

**TRAFFIC COURT
TEMPORARY JUDGES
TRAINING 2012**
ELEMENTS OF COMMON
OFFENSES IN TRAFFIC COURT

**Registration Required Vehicle Code
Section 4000(a)(1)**

- “No person shall drive, move, or leave standing upon a highway or in an off street public parking facility, any motor vehicle, trailer...unless the appropriate fees have been paid under this code or registered under the permanent trailer program...”
- Applies to owner or operator of the vehicle
- Highway includes a street- VC 360

**Registration Card Kept With Vehicle
VC Section 4454(a)**

- Every owner upon receipt of a registration card, shall maintain the same or facsimile copy thereof with the vehicle for which issued.
- Applies to the owner of vehicle.

Driver's License Offenses

- VC 12951(a)-Driving without a license in possession
- VC 12500(a) –Driving without a valid license (includes expired license)
- VC14601-Driving with a suspended license- includes suspensions for failures to pay or appear, negligent operation, excessive blood alcohol, and prior driving under the influence.

Mandatory Insurance

- Mandatory for driver of a motor vehicle on a highway to present proof of insurance upon request of a peace officer or traffic collision investigator (VC16028(a))
- Driver and owner of any vehicle must be able to establish proof of financial responsibility and carry evidence of it in the vehicle (VC 16020(a))
- Fact that driver is not the registered owner is not a defense.
- Minimum liability insurance required- \$15,000/person, \$30,000/occurrence, \$5000/property damage/occurrence.
- Court may also order vehicle impounded.

Circular Red-VC21453(a)

- A driver facing a steady red signal alone shall stop at a marked limit line, but if none, before entering the crosswalk on the near side of the intersection, or, if none, then before entering the intersection, and shall remain stopped until an indication to proceed is shown, except as provided in subdivision (b).
- (b) Except when a sign is in place prohibiting a turn, a driver, after stopping as required in subdivision (a), facing a steady circular signal may turn right or turn left...

RED ARROW-VC 21453(C)

- (c) A driver facing a steady red arrow shall not enter the intersection to make the movement indicated by the arrow and unless entering the intersection to make a movement permitted by the another signal, shall stop at a clearly marked limit line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then before entering the intersection, and shall remain stopped until an indication permitting movement is shown...

Circular or Yellow Arrow VC 21452(a)

- A driver facing a steady circular or yellow arrow signal is, by that sign, warned that the related green movement is ending or that a red indication will be shown immediately thereafter.

SLOW DOWN AND PREPARE TO STOP

California Traffic Engineers Manual Suggested Timing of Yellow Light Intervals

25mph or less: 3.0 seconds
30mph : 3.2 seconds
35mph: 3.6 seconds
40 mph: 3.9 seconds
45mph: 4.3 seconds
50mph: 4.7 seconds
55mph: 5.0 seconds
60mph: 5.4 seconds
65mph: 5.8 seconds

Stop Requirements-VC 24250

- The driver of any vehicle approaching a stop sign at the entrance to, or within, an intersection ...shall stop at a limit line, if marked, otherwise before entering the crosswalk on the near side of the intersection...If there is no limit line or crosswalk, the driver shall stop at the entrance to the intersecting roadway.

Maximum Speed Limit –VC 22349

- (a) Except as provided in Section 22356, no person shall drive a vehicle upon a highway at a speed greater than 65mph.
- (b) Notwithstanding any other provision of law, no person shall drive a vehicle upon a two lane-lane, undivided highway at a speed greater than 55mph.

Flow of traffic is not a defense

Basic Speed Law-VC 22350

- No person shall drive a vehicle upon a highway at a speed greater than is reasonable or prudent having due regard for weather, visibility, the traffic on, and the surface and width of, the highway, and in no event at a speed which endangers the safety of persons or property.

Right of Way at Crosswalks-VC 21950

- (a) The driver of any vehicle shall yield the right of way to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection except as otherwise provided in this chapter.
- (b) This section does not relieve a pedestrian from the duty of using due care for his or her safety...

Is pedestrian in a “zone of danger.”

Speed Law Violations-VC 22351

- (a) The speed of any vehicle upon a highway not in excess of the limits specified in section 22352 or established as authorized in the code is lawful unless clearly proved to be in violation of the basic speed law
- (b) The speed of a vehicle upon a highway in excess of the prima facie limits in section 22352 or established as authorized in this code is prima facie unlawful unless the defendant establishes by competent evidence that the speed in excess of said limits did not constitute a violation of the basic speed law at the time, place and under the conditions then existing.

School Bus Meeting and Passing-VC 22454(a)

- The driver of any vehicle, upon meeting or overtaking from either direction, any school bus equipped with signs as required in this code, that is stopped for the purpose of loading or unloading schoolchildren and displays a flashing red light and stop signal arm...shall bring the vehicle to a stop immediately before passing the school bus and shall not proceed...until the flashing red signal and stop signal arm...cease operation.
- Minimum Fine on first offense-\$150, 2nd offense-\$500, 3rd offense within 3 years, DMV license suspension for 1 year.

HOV Lanes-VC 21655.5

- Dept of Transportation or local authorities may designate a specific lane or lane for travel of vehicles subject to the provision of VC22406 and shall erect signs at reasonable intervals giving notice thereof. This subdivision does not apply to a driver who is entering or is preparing for a left or right hand turn...
- Vehicle must carry the correct number of occupants or make the next immediate left or right to provide a defense to the charge.

Mandatory Seatbelt Law –VC 27315

- (d) No person shall operate motor vehicle on a highway unless that person and all passengers 16 years of age and over are properly restrained by a safety belt.
- (e) A person 16 years of age or over may not be a passenger in a motor vehicle on a highway unless that person is properly restrained by a safety belt.
- Both driver and passenger may be cited if passenger is not wearing a seatbelt
- Seatbelts must be worn properly.

Child Restraints: Requirements VC 27360 and 27360.5

- Applies to parent or legal guardian when present in the vehicle or a driver- child under 8 must be in the rear seat in proper retraining system,-child six or older but less than 16 and weight 60 pounds must be properly restrained,
- \$100 minimum fine which may be reduced or waived if the defendant is economically disadvantaged and goes to a child restraint education program

Failure to Appear (VC 40508(a))

- Signing a Notice to Appear for a violation is not an admission of guilt, but a promise to address the citation by the date due.
- Willful violation of a promise to appear is a misdemeanor (Court can reduce to an infraction)
- It is not a defense to the charge that a person did not receive a courtesy notice

Failure to Appear Penalties

- If a defendant willfully fails to appear, the court may do the following:
- Issue a bench warrant and increase bail;
- Add an FTA charge and notify DMV who may place a hold or suspension on the license;
- Treat it as an election to do a written trial by declaration pursuant to VC40903;
- Impose a civil assessment of up to \$300;
- Impose a jail sentence for a misdemeanor conviction

Failure to Pay –VC 40508(b)

- Can be convicted of an FTP if a court ordered fine is willfully not paid when due.
- This charge is a misdemeanor which a bench officer can reduce to an infraction.
- The court notifies DMV of FTPs and the DMV may put a hold or suspension on the license until all obligations to the court are satisfied.
