

INSTRUCTION FOR PETITION TO VACATE CIVIL ASSESSMENT

What is a Civil Assessment? A Civil Assessment of \$300.00 is imposed against anyone charged with a Vehicle Code violation or local ordinance that has: 1) failed to post bail on time; 2) failed to appear for a scheduled court date; 3) failed to pay a court ordered fine by the due date; or 4) failed to comply with any other court ordered obligation by the due date. (Penal Code §1214.1)

This Civil Assessment is imposed in addition to, and separate from, any fine connected with the traffic citation. You are required to pay the Civil Assessment even if you eventually contest your traffic citation and win.

Can I Have the Civil Assessment Vacated? You may within 20 days of the *Notice of Civil Assessment* mailed to the address on the citation ask the Court to vacate the Civil Assessment if your failure to appear or failure to comply was caused by one of the following grounds, including but not limited to:

1. Hospitalization
2. Incarceration
3. Active Military Duty
4. Death of a Member of the Immediate Family

How Do I Petition to Vacate the Civil Assessment? To request that the Civil Assessment be vacated, you must:

1. Fill out the Petition to Vacate Civil Assessment
2. Provide documented proof of the reason for your failure to appear or pay

Examples of documented proof are: records of admission and discharge from the hospital; court orders to remand into custody and/or records of release from custody; appropriate military orders for active service; or death certificate and proof of relationship to the deceased. The period of hospitalization, incarceration, military duty, or death of immediate family member must coincide with the failure to appear or failure to comply date.

What Happens After the Petition is Filed? Your Petition to Vacate the Civil Assessment will be referred to a Judge for decision. Once the Court has received the Petition and supporting documents, a decision will be made either to grant or deny your Petition.

If the petition is granted, the Civil Assessment will be vacated, and the fine on the original traffic violation will be due if it has not already been paid. If the petition is denied, the Civil Assessment and the fine on the original traffic violation will be due if it has not been paid. You will be notified of the Court's decision by mail.

The Traffic Civil Assessment is located at
850 Bryant Street, Room 101, Window 8
San Francisco, CA 94103
415-551-8550

Assistance is available Monday – Friday
8:30am – 11:00am and 1:00pm – 3:00pm