JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS
455 Golden Gate Avenue
San Francisco, CA 94102-3688

Report

TO: Members of the Judicial Council

FROM: Traffic Advisory Committee
Hon. John Vernon Meigs, Chair
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DATE: August 29, 2003

SUBJECT: Traffic: Notice to Appear Forms (adopt Cal. Rules of Court, rule 4.103; revoke form TR-110; revise forms TR-100, TR-106, TR-108, TR-115, TR-120, and TR-130, and revise form instructions, *Notice to Appear and Related Forms*) (Action Required)

Issue Statement

Under current law, the Judicial Council is authorized to prescribe the form of a notice to appear issued when a person is arrested for a misdemeanor or infraction violation of the Vehicle Code or ordinance related to traffic offenses. (Veh. Code, § 40500(b).) Penal Code section 853.9 further authorizes the council to approve notice to appear forms for nontraffic offenses. When a Judicial Council notice to appear form is verified by the issuing officer, it constitutes a complaint. (Veh. Code, § 40513(b) and Pen. Code, § 853.9.) The council's current policy requires law enforcement agencies to individually submit their proposed notice to appear forms to the Administrative Office of the Courts for review and approval. Under proposed rule 4.103 of the California Rules of Court, (circulated for comment as rule 829), agencies would no longer need to submit notice to appear forms for individual approval. Notices to appear on approved council forms TR-100, TR-106, TR-108, TR-115, TR-120, and TR-130 (Forms) that comply with the Forms manual, *Notice to Appear and Related Forms* (Instructions) would be in the form approved by the Judicial Council.

Recommendation

The Traffic Advisory Committee recommends that, in order to allow law enforcement agencies to print and issue the Forms without having to submit them for individual review and approval by the Judicial Council, effective January 1, 2004, the Judicial Council:

1. Adopt rule 4.103 of the California Rules of Court [Notice to appear forms];

2. Revoke form TR-110, *Traffic Notice to Appear*;

3. Revise form TR-100, *Notice of Correction and Proof of Service*;

4. Revise form TR-106, *Continuation of Notice to Appear*;

5. Revise form TR-108, *Continuation of Citation*;

6. Revise form TR-115, *Automated Traffic Enforcement System Notice to Appear*;

7. Revise form TR-120, *Nontraffic Notice to Appear*;

8. Revise form TR-130, *Traffic/Nontraffic Notice to Appear*;

9. Revise form instructions, *Notice to Appear and Related Forms*; and

10. Allow agencies a one-year period after the effective date to implement the revised Forms.

The text of rule 4.103; the instructions, *Notice to Appear and Related Forms*; and the Forms follows at pages 6–50.

Rationale for Recommendation

Background

The Traffic Advisory Committee proposes changes to policies and procedures of the Judicial Council regarding approval of notice to appear citations used by law enforcement agencies under Vehicle Code section 40500(b) and Penal Code section 853.9. Currently, council policy requires law enforcement agencies to individually submit their proposed notice to appear forms to the Administrative Office of the Courts for review and approval. Under proposed rule 4.103, agencies would no longer need to submit notice to appear forms for individual approval. Notices to appear on approved council Forms that comply with the Instructions would be in the form approved by the Judicial Council.

To accomplish this, proposed rule 4.103 of the California Rules of Court [Notice to appear forms] would:

- Require that a notice to appear issued for nonparking traffic infractions or misdemeanors be prepared and filed with the court on form TR-115 or form TR-130 and comply with the requirements in the council's Instructions;

- Permit a notice to appear issued for a nontraffic infraction or misdemeanor that is prepared on form TR-120 or form TR-130 and that complies with the requirements in the council's Instructions to be filed with the court and serve as a complaint within the meaning of Penal Code section 853.9; and

- Require that corrections to the council's notice to appear forms be made on form TR-100, *Notice of Correction and Proof of Service*.

In addition, the committee proposes revising the Instructions, to permit agencies to print their Forms without submitting them for review and approval. Adoption of the rule will improve efficiency and make citation requirements more transparent.

The proposed forms and instructions are designed to achieve the original goals of a consistent statewide citation form with less work and more clarity. Instead of requiring individual review and approval of agencies' proposed forms, the Forms and Instructions are designed to promote consistency by having mandatory language and formatting for necessary information and designated areas where local information may be added as needed.

The revised Forms and Instructions (Attachment A) will be published on the California Courts Web site at *www.courtinfo.ca.gov*. As a result, law enforcement, the courts, and the public will be better notified of the council's requirements and have easy access to the Forms and Instructions for their implementation and use. Increased access to the Forms should also help promote their proper use by improving awareness of their appearance and standard provisions.

Clarification of the Instructions and Forms
Revisions to clarify and update the Instructions and Forms include the following changes:

1. Form TR-108, *Continuation of Citation*, is added to section 1.030 of the Instructions as a form approved for use with either a notice to appear or a notice to correct violation;

2. Form TR-100, *Notice of Correction and Proof of Service*, is added to section 1.050 of the Instructions as a required form adopted for use to correct a notice to appear;

3. Section 5.010 of the Instructions is revised to specify that 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; and

4. Instructions regarding traffic school on form TR-115 are revised to be consistent with the amended rule 851 [Procedures and eligibility criteria for attending traffic violator school] of the California Rules of Court.

Other minor revisions to the Forms (Attachment A) are proposed to allow additional space for local information and to improve their flexibility.

One other proposed change is the revocation of form TR-110, *Traffic Notice to Appear* (Attachment A). Form TR-130, *Traffic/Nontraffic Notice to Appear*, contains all the information included in the seldom-used form TR-110 and has the added benefit of being approved for use with nontraffic offenses. Based on these considerations, the Traffic Advisory Committee recommends revocation of form TR-110, adoption of rule 4.102, and revision of the Forms and Instructions with a one-year period after the effective date for agencies to implement the revised Forms.

Alternative Actions Considered

The current policy to require council review and approve notice to appear forms could be continued. However, that process involves significant administrative burdens. Because the policy is inconsistent with the normal policy for use of other council forms, which do not require individual review and approval, agencies may fail to update forms, submit them for approval as required, and use outdated or incorrect forms. Adoption of a rule and publication of the Forms and Instructions should improve proper use of the revised Forms.

Comments From Interested Parties

The proposed rule was circulated for statewide comment as Item SPR03-62. Twenty-eight of the 42 commentators agreed with the proposed changes. Six commentators agreed with the proposed changes only if modified. Eight commentators did not agree with the proposed changes. None of the comments disagreed with the proposed rule or the change in policy to eliminate review and approval of an individual agency's forms. One comment did not agree with the proposal to revise the Forms due to the cost of replacing existing forms. The main issues raised by the comments related to misinterpretations of proposed changes or minor issues on language or formatting of the Forms. The committee responded to address these minor changes, as necessary. A chart listing the comments and the committee's responses is attached at pages 51–64.

Implementation Requirements and Costs

Law enforcement agencies will need to replace copies of the previous forms within one year of the effective date of January 1, 2004. If an agency has more than a one-year supply of forms, there will be additional cost to print new forms before the old ones are depleted. However, it has been the practice in the past to notify agencies when proposed forms are approved, that the council periodically revises the traffic forms and printing more than a one-year supply is not recommended.

During the one-year implementation period, there may be an increase in challenges to outdated or unapproved forms while agencies are depleting their supply of existing forms. This could result in dismissal or refiling of an undetermined number of cases and loss of associated revenue from uncollected fines and penalties. However, in the

long run, by improving compliance with the councils' standards for traffic citation forms, the new policy will provide defendants with proper information on how to respond and promote efficient processing and resolution of notice to appear citations.

