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# Administrative Adjudication of Traffic Offenses in California. Summary

California State Dept. of Motor Vehicles

Prepared For  
California State Off. of Traffic Safety

April 1976

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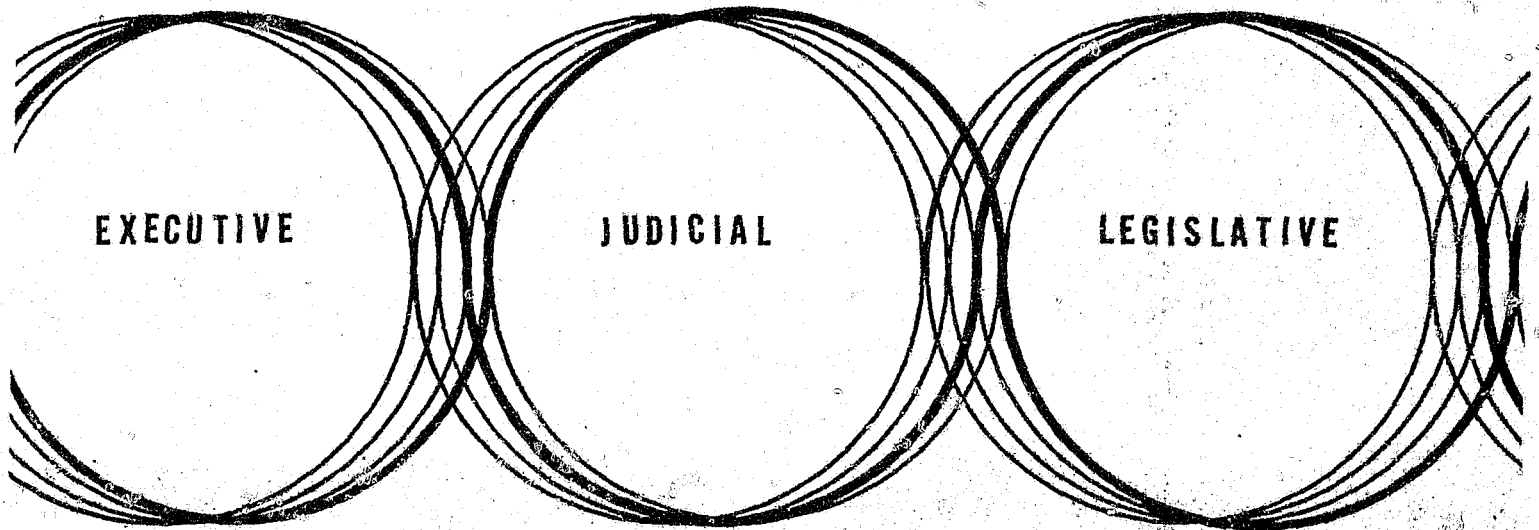
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# *ADMINISTRATIVE ADJUDICATION*

OF  
TRAFFIC OFFENSES IN CALIFORNIA



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## *Summary*

FEASIBILITY  
STUDY

APRIL 1976



DEPARTMENT  
OF  
MOTOR VEHICLES

HERMAN SILLAS, DIRECTOR

STATE OF CALIFORNIA

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<p>The primary study objectives are to evaluate the feasibility of administrative adjudication of traffic offenses reducing the backlog of court cases caused by the increased volume of traffic citations being issued, and to improve traffic safety in California. The objectives will be met by the implementation of more efficient procedures to adjudicate minor traffic cases, and through more effective identification and control of poor drivers. This report analyzes the feasibility of adjudicating traffic infractions administratively in the California Department of Motor Vehicles, rather than in the courts. It explores the costs and benefits associated with administrative adjudication in terms of such areas as traffic safety, the courts, economic impact, legal considerations and public opinion. It concludes that administrative adjudication is both legally feasible as well as economically attractive. In addition, enhanced traffic safety and more effective court resource allocation would likely result. Also, the public reaction was highly favorable.</p>				
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## FOREWORD

This volume is the first of a three volume study that analyzes the feasibility of adjudicating traffic infractions administratively in California. It provides both an executive summary and a summary of the study approach, findings, and recommendations. Subsequent volumes of this study provide in-depth detail and analysis for the reader who is interested in specific areas.

