

For this purpose, a bail forfeiture is deemed a conviction of the charged offense. Veh C §40000.28. The 1-year period referred to in the statute relates to the date of the conviction, not of the offense. *People v Pickett* (1981) 128 CA3d Supp 11, 15, 181 CR 97.

If the offense is charged as a misdemeanor, the defendant has a right to a jury trial and, if unable to afford an attorney, has a right to court-appointed counsel. See §82.20.

It is reversible error for the court to deny a defendant's offer to admit three prior infractions within a 1-year period in order to transform the current charge into a misdemeanor and secure the right to a jury trial. *People v Shults* (1978) 87 CA3d 101, 103-106, 150 CR 747 (court may not grant prosecutor's motion to strike the prior convictions over defendant's objection). It is not error, however, for a court to deny a defendant's motion to strike the three prior infractions without affirmatively advising the defendant of his or her constitutional rights and obtaining a waiver of those rights. *People v Pickett, supra*, 128 CA3d Supp at 13-14.

5. [§82.17] Chart: Penalties for Specific Infractions

The following chart lists infractions for which the Vehicle Code provides a specific penalty. A penalty assessment is added to the specified base fines. See §82.70. On factors to consider in imposing sentence, see §§82.63-82.73.

Veh C §§	Infractions	Penalties
2815, 42001.1	Disregarding traffic signal or direction of crossing guard.	First offense: \$50-\$100 fine. Second offense within 1 year of prior conviction: \$100-\$200 fine. Third or subsequent offense within 2 years of two or more prior convictions: \$250-\$500 fine. Court may also order license suspension for up to 30 days.
4000, 42001.8	Driving an unregistered vehicle.	Fine of \$50-\$250.

Veh C §§	Infractions	Penalties
4463(e)	Falsifying a Clean Air Sticker; passing as true a false, forged, or counterfeit sticker; or acquiring or selling genuine or counterfeit sticker with fraudulent intent.	First offense: \$100–\$250 fine. Second offense: \$250–\$500 fine. Third or subsequent offense: \$500–\$1000 fine.
5201(c), 5201.1	Selling product or device that obscures, or is intended to obscure, the reading or recognition of a license plate; operating vehicle that violates these provisions; or erasing reflective coating or altering license plate.	Fine of \$250 per item sold or per violation.
9853.8(b)	Operating an undocumented and unnumbered vessel that does not comply with specified emissions standards.	\$250 fine.
12814.6 (b), (e)	Violating restrictions on provisional driving license.	First offense: Fine of up to \$35; community service of no less than 8 hours nor more than 16 hours. Second or subsequent offense: Fine of up to \$50; community service of no less than 16 hours nor more than 24 hours.
16020, 16025	Failing to exchange information, including evidence of insurance, with other driver involved in accident.	Fine of up to \$250. Veh C §16025(b). DMV must suspend driver's license for 1 year unless driver establishes financial responsibility. Veh C §16070. On driver's application, DMV may restrict rather than suspend license. Veh C §16072.
16028, 16029	Failing to provide proof of insurance on request of officer or traffic collision investigator during a traffic stop.	First offense: \$100–\$200 fine. Subsequent offense within 3 years of prior conviction: \$200–500 fine. Court has discretion to impound vehicle for good cause. For further discussion, see §82.18.

Veh C §§	Infractions	Penalties
21070, 42001.19	Unsafe operation of motor vehicle proximately causing bodily injury or great bodily injury.	Violation causing bodily injury: \$70 fine. Violation causing great bodily injury: \$95 fine.
21367, 40000.14	Failing to obey instructions of person controlling and directing traffic at highway construction site or to comply with directions of control devices provided to regulate traffic.	A willful violation is a misdemeanor. If committed with wanton disregard for safety of persons, violation is punishable by imprisonment in county jail for up to 1 year. Additional penalties are set forth in Veh C §42009.
21453(a), (c), 21454(c), 21457(a), 42001.15	Failing to stop at steady or flashing red light signal.	\$100 fine.
21655.5, 21655.8, 42001.11	Unauthorized use of lane for high-occupancy vehicles.	First offense: \$100–\$150 fine. Second offense within 1 year of prior conviction: \$150–\$200 fine. Third or subsequent offense within 2 years of two or more prior convictions: \$250–500 fine.
21712(c)– (e)	Driving motor vehicle while knowingly permitting person to ride in trunk; riding in trunk.	First offense: \$100 fine. Second offense within 1 year of prior conviction: \$200 fine. Third or subsequent offense within 1 year of two or more prior convictions: \$250 fine. No violation point for conviction of Veh C §21712(d) (riding in trunk). Veh C §12810(i)(3).
21760(b)– (d)	Unsafe passing of bicycle.	\$35 fine. If collision occurs resulting in bodily injury to the bicyclist: \$220 fine.
21806, 42001.12	Failing to yield right-of-way to emergency vehicle.	First offense: \$100–\$250 fine. Second offense within 1 year of prior conviction: \$150–\$500 fine. Third or subsequent offense within 3 years of two or more prior convictions: \$250–\$500 fine.