Attachments

Rule 4.103 of the California Rules of Court is adopted, effective January 1, 2004, to read:

Rule 4.103. Notice to appear forms

(a) [Traffic offenses] A notice to appear that is issued for any violation of the Vehicle Code other than a felony or for a violation of an ordinance of a city or county relating to traffic offenses must be prepared and filed with the court on form TR-115, *Automated Traffic Enforcement System Notice to Appear*, or form TR-130, *Traffic/Nontraffic Notice to Appear*, and must comply with the requirements in the current version of the Judicial Council's instructions, *Notice to Appear and Related Forms*.

(b) [Nontraffic offenses] A notice to appear issued for a nontraffic infraction or misdemeanor offense that is prepared on form TR-120, *Nontraffic Notice to Appear*, or form TR-130, *Traffic/Nontraffic Notice to Appear*, and that complies with the requirements in the current version of the Judicial Council's instructions, *Notice to Appear and Related Forms*, may be filed with the court and serve as a complaint as provided in Penal Code section 853.9.

(c) [Corrections] Corrections to citations previously issued on form TR-106, *Continuation of Notice to Appear*; form TR-108, *Continuation of Citation*; form TR-115, *Automated Traffic Enforcement System Notice to Appear*; form TR-120, *Nontraffic Notice to Appear*; or form TR-130, *Traffic/Nontraffic Notice to Appear*, must be made on a form TR-100, *Notice of Correction and Proof of Service*.

Attachment A

~~2000 REVISIONS~~

~~OF THE~~

NOTICE TO APPEAR AND RELATED FORMS

Revised Effective January 1, 2004

JUDICIAL COUNCIL OF CALIFORNIA

Administrative Office of the Courts
455 Golden Gate Avenue
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ACKNOWLEDGMENTS

The Administrative Office of the Courts gratefully acknowledges the contributions and cooperation of those representatives from the judicial community, law enforcement agencies, and special interest groups who made this manual possible.

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Chapter 1 PURPOSE OF FORMS

1.000. Definitions

For the purposes of ~~this manual~~ 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~~; judicial district~~; (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 ~~judicial districts~~ 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 ~~shall~~ must prepare a Notice to Appear form.[1] ~~This allows the case to be cited to a court without the necessity of a physical arrest.~~

b) When the Notice to Appear is prepared on a form approved by the Judicial Council it ~~shall~~ constitutes a complaint ~~upon~~ to which the defendant may enter a plea.[2] ~~The complaint aspect of the Notice to Appear is important because it serves as an allegation that the offense occurred within the geographic boundaries of the court's authority and that the nature of the offense is one for which the court has legal jurisdiction.~~

1.030. Continuation Form

a) The *Continuation of Notice to Appear* or *Continuation of Citation* form ~~shall~~ 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 ~~shall~~ must not be issued in lieu of a continuation form.

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

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

c) The Notice to Appear and the corresponding continuation form ~~should~~ must be treated as one law enforcement document and contain the same citation number.

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 ~~needs to~~ must be ~~key-~~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 ~~in~~ on a form~~at~~ 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 form~~at~~s for the Notice to Appear ~~form~~:

1) ~~The *Traffic Notice to Appear*. This format is to be used exclusively for the citing of traffic law violations~~ 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 ~~C~~ D.)

2) ~~The~~ Form TR-120, *Nontraffic Notice to Appear*~~.~~,[6] ~~As the title implies, this format is~~ to be used for violations other than traffic offenses. (See Appendix ~~D~~ E.)

3) ~~The~~ Form TR-130, *Traffic/Nontraffic Notice to Appear*~~.~~,[7] ~~This combination format is a convenience for law enforcement in that it~~

[3]Per Pen. Code, § 959.1.
[4]Per Veh. Code, § 40505 ~~Per Veh. Code, §§ 40500(b), 40513(b), and 40522~~.
[5]Per Veh. Code, § 40518.
[5~~6~~]Per Pen. Code, § 853.9.
[7]Per Veh. Code, §§ 40500(b), 40513(b), 40522, and Pen. Code, § 853.9.

~~eliminates the need to carry two different sets of forms~~ to be used for both infraction and misdemeanor offenses. (See Appendix ~~E~~ F.) The electronic Notice to Appear[8] 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.

b) ~~The continuation form may be used~~ Form TR-106, *Continuation of Notice to Appear*, and form TR-108, *Continuation of Citation*, are intended for use in conjunction with~~*Traffic,*~~ *Nontraffic*~~,~~ and *Traffic/Nontraffic Notice to Appear* forms. (See Appendix B.)

~~c) The electronic Notice to Appear[7] 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.~~

~~d) The *Automated Enforcement Systems Notice to Appear* may be used in conjunction with violations of sections 22451, 21453 and 22101 recorded by an automated enforcement system.[8] (See Appendix A.)~~

~~e)~~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~~S~~

3.010. Judicial Council

a) Periodically, the Judicial Council will adopt revisions of Notice to Appear forms. **Law enforcement ~~shall~~ must use the revised Notice to Appear form within one year of its being adopted by the Judicial Council.** (See section 6.030 for exception.) This policy will allow law enforcement time 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) January 1, 200~~0~~4, is the effective date of the most recently adopted forms.

Chapter 4 FORM SPECIFICATIONS

4.010. Required Copies

The arresting officer ~~shall~~ must prepare the Notice to Appear form, at a minimum, in triplicate for Vehicle Code violations[9] and in duplicate for all other violations.[10] ~~In practice, many law enforcement agencies use a four-part form: a copy for the court, the police agency, the citing officer, and the defendant.~~ 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.

[6~~8~~]Per Pen. Code, § 959.1.

[~~7~~]~~Per Pen. Code, § 959.1.~~

[~~8~~]~~Per Veh. Code, § 40518.~~

[9]Per Veh. Code, § 40500(a).

[10]Per Pen. Code, § 853.6.

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 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.

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 ~~shall~~ for hand-written citations must be pressure sensitive and have a shelf life of at least five years. ~~Copies shall~~ The citation text must be reproducible on photocopy equipment.

4.040. Serial Numbers

a) The serial numbers of the form sets ~~shall~~ must be sequential ~~and without "skips."~~ There ~~shall~~ 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 ~~shall~~ must be printed in black ink, except serial numbers, which 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

~~Generally, m~~Mandatory language and data fields are indicated on examples of Judicial Council–adopted forms by unshaded areas; see section 5.010~~(a)~~ for exceptions.

5.010. Permitted Variations

a) To meet the unique customs and/or needs of local law enforcement agencies and ~~judicial districts~~ courts, the Judicial Council ~~does~~ 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 ~~proposed~~ printed forms. ~~(See section 5.020 regarding the process for obtaining approval of proposed variations.)~~

b) ~~Preprinting of, or changes in, the name, address, or telephone number of the law enforcement agency or the court of jurisdiction do not require approval from the Judicial Council.~~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.