Knowledge may give weight,  
but accomplishments give luster,  
and many more people see than weigh.

Philip Dormer Stanhope  
Earl of Chesterfield  
(May 8, 1750)

## EXECUTIVE SUMMARY

### HISTORY

The 1971 traffic enforcement/driver control report to the Legislature (1968 Senate Resolution 160) recommended that a study be made of the feasibility of adjudicating minor traffic offenses administratively rather than in the courts. Senate Concurrent Resolution 40 (1975 Resolution Chapter 86) mandated a feasibility study of administrative adjudication of traffic infractions to be conducted by the Department of Motor Vehicles.

### ANALYSIS

Under existing law, traffic infractions are classified as crimes and the laws of arrest apply. Disposition is handled by the court system. Persons charged with infractions are not entitled to a jury trial and are not subject to a jail sentence. The maximum fine upon a first conviction is \$50, for a second conviction within one year, \$100, and for a third conviction within one year, \$250. Persons not contesting an infraction citation must deposit bail, which is forfeited if they fail to appear at arraignment. Trials of infractions may be handled by judges, court commissioners, or traffic referees.

Administrative adjudication would decriminalize traffic infractions. It would remove the jurisdiction of traffic infractions of all drivers, including juveniles 16 years and over, from the courts and allow for adjudication and imposition of sanctions by hearing officers appointed by an independent administrative adjudication board located administratively within the Department of Motor Vehicles. This board would be appointed by the Governor to administer the program, promulgate rules and regulations, and to develop a uniform sanction schedule.

Traffic safety oriented sanctions would be imposed according to a uniform sanction schedule taking into consideration the driver's prior statewide driving record. Judicial review would be available in superior courts following administrative review by the Administrative Adjudication Board.

If enacted into law on a statewide basis, administrative adjudication would:

- . Provide uniformity and consistency in the adjudication and sanctioning process, replacing judicial inconsistencies with statewide rules and regulations and a uniform sanction schedule.
- . Afford persons of all walks of life with the opportunity to represent themselves at hearings.
- . Have the potential of allowing savings in the nature of \$19 million during its first year of statewide operation. An additional \$4 million a year could be realized through increased service levels. Enhanced detection of multiple offenders would generate another \$2 to \$3 million. This would result in total savings and increased revenue of approximately \$25 to \$26 million.

These savings and increased revenues would be due to:

- An eight percent reduction in municipal court judge workload.
  - A thirty percent reduction in municipal court nonjudicial personnel workload.
  - Savings to law enforcement agencies due to fewer court appearances.
  - Savings due to reduced prosecutor workload.
  - Savings to state and local government through lessening driver improvement program needs.
  - Increased revenues through (1) reduction of scofflaws, (2) increased detection of multiple offenders coupled with a graduated monetary sanction schedule, and (3) fewer referrals to driver improvement schools.
- . Cost approximately \$12 million per year after an initial start-up cost of \$4 million. The operating cost of \$12 million is estimated to be approximately 24% of current revenue generated from infraction fines, or \$3.51 per infraction conviction.



- . Increase the ability of the judicial system to deal effectively with more complex criminal and civil matters.
- . Enhance traffic safety through improved identification and control over persons with poor driving records. This would be accomplished by enhancing the quality of the driver information file at the Department of Motor Vehicles, scheduling driver improvement treatments at the time of adjudication, and eliminating duplication of safety education efforts.
- . Remove persons charged with traffic infractions from the criminal justice system environment by decriminalizing infractions and changing to an informal hearing setting.

#### CONCLUSIONS

Following from the study and analysis, the following conclusions were developed:

- . The proposed system would be economically attractive in terms of being self supporting and generally resulting in increased net revenues to local government. Thus, the system appears economically feasible.
- . The proposed system meets both Federal and State Constitutional requirements. Thus, the system appears legally feasible.
- . There is evidence that the public would accept and, in fact, support having less serious traffic offenses adjudicated, and sanctions applied, in an administrative setting. Thus, it appears likely that the public's attitude toward administrative adjudication would be favorable.
- . Courts would have additional time to focus on more complex civil and criminal matters. Thus, the ability of the judicial system to deal more effectively with those matters should be improved.
- . Traffic safety should be improved through the maintenance of better driver records. The timely updating of driver records, when accusations are sustained, would improve the post licensing control of negligent operators. The driver record would be used in determining sanctions designed to discourage potentially hazardous

driving behavior. Also, hearing officers would counsel the violator on the traffic safety implications of the violation. Thus, the overall traffic safety system should be enhanced.

