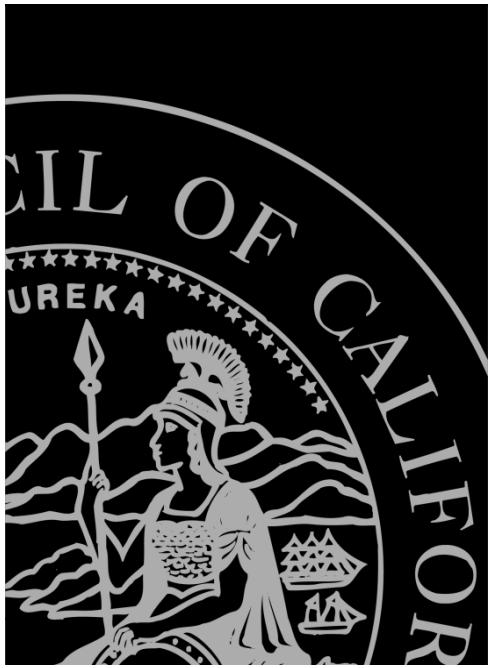


# Uniform Bail and Penalty Schedules

2026 EDITION

(Cal. Rules of Court, rule 4.102)

TRAFFIC
BOATING
FORESTRY
FISH AND GAME
PUBLIC UTILITIES
PARKS AND RECREATION
BUSINESS LICENSING

JUDICIAL COUNCIL
OF CALIFORNIA

# JUDICIAL COUNCIL OF CALIFORNIA

**455 Golden Gate Avenue**
**San Francisco, California 94102-3688**

## Rule 4.102. UNIFORM BAIL AND PENALTY SCHEDULES

## TRAFFIC, BOATING, FORESTRY, FISH AND GAME, PUBLIC UTILITIES, PARKS AND RECREATION, BUSINESS LICENSING

The Judicial Council of California has established the policy of promulgating uniform bail and penalty schedules for certain offenses in order to achieve a standard of uniformity in the handling of these offenses.

In general, bail is used to ensure the presence of the defendant before the court. Under Vehicle Code sections 40512 and 13103, bail may also be forfeited and such forfeiture may be ordered without the necessity of any further court proceedings and treated as a conviction for specified Vehicle Code offenses. A penalty in the form of a monetary sum is a fine imposed as all or a portion of a sentence imposed.

To achieve substantial uniformity of bail and penalties throughout the state in traffic, boating, fish and game, forestry, public utilities, parks and recreation, and business licensing cases, the trial court judges, in performing their duty under Penal Code section 1269b to annually revise and adopt a schedule of bail and penalties for all misdemeanor and infraction offenses except Vehicle Code infractions, must give consideration to the Uniform Bail and Penalty Schedules approved by the Judicial Council. The Uniform Bail and Penalty Schedule for infraction violations of the Vehicle Code will be established by the Judicial Council in accordance with Vehicle Code section 40310. Judges must give consideration to requiring additional bail for aggravating or enhancing factors.

After a court adopts a countywide bail and penalty schedule, under Penal Code section 1269b, the court must, as soon as practicable, mail a copy of the schedule to the Judicial Council with a report stating how the revised schedule differs from the council's uniform traffic bail and penalty schedule, uniform boating bail and penalty schedule, uniform fish and game bail and penalty schedule, uniform forestry bail and penalty schedule, uniform public utilities bail and penalty schedule, uniform parks and recreation bail and penalty schedule, or uniform business licensing bail and penalty schedule.

The purpose of this uniform bail and penalty schedule is to:

1. Show the standard amount for bail, which for Vehicle Code offenses may also be the amount utilized for a bail forfeiture instead of further proceedings; and
2. Serve as a guideline for the imposition of a fine as all or a portion of the penalty for a first conviction of a listed offense where a fine is used as all or a portion of the penalty for such offense. The amounts shown for the misdemeanors on the boating, fish and game, forestry, public utilities, parks and recreation, and business licensing bail and penalty schedules have been set with this dual purpose in mind.