~~*5.020. Approval Process*~~

~~a) A draft of the proposed form (face of form, reverse of defendant's copy, and reverse of court's copy) should be directed to:~~

~~Traffic~~
~~Administrative Office of the Courts~~
~~Trial Court Services Division~~
~~455 Golden Gate Avenue~~
~~San Francisco, California 94102-3660~~
~~**OR**~~
~~Fax 415-865-4330~~

~~b) The request for approval shall include the name and telephone number of a contact person.~~

~~c) The Judicial Council has authorized the Director of the Administrative Office of the Courts (AOC) to approve minor and inconsequential changes in the language of mandatory data fields.~~

~~d) A request for a proposed minor or inconsequential change must have the mutual consent of both law enforcement and the court of jurisdiction before it is submitted to the Judicial Council for approval. The request for approval shall contain a statement verifying that both the court and the law enforcement agency are in mutual agreement to the proposed change.~~

~~e) If no clarification is required regarding the proposed change(s), the administrative review will be completed within 30 days from the receipt of the request. After the~~

~~review process is completed, all requests will receive written correspondence either approving the requested change(s) or identifying the reason for disapproval.~~

~~f) **Within 30 days of printing, the entity that received approval for the proposed form shall cause a copy of the approved form to be sent to the address stated in section 5.020(a).**~~

~~*5.30. Legal Sufficiency*~~

~~Approval is vested in the Judicial Council pursuant to specific code sections, and approval of the forms containing material not expressly mandated by statute does not reflect Judicial Council opinion or position on the legal sufficiency of the added material.~~

Chapter 6 MANDATORY LANGUAGE/DATA FIELDS (FACE OF FORMS)

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 ~~examples of approved~~ 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 ~~shall~~ must appear near the top of the form.

6.020. Title of Form

The title of the form ~~shall~~ 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 ~~shall~~ must appear horizontally near the top right corner of each form.

b) To facilitate the filing systems of some courts, statewide law enforcement agencies ~~shall~~ must also print the serial number in the lower right margin of the court's copy. Statewide law enforcement agencies ~~shall~~ must comply with this requirement as

specified in section 3.010. Local law enforcement agencies ~~shall~~ 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 ~~shall~~ 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 ~~shall~~ must be placed on the face of the court's copy of the Notice to Appear form:

1. The bar code ~~shall~~ 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 ~~shall~~ must comply with the bar code requirement as specified in section 3.010.

4. Local law enforcement agencies ~~shall~~ 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 ~~shall~~ 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 ~~shall~~ must be indicated near the top of the form.

b) The "Date of Violation" data field ~~shall~~ 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 ~~discernible to~~ 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 ~~shall~~ must be First/Middle/Last. This sequence corresponds with the California Driver License/Identification Card.

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

6.070. Defendant's Address

a) The defendant's address ~~shall~~ must be indicated on the Notice to Appear.[12]

b) The address ~~shall~~ 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.

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 ~~shall~~ 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 8.020 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

~~The Notice to Appear shall indicate whether~~ If the vehicle involved in ~~the~~ an offense when a notice to appear is issued is a commercial vehicle~~.~~,[13] ~~When appropriate,~~ the citing officer ~~shall~~ must mark the check box within the data field, "**COMMERCIAL VEHICLE** (Veh. Code, § 15210(b))."

6.110. Hazardous Material

~~The Notice to Appear shall indicate whether~~ If the vehicle involved in ~~the~~ an offense when a notice to appear is issued was transporting hazardous material~~. The Department of Motor Vehicles requested that law enforcement make such an indication effective January 1, 1989. When appropriate~~, the citing officer ~~shall~~ 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 ~~shall~~ must be indicated on the Notice to Appear.[14]

6.130. Financial Responsibility

The officer ~~shall~~ must write the driver's evidence of financial responsibility on the Notice

---

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

[13]Commercial vehicle is defined in Veh. Code, § 15210(b). The requirement ~~of~~ to indicat~~ing~~e if offense involves a motor vehicle is per Veh. Code, § 40300.2.

[14]Per Veh. Code, § 40500(a).

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.

6.140. Name of Registered Owner/Lessee

a) The Notice to Appear ~~shall~~ must contain the name of the registered owner or lessee.[16]

b) The name ~~shall~~ 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 ~~shall~~ must be indicated on the Notice to Appear.[17]

b) The address ~~shall~~ 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 ~~shall~~ must specify the offense charged and note in a form approved by the Judicial Council that the charge ~~shall~~ will be dismissed upon proof of correction.[18]

b) For offenses identified in Vehicle Code section 40303.5 the citing officer ~~shall~~ 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 ~~shall~~ must be booked.[19] The "booking required" check box does not appear on the *Automated Traffic Enforcement System* notice.

6.180. Violations

The Notice to Appear ~~shall~~ must state the offenses charged.[20]

6.190. Speed

A Notice to Appear charging a speeding violation ~~shall~~ must specify the approximate

[15]Per Veh. Code, § 16028.
[16]Per Veh. Code, § 40500(a).
[17]Per Veh. Code, § 40500(a).
[18]Per Veh. Code, § 40522.
[19]Per Pen. Code, § 853.6.
[20]Per Veh. Code, § 40500(a) and Pen. Code, § 853.6.

speed, prima facie or maximum speed, and any other speed limit exceeded.[21]

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 ~~charging~~ a speed violation~~, enter~~ is charged, both the approximate speed and the prima facie speed applicable to the street or highway should be indicated.

c) ~~Enter~~ 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 ~~shall~~ must state the location of where the offenses charged occurred.

6.210. Officer's Declaration on Information and Belief

The officer ~~shall~~ 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 ~~shall~~ 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 ~~than~~ from the name of the officer completing the Notice to Appear, ~~shall~~ 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," ~~shall~~ must be stated on the *Automated Traffic Enforcement System Notice to Appear*.

[21]Per Veh. Code, § 40503.

[22]Per Code Civ. Proc., § 2015.5.

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*.

6.250. Time to Appear

a) The time specified in a ~~*Traffic*~~ Notice to Appear issued for a traffic offense ~~shall~~ 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 ~~shall~~ 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* ~~shall~~ 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 ~~shall~~ 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 ~~traffic~~ hearing officer.[30]

6.270. Night Court

If the court identified in the Notice to Appear holds night sessions, the notice ~~shall~~ must include a statement advising the defendant.[31]

6.280. Legend

The ~~legend at the~~ lower left corner of the Notice to Appear forms must denote~~s~~ that the form is a Judicial Council ~~approval~~ form and specify the council's form number. On

[23]Per Veh. Code, § 40504 and Pen. Code, § 853.6.
[24]Per Veh. Code, § 40501(a).
[25]Per Veh. Code, § 40518(a).
[26]Per Veh. Code, § 40518(b).
[27]Per Veh. Code, § 40501(b).
[28]Per Veh. Code, § 40502(a) (b) and Pen. Code, § 853.6.
[29]Per Veh. Code, § 40502(c) and Pen. Code, § 853.6.
[30]Per Veh. Code, § 40502(d).
[31]Per Veh. Code, § 40502(d).

electronic Notice to Appear forms, the approval legend may appear near the top of the form.

