

MAY - 5 2016

STANDING ORDER 16-141

Clerk of the Court
By Patricia van der Schoor
DEPUTY CLERK

**SUPERIOR COURT OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN MATEO**

SUPERIOR COURT OF CALIFORNIA) COUNTY OF SAN MATEO))))))	STANDING ORDER RE: CIVIL PURSUIT OF TRAFFIC INFRACTIONS AND AUTHORIZING ASSESSMENT OF \$300 FOR FAILURE TO APPEAR [Veh.Code § 40903(a); Pen.Code §§ 1214, 1214.1]
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WHEREAS, Vehicle Code section 40903 provides that any person who fails to appear may be deemed to have elected to have a trial by written declaration; and

WHEREAS, Penal Code section 1214.1 provides that , subject to specified procedures including notice to the defendant and the recalling of bench warrants that may be outstanding for failure to appear, the court may impose a civil assessment of up to three hundred dollars (\$300) against any defendant who fails, after notice and without good cause, to appear; and

WHEREAS, Penal Code section 1214(a) provides that if the judgment is for a fine, including a restitution fine, the judgment may be enforced in the manner provided for the enforcement of money judgments generally; and

WHEREAS, the Superior Court in the County of San Mateo wishes to implement these statutes;

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED, that a defendant, in all eligible Vehicle Code traffic infraction citations wherein the defendant has failed to appear and the citation remains unpaid for a period of ninety (90) days from the date the Failure to Appear is imposed, shall be deemed to have elected to have a trial by written declaration, may be tried in absentia and a Judgment entered for the sum of the bail for

1 the underlying offense(s) and a civil assessment in the amount of three hundred (\$300) for failure
2 to appear.

3 **IT IS FURTHER ORDERED** that all traffic infraction judgments that are not
4 vacated, set aside, or in which a request for a Trial de Novo has not been submitted within
5 twenty (20) days following the date on which the Notice of Entry of Judgment was mailed,
6 become final and all unpaid judgments are to be transferred to the Revenue Services Division of
7 the County of San Mateo to be civilly pursued.

8 **IT IS FURTHER ORDERED** that this order shall supersede Standing Orders 97-22,
9 05-79, 2010-109 and any previous order(s) regarding this subject matter and shall remain in
10 effect indefinitely and until such time as the order is vacated or superseded by order of the
11 Presiding Judge.

12 Dated: 5/5/16
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15 John L. Grandsaert, Presiding Judge

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