Unless otherwise shown, the maximum penalties for the listed offenses are six months in the county jail or a fine of $1,000, or both. The penalty amounts are intended to be used to provide standard fine amounts for a first offense conviction of a violation shown where a fine is used as all or a portion of the sentence imposed.

The bail amounts in the Uniform Bail and Penalty Schedules are calculated by using the maximum county and emergency medical services penalty amount authorized by Government Code sections 76000 and 76000.5. When a court adopts a countywide bail schedule under Penal Code section 1269b for infraction offenses, the local schedule should be adjusted to reflect the specific penalty assessments that apply to a particular county under Government Code sections 76000 and 76000.5. If a court does not have night or weekend sessions for traffic cases, the countywide bail schedule should omit the $1 fee under Vehicle Code section 42006. The Safety Enhancement–Double Fine Zone schedule applies only to specific counties as expressly authorized by statute.

Note: Courts may obtain copies of the Uniform Bail and Penalty Schedules by contacting:

Judicial Council of California
Criminal Justice Services
455 Golden Gate Avenue
San Francisco, California 94102-3688
Email: TrafficAC@jud.ca.gov
*courts.ca.gov/7532.htm*

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## PREFACE

### *I. Section and Offense*

A. Historically, only those offenses most often filed in municipal courts were included in the Uniform Bail and Penalty Schedules. Penal Code section 1269b and Vehicle Code section 40310 require the Judicial Council to establish a schedule for infractions of the Vehicle Code. The Judicial Council approved the first Traffic Infraction Bail and Penalty Schedule in November 1992.

B. The letter "M" designates a misdemeanor: a crime punishable, at the discretion of the court, by imprisonment in a county jail for a period of no longer than 6 months or by a fine not exceeding $1,000 or by both (Penal Code section 19).

C. The letter "I" designates an infraction: a violation of a law not punishable by imprisonment but by a fine generally not exceeding $100 for violations of the Vehicle Code (Vehicle Code section 42001) or $250 for violations of other codes (Penal Code section 19.8(b)

### *II. Base Bail*

The "Base Bail" indicated is the amount from which the "additional penalties" required by Penal Code section 1464; Government Code sections 70372, 76000, 76104.6, and 76104.7; the surcharge required by Penal Code section 1465.7; and the penalty authorized by Government Code section 76000.5 are calculated.

### *III. Additional Penalties and Surcharge*

A. An "additional penalty" of between $22 and $27 ($10 state penalty required by Penal Code section 1464; state court construction penalty of $5 required by Government Code section 70372(a); a county and state DNA Identification Fund penalty of $5 required by Government Code sections 76104.6 and 76104.7 (amended effective June 27, 2012); and a county penalty of up to $7 required by Government Code section 76000(e)) shall be levied upon every $10, or part of $10, of every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses. The "additional penalty" may increase by $2 for every $10, or part of $10, of the base fine if the county board of supervisors elects to levy an emergency medical services (EMS) penalty assessment under Government Code section 76000.5.

B. Government Code section 70372(a) requires imposition of a state court construction penalty on every fine, penalty, or forfeiture collected by the courts for criminal offenses, including, but not limited to, all offenses, except parking offenses, as defined in Penal Code section 1463, involving violations of the Fish and Game Code and Vehicle Code or local ordinances adopted pursuant to the Vehicle Code. Section 70372 specifies a state court construction penalty of $5 for every $10, or part of $10, of the criminal fine, penalty, or forfeiture.

C. Penal Code section 1464(b) provides that in the case of multiple offenses, the amount of "additional penalties" is to be determined by the total base bail or fine for all the offenses cited, and if the fine or base bail is suspended in whole or part, the "additional penalties" shall be reduced in proportion to the amount of suspension.

