Rule 4.105 of the California Rules of Court is adopted, effective June 8, 2015, to read:

Rule 4.105. Appearance without deposit of bail in traffic infraction cases

(a) Application

This rule applies to any traffic infraction violation of the Vehicle Code for which the defendant has received a written notice to appear.

(b) Appearance without deposit of bail

Except as provided in (c), courts must allow a defendant to appear for arraignment and trial without deposit of bail.

(c) Deposit of bail

(1) Courts must require the deposit of bail when the defendant elects a statutory procedure that requires the deposit of bail;

(2) Courts may require the deposit of bail when the defendant does not sign a written promise to appear as required by the court; and

(3) Courts may require a deposit of bail before trial if the court finds, based on the circumstances of a particular case, that the defendant is unlikely to appear as ordered without a deposit of bail and the court expressly states the reasons for the finding.

(d) Notice

Courts must inform defendants of the option to appear in court without the deposit of bail in any instructions or other materials courts provide for the public that relate to bail for traffic infractions, including any website information, written instructions, courtesy notices, and forms. Courts must implement this subdivision as soon as reasonably possible but no later than September 15, 2015.

Advisory Committee Comment

Subdivision (a). The rule is intended to apply only to a traffic infraction violation of the Vehicle Code for which the defendant has received a written notice to appear and has appeared by the appearance date or an approved extension of that date.

Subdivision (c)(1). Various statutory provisions authorize traffic infraction defendants who have received a written notice to appear to elect to deposit bail in lieu of appearing in court or in advance of the notice to appear date. (See, e.g., Veh. Code, §§ 40510 [authorizing defendants to

deposit bail before the notice to appear date]; 40519(a) [authorizing defendants who have received a written notice to appear to declare the intention to plead not guilty and deposit bail before the notice to appear date for purposes of electing to schedule an arraignment and trial on the same date or on separate dates]; 40519(b) [authorizing defendants who have received a written notice to appear to deposit bail and plead not guilty in writing in lieu of appearing in person]; and 40902 [authorizing trial by written declaration].)

This rule is not intended to modify or contravene any statutorily authorized alternatives to appearing in court. The purpose of this rule is to clarify that if the defendant declines to use a statutorily authorized alternative, courts must allow the defendant to appear *without* prior deposit of bail as provided above.

Subdivision (c)(2). As used in this subdivision, the phrase "written promise to appear as required by the court" refers to a signed promise, made by a defendant who has appeared in court, to return to court on a future date and time as ordered by the court.

Subdivision (c)(3). In exercising discretion to require deposit of bail on a particular case, courts should consider the totality of the circumstances, including, among other factors, whether previous failures to pay or appear were willful or involved adequate notice.

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