

## **Survey Results from California L.E. Agencies regarding use of Muni Code sections rather than Vehicle Code sections for traffic enforcement**

One of our officers suggested we look into citing various moving violations under our Muni-Code as opposed to using vehicle code sections. I was asked to conduct a survey via the Cal-Chiefs website on this issue. I asked the following questions:

1. Does your city use this approach?
2. How is it working and what are the pros and cons?

I got 20 responses. 13 don't utilize this approach and 7 do.

Some agencies have been doing it for years with no problem. One agency tried it and got grief from their courts due to the diminished revenue stream to the courts so they quit doing it. Of the agencies that use it, they say it works very well.

**Pros:** By citing under the Muni-Code officers use this as selling point by telling the violator that the ticket is cheaper and will not result in points against their driving record. Additionally the city gets a larger portion of the fines. Also, violators tend to pay the ticket and don't take officers to court knowing that it will not affect their insurance rates (because there is no DMV point count associated with it).

**Cons:** The City Attorney's office or Police Department must process any appeals. Also, when drivers are cited they do not incur points on their DMV driving record. Additionally, OTS determines the traffic index based on hazardous cites written, these administrative tickets don't register with OTS toward that end.

Our city, (City of Roseville) has been using this Muni-Code approach on truck route violations now since July 23, 2008. We have issued 132 cites. We have a 97% payment record and only one person has appealed their ticket. We have a 10 citizen volunteer administrative appeal body. 3 of them convene to sit as a 3 Judge panel. They convened, listened to the violator's side, still held he was guilty and he paid the ticket. If he had not been satisfied with the guilty verdict he could appeal to the Superior Court (traffic court) within 20 days.

**Applicable Violations:** The following are sections we currently cite using the Vehicle Code that we could be citing as Muni-Code sections:

21453(a)vc-----Red light

21453(b)vc-----Right turn on red

21453(c)vc-----Stop at limit line before making turn

21461(a)vc-----Disobedience to official traffic device or sign

21650vc-----Driving on the right side of the road

22450(a)vc-----Stop sign

**Commercial Truck Enforcement:**

Since we began processing truck route violations as administrative fines on 7/23/08, we have collected \$6,800.

In the first quarter of 2009 (July through September 2008)

132\* citations PLUS 17 judicial cites

68 have paid

2 have gone to collections (1.5%)

7 have appealed (5.3%)

Of the 132 cites, 100 were cited before 9/15/08 (approximately two weeks ago), so the payment rate at that point was about 70%, although I think it's actually higher. In the first 30 days of writing these, 66 of the 68 that were cited paid. That's a rate of 97%.