury. Section 959.1 contains no provisions that alter the requirement to provide the defendant with a copy of the notice that is signed by the defendant. There is also no provision that allows an officer to alter the copy of the notice that is issued to the defendant by adding the defendant’s signature to the copy of the notice that is filed with the court.</p>

**SP14-10****Traffic and Criminal Law: Notice to Appear Forms**

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Draft Committee Response</b>
5.	Monterey Park Police Dept. By D. J. Casey, Lead Records Clerk Monterey Park, California	AM	<p>1. Agencies order citations in bulk to reduce costs. Our current supply will go beyond the April 1, 2015 deadline.</p> <p>2. Regarding whether the "location" of declaration is needed: If defendants are already fighting the validity of the citation as the complaint, the next thing they would argue is that the officer didn't put the City of declaration. Since this is required on many affidavits and legal forms (the City where the person SIGNS the form), it is probably a good idea. (Of course the City would be where the officer signs the ticket; this won't necessarily be the same City as the violation depending on if the defendant is pursued outside of the City limits. INSTRUCTIONS for what "executed at" location means will have to be clearly defined.) Only one "location of violation" is needed (line 18 on the TR-130). I don't think it is needed next to "executed at" field. The City where the</p>	<p>1. Because of the cost of replacing existing forms and training needed to implement the revised forms, the committee recommends that the Judicial Council approve an extended implementation period where both the existing forms and revised forms are approved for use until November 15, 2015, when the revised or new forms must be used. This will allow agencies flexibility in determining how to phase out use of the current forms and plan to use the new or revised forms.</p> <p>2. The shaded fields for "Violation location" and "Executed at (place)" are optional fields for the officer's declaration requested by the CHP for citations prepared at locations that may be different from where the violation occurred and the locations can be accurately determined. Depending on the circumstances of an individual citation where the exact location is not easily determined, the optional information may or may not be necessary under statute for the declaration to be properly verified. Other issuing agencies may include the optional fields if needed for local circumstances.</p>

**SP14-10****Traffic and Criminal Law: Notice to Appear Forms**

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Draft Committee Response</b>
			officer signs the citation will be written next to "executed at," and as mentioned above, may not match the City of violation.	
6.	Ms. Kristal Nava, Superior Court Manager Superior Court of Orange County Westminster, California	AM	<ol style="list-style-type: none"> <li>1. Revision of section 1.030 to provide for a continuation page for electronic citations where there are many violation or multiple vehicles would avoid unnecessary printing of duplicate instructions that are part of the existing continuation forms, TR-106, and TR-108. Comment from Orange County Superior Court Managers: Suggest mandatory use of the continuation form to prevent law enforcement agencies from elongating the actual notice to appear form.</li> <li>2. Revision of section 4.050(b) to specify that text on citation form TR-135 or TR-145 must have a minimum font size 6.0 would avoid use of citations with print that is too small to be legible. Comment from Orange County Superior Court Managers: Does font size comply with ADA requirements? Font size 6.0 appears to be too small, making it difficult to read.</li> <li>3. Revision of section 6.180 to add specific data field on forms TR-135 and TR-145 for construction and safety enhancement zone</li> </ol>	<ol style="list-style-type: none"> <li>1. Technology and programming for electronic citations that uses expandable fields avoids the need to repeat information and spend extra time to print a continuation page when issuing a hard copy of the citation to a defendant. A mandatory continuation page for electronic citations would impose unnecessary time on the roadway for officers to print duplicative information.</li> <li>2. A larger font size would require increasing the size and length of a paper citation form to a degree that would be problematic for processing by both issuing agencies and the courts. In addition, the forms are posted online where the forms may be viewed by defendants on a computer with magnification a at: <a href="http://www.courts.ca.gov/forms.htm?filter=">http://www.courts.ca.gov/forms.htm?filter=</a> NTA</li> </ol>

**SP14-10**

**Traffic and Criminal Law: Notice to Appear Forms**

All comments are verbatim unless indicated by an asterisk (\*).

