



Judicial Council of California . Administrative Office of the Courts

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

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on June 22, 2012

Title	Agenda Item Type
Traffic: Form Agreement for Installment Payments Under Vehicle Code Section 42007	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Revise form TR-310	July 1, 2012
Recommended by	Date of Report
Traffic Advisory Committee	May 11, 2012
Hon. Mark S. Borrell, Chair	Contact
	Courtney Tucker, 415-865-7611 courtney.tucker@jud.ca.gov

Executive Summary

The Traffic Advisory Committee recommends revisions to form TR-310, *Agreement to Pay Traffic Violator School Fees in Installments*, to become effective July 1, 2012. Vehicle Code section 42007(a)(2) provides that the Judicial Council shall prescribe the form of the agreement for installment payment of the fee for traffic violator school when approved by a clerk. Assembly Bill 2499 (Stats. 2010, ch. 599) amended the Vehicle Code to provide that completion of traffic violator school results in a confidential conviction instead of dismissal of a violation as before. The recommended revisions bring form TR-310 into conformance with the recent legislation, and the form would remain mandatory for use by those courts that allow clerks to set up installment payment plans for referral to traffic violator school.

Recommendation

The Traffic Advisory Committee recommends that the Judicial Council, effective July 1, 2012, revise form TR-310 as follows:

1. Revise paragraph 1 to replace the word “dismissal” with “a confidential conviction” to follow the amendment of the Vehicle Code;
2. Revise paragraph 4 to replace the word “dismissed” with “reported as a confidential conviction” to follow the amendment of the Vehicle Code; and
3. Revise paragraph 4 to replace “original certificate of completion is filed with the clerk” with “proof of completion is received by the clerk” to follow the amendment of Vehicle Code section 11205, which permits tracking and reporting of course completions by use of a web-based database instead of by filing printed certificates of completion.

Revised form TR-310 is attached at pages 4 to 5.

Previous Council Action

The Judicial Council adopted form TR-310 on February 22, 2008. At the Judicial Council meeting on October 29, 2010, the council revised form TR-310, effective November 1, 2010, to reduce the initial installment payment for a traffic infraction from 25 percent of the total due to 10 percent of the total due. The change was made to comport with urgency budget provisions in Senate Bill 857 (Stats. 2010, ch. 720) that amended the Vehicle Code to lower the required minimum for installment payments in traffic infraction cases when the request is approved by a court clerk.

Rationale for Recommendation

Under Vehicle Code section 42007(a)(2), the Judicial Council must prescribe the form of the agreement for installment payment of the fee for traffic violator school when approved by a court clerk. Assembly Bill 2499 (Stats. 2010, ch. 599) amended the Vehicle Code to provide that completion of traffic violator school results in a confidential conviction instead of a dismissal of a violation as before. (Veh. Code, §§ 1803.5, 1803.7, 41501, and 42007.) Form TR-310 must be updated to be consistent with changes in the law from AB 2499 regarding completion of traffic violator school as a confidential conviction. Also, the current form specifies that the defendant will submit an “original certificate of completion” for traffic violator school to the court. The new database procedure for course completions authorized by AB 2499 in Vehicle Code section 11205 discontinues the use and filing of hard copy certificates of completion. The proposed form would specify that “proof of completion is received by the clerk” instead of “original certificate of completion is filed with the clerk.”

Comments, Alternatives Considered, and Policy Implications

No alternatives were considered. Revision of the form is necessary to be consistent with current law under the Vehicle Code regarding referral to traffic violator school.

The amendments to form TR-310 were not circulated for statewide comment. The minor substantive changes to form TR-310 are unlikely to create controversy because they correctly state existing law and procedure.

Implementation Requirements, Costs, and Operational Impacts

Courts may need to update court case management systems and provide additional training for court staff to implement Assembly Bill 2499, which has required the revision of form TR-310 used for traffic infraction cases.

Relevant Strategic Plan Goals and Operational Plan Objectives

Revision of form TR-310 supports Strategic Plan Goal III, Modernization of Management and Administration, and Operational Plan Objective III.4: Uphold the integrity of court orders, protect court user safety, and improve public understanding of compliance requirements; improve the collection of fines, fees, and forfeitures statewide.

Attachment

1. Form TR-310, at pages 4–5

SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	<i>FOR COURT USE ONLY</i> DRAFT NOT YET APPROVED BY THE JUDICIAL COUNCIL
PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT:	
AGREEMENT TO PAY TRAFFIC VIOLATOR SCHOOL FEES IN INSTALLMENTS (Vehicle Code, § 42007)	

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 that does not require me to go into court and is eligible for a confidential conviction for completion of traffic violator school:

a. § _____ b. § _____ c. § _____ d. § _____ e. § _____

2. My court appearance date has not expired and I am providing proof of correction for any correctable violations.
3. I want to pay the traffic violator school fees 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 the fees in installments and the court does not have to allow me to make installment payments.

4. TERMS OF THE AGREEMENT:
 The total fee, including an administrative fee of \$_____ to pay in installments, is \$ _____ .
 I agree to pay the total amount within 90 days 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 fees 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 report convictions to the Department of Motor Vehicles. 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 and if my proof of completion is received by the clerk, my eligible violations will be reported as a confidential conviction and no further proceedings will be held.

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 traffic violator school fees in installments and not go into court, you will be giving up these rights:

- To appear in court for formal arraignment, plea, and sentencing;
- To have a court trial 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 testifying under oath against you, and
- To remain silent and not testify.