Chapter 7 ~~MANDATORY LANGUAGE/DATA FIELDS (REVERSE OF DEFENDANT'S COPY)~~

~~*7.010. Failure to Appear Advisement*~~

~~The reverse of the defendant's copy of the Notice to Appear and continuation form shall contain an advisement regarding the penalties for failing to appear as promised:~~

~~a) *Traffic Notice to Appear* form:~~
~~**"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.) 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."**~~[32]

~~b) *Traffic/Nontraffic Notice to Appear* form:~~
~~**"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 and 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."**~~[33]

~~c) *Nontraffic Notice to Appear* form:~~
~~**"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.)"**~~[34]

~~*7.020. WHAT TO DO*~~

~~The reverse of the defendant's copy of the *Traffic Notice to Appear* form shall contain information regarding options available to recipients of Notices to Appear as follows:~~

~~"**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, and you may have to pay other fees. After you attend traffic school, the violation will be dismissed and the point count will not be added to your DMV record. Contact the court to request traffic school.~~

~~[32] Per Veh. Code, § 40508.~~
~~[33] Per Veh. Code, § 40508 or Pen. Code, § 19 and § 853.7~~
~~[34] Per Pen. Code, § 19 and § 853.7.~~

~~**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.~~

~~**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)** 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."~~

~~The reverse of the defendant's copy of the *Traffic/Nontraffic Notice to Appear* form shall contain information regarding options available to recipients of Notices to Appear as follows:"~~**~~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, and you may have to pay other fees. After you attend traffic school, the violation will be dismissed and the point count will not be added to your DMV record. 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.~~

~~**2. If you contest the violation (select a or b):**~~

~~**b. (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 cases))** 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."~~

~~The reverse of the defendant's copy of the *Automated Traffic Enforcement System Notice to Appear* shall contain information regarding available options as follows:~~

~~"**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. After your completion of traffic school, the violation will be dismissed and the point count will not be added. You may be eligible to attend traffic school if you have not already attended in the past 18 months. Contact the court to request traffic school. You must pay the bail amount, 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 to 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."~~

~~Chapter 8~~ DISCRETIONARY LANGUAGE/DATA FIELDS

~~8~~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). ~~The adoption of discretionary language or data fields does not require approval from the Judicial Council.~~

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.

~~8~~7.010. Bail Statement

If the offense is bailable, the magistrate ~~shall~~ must fix the amount of bail and endorse the following statement on the warrant for arrest.[~~35~~32]

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.

~~8~~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.

~~8~~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]

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) It is estimated that obtaining a thumbprint in the field would require between two and three minutes. Chemically (inkless) treated thumbprint pads will cost between $6 and $20 per pad depending on the manufacture. Approximately 1,000 thumbprints can be taken from one pad.~~

~~d)~~c) The thumbprint item does not appear on the *Automated Traffic Enforcement System Notice to Appear*.

[~~35~~32]Per Pen. Code, § 815(a).

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

Chapter ~~9~~8 PROHIBITED LANGUAGE/DATA FIELDS

~~9~~8.010. Defendant's Social Security Number

The defendant's social security number ~~shall~~ 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. [~~36~~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.[~~37~~35]

The California Department of Motor Vehicles requires an individual to disclose his or her social security number in order to obtain a ~~commercial~~ driver license or identification card.[~~38~~36] A number of other states use the individual's social security number as the driver license number.

[~~36~~34]Per Public Law 93-579, § 7.
[~~37~~35]Per 42 USC § 405, (c)(2)(c)(i)–(iv).
[~~38~~36]Per Veh. Code, §§ 1653.5 and 12801.

APPENDIXES OF ~~SAMPLE~~ COUNCIL FORMS

Appendix A ~~***Automated Enforcement System Notice to Appear – TR-115***~~***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]

PROOF OF SERVICE

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:

_____ (Type or print name) ▼ _____ (SIGNATURE)

Original to Court

Defendant's Address:

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

☐ MISDEMEANOR
☐ Traffic ☐ Nontraffic

(Citation No.)

Date	Time		Day of Week	Case No.
1. / /		**AM PM**	**S M T W T F S**	

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.☐	☐			M I
5.☐	☐			M I
6.☐	☐			M I
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
19.☐	☐			M I
20.☐	☐			M I

21.☐ 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. _____ Arresting or Citing Officer — **Serial No.**

23. ___/___/___ Date — _____ Name of Arresting Officer, if different from Citing Officer — **Serial No.**

24. **WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED.**
X Signature

Judicial Council of California Form
Rev. 01-01-04 (Veh. Code, §§ 40500(b), 40513(b), 40522, 40600; Pen. Code, § 853.9)

SEE REVERSE
TR-106

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

CONTINUATION OF NOTICE TO APPEAR

(REVERSE OF VIOLATOR'S COPY)

IMPORTANT — READ CAREFULLY

This form is used when multiple offenses are charged and the original notice to appear form does not provide sufficient space for the listing of all the charges. PLEASE REFER TO THE REVERSE OF THE ORIGINAL NOTICE TO APPEAR FOR IMPORTANT INFORMATION REGARDING YOUR LEGAL OBLIGATIONS.

CORRECTABLE VIOLATIONS: Those driver license, vehicle registration, and mechanical violations cited in accordance with Vehicle Code section 40610(a) will be dismissed by the court *if* PROOF OF CORRECTION and payment of a transaction fee are presented to the court by mail or in person on or before the appearance date.

Violations of Vehicle Code section 16028 (automobile insurance) will be dismissed upon your showing to the court that evidence of financial responsibility was valid at the time this citation was issued.

Proof of correction should be obtained for driver license, registration, and equipment violations. CORRECT EQUIPMENT VIOLATIONS IMMEDIATELY.

METHODS FOR OBTAINING CERTIFICATION OF CORRECTION (Veh. Code, § 40616):
1. Pollution control device violations must be certified by a smog check station licensed by the California Bureau of Automobile Repair.
2. Lamp, brakes, and exhaust system violations may be certified as corrected by an authorized inspection and installation station for the specific violation(s).
3. Registration and driver license violations may also be certified as corrected by an office of the Department of Motor Vehicles or by any clerk or deputy clerk of a court.
4. Proof of correction, except for violations that must be cleared at a certified inspection and installation station, may be obtained at _____ (fill in location) during regular business hours.

CERTIFICATE OF CORRECTION (MUST BE RETURNED TO COURT)

Section(s) Violated	Signature of Person Certifying Correction	Serial No.	Agency	Date

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 ~~***Notice to Appear — Traffic*****, Form TR-110**~~***Continuation of Citation*****, Form TR-108**

TRAFFIC NOTICE TO APPEAR
(Face of Violator's Copy)

(Name of Agency and Jurisdiction)

☐ MISDEMEANOR

NOTICE TO APPEAR Traffic (Citation No.)

Date of Violation	Time	❑ AM ❑ PM	Day of Week	Case No.
/ /			S M T W T F S	

Name *(First, Middle, Last)* ❑ Owner's Responsibility (Veh. Code, § 40001)

Address

City State ZIP Code

Driver Lic. No.	State	Class	Age	Birth Date	☐ Juvenile (Phone No.)
				/ /	( )

Sex	Hair	Eyes	Height	Weight	Race	Other Description

Veh. Lic. No. or VIN State

Yr. of Veh.	Make	Model	Body Style	Color

Evidence of Financial Responsibility

❑ **COMMERCIAL VEHICLE** (Veh. Code, § 15210(b))

❑ **HAZARDOUS MATERIAL** (Veh. Code, § 353)

Registered Owner or Lessee ☐ Same as Driver

Address ☐ Same as Driver

City State ZIP Code

Correctable Violation (Veh. Code, § 40610) ☐ Booking Required

Yes	No	Code and Section	Description	Misdemeanor or Infraction (Circle)
☐	☐			M I
☐	☐			M I
☐	☐			M I
☐	☐			M I

Speed Approx. ➤	P.F./Max. Spd.	Veh. Lmt.	Safe	Radar	☐ Continuation Form Issued	N

Location of Violation(s) at City/County of Occurrence W E

Comments (Weather, Road & Traffic Conditions) ☐ Accident S

☐ 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.