	Commentator	Position	Comment	Draft Committee Response
			<p>violations and overweight violations would assist courts in imposing the proper penalties for the specific offenses. Comment from Orange County Superior Court Managers: Will electronic citations eventually be used for Fish and Wildlife violations, if so, will there need to be an Over Limit data field?</p> <p>4. Chapter 6 Mandatory Language Data Fields – 6.060. Defendant’s Name. Comment from Orange County Superior Court Managers: Suggestion to add additional requirement titled: C) Only one defendant per citation and no combination cites. Combination cites are those where both an owner’s responsibility (issued against the vehicle owner) and a moving violation (issued against the driver) are issued on the same citation.</p> <p>5. Chapter 6 Mandatory Language Data Fields – 6.240. Defendant’s Signature. Comment from Orange County Superior Court Managers: Suggest to include Owner’s Responsibility and Accident citations as citations in which the requirement for a signed promise to appear does not apply.</p> <p>6. TR-135 and TR-145. Comment from Orange County Superior Court Managers: Are there any</p>	<p>3. The revised forms include optional shaded areas for construction zone and safety enhancement zone violations and weight violations. Only four counties currently have safety enhancement zones. If other common violations in a county have a special penalty calculation or distribution, a data field for the violation may be added to the shaded area to replace the optional fields for safety enhancement zones and school zones.</p> <p>4. Agree, in part. Decisions about how to cite and charge violations in a notice to appear are within the purview of law enforcement and prosecutors. In addition, Vehicle Code section 40001(e) permits arresting and citing a driver for an offense that is chargeable to a vehicle owner if the vehicle is registered in a state or country other than California.</p> <p>5. Agree, in part. It is possible for an owner to be present to sign an owner’s responsibility citation and for a driver that caused an accident to be able to sign a citation for the violation that caused the accident. Section 6.240 is revised to state that the requirement for a signed promise to appear may not apply to an owner’s responsibility or accident citation.</p> <p>6. The proposed electronic citation forms do not include a length requirement to allow use of programming for expandable fields when there are several violations or vehicles included in the</p>

**SP14-10****Traffic and Criminal Law: Notice to Appear Forms**

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Draft Committee Response</b>
			restrictions on the length requirement of the forms?	citation that is issued with an electronic citation device.
7.	Orange County Bar Association By Thomas H. Bienert, Jr., Esq., President Newport Beach, California	A	Request for comment: “Is it necessary to include the location for where the officer’s declaration is executed when it expressly declares under penalty of perjury under the laws of the State of California the foregoing is true and correct?” Comment: Under CCP§ 2015.5 it is not necessary that an officer include the location of the execution of the officer’s declaration. The proposed form is actually form (b) as contained in CCP§ 2015.5.	Agree. The shaded declaration fields remain optional.
8.	Superior Court of Los Angeles County Los Angeles, California	AM	1. Everywhere that options are provided to the defendant as to response, on-line options should be encouraged as to both finding more information about procedures, about bail amounts, about payment options, etc. The listing of the options should encourage the use of on-line options. While some jurisdictions have more options than others, all have websites; the first option suggested by the forms should be to go on line for information. For instance, see these changes to the defendant’s copy of the TR-130: (see markup version of forms) a. Instructions should encourage the use of on-line processing as available, e.g., “Contact the court for bail information: <a href="http://www.[court].org">www.[court].org</a> .” b. The information about traffic school should	1. Agree, in part. The intention of the recommended changes is to standardize hard copy printed citation forms and electronic citation forms to appear as similar as possible to avoid unnecessary disputes from defendants about whether the form is approved by the Judicial Council. In addition, repeating local website addresses multiple times on hard copy citation forms is not feasible due to space limitations that would require deletion of existing information that is necessary. 1(a,b) The revised form adds a prominent notice for internet access to court services. Additional instructions on the form include options available to defendants for responding to citations and providing access to justice. Many defendants do not have access to the internet and

**SP14-10**

**Traffic and Criminal Law: Notice to Appear Forms**

All comments are verbatim unless indicated by an asterisk (\*).

