

Judicial Council of California • Administrative Office of the Courts

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www.courts.ca.gov/policyadmin-invitationstocomment.htm

INVITATION TO COMMENT

W13-10

Title	Action Requested
Traffic: Automated Traffic Enforcement System Notice to Appear	Review and submit comments by January 25, 2013
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Revise forms TR-115 and TR-INST	July 1, 2013
Proposed by	Contact
Traffic Advisory Committee Hon. Mark S. Borrell, Chair	Mr. Courtney Tucker courtney.tucker@jud.ca.gov 415-865-7611

Executive Summary and Origin

On December 14, 2012, the Judicial Council adopted revised forms TR-115, *Automated Traffic Enforcement System Notice to Appear*, and TR-INST, *Notice to Appear and Related Forms*, effective January 1, 2013. Vehicle Code section 40518(a) authorizes the Judicial Council to prescribe the form of a notice to appear that is issued when a person is cited by an automated enforcement system for certain red light violations. Recent legislation, enacted effective January 1, 2013, amended Vehicle Code section 40518 to require specific additional contact information for the notice to appear form and amended Vehicle Code section 42005 to permit drivers with a commercial driver's license who are cited for a violation while driving a noncommercial vehicle to attend traffic violator school (TVS). Because the revised forms were adopted to timely comply with the new law without an opportunity for public comment, this invitation seeks comment about any further changes to the forms that may be needed.

Background

Vehicle Code section 40518(a) authorizes the Judicial Council to prescribe the form of a notice to appear that is issued when a person is cited by an automated enforcement system for red light violations of Vehicle Code sections 22101, 21453, or 21455. Under Vehicle Code section 40513(b), when a notice to appear form issued on a Judicial Council form is verified by the issuing officer, it constitutes a complaint in a criminal case. In 2004, the council adopted California Rules of Court, rule 4.103, which provides that notice to appear citations that use the approved council forms and comply with the council's form instructions in TR-INST, *Notice to Appear and Related Forms*, are on a form approved by the Judicial Council.

The proposals have not been approved by the Judicial Council and are not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. These proposals are circulated for comment purposes only.

Senate Bill 1303 (Stats. 2012, ch. 735) amended section 40518, effective January 1, 2013, to require specific additional contact information for the notice to appear form. Assembly Bill 1888 (Stats. 2012, ch. 302) amended Vehicle Code section 42005 to permit drivers with a commercial driver's license who are cited for a violation while driving a noncommercial vehicle to attend TVS. Eligibility for TVS would require that the citation indicate whether the driver has a commercial driver's license and whether the vehicle is a commercial vehicle.

The Proposal

To implement the new law, the Judicial Council (1) revised form TR-115, *Automated Traffic Enforcement System Notice to Appear* (Attachment A), for use with an automated enforcement system when issuing notice to appear citations for red light violations to provide additional information required by law; and (2) revised form TR-INST, *Notice to Appear and Related Forms* (Attachment B) to provide updated instructions to law enforcement agencies on the requirements of the form. The revised forms benefit the judicial branch and justice partners by improving compliance with statutory requirements for issuing citations with an automated enforcement system for red light violations. The clarified requirements for the form may also provide defendants with reassurance of the validity of the citations as criminal complaints and reduce appearances in court to challenge unapproved notice to appear forms. Because there was insufficient time for public comment before the revised forms were adopted, the committee is inviting the public to comment on any further changes to the forms that may be needed.

Revised form TR-115. Revised form TR-115 includes the following changes to satisfy new legal requirements for notice to appear forms used to cite red light violations under Vehicle Code section 40518:

- Line number 5 is revised to remove the shading on the Class of driver's license field to indicate that the field is mandatory for the form;
- Line number 7 is revised to remove the shading on the Commercial Vehicle field to indicate that the field is mandatory for the form;
- Line number 8 is revised to remove the shading on the Hazardous Material field to indicate that the field is mandatory for the form; and
- The section at the top of the back of the form is revised to add mandatory fields for the form to provide contact information and the address for the issuing agency regarding the evidence in the case.