#### RECOMMENDATIONS

The overall results of the study indicate that a system of administrative adjudication in California is feasible. However, the lack of precise data in a number of areas argues strongly for a pilot study that would fully document the extent to which administrative adjudication is feasible. As a result, it is recommended that an 18 month implementation study be authorized to begin in July, 1976, and that upon the completion of the implementation study a two year pilot project be conducted. It is further recommended that enabling legislation be enacted to allow both the implementation study and pilot study, with concurrent attention given to a provision that would allow for the enabling legislation to become the statewide law at the end of the pilot project, if feasibility is fully established.

SUMMARY OF STUDY APPROACH,  
FINDINGS AND RECOMMENDATIONS

INTRODUCTION

This study responds to Senate Concurrent Resolution 40 (1975 Resolution Chapter 86) (Alquist) that the Department of Motor Vehicles study the feasibility of implementing a system of administrative adjudication of minor moving traffic cases (infractions) in California, and submit a report on feasibility to the Governor and legislature by April 1, 1976.

The study analyzes the feasibility of adjudicating traffic infractions administratively in the California Department of Motor Vehicles, rather than in the courts. It explores not only the economic impact associated with the administrative adjudication of traffic infractions, but also such related factors as legal considerations, organization and administration implications, and public opinion.

STUDY PROCEDURE

To conduct the study, a five member Task Force was appointed by the Director of the Department of Motor Vehicles. Concurrently with the task force appointments, an Administrative Adjudication Advisory Committee was appointed.

The Task Force project director and legal analyst accompanied two members of the advisory committee on a trip to New York, Rhode Island, Washington, D.C., and the State of Washington to study the practical aspects of administrative adjudication. In Washington, D.C. implications of administrative adjudication were discussed with representatives of the United States Department of Transportation, National Highway Traffic Safety Administration, and the United States Department of Justice, Law Enforcement Assistance Administration. Findings from this trip resulted in the incorporation of many effective elements of the systems surveyed into the California Model of Administrative Adjudication.

A professional industrial engineering consultant performed an economic impact analysis. The legal implications, while well researched in terms of Federal Constitutional considerations, required an in-depth analysis in terms of the California Constitution. Legal experts in administrative law conducted a legal analysis of the California Model of Administrative Adjudication.

Available material on judicial and administrative adjudication of traffic infractions was reviewed. To supplement this secondary research, various courts and police agencies throughout California were visited. In addition, the public's attitude was studied, as were the views of various organizations having an interest in traffic infraction adjudication. Comments and suggestions received were considered and, where feasible, incorporated into the development of the California Model.

Guidance from the Administrative Adjudication Advisory Committee was obtained through the arrangement of joint and individual meetings with members of the committee. Advisory committee members were kept informed of study progress through mailed copies of drafts of the project material and periodic meetings.

#### PROBLEMS WITH THE EXISTING SYSTEM

Many problems with the existing judicial adjudication system were found in reviewing previous studies in the area of traffic offense adjudication. Identified areas of deficiency included (1) lack of uniformity in court procedures, (2) imposition of fines and penalties not relevant to traffic safety, (3) incompleteness of driver records and failure of adjudicators to use prior records in imposing sentences, and (4) reluctance of judges to suspend driving licenses. Other significant problems included inadequate court administrative practices and the high cost of the existing judicial system.

## THE NATIONAL PERSPECTIVE

The status of administrative adjudication at the federal level and in the states of New York and Rhode Island were reviewed in detail. The New York review was particularly valuable since administrative adjudication has been operating successfully there for over five years. The benefits attributed to administrative adjudication include (1) reduction of criminal court congestion, (2) lowering of adjudication costs, (3) simplification of procedures, (4) reducing the scofflaw rate, (5) increasing revenues and (6) enhancing efficiency in processing violations. Two flaws appearing in the New York system are the lack of relationship of sanctions (beyond the monetary sanction) to traffic safety and the formal nature of the hearing procedures.

