
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Nancy Skinner, Chair
2019 - 2020 Regular

Bill No: AB 1310 **Hearing Date:** July 9, 2019
Author: Reyes
Version: June 17, 2019
Urgency: No **Fiscal:** Yes
Consultant: MK

Subject: *Traffic Violator School: Fees*

HISTORY

Source: American Civil Liberties Union

Prior Legislation: None

Support: Advancing Justice; California State Conference of the National Association for the Advancement of Colored People; Courage Campaign; Initiate Justice; The Lawyers' Committee for Civil Rights of the San Francisco Bay Area; Legal Aid of Marin; Legal Services of Northern California; Rubicon Programs; Western Center on Law and Poverty

Opposition: None known

Assembly Floor Vote: 78 - 0

PURPOSE

The purpose of this bill is to extend the payment plan to pay off a traffic fine when permitted to attend a traffic violator school and delete or waive other court related fees associated with traffic school.

Existing law permits the court for purposes of when a person is convicted of an infraction, to allow a person to pay fines within a certain period of time or in installments, as specified. Further allows the court to consider a person's ability to pay fines for moving violations if certain criteria is met. (Vehicle Code § 42003)

Existing law authorizes the court, for penalties involving fines, to allow defendants to make payments within a specified time or in specified installments in order to enroll in traffic violator school, as specified. (Vehicle Code § 42007)

Existing law authorizes the clerk of the court to collect a \$35 administrative fee to cover administrative and clerical costs associated with the installment program. (Vehicle Code § 42007)

Existing law authorizes the court to impose penalties when a promise to appear in court is violated or an installment payment is missed, including jail time and a civil assessment of up to \$300. (Vehicle Code § 42007)

This bill extends the length of time an individual is granted the ability to make installment payments to pay off a traffic fine from 90 days to 180 days.

This bill removes the administrative fee required to participate in an installment payment plan.

This bill removes the ability for a court to issue an arrest warrant for failure to pay.

This bill requires the court to waive the fees associated with the moving violation if the person agrees in writing to perform community service as prescribed by the court.

This bill limits the court's ability to issue a civil assessment for missing an installment payment to only those who willfully fail to make a payment without good cause.

COMMENTS

1. Need for This Bill

According to the author:

This bill addresses an inequity that makes traffic violator school unavailable to many Californians. Currently, courts may permit or require individuals with a non-commercial driver's license to attend a licensed traffic violator school after a plea or conviction to an eligible traffic offense.¹ Attending traffic violator school can avoid increases in drivers' insurance rates, since attendance can prevent imposition of points on a driver's license.² Drivers who acquire too many points can lose their licenses.³ Moreover, attending traffic school can mean a conviction is "confidential" and will not be disclosed by the DMV.⁴ However, for many low and moderate-income Californians, the conditions of payment are prohibitive.

To attend traffic violator school, a driver must either pay the traffic offense-related bail in full or pay 10% immediately and the remaining balance at the end of a payment plan, which is limited by statute to no more than 90 days.⁵ Moreover, the Vehicle Code does not explicitly require an ability to pay determination in setting the length of the payment period. If a driver fails to pay an installment, the court may "convert the fee to bail, declare it forfeited, and report the forfeiture [to the DMV] as a conviction. . . ."⁶ The court may also charge a failure to pay and impose a \$300 civil assessment or issue an arrest warrant.⁷

Bail for even minor traffic offenses can cost hundreds of dollars after the addition of numerous routine fees and penalties including courthouse construction fees, emergency medical air transport fund fees, DNA ID fund fees, night court fees, and

¹ Veh. Code §§ 41501, 42005

² Veh. Code § 42007(d)

³ Veh. Code §§ 12810, 12810.5

⁴ Veh. Code §§ 1803.5, 1808.7, 41501(a)

⁵ Veh. Code §§ 40510.5(a), 42007(a)(2)

⁶ Veh. Code § 42007(a)(3)

⁷ *Id.*

county and state fees and penalties.⁸ The charts included in the Appendix to this report illustrate how a \$70 statutory fine for a minor traffic violation mounts to over \$300, and how the inability to attend traffic violator school affects future violations.

Further, current law requires that drivers who enter a payment plan must also pay an administrative fee of \$35.⁹ This additional fee is not levied against those who can pay the traffic-offense related bail in full.

2. Traffic Violator School

Traffic violator school is typically offered to a motorist who receives a ticket for a moving violation that is considered an infraction, such as a motorist receiving a speeding ticket. Upon receiving a moving violation ticket, a motorist has the opportunity to attend traffic violator school if they have not received another ticket within 18 months. Completing traffic violator school allows a motorist to avoid receiving a point on their driving record which in turn avoids increases in car insurance premiums. Classes can generally be taken online with costs ranging from \$10 to \$40 per class.

3. Installment plan

Currently courts have the ability to reduce fines for those who cannot afford them or offer installment payments for moving violations. If the motorist proves financial hardship then they may enroll in the installment program which requires the motorist to provide 10 percent of the total amount of outstanding fees and penalties and a \$35 one-time administrative fee. Installment payments submitted online are also subject to an additional \$5 transaction fee. Under the existing program, program participants have up to 90 days to pay the total amount of penalties and fines. Failure to make installment payments result in additional penalties and/or a warrant issued for arrest. Fees and penalties must be paid in order for a motorist to be provided with the option to enroll and complete traffic violator school.

Many times an installment plan may be the only option available to a low income individual to actually be able to pay back a moving violation ticket, which can total hundreds of dollars. Additionally, according to the sponsor, 90 days often may not provide sufficient time for a motorist to pay-in-full all penalties and fines. This bill extends the period a motorist is provided to pay down all moving violation penalties and fines from 90 days to 180 days.

4. Other changes

Provisions in this bill also remove additional program administration fees for participants that qualify for the installment program.

The bill also removes the ability to issue an arrest warrant for failure to pay and clarifies that additional penalties may only be issued when it's been determined that a motorist willfully fails to make payments without due cause.

-- END --

⁸ These fees are listed in the California Bail Schedule, found at <https://www.courts.ca.gov/documents/2019-JC-BAIL.pdf>

⁹ Veh. Code §§ 40510.5(g), 42007(a)(2)