Arresting or Citing Officer — Serial No. — to Dates Off

/ / 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.
X *Signature*

WHEN: ON OR BEFORE THIS DATE: / / Time: ❑ AM ❑ PM
Time: ❑ AM ❑ PM

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.]

☐ To be notified ☐ You may arrange with the clerk to appear at a night session of the court.

FPO Barcode

DEFENDANT COPY
SEE REVERSE
TR-110

Notice to Appear form approved by the Judicial Council of California
Rev. xx-xx-xx (Veh. Code, §§ 40500(b), 40513(b), 40522, 40600; Pen. Code, § 853.9)

Notice to Appear

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

TRAFFIC NOTICE TO APPEAR

(Reverse of Violator'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.) 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 a 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 of the following for each violation:

- Pay the fine (bail).
- Appear in court.
- Contest the violation.
- Correct the violation (when applicable).
- Request traffic school (when applicable).
- Request trial by written declaration.

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, and you may have to pay other fees. After you attend traffic school, the violation will be dismissed and the point count will not be added to your DMV record. 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) 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. Additional information is available at

Local Web site _____

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

~~TRAFFIC NOTICE TO APPEAR~~
~~(Reverse of Court's Copy)~~

~~*(Circle one)*~~

~~**RIGHT or LEFT THUMBPRINT**~~

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

CONTINUATION OF CITATION
(Face of Violator's Copy)

(Name of Agency and Jurisdiction)

CONTINUATION OF CITATION ☐ NOTICE TO APPEAR ☐ MISDEMEANOR
☐ NOTICE TO CORRECT VIOLATION ☐ Traffic ☐ Nontraffic (Citation No.)

Date of Violation	Time	Day of Week	Case No.
1 / /	❑ AM ❑ PM	S M T W T F S	

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	☐	☐			M I
5	☐	☐			M I
6	☐	☐			M I
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
19	☐	☐			M I
20	☐	☐			M I

21 ☐ 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 _____ Arresting or Citing Officer — Serial No.

23 ___/___/___ Date — _____ Name of Arresting Officer, if different from Citing Officer — Serial No.

24 **WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED.**
X *Signature*

Judicial Council of California Form
Rev. 01-01-04 (Veh. Code, §§ 40500(b), 40513(b), 40522, 40600, 40610(d), 40618; Pen. Code, § 853.9)

SEE REVERSE
TR-108

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

CONTINUATION OF CITATION
(Reverse of Violator's Copy)

IMPORTANT—READ CAREFULLY

This form is used when multiple offenses are charged and the original Notice to Appear/Notice to Correct Violation form does not provide sufficient space for the listing of all the charges. PLEASE REFER TO THE REVERSE OF THE ORIGINAL NOTICE TO APPEAR/NOTICE TO CORRECT VIOLATION FOR IMPORTANT INFORMATION REGARDING YOUR LEGAL OBLIGATIONS.

CORRECTABLE VIOLATIONS ON A NOTICE TO APPEAR: Those driver license, vehicle registration, and mechanical violations cited in accordance with Vehicle Code section 40610(a) will be dismissed by the court *if* PROOF OF CORRECTION and payment of a transaction fee are presented to the court by mail or in person on or before the appearance date. Proof of correction should be obtained for driver license, registration, and equipment violations. CORRECT EQUIPMENT VIOLATIONS IMMEDIATELY.

Violations of Vehicle Code section 16028 (automobile 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.

CORRECTABLE VIOLATIONS ON A NOTICE TO CORRECT VIOLATION: Those driver license, vehicle registration, and mechanical violations cited in accordance with Vehicle Code section 40610(a) must be corrected and PROOF OF CORRECTION must be provided to the law enforcement agency's office designated on the reverse side of the Notice to Correct Violation form within 30 days in order to have the violation cleared. Proof of correction should be obtained for driver license, registration, and equipment violations. CORRECT EQUIPMENT VIOLATIONS IMMEDIATELY.

METHODS FOR OBTAINING CERTIFICATION OF CORRECTION (Veh. Code, § 40616):
1. Pollution control device violations must be certified by a smog check station licensed by the California Bureau of Automobile Repair.
2. Lamp, brakes, and exhaust system violations may be certified as corrected by an authorized inspection and installation station for the specific violation(s).
3. Registration and driver license violations may also be certified as corrected at an office of the Department of Motor Vehicles or by any clerk or deputy clerk of a court.
4. Proof of correction, except for violations that must be cleared at a certified inspection and installation station, may be obtained at _____ *(fill in location)* during regular business hours.

CERTIFICATE OF CORRECTION (MUST BE RETURNED TO: ☐ COURT, ☐ CITING AGENCY)

Section(s) Violated	Signature of Person Certifying Correction	Serial No.	Agency	Date

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

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~~—Nontraffic—~~,***
Form TR-~~120~~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	Time	☐ AM ☐ PM	Day of Week	Case No.
1. / /			**S M T W T F S**	

Name *(First, Middle, Last)*
2.

Address
3.

City 4. State ZIP Code

Driver Lic. No.	State	Class	Age	Birth Date / /
5.				

Sex	Hair	Eyes	Height	Weight	Race
6.					

Veh. Lic. No. or VIN 7. State

☐ **COMMERCIAL VEHICLE** (Veh. Code, § 15210(b))

Yr. of Veh.	Make	Model	Body Style	Color
8.				

☐ **HAZARDOUS MATERIAL** (Veh. Code, § 353)

Registered Owner or Lessee
9.

Address
10.

City 11. State ZIP Code

Code and Section **Description**
12.

Location of Violation at 13. City/County of Occurrence

■ Violation was not committed in my presence. The above is declared on information and belief and is based on photographic evidence.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.

Date Issued 14. Declarant ID No.

YOU MUST RESPOND TO THE COURT ON OR BEFORE:

15. WHEN: DATE:_____ Time: _____ ☐ AM ☐ 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.]

FPO Barcode

DEFENDANT COPY

Judicial Council of California Form
Rev. 01-01-04 (Veh. Code, § 40518)

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: _____

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 any 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.

Bail Amount: $ _____ *OR* [See enclosed information]

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.

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 ***~~Notice to Appear — Traffic~~/Nontraffic Notice to Appear*, Form TR-~~130~~120**

NONTRAFFIC NOTICE TO APPEAR
(Face of Court's Copy)

(Name of Agency and Jurisdiction) ☐ MISDEMEANOR
NOTICE TO APPEAR Nontraffic (Citation No.)

Date of Violation	Time		Day of Week	Case No.
1. / /		☐ **AM** ☐ **PM**	**S M T W T F S**	

Name *(First, Middle, Last)*
2.

Address
3.

City	State	ZIP Code
4.		

Driver Lic. No.	State	**Class**	Age	Birth Date	☐ **Juvenile (Phone No.)**
5.				/ /	**( )**

Sex	Hair	Eyes	Height	Weight	**Race**	**Other Description**
6.						

	Code	Ordinance	Description	Misdemeanor 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		❑ **Booking Required**
19.		

Location of Violation(s) **City/County of Occurrence**
20.

Comments
21.

22. ❑ 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.

23. _____ _____ to _____
Arresting or Citing Officer **Serial No.** **Dates Off**

24. / / _____ _____ to _____
Date Name of Arresting Officer, if different from Citing Officer **Serial No.** **Dates Off**

25. **WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW.**
X *Signature*

26. ON OR BEFORE THIS DATE: ____/____/____ **Time:** _____ ☐ **AM** ☐ **PM**
WHEN: **Time:** _____ ☐ **AM** ☐ **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. ☐ To be notified ☐ **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. 01-01-04 (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.)