	Commentator	Position	Comment	Draft Committee Response
			<p>indicate “Contact the court to request traffic school: <a href="http://www.[court].org">www.[court].org</a>.”</p> <p>c. The phrase “local information for the citation is available online” should be modified to read “local information and options for responding to this citation are available online...”</p> <p>d. Section 3 should be replaced by language to be tailored to each court: “You may post bail online, by mail or in person. If paying by check or money order, make it payable to the Clerk of Court and include your citation number and driver license number. See the court’s website for further information: [www.court.org]”</p> <p>e. A review of all forms should follow the same logic.</p> <p>2. There is no basis for mandating <i>annual</i> reviews by the council of agency electronic citation forms, as proposed in the amendment to Rule 4.103(d).</p> <p>3. Re section 6.040: The checkbox indicating the offense is a misdemeanor <i>should</i> appear on the automated traffic enforcement system notice form TR-115.</p> <p>4. Section 4.030 establishes standards for the shelf life of handwritten citations. A standard should</p>	<p>must rely on a telephone or mail for information, assistance, and making payments or filing forms and pleadings. Courts may add local options to shaded areas of the form.</p> <p>1(c) To promote use of online services, the internet notice is revised to state:“FOR ONLINE OPTIONS AND MORE INFORMATION: [website address]”</p> <p>1(d) The form contains shaded areas for options to adapt the form to reflect local procedures. To promote use of online services the instruction is revised to provide: “You may pay online, by phone, by mail, or in person. Checks/money orders must be payable to Clerk of Court and include the citation number and driver license number.”</p> <p>1(e) Case processing on the internet offers convenience and efficiency for those who can afford it, but other forms of access should be provided to maximize public access to justice.</p> <p>2. The proposed rule is revised to require submission of forms to the council when the council adopts new citation forms for electronic citations.</p> <p>3. Disagree. Misdemeanor offenses are not relevant to red light violations cited on form TR-115.</p> <p>4. Penal Code section 959.1 requires courts that permit electronic filing of citations to be able to</p>

**SP14-10**

**Traffic and Criminal Law: Notice to Appear Forms**

All comments are verbatim unless indicated by an asterisk (\*).

	Commentator	Position	Comment	Draft Committee Response
			<p>be established for the printed receipt that some hand-held devices produce for defendants (since some thermal printing devices produce copies for defendants that degrade quickly, impairing those defendants’ ability to resolve tickets in person).</p> <p>5. On the TR-135 (box 27) and the Continuation of Defendant’s Copy of TR-135 (box 32), the reference to appearance “at the time and place” should be modified:</p> <p>a. To reflect that action should be taken “on or before” a certain date; and</p> <p>b. To reflect that an appearance may not be necessary if the defendant takes action before the appearance date.</p> <p>c. Language might read: “I promise to respond in a manner prescribed by the court, or appear on this matter on or before this date”.</p> <p>6. On the reverse of the of the defendant’s copy of the TR-130:</p> <p>a. The box beginning “WARNING” should allow for responses other than a court appearance. The language may read: “If you fail to respond in a manner prescribed by the court...”. At the end of the section, it should refer to the court’s website.</p>	<p>provide defendants with a copy of the citation when requested.</p> <p>5. Disagree. Under Vehicle Code section 40500 and Penal Code section 853.6, the citation document is a “notice to appear in court.” Under Vehicle Code section 40504 and Penal Code section 853.6, the defendant is required to sign a “promise to appear in court” to be released from custody. The options that satisfy an “appearance” and when to appear are explained in the printed instructions on the form that the defendant is expressly directed to follow. The form includes a shaded area to allow courts to choose between appearance on a specific date or appearance by a specific date as required by Vehicle Code section 40501.</p> <p>6(a). Disagree. The warning addresses the specific consequences for failure to appear in court as promised, such as an arrest for failure to appear in court as promised and trial by written declaration in absentia for a failure to appear in court as promised. Alternative actions that satisfy the promise to appear in court are explained in the citation, but a defendant’s failure to choose an alternative to appearance in court does not by itself result in additional punishment.</p>

**SP14-10**

**Traffic and Criminal Law: Notice to Appear Forms**

All comments are verbatim unless indicated by an asterisk (\*).

