

CHAPTER 3
CHP 281, NOTICE TO CORRECT VIOLATION
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CHAPTER 3

CHP 281, NOTICE TO CORRECT VIOLATION

1. GENERAL.

- a. Section 40610(a) of the California Vehicle Code (CVC) permits the issuance of a CHP 281, Notice to Correct Violation; for violations involving registration, driver license, or mechanical requirements; if none of the disqualifying conditions set forth in Section 40610(b) CVC exist.
- b. Section 40522 CVC permits dismissal, upon proof of correction, of violations charged pursuant to Section 40303.5 CVC (correctable violations).
- c. Section 40616 CVC provides that willful violation of a violator's written promise to correct violations listed on a CHP 281, is a misdemeanor.

2. POLICY.

- a. General. A CHP 281 should be prepared after an arrest, or other law enforcement action, for correctable violations of the CVC involving registration, driver license, or mechanical requirements, **except** under the following conditions:
 - (1) There is evidence of fraud or persistent neglect.
 - (2) The violation presents an immediate safety hazard.
 - (3) The violator does not agree to, or cannot, promptly correct the violation. If the officer believes the violator will not comply with the conditions of the CHP 281; a CHP 215, Notice to Appear; should be used to record the violation(s).
 - (4) The violation cited is from subdivision (a) of Section 27151 CVC.
- b. Fees Due Registration Violations. In an effort to ensure registration compliance and accurate accountability for departmental registration violation statistics, **the CHP 215 shall be used in lieu of the CHP 281** for the following fees due registration violations:
 - (1) Section 4000(a)(1) CVC, registration fees due.
 - (2) Section 4000.4(a) CVC, foreign-registered vehicle based in California.

(3) Section 9400 CVC, commercial vehicle weight fees due.

(4) Section 9406 CVC, alterations to commercial vehicles causing additional weight fees due.

c. Commanders' Responsibilities. Prior to implementing the CHP 281 program, commanders shall meet with local prosecutors and court administrators to discuss and obtain concurrence for use of this process.

(1) Issues for Discussion.

(a) Procedures for clearing CHP 281s held for 30 days at the Area office.

(b) Procedures for processing CHP 281s that are not cleared within 30 days at the Area office.

(c) Procedures for processing CHP 281s issued out of Area.

(d) Local court preferences which deviate from the procedures set forth in this manual.

(2) Commanders shall establish local procedures for processing CHP 281s. The procedures shall include:

(a) Suspending of issued CHP 281s.

(b) Procedures to process corrected CHP 281s.

(c) Procedures to process uncorrected CHP 281s.

(3) Follow-up. It is the responsibility of the Area commander to determine the extent and method of follow-up to be utilized for issued CHP 281s which have not been returned with certification of correction for the violations charged.

3. PROCEDURES.

a. In Conjunction with a CHP 215, Notice to Appear. A CHP 281 may be issued in addition to a CHP 215 as the result of a single enforcement action. **California Vehicle Code sections charged on the CHP 215 are not to be duplicated on the CHP 281.**

b. Issued as Owner's Responsibility. Retain all copies of the CHP 281 and submit it to the Area processing clerk. Do not give the driver a copy of the CHP 281. The violator's copy will be mailed to the responsible party. If the owner or person

responsible is a passenger in the vehicle stopped for an enforcement contact, the CHP 281 should be prepared with the owner or responsible party's information only; they should be advised to sign the document. The owner or responsible party should be cited, and the form should be prepared as if this person was driving the vehicle.

c. Number of Documents Prepared. When there is insufficient room to record all sections violated, a CHP 215S, Continuation Document, should be used. In the absence of a CHP 215S, more than one CHP 281 may be used. However, if more than one CHP 281 is used, the following considerations must be made:

(1) Commanders should discuss this option with their local courts to verify the violator will not be charged with more than one violation of Section 40616 CVC if the violator fails to provide proof of correction, and the CHP 281s are forwarded to the court.

(2) If a violator does not provide proof of correction for all violations cited (when more than one document is issued), Areas should be careful not to clear the suspense file until the violator fulfills their obligation to correct all violations cited.

(3) The Statewide Automated Citation System (SACS) data entry should be completed as if one document had been prepared. The CHP 281s issued during a single enforcement stop should be clipped together to facilitate data entry.

4. PREPARATION.

a. Guidelines.

(1) The CHP 281 is to be prepared using a firm writing foundation and sufficient pressure to make legible copies.

(2) All information is to be printed using either a pencil (preferably #2) or a ball-point pen with black or blue ink. If a pencil is used, it is important that enough pressure be applied while writing to make the third copy of the document legible.