D. Penal Code section 1465.7(a) requires imposition on criminal offenses of a state surcharge equal to 20 percent of the base fine used to calculate the state penalty assessment as specified in Penal Code section 1464(a). Penal Code section 1465.7(b) requires that the surcharge be imposed in addition to the state penalty assessment pursuant to Penal Code section 1464 and not be included in the base fine used to calculate the state penalty assessment as specified in section 1464. For the limited purpose of calculating the fee to attend traffic violator school under Vehicle Code section 42007, Penal Code section 1465.7(g) provides that the surcharge is excluded from the "Total Bail" amount used to determine the fee but is collected and distributed according to section 1465.7. The surcharge is part of the "Total Bail" in other circumstances, such as when a defendant requests a trial by written declaration or when a court permits payment of the "Total Bail" in installments.

E. In counties with bonded indebtedness for court facilities, the count penalty assessment amount under Government Code section 76000(e) is $7 for every $10 or part of $10 of the base fine. In counties without bonded indebtedness for court facilities, if the county penalty assessment amount listed in Government Code section 76000(e) is less than $7, the penalty for every $10, or part of $10, of the base fine is equal to the amount listed in Government Code section 76000(e) plus the amount obtained from multiplying the difference between $7 and the amount listed in Government Code section 76000(e) by the ratio of the square footage of court facilities transferred from the county to the state to the total court facility square footage in the county.

## *IV. Total Bail*

A. Effective January 1, 1989, the Judicial Council adopted a "Total Bail" concept in an effort to obtain statewide consistency in the "bail" policies of the courts. The indicated "Total Bail" is for the first offense, and it must be followed to the extent required by Penal Code section 1269b.

B. Except as otherwise required by statute, trial courts have discretion to suspend the minimum sentence, including fines and penalties. For traffic cases, Vehicle Code section 42003 permits a judge or referee to consider a defendant's ability to pay. Vehicle Code section 42007 permits a judicial officer to reduce the fee to attend traffic violator school upon a showing that the defendant is unable to pay the full amount. Vehicle Code sections 42003 and 40510.5 permit installment payments of judgments in traffic cases, and Vehicle Code section 42007 permits installment payments of the fee to attend traffic violator school.

C. Except for the following exceptions, counties must adhere to the Judicial Council's Traffic Infraction Bail and Penalty Schedule for infraction violations of the Vehicle Code (Penal Code section 1269b and Vehicle Code section 40310).

Penal Code section 1463.28 provides that 30 counties may exceed the "Total Bail" amounts of the Traffic Infraction Bail and Penalty Schedule. Those counties are

1. Alpine
2. Amador
3. Butte
4. Calaveras
5. Contra Costa
6. Del Norte
7. Fresno
8. Humboldt
9. Kings
10. Lake
11. Lassen
12. Los Angeles
13. Madera
14. Mariposa
15. Mendocino
16. Modoc
17. Mono
18. Plumas
19. San Benito
20. San Diego
21. San Joaquin
22. Santa Clara
23. Sierra
24. Stanislaus
25. Sutter
26. Trinity
27. Tulare
28. Tuolumne
29. Yolo
30. Yuba

Additional exceptions result from two pieces of legislation that became operative on January 1, 1994:

1. Vehicle Code section 42001 allows local public entities that employ peace officers, universities, and state colleges to set a fine schedule for bicycle violations occurring in their jurisdictions that would supersede the Judicial Council penalty schedule.

2. Vehicle Code section 42009 requires that for any specified offense committed within a highway construction or maintenance area during hours when work is being performed, the fine shall be double in the case of misdemeanors and in the case of infractions shall be one category higher than otherwise provided in the Traffic Infraction Fixed Penalty Schedule. An appendix with the specified offenses listed and the enhanced amounts follows the Traffic portion of the bail and penalty schedules, starting on page 61.

3. Streets and Highways Code section 97 provides for increased fines for a safety enhancement–double fine zone on the segment of Route 12 between the Route 80 junction in Solano County and the Route 5 junction in San Joaquin County.

Under section 97, the base fine for any specified offense committed in the safety enhancement–double fine zone shall be double in the case of misdemeanors and in the case of infractions shall be one category higher than otherwise provided in the Uniform Bail and Penalty Schedules. Any additional penalty, forfeiture, or assessment imposed by any other statute shall be based on the amount of the base fine before enhancement or doubling and shall not be based on the amount of the enhanced fine.