Revised form TR-INST. Revised form TR-INST includes the following changes to satisfy the new legal requirements for notice to appear forms used to cite red light violations by automated enforcement systems under Vehicle Code section 40518:

- Section 3.010 on page 3 is revised to provide that implementation of revised form TR-115 by law enforcement agencies is required upon adoption of revised form TR-115 by the Judicial Council, effective January 1, 2013; and
- Pages 24 and 25 are revised to include a copy of the revised form TR-115 that is required for use effective January 1, 2013.

Alternatives considered

Revised forms TR-115 and TR-INST were not circulated for public comment and no alternatives were considered because the changes were necessary for compliance with the new law by January 1, 2013. The changes were also necessary to assist law enforcement agencies in updating citation forms in accordance with the new law. Because the forms were revised without the opportunity for public comment, this invitation for public comment seeks input from law enforcement agencies and other interested parties about any further changes to the forms that may be needed.

Implementation Requirements, Costs, and Operational Impacts

Courts may need to reprogram court case management systems to capture additional information and provide training for court staff and judicial officers on the new form requirements. Law enforcement agencies and vendors for automated enforcement systems will have reprogramming costs to issue updated notice to appear forms to comply with the new law. If law enforcement agencies delay in implementing the revised forms, court appearances to challenge noncompliant citation forms may increase.

Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committee [or other proponent] is interested in comments on the following:

- Does the proposal appropriately address the stated purpose?

The advisory committee also seeks comments from *courts* on the following cost and implementation matters:

- Would the proposal provide cost savings? If so please quantify.
- What would the implementation requirements be 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 system, or modifying case management system.
- How well would this proposal work in courts of different sizes?

Attachments and Links

Attachment A: Form TR-115, *Automated Enforcement System Notice to Appear*

Attachment B: Form TR-INST, *Notice to Appear and Related Forms*

TRAFFIC NOTICE TO APPEAR
Automated Traffic Enforcement System

(NAME OF AGENCY AND JURISDICTION)						
NOTICE TO APPEAR Automated Traffic Enforcement (Citation No.)						
Date of Violation 1. / /		Time <input type="checkbox"/> AM <input type="checkbox"/> PM		Day of Week S M T W T F S		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"/> COMMERCIAL VEHICLE (Veh. Code, § 15210(b))
Yr. of Veh. 8.	Make	Model	Body Style	Color	<input type="checkbox"/> HAZARDOUS MATERIAL (Veh. Code, § 353)	
Registered Owner or Lessee 9.						
Address 10.						
City 11.		State		ZIP Code		
Code and Section 12.			Description			
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.	
YOU MUST RESPOND TO THE COURT ON OR BEFORE:						
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.]				Clerk's Office Hours [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. 01-01-13 (Veh. Code, § 40518)					DEFENDANT COPY SEE REVERSE 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

IMPORTANT—READ CAREFULLY
<p>This Citation Is Based on Photographic Evidence The vehicle identified on the front was photographed in violation of a traffic signal or sign. You may see the photographs. Contact: _____ You may see the photographs online at: _____ 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 _____</p>
WHAT TO DO
<p>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.</p> <p>1. If you do NOT contest the violation</p> <p>a. (Pay the bail amount) (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.</p> <p>b. (Traffic school) 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.</p> <p>2. If you contest the violation (select one)</p> <p>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 witnesses will be present. You will be required to submit the bail amount. You will be given a date for your trial.</p> <p style="text-align: center;">—OR—</p> <p>b. (Trial by written declaration) 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. Submit the bail amount. 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.</p>
WRITING TO THE COURT
<p>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. Do not send your copy of the citation. Keep it for your own records.</p>
BAIL INFORMATION
<p>The "bail" is the amount you must pay or deposit for the charged violation.</p> <div style="border: 1px solid black; padding: 5px; margin: 10px auto; width: fit-content;"><p style="text-align: center;">Bail Amount: \$ _____ OR [See enclosed information]</p></div> <p>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.</p>
NIGHT COURT TRIALS [are] [are NOT] available for this citation.
JUVENILES
<p>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 _____.]</p>
ONLINE INFORMATION
<p>You may obtain additional information at [Local Web site: _____.]</p>

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

NOTICE TO APPEAR AND RELATED FORMS

Revised Effective January 1, 2013



JUDICIAL COUNCIL OF CALIFORNIA

**Administrative Office of the Courts
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ACKNOWLEDGMENTS

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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.¹
- 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.²

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.

