



Judicial Council of California

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

INVITATION TO COMMENT

SPR24-33

Title

Traffic: Mandatory Reminder Notices—
Traffic Procedures

Action Requested

Review and submit comments by May 3, 2024

Proposed Rules, Forms, Standards, or Statutes

Amend Cal. Rules of Court, rule 4.107

Proposed Effective Date

January 1, 2025

Proposed by

Traffic Advisory Committee
Hon. Maria Lucy Armendariz, Chair

Contact

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Executive Summary and Origin

The Traffic Advisory Committee proposes revising a rule of court to clarify the procedures for a court to follow for sending infraction notices. The committee proposes exceptions to the notice procedures when a court does not have a litigant’s address or the information necessary (or the technological capability) to send a notice electronically. Additionally, the proposal includes revisions to improve readability and changes to comply with current law.

Background

In December 2016, the Judicial Council adopted California Rules of Court, rule 4.107, effective January 1, 2017. This rule requires courts to send courtesy/reminder notices that inform litigants how to resolve their traffic cases. The current rule does not make clear whether it applies only to Vehicle Code infractions or to all infractions. The original invitation to comment stated that rule 4.107 would require “that trial courts send ‘courtesy notices’ to traffic defendants before an initial appearance, and would specify information that must be provided to defendants in those notices.”¹ The Judicial Council report recommending adoption of rule 4.107 states that the rule

¹ Invitation to comment (SP16-08), at p. 1, www.courts.ca.gov/documents/SP16-08.pdf.

would “require that trial courts send reminder notices to traffic defendants.”² The word “traffic” as used in this context is a nonspecific term and can be interpreted to mean only Vehicle Code infractions, or more broadly, to mean all infractions.

The current rule also contains references to the civil assessment amount³ and consequences for failing to appear or pay⁴ that are no longer accurate. Additionally, the rule does not contain a procedure for courts to follow when a courtesy/reminder notice is undeliverable due to the lack of a valid physical mailing address, which occurs most often with persons who are experiencing homelessness.

The Proposal

The committee proposes clarifying that rule 4.107 applies to all infractions. In addition, the committee suggests adding an appropriate procedure for courts to follow when a litigant does not have a valid physical mailing address and electronic notice is not feasible because the court does not have the necessary information or the court does not possess the technological ability to send one. Finally, the committee proposes revisions to rule 4.107 to reflect changes in the law.

The following revisions are intended to clarify the rule’s language and scope:

- Specify that rule 4.107 applies to all infractions, not just infractions under the Vehicle Code;
- Add that if a court cannot send a reminder notice because either there is no valid address or doing so electronically is not possible, the court need not send a reminder notice in those circumstances;
- Consolidate procedures in 4.107(b).

The following revisions are needed due to changes in the law:

- Change the civil assessment amount from \$300 to \$100; and
- Eliminate outdated consequences for failure to appear or pay.

Alternatives Considered

The committee determined the current scope of rule 4.107 was unclear and considered whether rule 4.107 should be clarified to apply to all infractions or only Vehicle Code infractions. The committee understands that most courts have interpreted rule 4.107 to apply to all infractions but some courts have not interpreted the rule in this manner. The committee concluded that applying

² Judicial Council of Cal., Advisory Com. Rep., *Traffic and Criminal Procedure: Infraction Procedures Regarding Bail, Fines, Fees, and Assessments; Mandatory Courtesy Notices; and Ability-to-Pay Determinations* (Dec. 1, 2016), at p. 2, <https://jcc.legistar.com/View.ashx?M=F&ID=4817182&GUID=D0F79B3B-0A7E-40FC-9F2A-C79D7B4F9024>.

³ Assem. Bill 199 (Stats. 2022, ch. 57).