The "Categories" indicated in the Traffic Infraction Bail and Penalty Schedule under Vehicle Code sections 40310, 42009(a), and 42010 will be shown as "1a" and "1b," "2a" and "2b," "3a" and "3b," and "4a" and "4b," with the "b" subcategory referring to the violation when it is committed in a highway construction zone or safety enhancement–double fine zone.

D. The "Total Bail" amounts within the Uniform Boating, Forestry, Fish and Game, Public Utilities, Parks and Recreation, and Business Licensing Bail Schedules are suggested amounts, and their adoption by courts is not compulsory.

E. The "Total Bail" amount indicated includes the base bail and those "additional penalties" required by Penal Code section 1464 and Government Code sections 70372, 76000, 76104.6, and 76104.7, and the 20 percent surcharge on the base bail required by Penal Code section 1465.7, except as provided in Vehicle Code section 42007. When authorized by the county board of supervisors, the "Total Bail" for a countywide bail schedule adopted under Penal Code section 1269b may also include an additional $2 penalty under Government Code section 76000.5 for every $10, or part of $10, of the base fine. Assessments adopted by a court—such as under Vehicle Code section 40508.6—shall be collected in addition to the "Total Bail." The court operations assessment imposed per convicted offense under Penal Code section 1465.8; assessment for night court under Vehicle Code section 42006; traffic assistance program (TAP) fee under Vehicle Code section 11205.2; and criminal conviction assessment under Government Code section 70373 are collected as part of the "Total Bail," but are not subject to the special distribution for the "Total Bail" in traffic violator school cases under Vehicle Code section 42007. Effective January 1, 2014, Penal Code section 1202.4(b)(1) requires a minimum $150 restitution fine as an assessment in addition to the "Total Bail" in every case where there is a misdemeanor conviction. Other mandatory assessments may also be applicable, especially in DUI cases.

Fish and Game Code section 12021 authorized a $15 penalty to be collected in addition to the fine and penalties normally collected for violations of the Fish and Game Code, to be deposited in the Fish and Game Preservation Fund and disbursed as specified. The $15 additional penalty does not apply to violations punishable pursuant to Fish and Game Code section 12002.1(b) or 12002.2(b) or to any regulation relating to the wearing or display of a fishing license.

F. "Total Bail" shall not exceed statutory limits. Vehicle Code section 40310 specifies that the "fine" amount of the total bail shall not exceed the limitations specified by Vehicle Code sections 42001 and 42001.5.

G. Rule 4.105 of the California Rules of Court provides that with certain exceptions deposit of bail is not required to appear for arraignment or trial for an infraction case. Deposit may be required: by statute, such as trial by written declaration; if a person does not sign a promise to appear as ordered by the court; or a judicial officer states a reason for a deposit to schedule a trial.

In cases where a court appearance is required by a court, the amounts set forth in the Uniform Bail and Penalty Schedules do not necessarily indicate the appropriate total penalties; rather, they ensure that, in most cases, when bail is posted, sufficient funds will be available to meet the defendant's obligations. Upon conviction, however, "additional penalties" are added to any fine. It is incumbent upon the judge who hears each case to determine the proper total penalty (fine and "additional penalties") based on the particular facts presented.

With the exception of juveniles under age 18, there shall be no mandatory court appearance for any infraction of the California Vehicle Code punishable by fine only. A court may require a mandatory appearance for an infraction violation of the Vehicle Code when a statutory driver's license restriction, suspension, or revocation is authorized; community service or proof of payment or correction is mandatory; or a violation requires specific action under the Vehicle Code in addition to a fine. This paragraph does not apply to violations of local ordinances based on Vehicle Code sections.

