

Introduced by Senator DeSaulnier

February 17, 2011

An act to amend and repeal Section 42007 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 565, as introduced, DeSaulnier. Vehicles: traffic violator school: confidentiality.

Existing law requires the clerk of the court to collect a fee from a person ordered or permitted by the court to attend a traffic violator school and authorizes the clerk to accept a payment of at least 10% of a specified amount upon filing a written agreement by the defendant to pay the remainder of the fee according to an installment payment schedule of no more than 90 days as agreed upon with the court.

This bill would recast the above provision and repeal a duplicative provision in the Vehicle Code.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 42007 of the Vehicle Code, as amended
2 by Section 3 of Chapter 720 of the Statutes of 2010, is amended
3 to read:
4 42007. (a) (1) The clerk of the court shall collect a fee from
5 every person who is ordered or permitted to attend a traffic violator
6 school pursuant to Section ~~41501 or 42005~~ or who attends any
7 other court-supervised program of traffic safety instruction. The
8 fee shall be in an amount equal to the total bail set forth for the

1 eligible offense on the uniform countywide bail schedule. As used
2 in this subdivision, “total bail” means the amount established
3 pursuant to Section 1269b of the Penal Code in accordance with
4 the Uniform Statewide Bail Schedule adopted by the Judicial
5 Council, including all assessments, surcharges, and penalty
6 amounts. Where multiple offenses are charged in a single notice
7 to appear, the “total bail” is the amount applicable for the greater
8 of the qualifying offenses. However, the court may determine a
9 lesser fee under this subdivision upon a showing that the defendant
10 is unable to pay the full amount.

11 The fee shall not include the cost, or any part thereof, of traffic
12 safety instruction offered by ~~the a traffic violator school or other~~
13 ~~program.~~

14 (2) The clerk may accept from a defendant who is ordered or
15 permitted to attend traffic violator school a payment of at least 10
16 percent of the fee required by paragraph (1) upon filing a written
17 agreement by the defendant to pay the remainder of the fee
18 according to an installment payment schedule of no more than 90
19 days as agreed upon with the court. The Judicial Council shall
20 prescribe the form of the agreement for payment of the fee in
21 installments. When the defendant signs the Judicial Council form
22 for payment of the fee in installments, the court shall continue the
23 case to the date in the agreement to complete payment of the fee
24 and submit the certificate of completion of traffic violator school
25 to the court. The clerk shall collect a fee of up to thirty-five dollars
26 (\$35) to cover administrative and clerical costs for processing an
27 installment payment of the traffic violator school fee under this
28 paragraph.

29 (3) When a defendant fails to make an installment payment of
30 the fee according to an installment agreement, the court may
31 convert the fee to bail, declare it forfeited, and report the forfeiture
32 as a conviction under Section 1803. The court may also charge a
33 failure to pay under Section 40508 and impose a civil assessment
34 as provided in Section 1214.1 of the Penal Code or issue an arrest
35 warrant for a failure to pay. For the purposes of reporting a
36 conviction under this subdivision to the department under Section
37 1803, the date that the court declares the bail forfeited shall be
38 reported as the date of conviction.

39 (b) Revenues derived from the fee collected under this section
40 shall be deposited in accordance with Section 68084 of the

1 Government Code in the general fund of the county and, as may
2 be applicable, distributed as follows:

3 (1) In any county in which a fund is established pursuant to
4 Section 76100 or 76101 of the Government Code, the sum of one
5 dollar (\$1) for each fund so established shall be deposited with the
6 county treasurer and placed in that fund.

7 (2) In any county that has established a Maddy Emergency
8 Medical Services Fund pursuant to Section 1797.98a of the Health
9 and Safety Code, an amount equal to the sum of each two dollars
10 (\$2) for every seven dollars (\$7) that would have been collected
11 pursuant to Section 76000 of the Government Code and,
12 commencing January 1, 2009, an amount equal to the sum of each
13 two dollars (\$2) for every ten dollars (\$10) that would have been
14 collected pursuant to Section 76000.5 of the Government Code
15 with respect to those counties to which that section is applicable
16 shall be deposited in that fund. Nothing in the act that added this
17 paragraph shall be interpreted in a manner that would result in
18 either of the following:

19 (A) The utilization of penalty assessment funds that had been
20 set aside, on or before January 1, 2000, to finance debt service on
21 a capital facility that existed before January 1, 2000.

22 (B) The reduction of the availability of penalty assessment
23 revenues that had been pledged, on or before January 1, 2000, as
24 a means of financing a facility which was approved by a county
25 board of supervisors, but on January 1, 2000, is not under
26 construction.

27 (3) The amount of the fee that is attributable to Section 70372
28 of the Government Code shall be transferred pursuant to
29 subdivision (f) of that section.

30 (c) For fees resulting from city arrests, an amount equal to the
31 amount of base fines that would have been deposited in the treasury
32 of the appropriate city pursuant to paragraph (3) of subdivision
33 (b) of Section 1463.001 of the Penal Code shall be deposited in
34 the treasury of the appropriate city.

35 ~~(d) As used in this section, "court-supervised program" includes,~~
36 ~~but is not limited to, any program of traffic safety instruction the~~
37 ~~successful completion of which is accepted by the court in lieu of~~
38 ~~adjudicating a violation of this code.~~

39 ~~(e)~~

1 (d) The clerk of the court, in a county that offers traffic school
 2 shall include in any courtesy notice mailed to a defendant for an
 3 offense that qualifies for traffic school attendance the following
 4 statement:

5
 6 NOTICE: If you are eligible and decide not to attend traffic
 7 school your automobile insurance may be adversely affected. *One*
 8 *conviction in any 18-month period will be held confidential and*
 9 *not show on your driving record if you complete a traffic violator*
 10 *school program.*

11
 12 ~~(f)~~—

13 (e) Notwithstanding any other provision of law, a county that
 14 has established a Maddy Emergency Medical Services Fund
 15 pursuant to Section 1797.98a of the Health and Safety Code shall
 16 not be held liable for having deposited into the fund, prior to
 17 January 1, 2009, an amount equal to two dollars (\$2) for every ten
 18 dollars (\$10) that would have been collected pursuant to Section
 19 76000.5 of the Government Code from revenues derived from
 20 traffic violator school fees collected pursuant to this section.

