

Questions and Answers: The Traffic Amnesty Proposal in the State Budget September 15, 2015

What is the Traffic Amnesty Proposal?

The Governor and the Legislature agreed in the state budget in SB 85 to reduce the cost of unpaid traffic tickets for persons who have a suspended license due to a failure to appear in court (FTA) or for a failure to pay traffic fines (FTP). If the persons agree to participate in amnesty they will get a payment plan for the reduced amount and get their driver's license restored immediately.

Why is the Traffic Amnesty Needed?

More than 4 million Californians have a suspended license due to an FTA/FTP for unpaid court ordered debt. The add-ons to tickets has gone up significantly and many people cannot afford to pay the tickets. Under current law people are not allowed to get the license back until they pay off all of the unpaid traffic ticket debt. License suspensions often result in people losing jobs and can prevent them from getting jobs. Persons on public assistance often have trouble paying tickets because they do not have extra money. For many Californians, the cost of the tickets and the lack of a license are a one way ticket to poverty that they cannot escape.

When will the amnesty begin?

The amnesty program will begin October 1, 2015 and will end March 31, 2017.

Who is eligible for the amnesty program?

Any person with a license suspension with an unpaid traffic ticket that was issued prior to January 1, 2013 is eligible for the program. Persons otherwise eligible for an AB 60 driver's license (undocumented persons) are also eligible for amnesty. Some DMV offices have been denying driver's licenses to undocumented persons with unpaid court debt. The amnesty program eliminates this barrier.

What if I got my ticket after January 1, 2013 and got my license suspended?

Any person who is current in their payments for court ordered debt for a ticket issued after January 1, 2013 is now eligible to get their driver's license restored but they cannot get the amount they owe reduced. Even if you are not making payments now, if you start making payments after October 1, 2015 the court will restore your license.

How much of the debt is eliminated under the amnesty program?

- Under amnesty all civil assessments, which are generally \$300, are permanently waived.

- For persons on public assistance or who are below 125 percent of the federal poverty level they will get a reduction of 80% on the total amount they owe after all the civil assessments are eliminated.
- For all other people they will be eligible for an additional 50% reduction in the remaining the total amount they owe for the ticket and all state mandated add-on fees.

Are any persons excluded from participating?

Yes.

- Persons who owe victims restitution and persons who have an outstanding misdemeanor or felony warrant are barred from participating.
- Amnesty is also not available for persons with suspensions due to a DUI, multiple speeding violations and other serious traffic safety violations.
- Anyone with a ticket issued after January 1, 2013 is not eligible to participate.
- Anyone currently making payments on their tickets is not eligible for amnesty but can get their license restored.

How much will people have to pay?

- The amnesty language requires the Judicial Council to establish a payment plan that an eligible participant can afford to pay.
- The Judicial Council is letting each county determine what is affordable but advocates believe that any person on public assistance should pay nothing or almost nothing.
- Vehicle Code Section 42008.8 (i)(2) requires the courts to establish a payment plan based on Government Code sections 68633 and 68634 which allow for fee waivers. In determining how much a person should pay courts must exempt from consideration any income used to pay for "common necessities of life" like rent, bills or food. Only income that is above this amount can be used to make payments on debt.

What if the person cannot afford to pay anything?

Courts can also allow persons to perform community service in lieu of making payments if community service is available in the county.

What do people need to do to be able to participate?

Beginning on October 1, 2015, contact the superior court in the jurisdiction(s) where the person received the ticket(s) to determine your eligibility to participate in the amnesty program. People who are eligible for amnesty will have their application processed without seeing a judge.

Will there be a fee to participate?

Courts, counties, and third party collections vendors are permitted to collect an amnesty program fee of \$50 payable to the superior court or county. This amount may be required to pay up front or the court can choose to include this in payment plan. The Department of Motor Vehicles will also charge a \$55 driver's license reinstatement fee as it does for any license reinstatement that must be paid at the time the person seeks restoration of the license.

How will people know about the amnesty program?

The DMV will be sending notices in registration renewal notices about the program. It is hoped that the public will also learn about the proposal from the media, from local community organizations and from elected officials.

What if I have unpaid debt from more than one county?

At this writing the DMV can only restore the driver's license if the person signs up for amnesty in all counties where their license is suspended. To find out if your license is suspended in more than one county, go to the local DMV and ask them to give you a copy of the all the license holds on your license due to failure to pay or failure to appear under Vehicle Code section 13365. At present, you will need to go to the courts in all the counties that have suspended the license in order for DMV to restore the license.

The Legislature has approved a bill, SB 405, to allow the DMV to restore the license if a person signed up in any county where they have a license hold. This would mean a person wouldn't have to sign up for amnesty in every county. To know if this is an option please check the Judicial Council website at <http://www.courts.ca.gov/trafficamnesty.htm>

Other sources of information?**Advocate WEBSITE:**

www.backontheroadca.org

Judicial Council Webpage

<http://www.courts.ca.gov/trafficamnesty.htm>

Judicial Council You Tube

www.youtube.com/watch?v=fF04lBgMPSs

For more information please contact Mike Herald, WCLP, mherald@wclp.org .