¹Per Veh. Code, § 40500(a) and Pen. Code, § 853.6.

²Per Veh. Code, § 40513(b) and Pen. Code, § 853.9.

1.040. Electronic Notice to Appear

- a) The electronic Notice to Appear 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:³
 - 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.

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.⁴ (See Appendix A.)

Chapter 2 AUTHORITY TO PRESCRIBE FORMAT

2.010. Judicial Council

- a) The Judicial Council has adopted three forms for the Notice to Appear:
 - 1) Form TR-115, *Automated Traffic Enforcement System Notice to Appear*,⁵ 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*,⁶ to be used for violations other than traffic offenses. (See Appendix E.)
 - 3) Form TR-130, *Traffic/Nontraffic Notice to Appear*,⁷ to be used for both infraction and misdemeanor offenses. (See Appendix F.) The electronic Notice to Appear⁸ 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.

³Per Pen. Code, § 959.1.

⁴Per Veh. Code, § 40505.

⁵Per Veh. Code, § 40518.

⁶Per Pen. Code, § 853.9.

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

⁸Per Pen. Code, § 959.1.

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- 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 DATE

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 revised form TR-115, effective January 1, 2013. 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 for Vehicle Code violations⁹ and in duplicate for all other violations.¹⁰ Before printing 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 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.

⁹Per Veh. Code, § 40500(a).

¹⁰Per Pen. Code, § 853.6.

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- 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.

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.
- b) All text on the forms must be printed in black ink. All text on citation forms TR-115, TR-120, and TR-130 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.

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- 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 forms 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 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.
 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.

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.¹¹
- 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.¹²
- 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.

¹¹Per Veh. Code, §§ 40500(a), 40518(b) and Pen. Code, § 853.6.

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

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 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.

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 vehicle¹³ 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, and body style of the vehicle operated by the defendant at the time of the offense must be indicated on the Notice to Appear.¹⁴

6.130. Financial Responsibility

The officer must write the driver's evidence of financial responsibility on the Notice to Appear.¹⁵ 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.

¹³Commercial vehicle is defined in Veh. Code, § 15210(b). The requirement to indicate if offense involves a motor vehicle is per Veh. Code, § 40300.2.

¹⁴Per Veh. Code, § 40500(a).

¹⁵Per Veh. Code, § 16028.

6.140. Name of Registered Owner/Lessee

- a) The Notice to Appear must contain the name of the registered owner or lessee.¹⁶
- b) The name must be indicated on the Notice to Appear in the following sequence:
First/Middle/Last.

6.150. Address of the Registered Owner/Lessee

- a) The address of the registered Owner/Lessee must be indicated on the Notice to Appear.¹⁷
- 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.¹⁸
- b) For offenses identified in Vehicle Code section 40303.5 the citing officer must indicate by marking the appropriate 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.

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.¹⁹ If the "Booking Required" check box is checked on form TR-120 or TR-130, 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.²⁰

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.²¹

¹⁶Per Veh. Code, § 40500(a).

¹⁷Per Veh. Code, § 40500(a).

¹⁸Per Veh. Code, § 40522.

¹⁹Per Pen. Code, § 853.6.

²⁰Per Veh. Code, § 40500(a) and Pen. Code, § 853.6.

²¹Per Veh. Code, § 40503.

-
- 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.).
 - 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 example 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 declaration, under penalty of perjury, subscribed by the officer, that the information regarding the violations is true and correct.²²

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.²³ This option does not apply to citations issued for violations recorded by an *Automated Traffic Enforcement System Notice to Appear*.

²²Per Code Civ. Proc., § 2015.5.

²³Per 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.²⁴
- 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.²⁵ The time to appear must be at least ten days after the Notice to Appear is delivered.²⁶
- 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.²⁷

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.²⁸
- b) Before a person authorized to receive a deposit of bail.²⁹
- c) Before the juvenile court, juvenile court referee, or juvenile hearing officer.³⁰

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.³¹

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.

²⁴Per Veh. Code, § 40501(a).

²⁵Per Veh. Code, § 40518(a).

²⁶Per Veh. Code, § 40518(b).

²⁷Per Veh. Code, § 40501(b).