It was found that federal agencies concerned with highway safety and court reform have endorsed the concept of administrative adjudication. The National Highway Traffic Safety Administration (NHTSA) in 1972, proposed a revised Traffic Court and Adjudication Systems Standard with which the administrative adjudication concept fully complies. Conversations with NHTSA administrators indicated strong support for administrative adjudication as a method of improving traffic infraction adjudication.

In general, it may be said that individuals, groups and agencies at both the federal and state level favor the implementation of a simplified system for the adjudication of minor traffic infractions.

## CALIFORNIA MODEL OF ADMINISTRATIVE ADJUDICATION

To facilitate the legal and economic impact analyses, it was necessary that the California Model of Administrative Adjudication be developed. Guidance of the Administrative Adjudication Advisory Committee was utilized, as well as advice from knowledgeable individuals in several related fields.

The model was designed to include all Vehicle Code motor vehicle infractions and local traffic motor vehicle ordinances other than parking. Local parking offenses were excluded for a number of reasons, including the fact that they are not traffic safety related and that they are generally being handled efficiently at the local level. Key points in the model include the following:

- . A five member Administrative Adjudication Board would be appointed by the Governor, with Senate confirmation. The Board would administer the program and also sit as an appeals board to hear all appeals from administrative adjudication hearing officer decisions. Provision is made for ultimate appeal to the superior court. Appeals would be simple and inexpensive with license suspensions and revocations stayed until a decision was rendered.
- . Juveniles age sixteen to eighteen would be included in the system since license eligibility should be accompanied by driving responsibility.
- . Adjudication would be by hearing officers, with both legal and traffic safety background, appointed by the Administrative Adjudication Board (subject to civil service rules and regulations.)
- . Motorists would be fully apprised of their rights at the time they were cited, with non-English speaking drivers provided bilingual assistance.
- . Hearings would be informal with the burden of proof set at clear and convincing evidence. In rural areas, justice court judges would act as hearing officers following Administrative Adjudication Board rules and regulations.
- . Two types of hearings would be available, summary and confrontation. A summary hearing would be available at any hearing office in the State since it does not require appearance of the citing officer or witnesses. A confrontation hearing would be available at the hearing office indicated on the Notice to Appear at a pre-set time (also shown on the citation). Both the officer and the accused would appear at the confrontation hearing.

- . Motorists would have the opportunity to answer by admitting to the accusation, admitting with an explanation, or denying the accusation. For an admitting answer, a mailed reply would be accepted with payment of the monetary sanction shown on the Notice to Appear, providing that the motorist's driving record was good. Drivers with poor records would be required to appear.
- . All accused drivers appearing in person to admit to the violation would be advised of the consequences of the admission and given the chance to change their answers.
- . Hearing officers would at the time of the hearing, counsel with each violator on the traffic safety implications of the offense.
- . A uniform sanction schedule, designed to improve traffic safety, was developed. The schedule provides for sequential sanctions that are based on the driver's record. Sanctions in the schedule include monetary payments with alternative service for indigents, warning letters, driver improvement training, individual counseling and license suspensions for motorists that continue to violate. Drivers would also be counseled by hearing officers on the hazardous nature of their conduct. Driver improvement training would be provided if the accusation was upheld.

Under the sanction model and board rules, sanctions would be consistent and uniform throughout the State so that a violator in Redding could expect a similar sanction for a like violation in Palm Springs.

#### ADMINISTRATION, ORGANIZATION, AND OPERATION OF ADMINISTRATIVE ADJUDICATION

The analysis of feasibility required that areas of administration, organization and operation be developed. SCR-40 alluded this requirement when it directed that the study include an analysis of both urban areas (over 250,000) and rural areas (under 250,000) and, the possibility of combining administrative adjudication with Department of Motor Vehicles facilities.