	Commentator	Position	Comment	Draft Committee Response
			<p>b. Section 2b on trial by written declaration, should not assert that “An officer will” also submit a statement. It should read “An officer may also submit a statement”. The defendant should not be encouraged to believe that an officer’s failure to submit a statement is an automatic ground for dismissal.</p> <p>c. There should be a paragraph break in the first paragraph of the section “WHAT TO DO” after the second sentence, which concludes the instructions regarding misdemeanors. A new paragraph should begin the instructions on handling an infraction.</p> <p>7. On the TR-115:</p> <p>a. The mandatory use of certified or registered mail is archaic and should be stricken; the reference should include notification of online options.</p> <p>b. To avoid unproductive correspondence, the box titled “Writing to the court” should have no title. It should read: “Always have the citation number and your driver license</p>	<p>6(b). Disagree. Changing the information to say that an officer may submit a declaration would create the false impression that an officer is allowed to ignore the notice from the court of the deadline for filing a declaration. Allowing officers to ignore the notice to file a declaration would defeat the purpose of trial by written declaration to provide an alternative to appearance in court and force defendants to request trial de novo and appear in court to exercise rights to contest the charges.</p> <p>6(c). The paragraph is revised to clarify what information relates to misdemeanors, all violations, or infractions by stating: “For a misdemeanor violation, you are required to appear in court. For all violations, your court date, time, and place are on the front of this notice. Have the citation with you when contacting the court. In all infraction cases, you must do one or more of the following for each violation:”</p> <p>7(a). Use of certified or registered mail is specified to provide defendants with proof of mailing by the deadline as a defense against any mistake in processing of the request to schedule a trial. Also, online access is not available to many defendants.</p> <p>7(b). The paragraph “WRITING TO THE COURT” specifically provides instructions for written communication with the court to avoid</p>

**SP14-10**

**Traffic and Criminal Law: Notice to Appear Forms**

All comments are verbatim unless indicated by an asterisk (\*).

	Commentator	Position	Comment	Draft Committee Response
			<p>number available when contacting the court on line, by phone, by mail, or in person. <b>Do not send your copy of the citation to the court.</b>”</p> <p>8. Regarding positive identification on an automated citation: Section 7.030 should allow for, in lieu of a thumbprint:</p> <p>a. A digital photograph of the defendant to be taken and digitally attached to the citation; or</p> <p>b. A checkbox for the officer to declare that the photograph on the license produced by the defendant is of the defendant.</p> <p>9. Insofar as courts differ on the services available to juvenile traffic offenders, on the TR-115 and the reverse of the of the defendant’s copy of the TR-130, the admonition that juveniles must appear with a parent or guardian should be a county option.</p> <p>10. Regarding “Notice to Appear: Automated Traffic Enforcement System,” reference to Trial by Written Declaration should be a county option. Such notices are generated pursuant to VC 40518, not pursuant to VC 40500. VC 40902(c), which establishes the procedures for TBDs, references notices issued</p>	<p>communication by defendants that omits information that is necessary for a court to be able to respond.</p> <p>8. (a and b) Section 7.030 of the instructions discusses use of thumbprints for identification as authorized by Penal Code section 853.6 and Vehicle Code section 40500. There is no statutory authority under current law to substitute for a thumbprint either a digital photograph or a declaration by an officer regarding the identity of the driver based on the photograph on the driver’s license.</p> <p>9. The instructions for juvenile citations on form TR-115 appear in a shaded area and therefore are subject to modification to reflect local procedures. Appearance of parents in juvenile cases for red light violations is recommended for several reasons, including the opportunity to be informed of a minor’s dangerous driving behavior and the negative effect that a juvenile’s citation can have on parents’ insurance rates .</p> <p>10. Under Vehicle Code section 40902(a)(1), a defendant may elect trial by written declaration for “any alleged infraction” involving a violation of the Vehicle Code, including a red light violation. Section 40902(a)(2) provides that rules and forms adopted by the Judicial Council for trials by written declaration</p>