Veh C §§	Infractions	Penalties
21809	Failing to change lane or slow down when passing stationary emergency vehicle, tow truck, or DOT vehicle with flashing lights.	Fine of up to \$50.
21951, 42001.17	Passing vehicle stopped at crosswalk.	First offense: \$100 fine. Second offense within 1 year of prior conviction: fine of up to \$200. Third or subsequent offense within 1 year of two or more prior convictions: fine of up to \$250.
21971, 42001.18	Causing injury to pedestrian.	First offense: \$220 fine. Second offense within 1 year of prior conviction: \$320 fine. Third or subsequent offense within 1 year of two or more prior convictions: \$370 fine.
22348(b), 42000.1	Speeding at more than 100 miles per hour.	First offense: Fine of up to \$500; court may order license suspension for up to 30 days. Veh C §13200.5. Second offense within 3 years of prior conviction: fine of up to \$750; 6-month mandatory license suspension or restriction. Veh C §13355(a). Third offense within 5 years of two or more prior convictions: fine of up to \$1000; 1-year mandatory license suspension or restriction. Veh C §13355(b). Conviction carries 2 traffic violation points. Veh C §12810(d)(1).

Veh C §§	Infractions	Penalties
22451– 22452, 42001.16	Failure of vehicle, truck, or buses to stop at railroad crossing.	First offense: \$100 fine. Second offense within 1 year of prior conviction: fine of up to \$200. Third offense within 1 year of two or more prior convictions: fine of up to \$250.
22454– 22454.5	Meeting or overtaking school bus displaying flashing red light signal.	First offense: \$150–\$250 fine. Second offense: \$500–\$1000 fine. Third or subsequent offense within 3 years of two or more prior convictions: mandatory 1-year license suspension by DMV.
22500(i), (j), 42001.5	Parking along curbside space authorized for loading and unloading bus passengers or parking in front of or on curb constructed to provide wheelchair access to sidewalk.	Minimum \$250 fine. Court may suspend that portion of fine above \$100. Fine may be paid in installments if court determines defendant is unable to pay entire amount in one payment.
22507.8, 40203.5, 42001.13	Parking in space designated for disabled persons.	Issuance of a notice of parking violation imposing a civil penalty of \$250–\$1000 Or Issuance of criminal notice to appear and on conviction for an infraction: First offense: \$250–\$500 fine. Second offense: \$500–\$750 fine. Third or subsequent offense: \$750–\$1000 fine. No portion may be suspended, except the court may suspend fine if defendant possessed valid special identification license plate or placard at time of offense but failed to display it. Fine may be paid in installments if court determines defendant is unable to pay entire amount in one payment. Additional assessments must be imposed under Pen C §§1465.5, 1465.6, and Veh C §40203.6. Additional penalty of \$100 may be imposed under Veh C §4461.3.

Veh C §§	Infractions	Penalties
22523	Abandoning vehicle on highway or on public or private property.	Minimum \$100 fine. Fine may not be suspended, but may be paid in installments if court determines that defendant is unable to pay entire amount in one payment. Defendant must also provide proof that costs of removing and disposing of vehicle have been paid. This proof is not required if defendant furnishes proof that vehicle was stolen before abandonment.
22526(a)-(b), 42001.1	Obstructing passage of vehicles by entering intersection or marked crosswalk.	First offense: \$50-\$100 fine. Second offense within 1 year of prior conviction: \$100-\$200 fine. Third or subsequent offense within 2 years of two or more prior convictions: \$250-\$500 fine. No violation point for conviction. Veh C §12810.4.
22526(c)-(d), 42001.16	Obstructing passage of railway vehicle by entering railroad or rail transit crossing.	First offense: \$100 fine. Second offense within a year: fine of up to \$200. Third offense within a year of two others: fine of up to \$250. No violation point for conviction. Veh C §12810.4.