²⁸Per Veh. Code, § 40502(a)–(b) and Pen. Code, § 853.6.

²⁹Per Veh. Code, § 40502(c) and Pen. Code, § 853.6.

³⁰Per Veh. Code, § 40502(d).

³¹Per 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.³⁵

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 cases where the defendant alleges that another person has committed the cited offense.³³

³²Per Pen. Code, § 815(a).

³³Per Veh. Code, § 40500(a) and Pen. Code, § 853.6.

-
- b) The Judicial Council recommends that the thumbprint be placed in a one-inch square area located on the reverse of the court's copy in the lower left corner.
 - 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.³⁴

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.³⁵

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.³⁶ A number of other states use the individual's social security number as the driver license number.

³⁴Per Public Law 93-579, § 7.

³⁵Per 42 USC § 405, (c)(2)(c)(i)-(iv).

³⁶Per 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)

Form Adopted for Mandatory Use
Judicial Council of California
TR-100 [Rev. January 1, 2004]

I am at least 18 years of age, not a party to this action, and I am 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) CONTINUATION OF NOTICE TO APPEAR		<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)						
NOTICE TO APPEAR Automated Traffic Enforcement (Citation No.)						
Date of Violation 1. / /		Time <input type="checkbox"/> AM <input type="checkbox"/> PM		Day of Week S M T W T F S		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"/> COMMERCIAL VEHICLE (Veh. Code, § 15210(b))		
Yr. of Veh. 8.	Make	Model	Body Style	Color		
				<input type="checkbox"/> HAZARDOUS MATERIAL (Veh. Code, § 353)		
Registered Owner or Lessee 9.						
Address 10.						
City 11.		State		ZIP Code		
Code and Section 12.			Description			
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.	
YOU MUST RESPOND TO THE COURT ON OR BEFORE:						
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.]				Clerk's Office Hours [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. 01-01-13 (Veh. Code, § 40518)					DEFENDANT COPY SEE REVERSE 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

IMPORTANT—READ CAREFULLY	
This Citation Is Based on Photographic Evidence The vehicle identified on the front was photographed in violation of a traffic signal or sign. You may see the photographs. Contact: _____ You may see the photographs online at: _____ 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 _____	
WHAT TO DO	
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. 1. If you do NOT contest the violation a. (Pay the bail amount) (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. (Traffic school) 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. 2. If you contest the violation (select one) 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 witnesses will be present. You will be required to submit the bail amount. You will be given a date for your trial. —OR— b. (Trial by written declaration) 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. Submit the bail amount. 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.	
WRITING TO THE COURT	
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. Do not send your copy of the citation. Keep it for your own records.	
BAIL INFORMATION	
The "bail" is the amount you must 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: \$ _____ OR [See enclosed information]</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.	Bail Amount: \$ _____ OR [See enclosed information]
Bail Amount: \$ _____ OR [See enclosed information]	
NIGHT COURT TRIALS [are] [are NOT] available for this citation.	
JUVENILES	
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 _____.]	
ONLINE INFORMATION	
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
(Face of Court's Copy)

(Name of Agency and Jurisdiction)						<input type="checkbox"/> MISDEMEANOR
NOTICE TO APPEAR						Nontraffic (Citation No.)
Date of Violation 1. / /	Time	<input type="checkbox"/> AM <input type="checkbox"/> PM	Day of Week S M T W T F S	Case No.		
Name (First, Middle, Last) 2.						
Address 3.						
City 4.			State	ZIP Code		
Driver Lic. No. 5.		State	Class	Age	Birth Date / /	<input type="checkbox"/> Juvenile (Phone No.) ()
Sex 6.	Hair	Eyes	Height	Weight	Race	Other Description
Code	Ordinance	Description			Misdemeanor or 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(see reverse)				
Location of Violation(s)				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. _____ Arresting or Citing Officer					Serial No.	to Dates Off
24. / / Date		Name of Arresting Officer, if different from Citing Officer			Serial No.	to Dates Off
WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW.						
25. X Signature						
26. WHEN:		ON OR BEFORE THIS DATE: / /			Time: <input type="checkbox"/> AM <input type="checkbox"/> PM <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.						
FPO Barcode					DEFENDANT COPY	
Judicial Council of California Form Rev. 09-20-05 (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

