

NEGLIGENT OPERATOR HEARINGS

Authority: CVC 13800, 12809, 12813, 13359, 13953, 14250, 13802

450 PROBATION VIOLATION HEARING: (1) WAS DRIVER AWARE OF PROBATION; (2) DID DRIVER VIOLATE PROBATION

GENERAL 309, NOTS 311 HEARINGS

Years of driving experience?

Correctness of driving record; pending court charges, collisions or convictions not shown on record?

Responsible for collisions on the record?

Alcohol consumption related to violations/convictions?

Mitigating/aggravating factors?

Physical and mental conditions related to record?

SEVERITY AND PATTERN OF VIOLATIONS AND COLLISIONS

Severity: 1 or 2 point violations; Pattern (same type, i.e., speeding, right/way, signal/stop sign). Repeated alcohol related incidents?

INSIGHT AND ACCEPTANCE, REMORSE, CORRECTIVE ACTIONS AND PLAN

History: 1st Neg Op?

Stated remorse? Impact of NOTS proceedings? Importance of driver safety to you, family, job, future?

Acceptance of responsibility? Mistakes made? General perspective of past driving behavior?

Insight resulting in corrective measures already, plan to avoid backsliding or new violations (e.g. extra care, behavior modification, cruise control). Credible?

COLLISION RESPONSIBILITY

(Driving record alone is insufficient; other direct evidence is used, such as driver testimony)

Factors: Road type, Surface condition of road; Speed, Legal speed limit, Traffic heavy, Distractions such as pedestrians or events or radio, Weather, Traffic controls, Collision type such as multi-vehicle or object or pedestrian, Vehicle type, View/visibility, Condition of vehicle and tires/brakes/lights, Point of impact, Direction of travel, Time/day of week, Damage to vehicle/property, Injuries, Violations such as CVC/PC/H&S, Sobriety, Physical condition, Either driver appeared in court and any conclusion.

MITIGATING CIRCUMSTANCES

Currently Employed

Perfect physical and mental health

No current alcohol or drug consumption

Driving history of only these recent violations

Personal life issues which explain traffic (and other) failures

How many two-point violations in lifetime

High mileage, extreme driving conditions

History of attendance at driving school

Number of warning letters received, or unaware of NOTS action

Number of court appearances for driving-related incidents

Number of FTAs/FTPs

Completion of DUI programs, fines paid, insurance, license re-obtained, probation successfully completed

History of driving while suspended, evading law enforcement, reckless driving per se, racing, unlicensed or unlawful driving, road rage, reckless endangerment

VEHICLE USE AND MILEAGE

Total vehicle mileage/use (work, school, appointments, routine activities) employment and non-employment.

Time of day/days of week/local or more, Make/Model of vehicle

HARDSHIP

Major contributor/sole provider of single or family income (or searching for employment)

Alternative transportation is not available for significant routine activities (work, school, medical, kids)

Alternatives to suspension: set-aside, probation only, restricted license if necessary