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)
NOTICE TO APPEAR

☐ MISDEMEANOR
☐Traffic ☐Nontraffic (Citation No.)

Date of Violation	Time		Day of Week	Case No.
1. / /		☐ **AM** ☐ **PM**	**S M T W T F S**	

Name *(First, Middle, Last)* ☐Owner's Responsibility (Veh. Code, § 40001)
2.

Address
3.

City 4. State ZIP Code

Driver Lic. No.	State	**Class**	Age	Birth Date	☐ **Juvenile (Phone No.)**
5.				/ /	( )

Sex	Hair	Eyes	Height	Weight	**Race**	**Other Description**
6.						

Veh. Lic. No. or VIN 7. State

Yr. of Veh.	Make	**Model**	Body Style	**Color**
8.				

Evidence of Financial Responsibility
9.

☐ **COMMERCIAL VEHICLE (Veh. Code, § 15210(b))**

☐ **HAZARDOUS MATERIAL (Veh. Code, § 353)**

Registered Owner or Lessee ☐ Same as Driver
10.

Address ☐ Same as Driver
11.

City 12. State ZIP Code

Correctable Violation (Veh. Code, § 40610) ☐ Booking Required

Yes	No	Code and Section	Description	Misdemeanor or Infraction (Circle)
13.☐	☐			M I
14.☐	☐			M I
15.☐	☐			M I
16.☐	☐			M I

Speed Approx.	P.F./Max Spd.	Veh. Lmt.	**Safe**	**Radar**	☐ **Continuation Form Issued**	**N**
17. >						

Location of Violation(s) **City/County of Occurrence** **W** **E**
18. at

Comments (Weather, Road & Traffic Conditions) ☐ **Accident** **S**
19.

20. ❑ 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.

21. _____ Arresting or Citing Officer — **Serial No.** _____ **Dates Off** _____ to _____

22. ___/___/___ Date — _____ Name of Arresting Officer, if different from Citing Officer — **Serial No.** _____ **Dates Off** _____ to _____

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:** _____ ☐ **AM** ☐ **PM**
Time: _____ ☐ **AM** ☐ **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. ☐ To be notified ☐ **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. 01-01-04 (Veh. Code, §§ 40500(b), 40513(b), 40522, 40600; Pen. Code, § 853.9)

SEE REVERSE
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 infractions).

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. 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.

SPR03-62

Traffic: Notice to Appear Forms

(adopt Cal. Rules of Court, rule 4.103; revoke form TR-110; revise forms TR-100, TR-106, TR-108, TR-115, TR-120, and TR-130; and revise form instructions, *Notice to Appear and Related Forms*)

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
1.	Captain Bill Abel La Mesa Police Department	A	N	None.	None.
2.	Sergeant James M. Acquarelli Supervisor, Traffic Unit Redondo Beach Police Department	A	N	None.	None.
3.	Lieutenant Kelly Anderson Corona Police Department	A	N	None.	None.
4.	Sergeant Steven Cook Los Angeles Police Department	N	N	1. The proposal to discontinue the form TR-110, *Traffic Notice to Appear*, will negatively impact LAPD operations due to a conflict of case numbering and filings. The LAPD Traffic Notice To Appear (Form TR-110/70-4.50.0) is numbered based on a 7 digit, 10 year, and 10 million numbering sequence/cycle. The LAPD Notice to Appear/Release From Custody (LAPD RFC Form 70-05.02.2) will be replaced in the near future by form TR-120, *Nontraffic Notice to Appear*. The RFC (and the new nontraffic form) are based upon a 5-digit numbering sequence, which is independent of the traffic citation numbering cycle. The Department researched the possibility of implementing the combined form TR-130, *Traffic/Nontraffic Notice to Appear*, in 2000/2001 when the new NTA forms were first introduced for use by all allied law enforcement agencies. Although implementation of the combined form, TR-130, would eliminate the need for separate	1. Disagree. The current proposal allows use of two different forms with independent numbering sequence/cycles. Form TR-130, *Traffic/Nontraffic Notice to Appear*, may be used to cite only traffic offenses instead of form TR-110, *Traffic Notice to Appear*, and may have a separate numbering sequence/cycle from form TR-120, *Nontraffic Notice to Appear*. The differences between the council's form TR-130 and form TR-110 are not material when the form is used to cite only traffic offenses. Only very minor changes, such as the form number, are necessary to update their form.

Positions: A = Agree; AM = Agree only if modified; N = Do not agree.

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				traffic and nontraffic forms, it was determined that the LAPD could not implement one combined form as the courts and prosecutorial agencies used the two different form numbers for different purposes and that the court could not modify their process/procedure at this time. Implementation of the one combined form would also cause case number duplication and additional confusion due to early depletion of the citation numbers previously assigned exclusively to Department traffic citations. Elimination of form TR-110 will also negatively impact the "Quick Ticket" program the Department is currently attempting to implement in regards to automated form and citation creation. 2. The new proposal eliminates the need for direct Judicial Council of California (JCC) approval but also states that changes to the form may only be made in the shaded areas. The new proposal does not allow for the adding of pre-printed court locations and other fields that the Department currently has on form TR-110, *Traffic Notice-To-Appear*, (LAPD form 70-04.50.0), which were reviewed and approved as unique variations by the JCC. These approved variations save the Department countless hours by allowing officers to check or fill-out pre-determined boxes/fields.	2. The instructions will be revised to clarify that the court location area is not shaded in order to indicate that the bracketed information fields are mandatory. Court locations may be preprinted and formatted as needed in the designated location. The LAPD will be able to incorporate their previously approved variations into form TR-130 since they are consistent with those allowed under the new requirements.

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				3. The information proposed for deletion on pages 12, 13, and 14 of the JCC proposal should only be eliminated on form TR-115, *Automated Traffic Enforcement System Notice to Appear*, citations and not on all citations. This information is printed on the reverse side of the violator's copy of the Traffic Notice-To-Appear and is of invaluable aid to violators attempting to appear on their citations. It has been discovered that the Los Angeles Superior Court does not mail out courtesy notices on all traffic citations. Therefore, the omission of this information will increase the confusion and frustration on the part of violators and will delay case processing and dispositions.	3. The information is still required and has only been edited out of the instructions, not the forms. Deletion of the referenced text from the instructions does not mean that the language is no longer mandatory. The instructions have been simplified regarding mandatory language. Section 6.000 specifies that all language and data fields in unshaded areas on the forms is mandatory and may not be re-worded or omitted. Repetition of the language of the forms in the manual is redundant and unnecessary.
5.	Sergeant Marc Farber Millbrae Police Department	A	N	None.	None.
6.	Mr. Robert Gerard President Orange County Bar Association	A	Y	None.	None.
7.	Mr. Jim Green	N	N	The requirement on traffic citations to post bail with a clerk before trial on low grade infractions and misdemeanors after a release on a defendant's own recognizance is a violation of the rights to reasonable bail and individual consideration.	Disagree. A release after signing a notice to appear and a release on a defendant's own recognizance are not the same procedure under California statutes and case law. Authorities related to a release on one's own recognizance are not applicable to notice to appear citations used to cite and release offenders for non-custodial arrests,