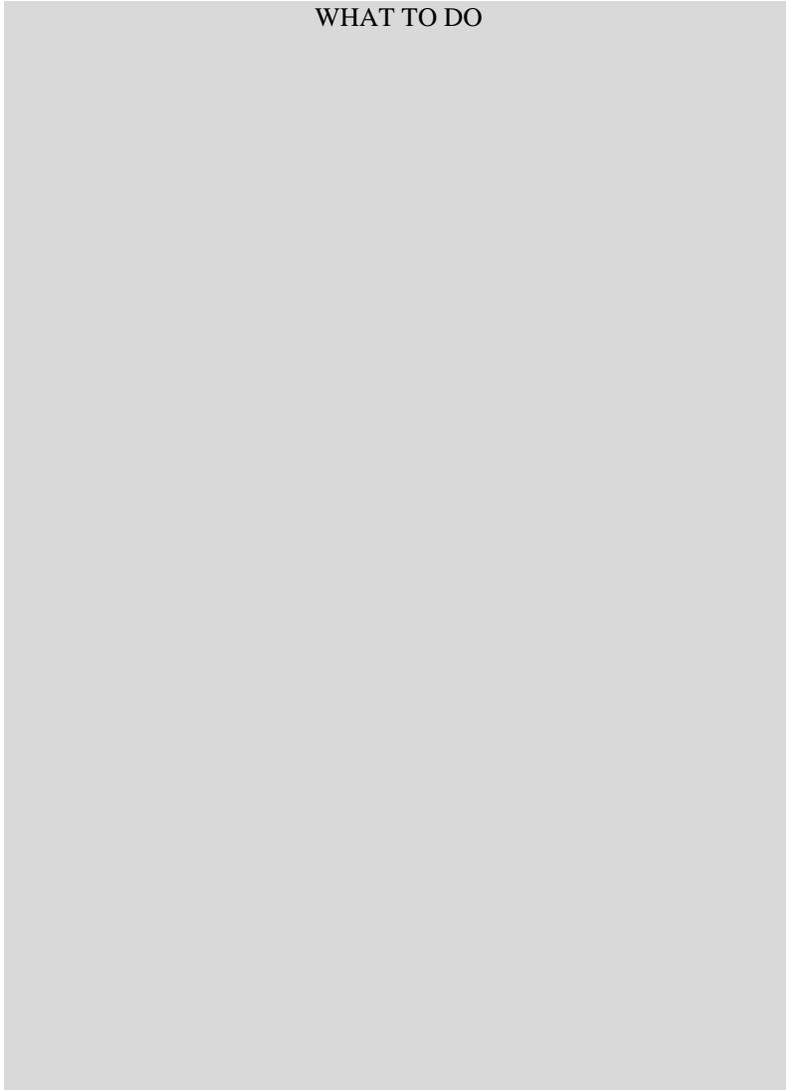
WARNING: If you fail to appear in court as you have promised, you may be arrested and punished by 6 MONTHS IN JAIL AND/OR A \$1,000 FINE, regardless of the disposition of the original charge. (Pen. Code, § 853.7.)

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		(Citation No.)		
NOTICE TO APPEAR										<input type="checkbox"/> Traffic <input type="checkbox"/> Nontraffic				
Date of Violation			Time			<input type="checkbox"/> AM <input type="checkbox"/> PM		Day of Week S M T W T F S		Case No.				
1. / /														
2. Name (First, Middle, Last)										<input type="checkbox"/> Owner's Responsibility (Veh. Code, § 40001)				
3. Address														
4. City				State		ZIP Code		<input type="checkbox"/> Juvenile (Phone No.) ()						
5. Driver Lic. No.			State		Class	Commercial <input type="checkbox"/> Yes <input type="checkbox"/> No		Age	Birth Date / /					
6. Sex		Hair		Eyes		Height	Weight	Race		Other Description				
7. Veh. Lic. No. or VIN				State		Reg. MO/YR		<input type="checkbox"/> COMMERCIAL VEHICLE (Veh. Code, § 15210(b))						
8. Yr. of Veh.		Make		Model	Body Style	Color		<input type="checkbox"/> HAZARDOUS MATERIAL (Veh. Code, § 353)						
9. Evidence of Financial Responsibility CHP/DOT/PUC/ICC														
10. Registered Owner or Lessee										<input type="checkbox"/> Same as Driver				
11. Address										<input type="checkbox"/> Same as Driver				
12. City				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"/>								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. Speed Approx.		P.F./Max Spd.		Veh. Lmt.		Safe	Radar	<input type="checkbox"/> Continuation Form Issued		N				
18. Location of Violation(s) at										City/County of Occurrence		W	E	
19. Comments (Weather, Road & Traffic Conditions)										<input type="checkbox"/> Accident		S		
20. <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. _____ Arresting or Citing Officer						Serial No.		to		Dates Off				
22. / /		Date				Name of Arresting Officer, if different from Citing Officer				Serial No.		to		Dates Off
23. WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW. X Signature														
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.														
FPO Barcode										DEFENDANT COPY				
Judicial Council of California Form										SEE REVERSE				
Rev. 09-20-05 (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