Veh C §§	Infractions	Penalties
23111– 23112, 23113(a), 42001.7	Littering on public highway.	<p>First offense: mandatory fine of \$100–\$1000 and at least 8 hours picking up litter or cleaning up graffiti.</p> <p>Second offense: mandatory fine of \$500–\$1000 and at least 16 hours picking up litter or cleaning up graffiti.</p> <p>Third or subsequent offense: mandatory fine of \$750–\$1000 and at least 24 hours picking up litter or cleaning up graffiti.</p> <p>Court may not suspend mandatory fines unless interest of justice would best be served by suspending fine. When suspending fine, court must require offender to pick up litter or clean up graffiti for at least 8 hours for every \$100 of fine suspended.</p>
23117, 42001.4	Transporting animal in back of vehicle without proper restraint or enclosure.	<p>First offense: \$50–\$100 fine.</p> <p>Second offense within 1 year of prior conviction: \$75–\$200 fine.</p> <p>Third or subsequent offense within 1 year of two or more prior convictions: \$100–\$250 fine.</p>
23123	Driving while using a wireless telephone unless telephone is designed and configured to allow hands-free operation and is used in that manner.	<p>First offense: \$20 fine.</p> <p>Second offense: \$50 fine.</p> <p>No violation point for conviction. Veh C §12810.3.</p>
23123.5	Driving while holding and operating a handheld wireless telephone or an electronic wireless communications device unless the phone or device is designed and configured to allow voice-operated and hands-free operation, and is used in that manner.	<p>First offense: \$20 fine.</p> <p>Second offense: \$50 fine.</p> <p>No violation point for conviction. Veh C §12810.3.</p>

Veh C §§	Infractions	Penalties
23124	Person under age 18 driving motor vehicle while using wireless telephone or electronic wireless communications device.	First offense: \$20 fine. Second offense: \$50 fine. No violation point for conviction. Veh C §12810.3
23140, 42001.25	Person under age 21 driving under the influence of alcohol.	First offense: \$100 fine. Second offense within 1 year of prior conviction: \$200 fine. Third or subsequent offense within 1 year of two or more prior convictions: \$300 fine. Conviction carries 2 traffic violation points. Veh C §12810(d)(2).
23222(b)	Possession of not more than 1 ounce of marijuana while driving motor vehicle.	Fine of not more than \$100.
27000(b)– (c), 42001.20	Violation of refuse or garbage truck safety provisions.	First offense: \$150 fine. Second offense within 1 year of prior conviction: \$200 fine. Third or subsequent offense within 1 year of two or more prior convictions: \$250 fine.
27156, 42001.14	Disconnecting, modifying, or altering required pollution control device.	First offense: \$50–\$100 fine. Subsequent offense: \$100–\$250 fine.
27315(d)– (f), (h)	Violating mandatory seat belt law.	First offense: maximum fine of \$20; instead of imposing fine and penalty, court may permit violator to attend traffic violator school. See §82.64. Subsequent offense: maximum penalty of \$50. No violation point for conviction. Veh C §12810.2.

Veh C §§	Infractions	Penalties
27360(a), 27360.6	Failing to use child passenger restraint system for child under 8 years of age.	First offense: \$100 fine. Subsequent offense: \$250 fine. Court may reduce or waive fine for economically disadvantaged defendant, and may instead refer defendant to community education program on installation and use of child safety restraint. Conviction carries 1 traffic violation point. Veh C §12810(h).
27360(b), 27360.5	Failing to use rear-facing child passenger restraint system for child under 2 years of age.	First offense: \$100 fine. Subsequent offense: \$250 fine. Court may reduce or waive fine for economically disadvantaged defendant, and may instead refer defendant to community education program on installation and use of child safety restraint. Conviction carries 1 traffic violation point. Veh C §12810(h).
27360.5, 27360.6	Failing to use child passenger restraint system or safety belt for child passenger 8 years of age or older, but less than 16 years of age.	First offense: \$100 fine Subsequent offense: \$250 fine. Court may reduce or waive fine for economically disadvantaged defendant, and instead refer defendant to child restraint education program. Conviction carries 1 traffic violation point. Veh C §12810(h).
38020, 42001.10	Operating unregistered off-highway motor vehicle. Riding in violation of seasons established by §§2412 and 2415 of Title 13 of the California Code of Regulations also is a violation of Veh C §38020.	First offense: minimum \$50 fine. Subsequent offense: maximum \$250 fine.