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					which are expressly controlled by relevant statutes such as Penal Code sections 19.6 and 1269b and Vehicle Code sections 40310 and 40511. (See *McDermott v. Superior Court* (1972) 6 Cal.3d 693, 697 [posting of scheduled "bail" in traffic offenses is for purposes other than ensuring an accused's appearance in court and does not infringe constitutional prohibitions against excessive bail].)
8.	Ms. Susan Hackley Records Supervisor Montclair Police Department	A	N	None.	None.
9.	Deputy Sheriff Peter F. Hahn Los Angeles County Sheriff's Department	N	N	Opposes the elimination of boxes for the reporting district and the file number of the occurrence. Additionally, would like to see the addition of a box for the violator's place of birth and a booking number.	Disagree. The council's approved notice to appear form has never had fields for reporting district or file number of occurrence. Addition of these fields and fields for the violator's place of birth and a booking number may be inserted in a shaded or blank area at the discretion of the agency, if it does not alter the approved formatting and the local court agrees.
10.	Lieutenant Jim Harritt Davis Police Department	AM	N	Requests modification of section 4.050 to either allow or require that the signature box be outlined in red or other contrasting color. A red box was used on their form before but discontinued because of the restriction. A box with red ink helps eliminate confusion for some people who are already stressed	An additional instruction will be added specifying that the box surrounding the defendant's signature may be printed in different color ink. The requirement that text be printed in black ink does not preclude the box surrounding the text from

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				by the situation.	being printed in red ink.
11.	Sergeant Matt Hartley City of Los Altos Police Department	A	N	None.	None.
12.	D. O. Helmick Commissioner California Highway Patrol	AM	N	1. Comments on the proposed Form TR-130, *Traffic/Nontraffic Notice to Appear*, that in September 2001, the CHP submitted a revised CHP 215, *Notice to Appear*, to the Judicial Council for approval. At that time, the Judicial Council approved placement of the text "CHP/DOT/PUC/ICC" next to the text "Evidence of Financial Responsibility". The "CHP/DOT/PUC/ICC" field is used by the CHP to positively identify motor carrier companies. The information in this field is entered into a CHP database called Management Information System of Terminal Evaluation Records. As required by Federal law, this information is also made part of a Federal database system called Safety Net. However, this information is not included on the proposed TR-130. Recommends that the Judicial Council place a shaded area next to the "Evidence of Financial Responsibility" field to allow the CHP to include the "CHP/DOT/PUC/ICC" field. 2. Comments that check boxes with Superior Court and Juvenile have been removed from the proposed notice to appear forms. In 2002, CHP officers issued approximately 2,206,933 citations, and the CHP non-uniformed personnel utilize the Superior Court and	1. Agree. In general, addition of a field of information is not prohibited in unshaded areas as long as the council's approved formatting is not altered. In order to avoid any uncertainty, shading will be added to the area next to the "Evidence of Financial Responsibility" field. 2. Disagree. The "Where" field of the council's notice to appear forms has never had mandatory multiple check boxes for court locations, since some jurisdictions

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				Juvenile boxes to separate and process the CHP 215. Recommends that the Judicial Council place Superior Court and Juvenile check boxes on the Notice to Appear.	process juvenile citations in superior court. When there are multiple court locations or separate locations for adult and juvenile proceedings, check boxes are recommended. It should be noted that the checkbox for "To be notified." is not part of the "Where" field. It is intended for use with juvenile citations when a courtesy notice with further instructions will be mailed separately.
				3. Recommends that on the proposed form TR-100, *Notice of Correction and Proof of Service*, the name of agency and jurisdiction be added at the top of the form. This information will afford citizens the knowledge what agency sent the form to them. In addition, it is recommended that the Defendant's Address box be larger.	3. The information at the top of form TR-100 indicates where the case is filed. Below the title of the form, there is a space for indicating the agency information.
				4. Recommends that the proposed form name of the form TR-108, *Continuation of Citation*, be changed to *Continuation Document*. The proposed title may confuse citizens when the form is attached to the notice to correct violation form. Citizens might believe the document is a citation, rather than a notice to correct violation form.	4. Disagree. Both a notice to appear and a notice to correct are citations that require appearance of the defendant before the proper authority to resolve the charged offense. Also, a notice to correct may be filed with the court as a complaint if the violator fails to correct the violation.

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				5. Comments that the proposed approval process for the enforcement document may adversely impact law enforcement agencies. For example, the CHP utilizes a CHP 215X, Notice to Appear form for Inspection Facilities. The CHP 215X is formatted differently than the CHP 215. The Judicial Council has previously approved the CHP 215X format to allow Inspection Facilities to utilize a specialized device to imprint the respective court, address, telephone number, and location of the Inspection Facility. The officers at Inspection Facilities issue a large volume of citations on commercial vehicles. Inquires whether the CHP will have an exemption to keep the current format of the CHP 215X form or will have to discontinue it under the proposal.	5. Agree. Instructions will be added to the manual indicating that the change in format and location of the court, address, telephone number, and addition of the location of the Inspection Facility contained in the CHP 215X notice is approved for use at Inspection Facilities.
13.	Lieutenant Jon Hernandez Palo Alto Police	A	N	Requests that the Judicial Council produce the new forms in an electronic format (i.e., Adobe) so that agencies can easily modify "allowed" areas of documents and send them to their printers.	Agree. The current council forms are available in Adobe Acrobat and the revised forms will be available in that format as well.
14.	Mr. Paul Hower Support Services Manager La Habra Police Department	N	N	Form TR-130, *Traffic/Nontraffic Notice to Appear*, only provides for one line for the evidence of financial responsibility. Given the length of insurance company names and policy numbers it would be difficult if not impossible to notate both of these items of information within the space provided.	Areas of the proposed forms have been shaded as optional to allow some flexibility with formatting. Due to space limitations, if the recommended size form is used, to expand the evidence of financial responsibility to two lines would necessitate removal of another line of optional text elsewhere. For example, to expand the evidence of financial responsibility field to two lines, the Address field could be

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					reduced from two lines to one. However, the size of the box for the commercial vehicle and hazardous material fields must not be reduced in size.
15.	J. Hughes Court Officer Shasta County Sheriff's Dept.	A	N	The proposal was reviewed by all Lieutenants and Patrol Captain and no modifications were noted.	None.
16.	Lieutenant Jeffrey Hutchison University of California at Irvine Police Department	A	N	None.	None.
17.	Lieutenant David Hutton Tiburon Police Department	A	N	None.	None.
18.	Chief Thomas L. Klose Sanger Police Department	A	N	None.	None.
19.	Mr. J. Kendrick Kresse Executive Director California Center for Law and the Deaf	N	Y	For the most part, does not believe that an accommodations notice needs to be included in the notice to appear forms, since it is more appropriate to provide such notice to a defendant at or subsequent to the time he or she requests a trial date. However, form TR 120, *Nontraffic Notice to Appear*, is mostly blank on the reverse side and is to be filled in with instructions of the local jurisdiction. Our concern is that an accommodations notice should be included if the instructions allowed for a person to notify the court that he or she wants a trial date and then is not subsequently provided with any other information regarding procedures that would include an accommodations notice.	Although shaded areas on the reverse of the forms do provide some space for additional instructions, notice of accommodations for disability is typically provided by the courts in courtesy notices and Web sites for the individual courts.