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).
- Appear in court.
- Contest the violation.
- Correct the violation (traffic cases, when applicable).
- Request traffic school (traffic cases, when applicable).
- 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 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 be required to submit the bail amount. —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 _____ Date _____ Officer _____ Serial No. _____

5. Additional information is available at

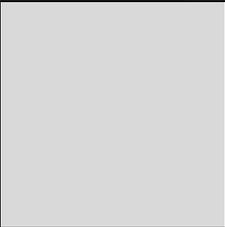
Local Web site _____

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)

(NAME OF AGENCY AND JURISDICTION)		<input type="checkbox"/> MISDEMEANOR <input type="checkbox"/> TRAFFIC <input type="checkbox"/> NONTRAFFIC		(Citation No.)	
NOTICE TO APPEAR					
Date of Violation 1. / /		Time <input type="checkbox"/> AM <input type="checkbox"/> PM		Day of Week Case No.	
Name (First, Middle, Last) 2. <input type="checkbox"/> Owner's Responsibility (VC 40001)					
Address 3. City State ZIP Code					
City 4. State ZIP Code				<input type="checkbox"/> Juvenile (Phone No.) ()	
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 Other Description
Veh. Lic. No. or VIN 7. State			Reg. MO/YR Exp.		<input type="checkbox"/> COMM. VEH. (VC 15210(b))
Yr. of Veh. 8.	Make	Model	Body Style	Color	Type <input type="checkbox"/> HAZ. MATERIAL (VC 353)
Evidence of Financial Responsibility 9. CHP/DOT/PUC/ICC					
Registered Owner or Lessee 10. <input type="checkbox"/> Same as Driver					
Address 11. City State ZIP Code <input type="checkbox"/> Same as Driver					
12. <input type="checkbox"/> VC 42009 Construction Zone <input type="checkbox"/> VC 42010 Safety Zone					
Correctable Violation (VC 40610)		<input type="checkbox"/> Booking Required (see below)		Misdemeanor or Infraction	
Yes No Code and Section		Description		Overweight	
13. <input type="checkbox"/>	<input type="checkbox"/>			M	I
14. <input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>
15. <input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>
16. <input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>
Speed Approx. 17. >	P.F./Max Spd.	Veh. Lmt.	Safe	Radar	<input type="checkbox"/> Continuation below
Location of Violation(s) 18. at City/County of Occurrence					
Comments (Weather, Road & Traffic Conditions) 19. <input type="checkbox"/> Accident					
<input type="checkbox"/> Violations not committed in my presence, declared on information and belief.					
20. I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct. Executed at Violation location					
21. / / Dec. Date		Arresting or Citing Officer		ID/Serial No.	Fm To Vac. Dates
22. / / Dec. Date		Name of Arresting Officer, if different from Citing Officer		ID/Serial No.	Fm To Vac. Dates
23. WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW. X Signature					
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	
WHAT TO DO: FOLLOW THE INSTRUCTIONS BELOW.					
25. 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"/> Contact the clerk to appear at a night court session. DEFENDANT COPY					
Judicial Council of California Form New 07-01-13 (VC 40500(b), 40513(b), 40522, and 40600; PC 853.9 and 959.1) TR-135			FPO Barcode (USS Code 39)		

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

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

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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

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Local Website _____

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