

Superior Court of California County of Marin

JAMES M. KIM
Court Executive Officer



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Rebecca Miller
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Dear Ms. Johnson and Ms. Miller:

Thank you for your letter dated October 23, 2020. The letter raises two concerns in traffic court cases related to failure-to-appear (FTA) notifications sent by the Marin County Superior Court to the Department of Motor Vehicles (DMV).

Your first concern relates to FTA notification recalls pursuant to Vehicle Code §§ 40509(a) and 40509.5(a). The Court will commit to prepare and forward an FTA notification recall to the DMV after a case is adjudicated, or after the individual appears in court or otherwise satisfies the order of the court that led to the FTA. Specific to your concern, individuals will not be required to pay their tickets in full before the Court will send an FTA notification recall.

Your second concern relates to the specific code section pursuant to which the Court sends FTA notification to the DMV. You suggest some notices have been sent pursuant to Vehicle Code § 40509.5(a) when notice should have been pursuant to Vehicle Code § 40509(a). In this regard, we are in the process of conducting an internal review to determine if any notices were sent to the DMV pursuant to the incorrect section. I

expect this review will be very time consuming. If we find any errors; we will take the necessary action to remedy the error, which could include recall of the FTA notification. The Court also welcome any motions similar to the motion you filed in Ms. Kmetz' case (No. CT19003654), where an individual can seek relief if they believe the Court sent an FTA notification to the DMV in error in their case.

In addition, due to COVID-19 concerns, our Traffic Division Clerks have been directed to temporarily suspend sending any FTA notices to the DMV in any case. As a result, since April 21, 2020, the Court has not sent any FTA notices to the DMV in any case. The Court is evaluating that policy moving forward expects it to remain in place at least until we can complete the review referenced in the above paragraph and until we are confident that staff are properly trained under which code section notice should be sent in a given case.

I trust this response satisfies the demand in your letter's concluding paragraph.

Sincerely,



James M. Kim
Court Executive Officer
Marin County Superior Court

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