Organization and operation of California State Government was examined along with New York State's experience. Organization and operation plans were derived from established criteria that all State Departments utilize, including facility, classification and salary standards. Major administrative issues analyzed included minimizing program costs, reducing the potential for conflicts of interest to develop, the driver improvement program relationship to administrative adjudication, and the urban/rural issue. They were resolved as follows:

- . To minimize program costs and maximize effectiveness, administrative adjudication should be placed administratively in the Department of Motor Vehicles to utilize the Department's existing support resources in areas such as electronic data processing, personnel, budget, and accounting.
- . The conflict of interest problem was resolved through the concept of an independent five member Administrative Adjudication Board, appointed by the Governor, which would promulgate rules and regulations, administer the program, and hear appeals.
- . The negligent operator part of the driver control program would be transferred from the Division of Drivers Licenses to the administrative adjudication program to enhance the traffic safety emphasis and ensure maximum efficiency.
- . Since program costs in rural areas could be higher than in urban areas (due to low citation volumes and widespread geography, the administrative adjudication system was designed to utilize the existing justice courts by linking them with the system's Area Processing Centers.

Nine counties were selected as meeting the urban county definition. These counties would be totally under the administrative adjudication system. The balance of the counties, excluding major population centers, would be served by justice courts. The major population centers would be served by the administrative adjudication system.

- . The system organization would include as staff, under the five member board, an executive officer, two assistant executive officers, a staff services analysis section, and a legal section composed of



staff counsel. The State would be divided into two Regions, a Southern Region consisting of three Areas and a Northern Region of six Areas.

- Operationally, the system would function as follows:

Each Notice to Appear would be sent to the Area Processing Center designated on the Notice. The Center would enter into the Department of Motor Vehicles Master Data Files in Sacramento all citation data and would provide on-line access to and update of the motorist's record. New base records would be established as needed.

Mail in answers would be processed at the Centers and the driver's record would be updated. If the driver had a poor record, admission answers would be rejected and a notice of required appearance sent.

Answers of admission with an explanation, and denials, would be processed at the Center and an appearance list would be produced and sent to the appropriate hearing office. The lists would be used to control workload, and to enable citing officers to plan their appearance schedules.

Provision would also be made for handling both personal appearance answers and appeals.

- Facilities would be provided based on the number of citations issued in each geographical area. There would be nine Area Processing Centers handling all citations and justice court liaison. Data input from the administrative adjudication system would be used as the basis for the driver control management information system.

Revenue, after operating costs were taken out, would be distributed as it is under law today. There would be no change in the Penalty Assessment Fund under administrative adjudication. The program would be totally funded out of the General Fund with a portion of revenues generated returned to the General Fund, to reimburse the General Fund for budgeted program costs.

It is projected that the revenues generated by the system would exceed those produced by the current judicial adjudication system through detection (with resulting higher monetary sanctions) of repeat violators, and the elimination of plea bargaining which currently results in a loss of fine revenues.

## FINDINGS

### Economic Impact

A number of research reports and data sources were used to estimate the economic implications of implementing an administrative adjudication system in California. Experiences in New York State and other jurisdictions were examined and over 100 copies of working papers were circulated among governmental and special interest groups for review and comment. Many of the comments were incorporated in this report.

By deferred creation of new municipal court departments, through reduced workload for nonjudicial personnel in the municipal courts, and through the reduction of other functions currently performed by local and state government, the proposed administrative adjudication system has the potential for allowing actual dollar savings of about \$19 million during its first full year of statewide operation in 1982. In addition, the equivalent of approximately \$4 million per year may be realized in increased service levels, rather than dollar savings, during the first few years of statewide system operation.

By reduction of scofflaws and increased probability of detection of multiple offenders, somewhere in the neighborhood of \$2 to \$3 million in additional revenue may be generated.

The net cost of operating the system through the Department of Motor Vehicles is estimated to be \$11.8 million in the first full year of operation, after approximately \$4.4 million in the initial start-up

costs. Twelve million dollars per year is approximately 24% of current revenue generated from infractions, or approximately \$3.51 per infraction conviction.

Thus, from an overall system standpoint, administrative adjudication would appear to be economically attractive to state and local governments, since likely overall system savings exceed likely costs.

