

Date of Hearing: April 1, 2019

**ASSEMBLY COMMITTEE ON TRANSPORTATION**

Jim Frazier, Chair

AB 1310 (Reyes) – As Amended March 25, 2019

**SUBJECT:** Traffic violator school: fees

**SUMMARY:** Extends the length of time an individual has to make installment payments to pay off a traffic fine from 90 days to 180 days. Specifically, **this bill:**

- 1) Extends the length of time an individual is granted the ability to make installment payments to pay off a traffic fine from 90 days to 180 days.
- 2) Removes an up to \$35 administrative fee required to participate in an installment payment plan.
- 3) Removes the ability for a court to issue an arrest warrant for failure to pay.
- 4) Limits the court's ability to issue a \$300 civil assessment for missing an installment payment to only those who willfully fail to make a payment without good cause.

**EXISTING LAW:**

- 1) Authorizes the court, in cases related to traffic violations, to consider the defendant's ability to pay, as specified.
- 2) Authorizes the court, for penalties involving fines, to allow defendants to make payments within a specified time or in specified installments.
- 3) Authorizes the court to impose penalties when a promise to appear in court is violated or an installment payment is missed, including jail time and a civil assessment of up to \$300.
- 4) Requires, when a person is issued a ticket for any non-felony traffic violation, that the arresting officer prepare, in triplicate, a written notice to appear in court and deliver one copy of the notice to the ticketed person and that the ticketed person appear in court on the date specified.
- 5) Prohibits a court from suspending someone's driver's license for failure to pay a fine on a traffic violation.

**FISCAL EFFECT:** Unknown

**COMMENTS:** The cost of fines and fees associated with traffic and parking citations has steadily increased over the last few decades. After adding on fees to base fines, tickets can total in the hundreds of dollars. Add-on fees for minor offenses double or quadruple the original fine, and until recently California suspended driver's licenses for failure to pay traffic fines.

Every year the Judicial Council releases the Uniform Bail and Penalty Schedule, which provides the recommended penalties for vehicle infractions. Most vehicle code violations carry a penalty up to \$100 under the vehicle code. However, because of additional fees tacked onto the base fine, traffic ticket prices have significantly spiked. For example, a speeding ticket today carries a base fine of \$35. However, with all of the additional assessments, the ticket increases to \$238. Some tickets have even steeper penalties. For example, running a red light has a base fine of \$100, but additional assessments increases the total cost of the ticket to nearly \$500. If someone elects to attend traffic violator school, an additional \$52 fee is assessed by the courts.

Unpaid traffic fine debt has been adding up. According to the Legislative Analyst's Office, the state now has over \$10 billion in unpaid court ordered debt. The Legislature and Governor have made several efforts to collect unpaid debt and to address the negative consequences of unpaid fines. In the 2017 budget, the state removed the court's authority to notify the DMV for the suspension of individuals' driver's licenses for unpaid traffic fines. Last year's budget created a pilot program that would allow a pilot court to issue an ability-to-pay determination prior to a court hearing date. This determination could result in an individual either completing community service in lieu of the total fine amount, or suspend the total amount due in whole or in part. Governor Brown also signed AB 503 (Lackey), Chapter 741, Statutes of 2017, which requires a payment program to be offered to indigent individuals before agencies can use DMV to collect unpaid parking tickets.

Courts have the ability to reduce fines for those who cannot afford them or offer installment payments. Under existing law, if someone receives a ticket that does not require or permit for the ability to go to traffic violator school, there is no time limit set on the court if they opt to grant someone an installment payment. However, if the crime does require or permit an applicant to take traffic violator school, a court is limited to offering installment payment plans for up to 90 days.

An installment plan may be the only option available to a low income individual to actually be able to pay back a traffic ticket. For example, the red light ticket of nearly \$500 would amount to nearly 1/4 of a single individual's monthly income if they made the maximum amount of money to be eligible for Supplemental Nutrition Assistance Program (SNAP) benefits.

This bill makes several changes to the installment payment plan. First, it allows a court to extend the installment payment plan up to 180 days. Second, it removes a \$35 administrative fee for choosing to pay through an installment payment plan. Finally, it removes the ability for a court to issue an arrest warrant for failing to pay an installment payment.