**SP14-10**

**Traffic and Criminal Law: Notice to Appear Forms**

All comments are verbatim unless indicated by an asterisk (\*).

	Commentator	Position	Comment	Draft Committee Response
			<p>pursuant to VC 40500, but not those established pursuant to VC 40518. Thus statute does not mandate notice of the trial by written declaration option with respect to ATES tickets.</p> <p>In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:</p> <ul style="list-style-type: none"> <li>• Does the proposal appropriately address the stated purpose? No comment.</li> <li>• Is it necessary to include the location for where the officer’s declaration is executed when it expressly declares under penalty of perjury under the laws of the State of California the foregoing is true and correct. Comment: No.</li> </ul> <p>The advisory committee also seeks comments from courts on the following cost and</p>	<p>supersede any local rule of court regarding trial by written declaration. Section 40902(c) provides that the rules for trial by written declaration “may provide for testimony and other relevant evidence to be introduced in the form of a notice to appear issued pursuant to Section 40500, a business record or receipt, a sworn declaration of the arresting officer, or a written letter or statement or letter signed by the defendant.” Section 40902 allows trial by written declaration for any alleged infraction, introduction of testimony and other relevant evidence, and does not state that “only” the listed evidence may be allowed in the council’s rule and forms. In addition, an ATES notice to appear issued under Vehicle Code section 40518 might qualify as a business record or receipt.</p> <ul style="list-style-type: none"> <li>• None.</li> <li>• Agree. The shaded declaration fields remain optional.</li> </ul>

**SP14-10**

**Traffic and Criminal Law: Notice to Appear Forms**

All comments are verbatim unless indicated by an asterisk (\*).

	Commentator	Position	Comment	Draft Committee Response
			<p>implementation matters:</p> <ul style="list-style-type: none"> <li>• Will the proposal provide cost savings? If so, please quantify. Comment: The notice process is an opportunity to guide defendants to online case processing. In those courts that have such options – and as more courts provide on-line services – the opportunities for cost savings are enormous.</li> <li>• What are the implementation requirements for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems. No comment.</li> <li>• Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? No. We would require at least six months for implementation.</li> <li>• How well would this proposal work in courts of different sizes? No comment.</li> </ul>	<ul style="list-style-type: none"> <li>• Promotion of online case processing can provide costs savings, but access to justice should be preserved for those without internet access.</li> <li>• None.</li> <li>• The proposal is revised to provide an extended implementation period until November 15, 2015, to implement changes to the forms after adoption by the council.</li> <li>• None.</li> </ul>
9.	<p>Superior Court of Riverside County By Marita C. Ford, Senior Management Analyst Murrieta, California</p>	NI	<p>In relation to the question: Is it necessary to include the location for where the officer’s declaration is executed when it expressly declares under penalty of perjury under the laws of the State of California the foregoing is true and correct – we feel the answer to be “no”.</p> <p>CCP 2015.5 establishes the sufficiency of any</p>	<p>The shaded fields of the officer’s declaration are optional fields added at the request of the CHP, and can be included where helpful for providing specific location information about the preparation of the citation and execution a verified declaration that is consistent with California law based on the individual circumstances of a citation.</p>

**SP14-10**

**Traffic and Criminal Law: Notice to Appear Forms**

All comments are verbatim unless indicated by an asterisk (\*).