21 SEC. 2. Section 42007 of the Vehicle Code, as added by
 22 Section 16.5 of Chapter 599 of the Statutes of 2010, is repealed.

23 ~~SEC. 16.5. Section 42007 is added to the Vehicle Code, to~~
 24 ~~read:~~

25 ~~42007. (a) (1) The clerk of the court shall collect from every~~
 26 ~~person who is ordered or permitted to attend a traffic violator~~
 27 ~~school pursuant to Section 41501 or 42005 an amount equal to the~~
 28 ~~total bail set forth for the eligible offense on the uniform~~
 29 ~~countywide bail schedule. As used in this subdivision, “total bail”~~
 30 ~~means the amount established pursuant to Section 1269b of the~~
 31 ~~Penal Code in accordance with the Uniform Statewide Bail~~
 32 ~~Schedule adopted by the Judicial Council, including all~~
 33 ~~assessments, surcharges, and penalty amounts. If multiple offenses~~
 34 ~~are charged in a single notice to appear, the “total bail” is the~~
 35 ~~amount applicable for the greater of the qualifying offenses.~~
 36 ~~However, the court may determine a lesser fee under this~~
 37 ~~subdivision upon a showing that the defendant is unable to pay~~
 38 ~~the full amount. The fee shall not include the cost, or any part~~
 39 ~~thereof, of traffic safety instruction offered by a traffic violator~~
 40 ~~school.~~

1 ~~(2) The clerk may accept from a defendant who is ordered or~~
2 ~~permitted to attend traffic violator school a payment of at least 25~~
3 ~~percent of the fee required by paragraph (1) upon filing a written~~
4 ~~agreement by the defendant to pay the remainder of the fee~~
5 ~~according to an installment payment schedule of no more than 90~~
6 ~~days as agreed upon with the court. The Judicial Council shall~~
7 ~~prescribe the form of the agreement for payment of the fee in~~
8 ~~installments. If the defendant signs the Judicial Council form for~~
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11 ~~and submit the certificate of completion of traffic violator school~~
12 ~~to the court. The clerk shall collect a fee of up to thirty-five dollars~~
13 ~~(\$35) to cover the cost of processing an installment payment of~~
14 ~~the traffic violator school fee under this paragraph.~~

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19 ~~to pay under Section 40508 and impose a civil assessment as~~
20 ~~provided in Section 1214.1 of the Penal Code or issue an arrest~~
21 ~~warrant for a failure to pay.~~

22 ~~(b) Revenues derived from the fee collected under this section~~
23 ~~shall be deposited in accordance with Section 68084 of the~~
24 ~~Government Code in the general fund of the county and, as may~~
25 ~~be applicable, distributed as follows:~~

26 ~~(1) In any county in which a fund is established pursuant to~~
27 ~~Section 76100 or 76101 of the Government Code, the sum of one~~
28 ~~dollar (\$1) for each fund so established shall be deposited with the~~
29 ~~county treasurer and placed in that fund.~~

30 ~~(2) In any county that has established a Maddy Emergency~~
31 ~~Medical Services Fund pursuant to Section 1797.98a of the Health~~
32 ~~and Safety Code, an amount equal to the sum of each two dollars~~
33 ~~(\$2) for every seven dollars (\$7) that would have been collected~~
34 ~~pursuant to Section 76000 of the Government Code and,~~
35 ~~commencing January 1, 2009, an amount equal to the sum of each~~
36 ~~two dollars (\$2) for every ten dollars (\$10) that would have been~~
37 ~~collected pursuant to Section 76000.5 of the Government Code~~
38 ~~with respect to those counties to which that section is applicable~~
39 ~~shall be deposited in that fund. Nothing in the act that added this~~

1 paragraph shall be interpreted in a manner that would result in
2 either of the following:

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4 set aside, on or before January 1, 2000, to finance debt service on
5 a capital facility that existed before January 1, 2000.

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7 revenues that had been pledged, on or before January 1, 2000, as
8 a means of financing a facility that was approved by a county board
9 of supervisors, but on January 1, 2000, is not under construction.

10 (3) The amount of the fee that is attributable to Section 70372
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12 subdivision (f) of that section.

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14 amount of base fines that would have been deposited in the treasury
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16 (b) of Section 1463.001 of the Penal Code shall be deposited in
17 the treasury of the appropriate city.

18 (d) The clerk of the court, in a county that offers traffic school
19 shall include in any courtesy notice mailed to a defendant for an
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23 NOTICE: If you are eligible and decide not to attend traffic
24 school your automobile insurance may be adversely affected. One
25 conviction in any 18-month period will be held confidential and
26 not show on your driving record if you complete a traffic violator
27 school program.

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29 (e) Notwithstanding any other provision of law, a county that
30 has established a Maddy Emergency Medical Services Fund
31 pursuant to Section 1797.98a of the Health and Safety Code shall
32 not be held liable for having deposited into the fund, prior to
33 January 1, 2009, an amount equal to two dollars (\$2) for every ten
34 dollars (\$10) that would have been collected pursuant to Section
35 76000.5 of the Government Code from revenues derived from
36 traffic violator school fees collected pursuant to this section.

37 (f) This section shall become operative on July 1, 2011.