H. The "Total Bail" for an offense *not specifically listed* in the Uniform Traffic Infraction Bail and Penalty Schedule is the amount set for the general category of that offense unless a California code or regulation specifies otherwise. The court operations assessment and criminal conviction assessment are collected in addition to the "Total Bail." The suggested minimum "Total Bail" for an offense *not specifically listed* in the Uniform Traffic Misdemeanor Bail and Penalty Schedule, unless a California code or regulation specifies otherwise, is:

| | Base | + | Additional Penalties*& Surcharge | + | Fees | = | Total Bail*/Fees (*See sections II–IV) |
|---|---|---|---|---|---|---|---|
| Misdemeanor | $ 75 | + | $247 | + | $70 | = | $392 |
| Infraction | $ 35 | + | $123 | + | $75 | = | $233 |

The suggested minimum "Total Bail" for an offense *not specifically listed* in the Uniform Public Utilities Bail and Penalty Schedule, unless a California code or regulation specifies otherwise, is:

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Misdemeanor | $185 | + | $588 | + | $70 | = | $843 |

The suggested minimum "Total Bail" for an offense *not specifically listed* in the Uniform Boating, Business Licensing, Fish and Game, Forestry, or Parks and Recreation Bail and Penalty Schedules, unless a California code or regulation specifies otherwise, is:

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Misdemeanor | $100 | + | $310 | + | $70 | = | $480 |
| Infraction | $ 35 | + | $123 | + | $75 | = | $233 |

## *V. Bail Categories*

Assembly Bill 1344 (Stats. 1992, ch. 696), effective September 15, 1992, amended Vehicle Code section 40310 to classify Vehicle Code offenses into four or fewer penalty categories, according to the severity of the offenses. The Judicial Council has approved the following categories of bail/fine after considering suggestions from its Traffic Advisory Committee and the recommendations made by the National Center for State Courts:

| | | Base Fine | + | Additional Penalties* & Surcharge | + | Fees | = | Total Bail*/Fees (*See secs. II–IV) |
|---|---|---|---|---|---|---|---|---|
| Category 1 | Bicyclist, motorized scooter, pedestrian, pocket bike, vehicle registration | $ 25 | + | $ 92 | + | $ 75 | = | $ 192 |
| Category 2 | Driver's license, operation of vehicle, and size and load offenses | $ 35 | + | $ 123 | + | $ 75 | = | $ 233 |
| Category 3 | Substance abuse infractions, VC 2818, VC 20004, VC 21706.5, and VC 27375 | $ 70 | + | $ 217 | + | $ 75 | = | $ 362 |
| Category 4 | Miscellaneous offenses for which the penalties or the fee for dismissal with proof of correction are specifically set by the Vehicle Code, speeding offenses (refer to Speed Chart), and infractions pursuant to PC 19.8 | | | | | | | |

If a citation does not indicate that an offense is eligible for correction under Vehicle Code 40522, a court may presume that the offense is cited as noncorrectable. (See also *California Highway Patrol v. Superior Court* (2008) 158 Cal.App.4th 726, 740.) Vehicle Code section 14610.5(a) may be charged as either an infraction or a misdemeanor (Vehicle Code section 14610.5(b)). Penal Code section 19.8 lists the following offenses that are an infraction with a fine of up to $250: Vehicle Code sections 5201.1, 12500(a), 14601.1, 23109(c), 27150.1, and 40508. If one of these offenses is charged as an infraction, the appropriate penalty is listed in the Traffic Infraction Bail and Penalty Schedule. If the offense is charged as a misdemeanor, the recommended penalty is listed in the Traffic Misdemeanor Bail and Penalty Schedule.

## *VI. Point Count*

Vehicle Code sections 12810, 12810.2, 12810.3, and 12810.4 determine the amount of point count. The Department of Motor Vehicles establishes conviction point count based on statutory guidance and definition. Vehicle Code section 12810.5 defines a "negligent operator" based on point count. The Department of Motor Vehicles may take an administrative sanction against a person's driving privilege based on "points" (Vehicle Code section 12810.5).