Veh C §§	Infractions	Penalties
38301	Operating off-highway motor vehicle in an area closed to that vehicle.	First offense: \$50 fine. Second offense within 7 years of prior conviction: \$75 fine. Third or subsequent offense within 7 years of two or more prior convictions: \$150 fine. Court may also assess costs sufficient to repair property damage. No violation point for conviction. Veh C §12810(i)(5).

6. [§82.18] Mandatory Insurance Law

Under the mandatory insurance provisions of the Vehicle Code, all drivers must carry evidence of financial responsibility and must provide that evidence to an officer on request. The evidence may be provided by using a mobile electronic device. A driver who fails to provide proof of insurance on request by an officer or a traffic collision investigator during a traffic stop (that is not for the sole purpose of determining whether the driver has insurance) is guilty of an infraction. Veh C §§16028(a), 16029(a); see *Mercury Ins. Group v Superior Court* (1998) 19 C4th 332, 341, 79 CR2d 308 (purpose of law requiring owners and operators of motor vehicles to be “financially responsible” for any bodily injury or property damage they may cause is primarily to ensure compensation for their victims); see also Veh C §4000.37 (requirement to furnish proof of financial responsibility to DMV on registration renewal), Veh C §4000.38 (suspension, cancellation, or revocation of registration by DMV for lack of insurance coverage). The financial responsibility requirements are satisfied if the driver of the vehicle has insurance, even if the owner of the vehicle does not. *Goodson v Perfect Fit Enters., Inc.* (1998) 67 CA4th 508, 512–513, 79 CR2d 102. See *Montes v Gibbens* (1999) 71 CA4th 982, 987–988, 84 CR2d 324 (employee operating employer’s vehicle need not establish financial responsibility); see Veh C §§16021, 16054.2 (establishing proof of financial responsibility).

On a first conviction for not complying with the financial responsibility law, the court must impose a fine of \$100 to \$200. Veh C §16029(a). If there is a subsequent conviction within 3 years of a prior conviction, the court must impose a fine of \$200 to \$500. Veh C §16029(b). Penalty assessments are added to the fines. Veh C §16029(a)–(b). See §82.70.

Any driver involved in an accident must present, at the accident scene, evidence of insurance to the peace officer or traffic collision investigator and all involved drivers. Veh C §§16025(a)(2), 16028(c). Failure to do so

constitutes an infraction punishable by a fine not to exceed \$250. Veh C §16025(b).

A violator who had insurance at the time of the citation but who did not have proof of insurance to show the officer may provide proof of insurance to the clerk of the court either by mail or in person. In such event, all further proceedings on the violation are dismissed on payment of a \$25 transaction fee. Veh C §§16028(e), 40611. Vehicle Code §16028(e) authorizes a “fixit” dismissal for failing to show evidence of valid insurance on request of a police officer (Veh C §16028(a)), but not for failing to show evidence of insurance at the scene of an accident (Veh C §§16025(a)(2), 16028(c)). In the later scenario, however, it is common for the fine to be reduced on a showing that the vehicle was insured at the time of the accident.

A violator who does not have insurance at the time of the citation but obtains insurance before the charge is adjudicated is eligible for the minimum fine. Veh C §16029(e)(1). A violator who fails to obtain insurance before the date of the court appearance must receive a fine greater than the minimum. However, the judge may grant a continuance for a reasonable period of time to allow the violator to obtain insurance. If the violator furnishes proof of insurance to the court within this time, the judge may reduce the fine to the minimum level. Veh C §16029(e)(1). A judge does not have authority to impose a fine that is less than the minimum or greater than the maximum. Veh C §16029(e)(1). To ensure continued compliance with the mandatory insurance law, the court may issue an order impounding the violator’s car or directing the violator to maintain insurance coverage for at least 1 year from the date of the order. Veh C §16029(c), (e)(1).

If the violator claims an inability to pay both the insurance and the fine or claims other financial hardship, the court may allow the violator to make installment payments or to pay the entire amount within a specified time. The court may, in its discretion, reduce or waive the fine based on the violator’s inability to pay, but the Legislature specifically declared that it is in the interest of justice that the minimum fines for violations be enforced. Veh C §16029(e)(2). See §82.71. In a case of extreme financial hardship, the court may allow a violator to substitute community service for payment of the fine. If the violator fails to pay the fine (or to complete community service), the court may issue a warrant for failure to pay or obey a court order, may assess additional fines, and may impound the violator’s driver’s license. See §§82.74–82.81. A motorist who knowingly provides false evidence of financial responsibility is guilty of a misdemeanor. Veh C §16030(a); see §82.24.