	Commentator	Position	Comment	Draft Committee Response
			<p>legally required declaration or verification if there is (1) a recitation as to the statement’s truth under penalty of perjury, (2) a signature, (3) the date of execution, and (4) <i>either</i> the place of execution <i>or</i> a statement that the declaration/verification is being made “under the laws of the State of California.” In other words, the place of execution is not necessary if there is an assertion that the declaration or verification is being made under the laws of the State of California. (See <i>People v. Flores</i> (1995) 37 Cal.App.4th 1566, 1573–74.) CCP 2015.5 applies to matters of criminal procedure. (See <i>People v. Nagel</i> (1970) 4 Cal.App.3d 458, 461 [arrest warrants].) Here, the purpose of a verified notice to appear is so that it can serve as the complaint for all purposes once filed with the court. (PC 853.9; VC 40513; note also PC 959.1(f), which appears to remove the signature requirement for electronically-filed notices to appear so long as the officer’s name is provided, though there are a couple of things about this statute that I think are not quite clear, but since the Judicial Council’s proposed modifications don’t seem to rely on PC 959.1(f) I don’t think we need to comment on this.)</p> <p>The place of execution need not be included if there is a statement that the declaration is being made “under the laws of the State of California.” (CCP 2015.5; <i>People v. Flores</i> (1995) 37</p>	

**SP14-10**

**Traffic and Criminal Law: Notice to Appear Forms**

All comments are verbatim unless indicated by an asterisk (\*).

	Commentator	Position	Comment	Draft Committee Response
			Cal.App.4th 1566, 1573–74; see also <u>People v. Nagel</u> (1970) 4 Cal.App.3d 458, 461 [applying CCP 2015.5 in the context of criminal procedure].)	
10.	Superior Court of Sacramento County By Mr. Robert Guerrero, Business Analyst Sacramento, California	AM	<p>1. Revision of section 6.180 and the data fields on forms TR-135 and TR-145 should also include railroad zone.</p> <p>2. The “JUVENILE” section on the reverse of defendant’s copy in the appendices and attachments should consistently be shaded to indicate the section is locally modifiable.</p> <p>With the above exceptions:</p> <p>1. The proposal appropriately addresses the stated purpose.</p> <p>2. It is not necessary to include the location for where the officer’s declaration is executed and not statutorily required.</p> <p>3. It is not immediately evident whether or not the proposal will provide cost savings unless Courts are prepared to implement e-filing. The printed copies of the e-citations can be difficult to handle when manually entering data.</p> <p>4. Implementation requirements for this Court pertain to the process of e-filing with several of the local LEAs and eventually CHP.</p> <p>5. Two months implementation time may be sufficient for the Courts but may not be for the</p>	<p>1. Agree, in part. Section 6.180 is amended to provide that a railroad zone violation field may be substituted for the safety enhancement zone or school zone field in the shaded area that is subject to local modification for violations with special calculation or distribution of fines and penalties.</p> <p>2. The JUVENILE information section on the forms is shaded to indicate that it is subject to modification to reflect local procedures.</p> <p>1. None.</p> <p>2. Agree that the shaded data fields for the officer’s declaration should remain optional.</p> <p>3. None.</p> <p>4. None.</p> <p>5. The recommendation now provides for an extended implementation period until November</p>