If, however, the operation of the system is financed by deducting a fixed 24% of the revenues collected in local jurisdictions and returning the remainder to local government, some counties and cities may be adversely affected. The reason for this is that while realizable dollar savings plus increased revenue to local government should exceed operating costs from the standpoint of the State as a whole, some counties and cities may not be able to realize sufficient savings to overcome a 24% infraction revenue loss.

Moreover, the "average fine" varies from county to county and, if the administrative adjudication system uses a fixed statewide monetary sanction schedule, revenue collected by the proposed system would exceed current levels in some counties, and be less in others.

Accordingly, it is likely that at least a few cities and counties would be adversely affected by an administrative adjudication system which applied a uniform statewide sanction schedule, and was financed by a fixed percentage reduction in revenues collected.

Specific economic impacts of the proposed system include:

- . An eight percent reduction in municipal court judge workload.
- . A thirty percent reduction in municipal court nonjudicial personnel workload.
- . Savings to law enforcement due to fewer court appearances.
- . Savings due to reduced prosecutor workload.

- Savings to state and local government through lessening driver improvement program needs.
- Increased revenues through (1) reduction of scofflaws, (2) increased detection of multiple offenders coupled with a graduated monetary sanction schedule, and (3) fewer referrals to driver improvement schools.
- Modified effect on the defendant through (1) changes in the amount of money paid for monetary sanctions, (2) changes in time spent and fees paid for driver improvement programs, and (3) changes in time and cost of appearance.

#### Legal Considerations

The successful implementation of an administrative adjudication system to replace the current judicial approach requires that careful attention be given to existing statutes and to the constitutional requirements of separation of powers and due process. The federal requirements were found to have been well researched, therefore, the proposed new system was researched in light of the California Constitutional doctrine.

The research determined that implementation would be constitutionally feasible.

#### Separation of Powers

The separation of powers doctrine defines the limits within which powers currently vested in the judiciary relative to traffic infraction adjudication may be transplanted to hearings conducted by the Department of Motor Vehicles, an agency of the executive branch.

Would the adjudication of traffic infractions by the Department of Motor Vehicles constitute the exercise of a "judicial power?" The answer, in brief, is that it would not. The following qualifies the above answer: (1) the criminal or civil nature of the traffic infraction, (2) the nature of the sanctions that may be applied, (3) the measure of judicial review afforded by the courts after the agency has rendered a decision, and (4) the due process protections afforded in the California Model of Administrative Adjudication.

Since traffic infractions are currently defined in the California Penal Code as criminal, they probably cannot be brought into an administrative format until decriminalized by statute.

The authority of a hearing officer to sustain or dismiss accusations for the purpose of driver's license suspension or revocation, would not appear to differ materially from that of professional licensing boards.

The power of agencies to impose monetary sanctions is not as well settled. There is authority in other states to the effect that an agency may not assess fines without litigating through the courts. The more modern view, however, is that an agency may be vested with limited discretion to impose fines on its own authority. California cases overturning overly broad agency powers have done so, either where the agency was vested with the authority to enact both regulations and penalties, even though enforcement was carried out through the courts, or where the amount assessed against a party by the agency was largely discretionary.

The proposed California Model differs significantly in that traffic laws will continue to be enacted by legislative bodies while

the amount of monetary sanctions will be governed by a uniform sanction schedule, thereby restricting the discretion of hearing officers.

Suspension and revocation of licenses, as well as imposition of monetary sanctions, under the proposed Model, appears permissible within the bounds of the separation of powers doctrine.

So long as the sanctions are intended and fashioned primarily to deter wrongdoers in order to preserve safety on the public highways, rather than to punish the individual traffic violator, no constitutional infirmity arises.

The municipal court system appears to be the logical first step in the appellate process, but that court is currently not vested with either statutory or constitutional mandamus. Therefore, judicial review would be in the superior court system by way of writ of mandamus.

Since the Model provides for appropriate judicial review of the hearing officer's decision, and where traffic infractions subject to adjudication under the proposed system are to be decriminalized, the mandate of the separation of powers doctrine is satisfied.