(3) All entries required to be made by a "check box" or circle, shall be neat to avoid confusion. For example, do not make a mark so big that it covers two boxes.

b. Content.

(1) Date of Violation. Enter the date the violation(s) occurred using a six-digit date. The sequence of the date shall be MM/DD/YY. For example, enter 05/30/18, if the date is May 30, 2018.

(2) Time. Enter the time of the violation(s) using the 12-hour clock rather than the 24-hour clock or "military" time. After the time, mark the "AM" or "PM" box accordingly. The time on the documents must be at least one minute apart when more than one enforcement document is issued during an enforcement stop.

(3) Day of the Week. Circle the letter corresponding to the day of the week on which the violation(s) occurred.

(4) Violator Information. The officer shall enter the following:

(a) Name. Enter the violator's complete legal name. If no middle name, use the abbreviation "NMN" in lieu of "no middle name."

(b) Address. Enter the complete mailing address, including the city and ZIP code. Also enter the violator's physical address if different from their mailing address (to enable warrant delivery should this become necessary).

(c) Driver License Information. Enter the driver license number printed on the driver license and state of issuance.

1 Enter "EXP" after the number if the license is expired.

2 Enter "NIP" if the license is not in possession.

3 Enter "SUS" after the number if the license is suspended or revoked.

4 Enter "UNL" if unlicensed.

(d) Age. Enter the age of the defendant.

(e) Birth Date. Enter the defendant's six-digit birthday. The sequence of the birth date shall be MM/DD/YY. For example, enter 12/03/60, if the defendant was born on December 3, 1960.

(f) Sex, Hair, Eyes, Height, Weight. Enter the appropriate information in each box. Standard abbreviations are acceptable.

(g) Race/Ethnicity Code. Indicate the appropriate racial designation abbreviation for the motorist. See guidelines set forth in Chapter 1, CHP 215, Notice to Appear; paragraph 4.b.(9)(i), of this manual, for procedures.

(5) Vehicle Information.

(a) Vehicle License Number. Enter the complete vehicle license plate number, the state of issuance, and the month and year of the registration expiration. If the vehicle does not have a license plate displayed on the vehicle, the complete vehicle identification number shall be entered.

(b) Year of Vehicle/Make/Body Style/Color. Enter the model year of the vehicle, the make of the vehicle, the body style of the vehicle (or model), and the color of the vehicle.

(c) Vehicle Type. Enter the vehicle type codes listed in Highway Patrol Manual (HPM) 110.5, Crash Investigation Manual. The vehicle type codes are also available in the CHP 291, Redi-Ref. When citing a commercial vehicle, also enter the carrier's fleet unit identification number, if available, in the body of the citation if sufficient space is present.

(d) Commercial Vehicle–Section 15210(b) of the California Vehicle Code. If the vehicle involved is a commercial vehicle as defined in Section 15210(b) CVC, mark the corresponding box.

(e) Hazardous Material–Section 353 of the California Vehicle Code. If the vehicle involved is transporting hazardous materials as defined in Section 353 CVC, mark the appropriate box. Hazardous material haulers are, by definition, commercial vehicles if they meet the definition of Section 353 CVC. Mark both the “Commercial Vehicle (§15210[b] CVC)” and “Hazardous Material (§353 CVC)” boxes, if applicable.

(6) Evidence of Financial Responsibility Information or CHP/California Department of Transportation/Public Utilities Commission/Interstate Commerce Commission.

(a) One of the following entries shall be made in the Financial Responsibility (FR) box for each CHP 281 issued:

1 The insurance or surety company name followed by the policy or bond number. Example: NATIONWIDE 727PE123456.

2 The California Certificate of Deposit number issued to self-insured companies, or individuals, by the Department of Motor Vehicles (DMV). Example: DMV S/I 66.

3 Enter "BINDER" whenever evidence of FR is in the form of an insurance document or note stating an application for insurance has been received and is being processed, and the vehicle is insured pending issuance and acceptance of the policy.

4 Enter "RENTAL" for all rental vehicles, regardless of registration. This procedure does not apply to leased vehicles where the lease holder must be financially responsible.

5 Government entities are considered self-insured. When a vehicle is either owned, leased, or under the direction of a governmental entity, the driver need only show proof of this (e.g., vehicle registration). Enter the name of the government entity which owns, leases, or operates the vehicle. Example: LA CITY.

