

WHAT YOU NEED TO KNOW ABOUT TRAFFIC COURT IN CALIFORNIA

Courtesy of The California Courts Self-Help Center
www.courtinfo.ca.gov

3 Kinds of Citations

There are 3 kinds of citations where the police can give you a ticket:

Parking tickets

Parking tickets are not filed with the court. A parking ticket shows the amount you must pay to the parking agency where the violation occurred. Fines for broken equipment (like your car's headlight) may be on your parking ticket. You can pay the amount on the ticket. Or if you think you shouldn't have gotten the ticket, contact the parking agency listed on the ticket and ask them what to do. The longer you wait to pay your ticket, the more you may have to pay. Read your ticket carefully to see when your fine will increase. If you don't pay your parking ticket at all, you won't be able to renew your car's registration. Don't go to (or call) the court unless the parking agency has decided your case and you want to appeal the agency's decision.

Infraction traffic tickets

If the police stop you for driving too fast or running a red light, they can charge you with an infraction and give you a "Notice to Appear" ticket. If you don't have proof of your car insurance, you'll be charged with an infraction for driving without proof of insurance.

Misdemeanor traffic tickets

The police can give you a ticket for a more serious crime, like driving without a license. If the charges don't involve alcohol or drugs, the police officer can ask you to sign the ticket, also called the "Notice to Appear." Signing doesn't mean that you admit you're guilty. It just means that you promise to appear in court.

If the police officer thinks that you're driving under the influence of alcohol and/or drugs, you'll be taken into custody.

What Happens When the Police Stop You

The police officer will ask for your driver's license, your car's registration, and your proof of insurance and may ask you to step outside your car. For infractions and some misdemeanors, the officer can write a ticket and ask you to sign it. The ticket is also called your "Notice to Appear" in court. The officer will give you a copy. Signing the ticket doesn't mean you admit that you're guilty. It just means that you promise to appear in court or pay the fine.

What to Do When You Get a Traffic Ticket

Infraction traffic tickets

If you have proper ID and promise to come to court by signing a "Notice to Appear" ticket, you probably won't have to go to jail.

The police officer will ask you to sign the ticket. Signing doesn't mean you're guilty. It just means you promise to go to court or pay the fine.

You could pay \$370 or more for each infraction.

If you get a photo/red-light or photo/railroad-grade crossing ticket, you'll get a notice in the mail about how to handle the ticket.

If you don't want to go to court, ask the court if you can plead guilty and pay the fine by mail, pay to go to traffic school, or have a trial by mail (also called a "trial by written declaration"). If you plead guilty and pay the fine, you'll get points on your driving record and your car insurance may cost more.

If you don't go to court or pay the fine, your license can be suspended and the court can charge you with a misdemeanor and issue a warrant for your arrest.

Misdemeanor traffic tickets

You must go to court on the date shown on your ticket unless the court sends a notice telling you a different date for your hearing. You can ask the court how much bail you have to pay and how to pay it. For more serious misdemeanors, like driving under the influence (DUI) of alcohol or drugs, you could pay up to \$3,420 or more. You could also go to a city or county jail for up to 1 year. If you don't go to court, your license can be suspended and the court can charge you with another misdemeanor and issue a warrant for your arrest.

What to Do If You Think You're Not Guilty

If you get a traffic ticket and you think you're not guilty, go to court on the date and time shown on your ticket, or shown on the notice the court mailed to you.

In court, the judge or judicial officer will ask you if you're "guilty" or "not guilty."

If you say "not guilty," the judge will give you a date for a trial. The judicial officer may also ask you to pay the fine. (Note: For most infractions, you can write a letter to the court to ask for a trial. You'll still have to pay the fine.)

If you have a misdemeanor or felony case, the judicial officer will ask you if you have enough money to pay for a lawyer. If you don't, the court will give you a lawyer for your case.

What Will Happen at Your Traffic Trial

In most cases, if your ticket is for an infraction a judge or judicial officer will hear your case instead of a jury. If the offense may be charged as an infraction or a misdemeanor under Penal Code sections 17(d) and 19.8, you can ask that an infraction charge be tried instead with a jury as a misdemeanor; however, unlike infractions, jail may be part of the sentence in a misdemeanor case.

At your trial, the police officer will state why he or she gave you the ticket. You or your lawyer can:

* Present evidence,

- * Argue the law,
- * Bring witnesses, and
- * Question the officer who gave you the ticket.

If you're found "not guilty," the court will return your fine.

If you're found "guilty," you must pay the fine. In misdemeanor or felony cases, you can also go to jail.

What Happens If You Don't Pay the Fine

If you don't pay your fine and/or complete your jail sentence within the time the court gives you, the court can suspend your driver's license. You also won't be able to renew your car's registration.

The court can charge you with "contempt of court" or "failure to pay a fine." If that happens, you'll be charged with a misdemeanor and the court will issue a warrant for your arrest or add an additional fee (called a "civil assessment") of up to \$300.

How Much You May Have to Pay

The court can tell you what amount to pay. The fine for infractions can be \$370 or more. If your misdemeanor case is not a DUI (driving under the influence of alcohol or drugs), your fine will probably be up to \$3,520.

If you've been charged with a DUI for the first time, you may go to jail for up to 6 months and pay up to \$3,520 or more. You may also lose your driver's license for 6 months.

If this is your second DUI in the last 7 years, you will:

- * Go to jail for a period of time between 96 hours and 1 year;
- * Pay up to \$3,520 or more; and
- * Lose your driver's license until you complete an 18-month program.

If this is your third DUI in the last 7 years, you will:

- * Go to jail for a period of time between 4 months and 1 year;
- * Pay up to \$3,520 or more; and
- * Lose your driver's license for 3 years.

After the court has decided your fine, you can pay in person at the court or by mail. Check the ticket, courtesy notice, or court Web site to see whether you can also pay by phone or online.