The stopping of a motorist to issue a Notice to Appear is not considered an arrest, and therefore, assuming the officer is given clear statutory authority to make such a stop, no due process problems appear.

#### . Due Process

Due process requires that the alleged violator be afforded adequate and timely notice. Notice is adequate when it (1) describes the conduct of the party charged, (2) sets forth the violation alleged,

(3) delineates the possible sanctions which may attach, should the party be found in violation, and (4) apprises the party of his right to have a hearing on the matter.

Notice must also be timely, in order to afford the alleged violator an opportunity to prepare a defense. The Model's provision of a hearing date some fourteen to thirty-five days from the date of the offense would appear to satisfy the requisites of timeliness.

Due process requirements for the hearing itself are reasonably straightforward. The hearing officer must be impartial. There appears to be no statutory or due process requirement mandating the use of lawyers as hearing officers in administrative adjudication hearings.

The motorist is entitled to have all evidence on which a decision will be based, and is entitled to receive it sufficiently in advance of the hearing to prepare a defense. While the accused may be represented by an attorney of his or her own selection, the State is not required to furnish counsel at public expense. The accused must also be afforded the opportunity to confront and cross-examine adverse witnesses.

Under the proposed Model, the burden of proof currently applicable in traffic adjudications, guilt beyond a reasonable doubt, is replaced in favor of a more relaxed standard of clear and convincing evidence. This latter standard will withstand constitutional attack only if traffic infractions are decriminalized.

So long as the distinction between areas receiving administrative adjudication and those remaining subject to traffic courts is based on some rational system of classification, no equal protection problem would appear to be raised.

. Conclusion

There are no constitutional impediments to the California Model of Administrative Adjudication of traffic infractions. Assuming proper amendments to existing statutes, and new statutes clearly setting out the provisions of the model, the administrative adjudication system would fit well into the current framework of California government. It is also concluded that decriminalization and administrative adjudication of traffic infractions would result in an adjudication system more closely related to the recognized goal of traffic safety than the present system of adjudication.

Public Attitude Toward Administrative Adjudication

A statewide public opinion survey was conducted as part of the study. The following discussion summarizes the results of the survey.

In all population areas the question "Do you feel less serious traffic tickets should be taken out of the courts and handled by the Department of Motor Vehicles?" showed a favorable response ranging from 71% to 77%. The favorable percentage was reduced by negative responses from people who had received more than three traffic citations within the last five years. The favorable percentages went up with people of higher income and education. Female respondents had a greater preference (77%) for administrative adjudication than male respondents (72%).

Further questions focused on the public's attitude toward: (1) the courts, (2) the motorist-defendant, (3) the police, and (4) the Department of Motor Vehicles.



. The Courts

- 46% of the respondents who had appeared in traffic court believed that they were hurried; however, 74% felt that their penalty was fair.
- 42% of those respondents familiar with court procedures believe that over the years the procedures have remained the same with 33% feeling that procedures have gotten worse.

. The Motorist-Defendant

- 67% believe that hearings and fines should be the same for everyone in all areas of the State.
- 62% believe that people with bad driving records should pay higher fines.
- 81% believe juveniles should be treated in the same manner as adults for moving violations.

. The Police

- 71% of the motorists would prefer the police officer present if they were contesting a citation.
- 72% believe if the police officer was not present at a hearing that he should send a statement supplementing the citation.

. The Department of Motor Vehicles

- 86% of the public surveyed believe a Department of Motor Vehicles hearing officer would be as fair as a judge.
- 74% prefer a traffic safety hearing officer who is legally trained rather than a lawyer.

#### CONCLUSIONS AND RECOMMENDATIONS

The overall results of the study indicate that a system of administrative adjudication in California is feasible. However, the lack of precise data in a number of areas argues strongly for a pilot study that would fully document the extent to which administrative adjudication is feasible. As a result, it is recommended that an 18 month implementation study be authorized to begin in July 1976, and that upon the

completion of the implementation study a two year pilot project be conducted. It is further recommended that enabling legislation be enacted to allow both the implementation study and pilot study, with concurrent attention given to a provision that would allow for the enabling legislation to automatically become the statewide law at the end of the pilot project, if feasibility is fully established.



**END**