## *VII. Prior Convictions*

A. The base fine for one Vehicle Code moving violation that is assessed "points" on a current arrest or citation may be enhanced by $10 for each "prior" conviction within 36 months of the new alleged offense. For calculating the enhancement, both the current and "prior" offense must be a moving violation for which a "point" has been assigned per Vehicle Code section 12810 or 12810.2. A confidential conviction after completion of traffic violator school is not assigned a point or counted as a prior offense for purposes of enhancing the fine of a subsequent offense. Regardless of the number of moving violation convictions on a citation, only one "prior" per citation shall be counted in determining the enhancement on the current offense.

While Vehicle Code section 42001 references maximum fines within a one-year time frame, the Judicial Council has interpreted section 42001 to not preclude a court from considering "prior" convictions for a longer period of time. The period of 36 months was adopted by the Judicial Council (effective January 1, 1989) to correspond to and reinforce Vehicle Code sections 12810 and 12810.5. These sections define the "point system" used by the Department of Motor Vehicles as prima facie evidence of the negligent operation of a motor vehicle.

Vehicle Code sections 15306 and 15308 specify penalties for commercial drivers in terms of subsequent offenses occurring within three years.

B. In the case of an owner responsibility citation, the "prior" must relate to the particular vehicle for which the new offense is charged.

C. Vehicle Code section 42004 provides that the court, in determining a penalty to be imposed pursuant to the Vehicle Code, may use a written report from the Department of Motor Vehicles that contains information showing prior convictions.

D. With the exception of parking, pedestrian, and bicycle offenses on a current citation, Vehicle Code section 40508.6 authorizes courts to establish an administrative assessment, not to exceed $10, for the purpose of recording and maintaining a record of a defendant's prior convictions, that is payable at the time of payment of a fine or when bail is forfeited for any subsequent violation.

## *VIII. Traffic Violator School*

A. Vehicle Code section 42007 provides that:

1. The court shall collect a fee from every person ordered or permitted to attend traffic violator school in an amount equal to the total bail set forth for the eligible offense in the uniform countywide bail schedule;

2. Where multiple offenses are charged on a single notice to appear, the "total bail" amount collected is the amount applicable to the greater of the eligible offenses; and

3. The court may set a lesser fee upon a showing that the defendant is unable to pay the full amount.

B. Vehicle Code section 40512.6 provides that the fee may be converted to bail and forfeited if the defendant fails to submit proof of school completion within the time ordered by the court.

C. Vehicle Code section 42007.1(a) provides that a $49 fee, a fee for monitoring traffic violator schools, and a TAP fee under Vehicle Code section 11205.2(c) are to be added to the "total bail" of the offense eligible for traffic violator school.

D. Vehicle Code section 42005 prohibits drivers of commercial vehicles from eligibility for traffic violator school. Drivers

with a Class A, Class B, or commercial Class C driver's license may attend traffic violator school to avoid points for traffic violations in a vehicle that requires only a class M or noncommercial class C license. Vehicle Code section 42005(d) excludes violations of Vehicle Code sections 20001, 20002, 23103, 23104, 23105, 23140, 23152, 23153, or 23103, as specified in section 23103.5, from eligibility for traffic violator school for pretrial diversion, a confidential conviction, or to avoid points.

**Sample Calculation of Bail, Traffic Violator School Fee, and Court Operations Assessment for Multiple Offenses**

1. Violation of Vehicle Code sections 21453(b), 27360.5(a), 24252(a)(1), and 26707.
2. No prior convictions are charged.
3. "Additional penalties" of between $22 and $29 as set out in section III for every $10 of base fine or part thereof, plus the surcharge on the base fine per offense:

| "Total Bail" Without Traffic School or Proof | | | Traffic Violator School and Correction Total With Proof | | |
|---|---|---|---|---|---|
| VC 21453(b) | = $ | 35 | (VC 21453(b)) | = $ | 0 |
| VC 27360.5(a) | = $ | 100 | (VC 27360.5(a)) | = $ | 100 |
| VC 24252(a)(1), VC 26707 | = $ | 50 | Total base fine | = $ | 100 |
| Total base fine | = $ | 185 | Penalties ($29 x 10) | = $ | 290 |
| Penalties ($29 x 19) | = $ | 551 | Surcharge | = $ | 20 |
| Surcharge | = $ | 37 | TOTAL BAIL | = $ | 410 |
| TOTAL BAIL | = $ | 773 | Court operations (2 x $40) | = $ | 80 |
| | | | Conviction assessment (2 x $35) | = $ | 70 |
| Court operations | = $ | 160 | Night court assessment | = $ | 1 |
| Conviction assessment | = $ | 140 | TVS fee | = $ | 49 |
| Night court assessment | = $ | 1 | TVS/DMV admin. fee | = $ | 3 |
| | | | Correction fee (2 x $25) | = $ | 50 |
| TOTAL | = $ | 1,074 | TOTAL | = $ | 663 |

4. If the defendant is ordered to attend traffic violator school under VC 41501 for VC 21453(b) and VC 27360.5(a), per VC 42007 the defendant is charged for the greater/more severe of the qualifying offenses: VC 27360.5(a) at $486 ($100 + $290 + $20 + $75 + $1) plus the $49 and $3 DMV TVS fee per VC 42007.1 (total of $538).
5. The charges of VC 21453(b) and VC 27360.5(a) are continued under VC 41501. The charges of VC 24252(a)(1) and VC 26707 are continued pending proof of correction, required under VC 40522 for dismissal.
6. The defendant presents to the court timely evidence that he or she has completed traffic violator school. The VC 21453(b) and VC 27360.5(a) violations are reported under VC 41501.
   If the defendant submits to the court timely evidence under VC 40616 that the violations of VC 24252(a)(1) and VC 26707 have been corrected, the VC 24252(a)(1) and VC 26707 violations are dismissed under VC 40522, and a $50 "transaction fee" is charged under VC 40611. A court operations assessment of $40 is collected and distributed as required by Penal Code section 1465.8 for reporting of VC 21453(b) for completion of traffic violator school, and a criminal conviction assessment of $35 is collected under Government Code section 70373 for VC 21453(b).
7. The case is closed, with the court collecting $663 ($411 + $49 + 3 + $50 + $80 + $70) plus any fee under VC 11205.2 and deduction of $1 if the court does not impose a night or weekend court assessment under VC 42006.

## *IX. Late Charge*

Vehicle Code section 40310 requires the imposition of a late charge of 50 percent on any traffic penalties not paid within 20 days.

The 20 days shall be counted from the mailing of a notice that the penalty has been assessed. The initial penalty consists of the base fine; a fine enhancement for prior convictions (if any); the state, county, and court facility construction additional penalties; and the emergency medical services penalty, if authorized (Penal Code section 1464 and Government Code sections 70372, 76000, 76000.5, 76104.6, and 76104.7).

**Sample Calculation of Late Penalty**

| | | | |
|---|---|---|---|
| **1.** | **Base fine** | **$** | **25** |
| 2. | Enhancement for one prior conviction | + $ | 10 |
| | **Enhanced base fine** | **$** | **35** |
| 3. | Additional penalties (PC 1464 and GC 70372, 76000, 76000.5, 76104.6, and 76104.7) ($29* X 4) (*See section III) | + $ | 116 |
| | **Initial Penalty** | **$** | **151** |
| 4. | Night court assessment (VC 42006) | + $ | 1 |
| 5. | Administrative assessment for maintaining a record of priors (VC 40508.6) | + $ | 10 |
| 6. | Surcharge on base fine (PC 1465.7) | + $ | 7 |
| 7. | Court operations assessment (PC 1465.8) | + $ | 40 |
| 8. | Conviction assessment (GC 70373(a)(1)) | + $ | 35 |
| | **Total Due** | **$** | **244** |
| 9. | Late charge (VC 40310) [50% of initial penalty] | + $ | 75.50 |
| | **Total Due** | **$** | **319.50** |