(b) CHP/California Department of Transportation/Public Utilities Commission/Interstate Commerce Commission Numbers. These numbers are displayed on both sides of a regulated vehicle (including a bus) or on one vehicle when used in a combination of vehicles. If a vehicle displays more than one of the four possible numbers, the following is the priority order: CHP, California Department of Transportation, Public Utilities Commission (PUC), Interstate Commerce Commission (ICC). Circle the appropriate abbreviation on the CHP 281 and enter the corresponding number. The display of the following identifiers on commercial motor vehicles shall be considered acceptable proof of FR:

1 A valid Transportation Charter Parties (TCP) or Passenger Stage Carriers (PSC) identifying symbol issued by the PUC for motor carriers transporting passengers. Examples: TCP 123A, PSC 3456.

2 A valid CAL-T number issued by the PUC for motor carriers transporting household goods. Examples: CAL-T-12345, or T-12345.

3 A valid Mexican Carrier (MX) ICC, Motor Carrier identifying symbol issued by the former ICC, former Federal Highway Administration for Mexican motor carrier property and Mexican motor carriers of passengers. Examples: MX12345.

4 Evidence of FR also includes valid Single State Registration System (SSRS) or valid Single State Insurance Registration

credentials issued by the DMV or by the motor carrier base state. Section 7232(g)(1) of the Revenue and Taxation Code (RTC) requires interstate or foreign motor carriers, transporting property for compensation in California, to register with the DMV or with their base state SSRS. Section 16560 CVC prohibits the operation of a motor vehicle on the interstate or foreign transportation of property, household goods, or passengers for compensation unless the motor carrier has complied with Section 7232 RTC or Chapter 1 of Division 2 of the PUC. A private motor carrier of property is required to file an affidavit of exempt status with DMV (Section 7232[g][1][B] RTC).

NOTE: Effective June 2002, Title 49, Code of Federal Regulations, Part 390.21, required United States Department of Transportation (USDOT) numbers to be displayed on commercial motor vehicles operating in interstate commerce. The display of a USDOT number is not considered acceptable proof of FR. Drivers or registered owners of these vehicles must provide other acceptable proof of FR. This includes binders; SSRS; and federal forms MCS-82, Motor Carrier Public Liability Surety Bond; and MCS-90, Endorsement for Motor Carrier Policies of Insurance for Public Liability.

- (7) Registered Owner or Lessee/Mailing Address. Enter the complete registered owner or lessee information, including the registered owner's or lessee's mailing address, city, and ZIP code. Mark the "Same as Driver" boxes if the registered owner or lessee information is the same as the person receiving the CHP 281.
- (8) Violations. Enter the CVC section number, subdivision (when applicable), code abbreviation, and a concise narrative description of the violation(s).
- (9) Accident. Mark the "Accident box" when a CHP 281 is issued as a result of a crash investigation.
- (10) Area. Enter the location code of the Area where the violation occurred. If the violation occurred on a surface street within the limits of an incorporated city not under the jurisdiction of this Department, enter the location code of the CHP Area office, which includes the incorporated city within its Area boundaries.
- (11) Beat. Enter the Area beat number where the violation occurred unless the officer is specifically assigned to an 800 series beat. Refer to HPM 40.71, CHP 415 User's Manual; Chapter 2, Beat Hours Summary; for specific beat code designations.

(12) Special. Leave the “Special” box blank except when required to enter specific information for a special study.

(13) CHP 215 Issued. Mark the “CHP 215” box when both a CHP 215 and a CHP 281 are issued to the same person as the result of one enforcement contact.

(14) Location of Violation(s). Enter the name and/or number of the roadway where the violation occurred, the direction of travel, and the approximate location on the roadway.

(15) I Declare Under Penalty of Perjury Under the Laws of the State of California that the Foregoing is True and Correct. Executed at (Place).

(a) Enter the name of the applicable city, county, or special district, where the violation occurred.

(b) If the CHP 281 is prepared in a different political subdivision than that of the violation; also enter the city or county where the CHP 281 was prepared; and circle the applicable city, county, or special district; where the violation occurred.

(16) Citing Officer. The citing officer issuing the CHP 281 is to print or sign their name and ID number in the space provided.

(17) Vacation Dates. Enter the beginning and ending dates of the officer’s vacation or other scheduled extended absences.

(18) Signature. This item is to be completed by recording the most appropriate selection specified below:

(a) The signature of the violator promising to correct the violations listed, and to deliver proof of correction pursuant to Section 40610 CVC.

1 Refusal to Sign. Section 40302 CVC does not authorize custodial arrest for refusal to sign a CHP 281. However, refusal to sign should be considered a disqualifier for dismissal of the violation under the provisions of Section 40610(b)(3) CVC, which states: “...the violator does not agree to, or cannot, promptly correct the violation.” Under these circumstances, the use of a CHP 215 should be considered. If a CHP 215 is issued and the violator refuses to sign, see HPM 100.68, Traffic Enforcement Policy Manual; Chapter 2, Arrest Policies; for arrest procedures authorized by Section 40302(b) CVC.