**SP14-10****Traffic and Criminal Law: Notice to Appear Forms**

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Draft Committee Response</b>
			<p>law enforcement agencies that have already developed hand-held citation device software.</p> <p>6. Those Courts with more sophisticated IT departments may have less difficulty with implementation of the proposal.</p>	<p>15, 2015, to replace the current forms with the revised or new forms.</p> <p>6. None</p>
11.	<p>Superior Court of San Diego County By Mr. Michael Roddy Court Executive Officer San Diego, California</p>	AM	<p>Our court believes the city and/or county where the violation occurred must be a mandatory field because this determines how the allocations of fines and fees must be made. Therefore, we request amendments be made to the forms as follows:</p> <p>1. On page 25, Form TR-115, Field 13 – City/County of Occurrence: This should be made a mandatory field to ensure that the arresting officer will indicate the correct city where the violation occurred. It is very important in distributing revenue to the correct city or county.</p> <p>2. On page 32, Form TR-130, Field 21 – Violation Location: We recommend to have this field taken out as Field # 18 "Location of Violation(s)" is already a mandatory field. This is to avoid confusion in processing the citation for revenue distribution purposes. This part of the form (Field # 20) should not be used as reference for revenue distribution purposes. However, it is used as reference as CHP tickets don't have the "City/County of Occurrence"</p>	<p>Agree, in part. The location of violation includes the city and/or county of occurrence and the shading is removed for the fields that describe where the violation(s) occurred. The data fields for "Executed at" and "Violation Location" in the officer's declaration are optional parts of the declaration that are independent from the required data fields for the cited violation(s).</p> <p>1. Agree. The form is revised to remove the shading and make the information required.</p> <p>2. Disagree, as explained above. Training may assist staff in understanding that the execution of the declaration is independent from the violation location for determining revenue distribution. CHP tickets will be required to include city and or county for the location of a violation.</p>

**SP14-10****Traffic and Criminal Law: Notice to Appear Forms**

All comments are verbatim unless indicated by an asterisk (\*).

	Commentator	Position	Comment	Draft Committee Response
			<p>field. This often results in wrong revenue distribution.</p> <p>3. On pages 36-37, Form TR-135, Field 21 – City/County of Occurrence: This should be made a mandatory field to ensure that the arresting officer will indicate the correct city where the violation occurred. It is very important in distributing revenue to the correct city or county. This recommendation is consistent with our comments in the Form TR-130.</p> <p>4. On pages 36-37, Form TR-135, Field 24 – Violation Location: We recommend to have this field taken out as Field # 21 "Location of Violation(s)" is already a mandatory field. This is to avoid confusion in processing the citation for revenue distribution purposes. This part of the form (Field # 24) should not be used as reference for revenue distribution purposes. This recommendation is consistent with our comments in the Form TR-130.</p> <p>5. On page 40, Form TR-145, Violation Location: We recommend to have this field taken out as "Location of Violation(s)" is already a mandatory field. This recommendation is consistent with our comments in the Form TR-130.</p>	<p>3. Agree. The form is revised to remove the shading and make the information required.</p> <p>4. Disagree, as explained above.</p> <p>5. Disagree, as explained above.</p>

# **ILJAO**

## ***Integrated Law and Justice Agency for Orange County - A Joint Powers Authority -***

### **Jackie Gomez-Whitely, Chair**

Cypress Police Dept.  
5275 Orange Ave.  
Cypress, CA 90630  
714 229-6621  
714 229-8957 Fax

### **Kevin Baker, Vice Chair**

Westminster Police Dept.  
8200 Westminster Blvd  
Westminster, CA 92683  
714 548-3706  
714 379-9604 Fax

**Bob McDonell**  
**Executive Director**  
949 279 4888

### **Member Agencies**

Cities of:

Anaheim  
Brea  
Buena Park  
Costa Mesa  
Cypress  
Fountain Valley  
Fullerton  
Garden Grove  
Huntington Beach  
Irvine  
La Habra  
La Palma  
Laguna Beach  
Los Alamitos  
Newport Beach  
Orange  
Placentia  
Santa Ana  
Seal Beach  
Tustin  
Westminster  
County of Orange,  
on behalf of:  
District Attorney's Office  
Probation Department  
Public Defender  
Sheriff's Department &  
their contract cities  
University of CA, Irvine Police  
Department  
Superior Court of California,  
County of Orange

Courtney Tucker, Attorney, Legal Services Office  
Judicial Council of California – Administrative Office of the Courts  
455 Golden Gate Avenue  
San Francisco, CA 94102-3688

December 4, 2014,

Dear Courtney,

I apologize for the several day delay in getting these comments to you after the requested date, regarding the proposed changes to the Rules of Court, forms, Statutes, etc., related to citations both manually issued and electronically. Hopefully, our collective views can still be considered as you deliberate on the other comments received.