⁴ Assem. Bill 2746 (Stats. 2022, ch. 800).

the rule to all infractions would ensure better access to justice.⁵ The committee also considered taking no action to clarify the procedure to follow when a litigant does not have a valid mailing address, as smaller courts may not experience a large impact on court operations from undeliverable courtesy/reminder notices. However, the committee recognized that different jurisdictions, especially larger ones, may experience a significant impact on operations from undeliverable reminder notices.

Fiscal and Operational Impacts

Courts that have interpreted rule 4.107 to apply only to Vehicle Code infractions will need to change their operations to send reminder notices for all infractions.

Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committee 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 systems, or modifying case management systems?
- Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

Attachments and Links

1. Cal. Rules of Court, rule 4.107, at page 4
2. Link A: Assem. Bill 199 (Stats. 2022, ch. 57)
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB199
3. Link B: Assem. Bill 2746 (Stats. 2022, ch. 800)
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB2746

⁵ A stakeholder advised that the problem regarding undeliverable courtesy/reminder notices is generally, although not always, related to non-Vehicle Code infractions.

Rule 4.107 of the California Rules of Court would be amended, effective January 1, 2025, to read:

1 **Rule 4.107. Mandatory reminder notice—traffic procedures**

2
3 **(a) Mandatory reminder notice for infractions**

- 4
5 (1) Each court must send a reminder notice to the address shown on the *Notice to*
6 *Appear*, ~~unless the defendant otherwise notifies the court of a different address~~
7 or an alternate address of which the defendant notifies the court.
8
9 (2) The court may satisfy the requirement in ~~paragraph~~ (1) by sending the notice
10 electronically, including by ~~e-mail~~ email or text message, to the defendant. By
11 providing an electronic address or number to the court or to a law enforcement
12 officer at the time of signing the promise to appear, a defendant consents to
13 receiving the reminder notice electronically at that electronic address or number.
14
15 (3) If the court cannot comply with (1) because the defendant does not have a valid
16 mailing address or with (2) because the court does not have the necessary
17 information or the technological capability to send reminder notices
18 electronically, the court need not send a reminder notice.
19
20 (4) The failure to receive a reminder notice does not relieve the defendant of the
21 obligation to appear by the date stated in the *Notice to Appear*.
22

23 **(b) Minimum information in reminder notice**

24
25 In addition to information obtained from the *Notice to Appear*, the reminder notice
26 must contain, at least the following information:
27

- 28 (1) An appearance date and location;
29
30 (2) Whether a court appearance is mandatory or optional;
31
32 (3) The total bail amount and payment options, including procedures for
33 requesting installment plans, community service, and an ability-to-pay
34 determination;
35
36 (4) The notice about traffic school required under Vehicle Code section 42007, if
37 applicable;
38
39 (5) Notice that a traffic violator school will charge a fee in addition to the
40 administrative fee charged by the court;
41
42 (6) The potential consequences for failure to appear or pay, including ~~a driver's~~
43 ~~license hold or suspension~~, a civil assessment of up to ~~\$300~~ \$100, a new

Rule 4.107 of the California Rules of Court would be amended, effective January 1, 2025, to read:

- 1 charge for failure to appear, a warrant of arrest, or some combination of these
- 2 consequences, if applicable;
- 3
- 4 ~~(7) The potential consequences for failure to pay a fine, including a driver's~~
- 5 ~~license hold or suspension, a civil assessment of up to \$300, a new charge for~~
- 6 ~~failure to pay a fine, a warrant of arrest, or some combination of these~~
- 7 ~~consequences, if applicable;~~
- 8
- 9 ~~(8) The right to request an ability to pay determination;~~
- 10
- 11 ~~(9) Notice of the option to pay bail through community service (if available) and~~
- 12 ~~installment plans (if available);~~
- 13
- 14 ~~(10)~~(7) Contact information for the court, including the court's website;
- 15
- 16 ~~(11)~~(8) Information regarding trial by declaration, informal trial (if available),
- 17 and telephone or website scheduling options (if available); and
- 18
- 19 ~~(12)~~(9) Correction requirements and procedures for correctable violations.
- 20
- 21