In order to opt into an installment plan, an individual needs to agree to pay 10% of the total traffic fine as a down payment. For a red light ticket, this would equal to \$49.20. With the administrative fee, the down payment would result in a first payment of \$84.20. Additionally, if someone opts to attend traffic violator school, they will have to pay an additional \$52 to the court, bringing their first payment to \$132.20. The individual then has 90 days to pay the rest of the \$492 ticket. Assuming the \$132.20 constitutes the first month payment, under the 90 day payment plan, a low income individual would still have to pay \$221.40 a month for the next two months, or 1/8 of their monthly income.

By extending the payment out to 180 days and removing the \$35 administrative fee, a low income person would still have to pay \$82 a month for six months, which is not easy but more

manageable than a onetime payment of \$492 or one payment of \$132.20 plus two payments of \$221.40.

While this bill removes the ability of the court to issue an arrest warrant for failing to pay an installment payment, a \$300 civil assessment can still be issued by the court if the failure to pay was willful and without good cause.

Western Center of Law and Poverty, writing in support of this bill, argues: “The current statute effectively establishes a two-tier system of justice. For persons with resources, the law allows them to participate in traffic school, keep points off their record and their insurance costs lower. But for our clients who do not have the resources to pay all the costs in three months, the law acts as a barrier to participating in traffic school and ensures higher insurance premiums. AB 1310 proposes to make the law more equitable.

The current law impacts many more people than those on public assistance. According to a May 2016 report by the U.S. Federal Reserve, *Report on the Economic Well-Being of U.S. Households in 2015*, 46 percent of Americans do not have the financial resources to pay \$400 for an emergency expense and would have to sell something or borrow money. Legal service advocates for the poor have detailed in a series of reports how devastating the costs are for traffic tickets, parking tickets and for bail. Recently, these same groups issued a report, *Towed Into Debt: How Towing Practices in California Punish Poor People*, showing that tens of thousands of Californians are losing their cars because they cannot afford the cost of tickets and cannot get the car back after it is towed.”

This bill directly conflicts with AB 1134 (Limon), which is pending a hearing in this committee. AB 1134 eliminates the 10% down payment requirement for the first installment payment.

*Previous legislation:* SB 824 (Committee on Budget and Fiscal Review) Chapter 45, Statutes of 2018, among other things, established a pilot program for courts to provide relief to individuals for traffic fines and penalties based on their ability to pay.

AB 103 (Committee on Budget), Chapter 17, Statutes of 2017, among other things, limited the courts to initiating driver's license suspension or hold actions only for failure to appear in court.

SB 881 (Hertzberg), Chapter 779, Statutes of 2016, modified the traffic amnesty program as follows: a) requires a court, when notifying the DMV that an individual with a suspended license has appeared in court, paid the fine, or otherwise satisfied the requirements of the amnesty program, to do so within 90 days; b) required a court, for amnesty applications submitted prior to January 1, 2017, that are still outstanding as of that date, to notify the DMV no later than March 31, 2017, of individuals who have satisfied the requirements of the program; c) provided, for applications submitted on or before March 31, 2017, that all terms and procedures related to the participant's payment plans shall remain in effect after March 31, 2017; and, d) required an individual to file a request with the court by March 31, 2017, in order to be eligible for the amnesty program.

SB 405 (Hertzberg), Chapter 385, Statutes of 2015, required courts to allow individuals to schedule court proceedings, even if bail or civil assessment has been imposed, and clarified the traffic amnesty program.

SB 85 (Committee on Budget and Fiscal Review), Chapter 26, Statutes of 2015 authorized an 18-month traffic amnesty program, by October 1, 2015, for delinquent debt. The program expired on March 31, 2017.

SB 185 (Herzberg, 2017) Would have required courts to determine a defendant's ability to pay; also required courts to make accommodations if the defendant is indigent, and prohibited courts from suspending or holding an individual's driver's license for certain violations. That bill was held on the suspense file in Assembly Appropriations Committee.

**REGISTERED SUPPORT / OPPOSITION:****Support**

American Civil Liberties Union Of California  
Asian Americans Advancing Justice - California  
Courage Campaign  
Initiate Justice  
Legal Aid Of Marin  
Legal Services Of Northern California  
Rubicon Programs  
Western Center On Law & Poverty, Inc.

**Opposition**

None on file.

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