2 False or Fictitious Signature. Any person who signs a CHP 281 with a false or fictitious signature is guilty of a misdemeanor (Section 40614 CVC). Signing with a false or fictitious signature should be considered a disqualifier for use of the CHP 281. Under these circumstances, use of a CHP 215 in accordance with Chapter 1 of this manual should be considered, or a complaint should be filed in accordance with local Standard Operating Procedure (SOP).

(b) “Owner’s Responsibility” as provided in Section 40001 CVC.

(19)Admonishment to the Violator. The violator shall be advised to correct the violation(s) immediately, and carefully adhere to the instructions listed on the back of the violator’s copy of the CHP 281. The violator shall also be advised it is their obligation to deliver proof of correction (by mail or in person) to the Area office of issuance, within 30 days. Failure to correct the violation(s) listed is a misdemeanor (Section 40616 CVC) which may result in court action.

(20)Officer’s Notes. When a CHP 215 is not prepared, the officer shall make notes on the Area (green) copy of the CHP 281. The notes shall contain details establishing reasonable suspicion/probable cause for the stop, violation(s) charged, explanation for the reason for extended duration of stop, and any relevant circumstances occurring during the enforcement stop, to ensure details of the stop are preserved. This information will allow the officer to provide adequate and professional courtroom testimony, should it become necessary, upon the violator’s failure to correct. When using a Mobile Video/Audio Recording System, the officer shall follow policy as outlined in General Order 100.61, Use of Mobile Video/Audio Recording Systems.

5. FIELD OFFICE CONTROL PROCEDURES.

a. Responsibility. Area commanders are ultimately responsible for the control and accounting of all CHP 281s issued and processed by employees of their commands.

(1) Area commanders shall designate at least one person to be responsible for CHP 281 processing.

(2) If the owner or responsible person does not clear the CHP 281 within 30 days, a CHP 215 may be filed as a complaint if the respective court does not accept the CHP 281 and the commander chooses to process the document. If a CHP 215 is issued upon the owner or responsible party’s failure to clear the violation(s) charged, only the CHP 215 or CHP 281 sent to court is entered into the SACS.

b. Citation Control Procedures.

(1) Receipt of CHP 281s. Upon receiving a shipment of CHP 281s, the citation clerk is to compare the sequence of citation serial numbers actually received against those numbers shown on the Supply Services Unit (SSU) shipping list.

(2) Any discrepancies encountered are to be immediately brought to the attention of the SSU, by memorandum.

6. DISTRIBUTION AND RETENTION.

a. Court Copy, Original (Canary).

(1) The original copy of the CHP 281 should be filed in suspense for a 30-day period, or until one of the following occurs:

(a) The violator or responsible party mails in the certified CHP 281 indicating the violation has been corrected.

(b) The violator or responsible party physically responds to a local Area office and has the corrected violation(s) certified by an officer.

NOTE: If the certifying office is different from the Area office of jurisdiction, the violator or responsible party will be responsible for mailing the certified CHP 281 to the issuing Area. **Rigid adherence to this procedure** will negate possible claims the clearing officer, or Area office, was negligent in forwarding a corrected CHP 281 to the issuing office.

(2) If the violator or responsible party fails to correct the violation(s) within the 30-day suspense period, the CHP 281 should be reviewed by the Area commander or their designee. After review, the CHP 281 will be processed using one of the following methods:

(a) Processing and submitting to the appropriate court. The citation clerk, or other authorized departmental personnel, may complete the processing information on the reverse side of the CHP 281 court copy and submit it to the appropriate court.

NOTE: Some courts may not accept CHP 281s for processing. In the event the court does not accept a CHP 281 for processing, the Area shall use one of the remaining options.

(b) The Area may have the employee who completed the CHP 281, also complete a CHP 215 with, "Owner's Responsibility" or, "Complaint to be

Filed” written in the signature box. The court copy of the CHP 215 shall be submitted to the appropriate court.

NOTE: Before submitting a CHP 215 to the court in lieu of a CHP 281, the Area shall meet and discuss the process with their local court and incorporate any locally approved procedures in the command’s SOP.

(c) Destroy the CHP 281 at the Area office.

b. Office/Officer Copy, Duplicate (Green).

(1) Office/officer copies of the CHP 281 are to be retained at the Area office. The minimum retention period is six months to allow for possible court testimony and/or administrative inspections. Areas should establish an SOP if the retention period exceeds six months.