In writing this response, you should know that my comments represent the sentiments of 18 of our Orange County Member Agencies which have participated in the recent roll-out of our Electronic Citation Project, with several more planning to join the effort in the near future. Over the months we have been involved in the implementation, you and I have talked on several occasions regarding relevant issues with electronic citations. Just for information, at last count from several weeks ago, we have issued over 25,000 electronic citations that have been consumed into the Court's Case Management System (CMS).

While reviewing the proposed changes, we noted with great concern the proposed change listed under Sections 4.010 and 6.240. The change would involve a new obligation that requires officers to present the defendant violator with a copy of a citation that includes an identical copy of *his/her own signature*, captured on the Court's original citation that is electronically forwarded to their CMS for filing. By modifying those sections as proposed, it requires officers to make 3 separate approaches to the violator's vehicle (instead of 2), thereby impacting his/her efficiency by a third, but more importantly, exposing the officer to another unnecessary approach to a violator's vehicle. In order to get a sense of what these modifications will require and why, let me illustrate the process and the potential need for the three approaches:

1. Officers contact the driver to explain the stop and get his/her license and registration
2. They then are required to return for a second contact to go over the citation and have the driver sign it.
3. And finally, if the proposed changes are approved, they must return to the Patrol Vehicle or Motor for a third time to print the citation with the violator's signature on it, and then make the final approach to deliver it to the violator. (The available printers are too unwieldy for an Officer to carry up to the violator's vehicle.)

During the course of discussions on this topic, I spoke to a colleague from the CHP at the management level, who acknowledged some expressed concerns from their officers as well who are participating in their own Pilot Project underway, requiring the three approaches. However, he was not aware whether "Headquarters" was going to share those concerns as part of this process.

In summary, there is no compelling reason to require the Violator to receive a copy of the citation with his own signature on it. The individual knows what it looks like, the original filed electronically with the Court contains it, and I don't believe the signature alone meets the definition in the proposed language stated in section 4.010 or 6.240. *"The copy of the citation issued to the arrested person must include all of the information on the copy of the citation filed with the court, including any signature for the defendant's promise to appear.* It also (obviously) isn't required for citations issued by Automatic Traffic Enforcement Systems as stated in Section 6.240. The clause "all of the information" should be interpreted as the violation related information entered by the officer issuing the citation, as it is currently interpreted with the existing written section(s). There just isn't a persuasive reason to "fix something that is not broken."

By requiring the need for a third approach to a violator's vehicle because of this proposed language change, the Judicial Council would be impacting the acceptance by law enforcement of the electronic citation programs Statewide, and the efficiency, cost savings and accuracy that will result by their implementation. More importantly, it will expose the issuing officers in this State to thousands of needless incidents of approaching a vehicle and its occupants, without the need to do so, except for this unwarranted proposed change.

Please listen to those of us who have taken the step to implement a more efficient way of doing business for the Court and for law enforcement, by incurring the initial expense and making the changes required.

We would be happy to provide any in-person testimony amplifying our concerns, should that be necessary.



Bob McDonell  
EXECUTIVE DIRECTOR  
Integrated Law & Justice Agency for Orange County (ILJAOC)  
Retired Chief, Newport Beach PD  
(949) 279-4888  
bob\_mcdonell@ILJAOC.org

cc: Camilla Kieliger, Court Services Analyst  
Members of the Orange County Chiefs & Sheriff's Association  
Glenda Saunders, Presiding Judge, Orange County Superior  
Court  
Alan Carlson, Chief Executive Officer, Orange County Superior  
Court