## *X. Offenses Eligible for Correction*

Under Vehicle Code section 40522, an officer arresting for violations specified in Vehicle Code section 40303.5 is required to specify the offense charged and note in a form approved by the Judicial Council that the charge shall be dismissed upon proof of correction. Certain offenses specified in Vehicle Code section 40303.5 are designated in the following schedule as potentially eligible for correction. The offenses designated in the schedule as potentially eligible for correction and those offenses specified by Vehicle Code section 40303.5 that are not contained in the schedule may be eligible for dismissal with proof of correction if the citing officer determines that none of the disqualifying conditions of Vehicle Code section 40610(b) exist. (See *California Highway Patrol v. Superior Court* (2008) 158 Cal.App.4th 726 [riding a motorcycle without wearing any helmet presents an "immediate safety hazard" when an officer makes that determination and issues a noncorrectable citation].) Those disqualifying conditions are present if an officer finds any of the following:

1. Evidence of fraud or persistent neglect;

2. The violation presents an immediate safety hazard;

3. The violator does not agree to, or cannot, promptly correct the violation.

4. The violation cited is of subdivision (a) of Section 27151 for a motorcycle.

If a citation does not indicate that an offense is eligible for correction, a court may presume that the offense is cited as noncorrectable. (See also *California Highway Patrol v. Superior Court, supra,* 158 Cal.App.4th at p. 740.) A court retains the discretion, however, to find an offense correctable--even when an officer has not noted it as correctable--where the offense meets the requirements of VC 40610 and 40303.5 and none of the disqualifying conditions are present. (See California Highway Patrol v. Superior Court, supra, 158 Cal.App.4th at p. 746-747.) Upon proof of correction of an alleged violation of section 12500 or 12951 or any violation cited pursuant to section 40610, Vehicle Code section 40611 authorizes courts to collect a $25 transaction fee for each violation. No bail amount shall be collected.

In cases alleging violation of Vehicle Code section 4000(a), or alleging that a vehicle is not registered as required by the Vehicle Code, Vehicle Code section 40152 requires that proof of registration or proof of payment of the appropriate registration fees, or proof that the vehicle has been reduced to junk, be produced in court before the offense can be adjudicated as a dismissal.

## *XI. Evidence of Financial Responsibility*

Pursuant to Vehicle Code section 16028(e), upon submission of evidence of financial responsibility, in a form consistent with Vehicle Code section 16020, showing that the driver was in compliance with that section at the time the notice to appear for violating Vehicle Code section 16028 was issued, further proceedings for the violation shall be dismissed and no bail amount shall be collected. Vehicle Code section 40611 authorizes courts to collect a $25 transaction fee for each violation that is dismissed pursuant to section 16028(e).

## *XII. Parking Violations*

Assembly Bill 408 (Stats. 1992, ch. 1244), effective January 1, 1993, revised and recast the procedures for processing and adjudicating parking law violations as administrative offenses subject to a civil penalty. The bill required courts to transfer the processing of parking offenses to issuing agencies not later than January 1, 1994. Consequently, parking violations that cannot be cited as infractions have been removed from the Uniform Bail and Penalty Schedules. Vehicle Code section 463 defines “park” or “parking” as the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in the loading or unloading of merchandise or passengers. Under Vehicle Code section 40225(a), equipment violations entered on a notice of parking violation are subject to a civil penalty established according to Vehicle Code section 40225(c). The Traffic Infraction Fixed Penalty Schedule includes Vehicle Code sections that may be cited for a stopping violation on a notice to appear that is signed by the driver. Under Vehicle Code section 42001.13, a violation of disabled parking provisions in Vehicle Code section 22507.8 may be cited as an infraction on a notice to appear. Under Vehicle Code section 42001.5, a violation of Vehicle Code sections 22500(i), 22500(*l*), and 22522 may be cited as an infraction on a notice to appear. Under Vehicle Code section 42001.6, a violation of Vehicle Code section 22511.1 may be cited as an infraction on a notice to appear. Government Code section 70373 requires a conviction assessment of $35 for infractions. Government Code section 70372(b) imposes an assessment of $4.50 on each parking offense. Government Code section 76000.3 imposes a $3 penalty on every fine imposed for a parking offense.