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20.	Lieut. Anthony J. Levatino Santa Ana Police Department	A	N	None.	None.
21.	Ms. Irene Lopez Court Program Manager Superior Court of California, County of Ventura	AM	N	Comments that on the reverse side of traffic notice to appear, the court must notify violators of bail amount. Since the officer will not know the total amount that will be due, should eliminate the Bail Information box.	Disagree. A statement of bail is an option only on form TR-115, *Automated Traffic Enforcement System Notice to Appear*, for camera red light violations. For those violations, the issuing law enforcement agency has the option of stating a bail amount when the notice is mailed to the defendant, or specifying that additional information will be provided separately.
22.	Mr. Stephen V. Love Executive Officer Superior Court of California, County of San Diego	AM	N	1. Requests that the appearance date line be moved away from the signature line on the forms because the signature frequently runs over the date, making it difficult for the data entry operator to read the date. 2. In the instructions on page 12, Chapter 7, Mandatory Language, information on the reverse side of the defendant's copy is being removed. Requests that this important information for the defendant not be deleted.	1. Disagree. Due to the inclusion of optional text on the sample forms, the two areas are closer together than necessary for most forms. Use of a longer form or removal of optional text, such as the second "Time" field, allows more space between the signature and date. 2. The information is still required and has only been edited out of the instructions, not the forms. Deletion of the referenced text from the instructions does not mean that the language is no longer mandatory. The

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					instructions have been simplified regarding mandatory language. Section 6.000 specifies that all language and data fields in unshaded areas on the forms are mandatory and may not be re-worded or omitted. Repetition of the language of the forms in the manual is redundant and unnecessary.
				3. Requests that on form TR-100, *Notice of Correction and Proof of Service*, the first two boxes under item 2 be separated because citing officers frequently misread the boxes and write the new appearance date on the date/time of violation line.	3. Agree. Due to space constraints, the formatting will be changed so that the word "from" will be moved to appear in front of the corresponding line below to ensure that the information is inserted in the correct location.
				4. Comments that on form TR-130, *Traffic/Nontraffic Notice to Appear*, Face of Court's Copy at the top of the form is a box for officers to check "Misdemeanor." In the middle of the form, on the right, are lines to indicate whether the violations are misdemeanors or infractions. This appears to cause a great deal of confusion for officers, who frequently mark Misdemeanor at the top and then infraction in the middle. Suggests deletion of the Misdemeanor check box at the top to lessen confusion.	4. Disagree. The two fields serve different purposes. The "Misdemeanor " check box at the top of the form flags the notice for proper processing and the specific designation for each offense indicates the nature of the charge for each particular offense.
				5. Recommends that the instruction on form TR-130, *Traffic/Nontraffic Notice to Appear*, Reverse of	5. Disagree. The instruction "when applicable" indicates that the option to

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				Defendant's Copy under "WHAT TO DO" to request traffic school, "when applicable" be changed to "if eligible." 6. Recommends that on form TR-130, *Traffic/Nontraffic Notice to Appear*, under "WHAT TO DO" and paragraph 2b the option to request trial by written declaration for "traffic cases" be changed to specify "traffic cases only" 7. Recommends on form TR-130, *Traffic/Nontraffic Notice to Appear*, citing rule 851 of the California Rules of Court after Section 1b. , Traffic School.	request traffic violator school is only available when appropriate for the charged offense. Since the court must determine whether a particular defendant is eligible to attend, an instruction to request "if eligible" may cause confusion without any additional information about the criteria for eligibility that is provided in courtesy notices. 6. Disagree. The option under "WHAT TO DO" and paragraph 2b to request trial by written declaration for "traffic cases" will be changed to "traffic infractions" to be consistent with Vehicle Code section 40902. Non-traffic cases, by inference, are not eligible. 7. Disagree. Information on traffic school eligibility is provided by the courts in courtesy notices and on court Web sites.
23.	Captain A. Margis Hemet Police Department	A	N	None.	None.
24.	Ms. Glenda Mart Court Supervisor Legal Process Division Superior Court of California, County of Calaveras	A	N	Comments that the changes will affect citing agencies more than the court as the numbers are changing and the format layout may be a little different.	None.

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25.	Lieut. Michael McQuiston Albany Police Department	A	N	None.	None.
26.	Ms. Agnes Nair Traffic Project Manager Fremont Police Department	AM	N	No FPO Barcode is needed on their Automated Traffic Enforcement System.	Since the barcode area is shaded, a barcode is only necessary if required by the local court.
27.	Captain Denis F. O'Leary San Francisco Police Dept.	A	N	None.	None.
28.	Lieutenant Kathleen Parker Contra Costa County Sheriff's Office	A	N	None.	None.
29.	Captain Michael O. Peterson Alameda County Sheriff's Office	A	N	None.	None.
30.	Sergeant Dan Pfau Alhambra Police Department	A	N	None.	None.
31.	Sergeant Keith Prostler San Bernardino Police Dept.	A	N	None.	None.
32.	Captain Wes Reynolds Administrative Services Redding Police Department	A	N	Agrees with the proposed changes, but changing the notice to appear is costly for the agency. Per 3.010 of the Judicial Council Instructions, law enforcement must use the revised Notice to Appear form within one year of adoption, making minor changes expensive.	Agencies were notified when forms were approved that ordering more than a one year supply of forms is not recommended, since the council must periodically revise forms to address changes in the law. Also, agencies can reduce costs by printing with vendors used by other agencies.
33.	Lieutenant Randy Scheinle Mammoth Lakes Police Department	N	N	The present system doesn't seem broken and making changes to existing cites can come with financial heartache for this agency and others.	Agencies were notified when forms were approved that ordering more than a one year supply of forms is not recommended,

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					since the council must periodically revise forms to address changes in the law. Also, agencies can reduce costs by printing with vendors used by other agencies.
34.	Lieutenant Michael Shipley Carlsbad Police Department	AM	N	1. Recommends on face of notice to appear to delete the "Age" field. Understands purpose for juvenile or minor but questions what does it matter if driver is "39". This could cause more problems than it is worth. 2. The Continuation form should instruct defendant to send proof of correction to court not police.	1. Disagree. Since the "Age" field is required under Welfare and Institutions Code section 660.5 for some citations, it is included on all citations. 2. Disagree. Form TR-108, *Continuation of Citation*, is a multipurpose form for use with either a Notice to Appear or a Notice to Correct Violation. The instructions indicate correctly that with a Notice to Correct Violation the defendant must provide proof of correction to the issuing agency to prevent filing of the notice with the court.
35.	Lieutenant Karl Schuler Costa Mesa Police Department	N	N	According to section 4.050, of the manual all text on the forms must be printed in black ink. Inquires whether the serial number can be in printed in red.	Agree. An instruction will be added that serial numbers may be printed in red ink.
36.	Chief Tyrone R. Spencer Patterson Police Department	A	N	None.	None.
37.	KC Sporleder Records Supervisor El Cajon Police Department	A	N	Agrees with the proposed changes. New changes are easy to make to the citations. Traffic Division concurs.	None
38.	Chief Randy Ulibarri	A	N	None.	None.

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	Union City Police Dept.				
39.	Detective Leon Washington Los Angeles Police Dept.	N	N	Submitted the comment above from Sergeant Steven Cook of Special Operations Support Division.	See response to Sergeant Cook's comments above.
40.	Captain Clinton R. Waugh Butte County Sheriffs Office	A	N	None.	None.
41.	Captain James L. Weuve Cypress Police Department	A	N	None.	None.
42.	Ms. Lynn Yoshikawa Senior Dispatcher/Records Shafter Police Department	A	N	Changes make the information more easily understood.	None.

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