(2) Areas should ensure uniformity in processing documents issued out of jurisdiction by informing surrounding Areas that a photocopy of the office/officer copy will be kept on file in the issuing office. The original copy and subsequent violator’s copy should be forwarded to the Area office of jurisdiction for processing.

(3) This process will enable the commander of the Area of jurisdiction to evaluate all uncorrected CHP 281s issued in their Area for suitability for court processing.

c. Violator’s Copy, Triplicate (Card Stock).

(1) The face of the violator’s copy must be an exact copy of the original notice.

(2) Deliver the violator’s copy to the violator after their signature is obtained.

(3) If “Owner’s Responsibility” is written in the signature box, follow the procedures listed below:

(a) Separate the violator’s copy of the CHP 281 from the rest of the document.

(b) Mail the violator’s copy of the document to the person indicated on the CHP 281 as the registered owner or lessee, to the mailing address of the owner or lessee shown.

(c) File all remaining copies according to the instructions previously listed.

(d) Refer to HPM 82.6, Commercial Enforcement Manual; Chapter 2, Operational Policies; for additional handling procedures.

7. PROCESSING.

a. CHP 281s Issued In Area. Issued CHP 281s are to be delivered to the Area office citation clerk each business day.

b. CHP 281s Issued Out of Area. Officers should submit their CHP 281s to the designated employee at the Area office nearest their destination. The CHP 281 should then be forwarded to the Area office of jurisdiction for processing.

c. After receipt, the citation clerk is to accomplish the following:

(1) Ascertain for every original there is a duplicate with a corresponding serial number, or that an appropriate explanation is attached.

(2) In the event an original or duplicate is missing, the citation clerk is to certify such fact by placing their initials in the "Special" box on the remaining copy, and by immediately notifying the Area commander. Every effort is to be made to account for the missing document. In those cases where a duplicate is present, but the corresponding original is missing, follow the procedures below:

(a) The duplicate is to be accompanied by a CHP 51, Memorandum, prepared by the citing officer, setting forth the facts and circumstances surrounding the notice and the missing original.

(b) The Area commander will review the CHP 51 and existing copy of the CHP 281 to determine the need for follow-up.

1 Enter into SACS only those citations issued on commercial beats 850-898, and CHP 281s selected for court follow-up. **This is a required procedure which cannot be modified unless expressly authorized.**

2 The CHP 281s which have "Owner's Responsibility" written in the signature box, indicate the need for special handling.

8. VOIDING AND DISMISSAL.

a. Voiding a CHP 281. Voiding a CHP 281 that has not yet been processed to the court for follow-up, should be accomplished in the following manner:

- (1) Write "VOID" in large block letters on the original and all copies.
- (2) Enter the reason for voiding in the space marked "Violation(s)."
- (3) Have the CHP 281 signed by the commander (or their designee) of the Area where the violation occurred. If the CHP 281 was written out-of-Area, the voided document is to be submitted to the issuing officer's command of permanent assignment.

b. Distribution of the voided CHP 281 should be as follows:

- (1) File and process all copies of the voided CHP 281 at the Area office according to the procedures listed under paragraph 7.b. of this chapter.
- (2) If the CHP 281 has been issued to the violator, mail a photocopy of the voided original to the violator at the address listed on the notice, along with an explanation of why it was voided.

c. Dismissal of CHP 281. Dismissal of a CHP 281 will only apply to documents which have been issued to the violator and subsequently sent to the courts for processing. If the commander determines conclusive information exists to indicate the document was improperly issued and processed to the court, follow the procedures for dismissing a CHP 215 listed in Chapter 1, paragraph 8., of this manual.

9. ALTERATION.

a. When an error is discovered on an issued CHP 281 prior to the end of the suspense period, use the following procedures:

- (1) Complete a CHP 411, Notice of Correction and Proof of Service; according to the procedures listed in Chapter 1, paragraph 10.; of this manual. Leave the CHP 411 undated.
- (2) File the completed CHP 411 along with the CHP 281 until the end of the suspense period.
- (3) At the end of the suspense period, do one of the following:
 - (a) If the CHP 281 is selected for court follow-up, date the CHP 411 and distribute it according to the procedures listed in Chapter 1, paragraph 10.b., of this manual. Deliver the appropriate copy to the court along with the court copy of the CHP 281.

(b) If the CHP 281 is not selected for court processing, destroy all copies of the CHP 411 and the court copy of the CHP 281.

b. Whenever it is necessary to correct information on the CHP 281 after it has been sent to the court for processing, complete a CHP 411 in triplicate and process it according to the procedures outlined in Chapter 1, paragraph 10., of this manual.