

DEPARTMENT OF MOTOR VEHICLES  
 LICENSING OPERATIONS DIVISION  
 1377 Fell Street, 2nd Floor  
 San Francisco, CA 94117-2296



Telephone: (415) 557-1170 FAX: (415) 557-7375

## NEGLIGENT OPERATOR - POINT COUNT NOTIFICATION OF FINDINGS AND DECISION

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CA 94

DRIVER LICENSE OR FILE NO.

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VEHICLE CODE AUTHORITY SECTIONS

12809 13359 14105 14250

EFFECTIVE DATE

February 25, 2011

The stay of the action against your driving privilege in this case has been ended. The probation and suspension of your driving privilege is effective February 25, 2011. The suspension will remain in effect through August 24, 2011 and the probation will continue through February 24, 2012.

is hereinafter also known as "Respondent."

The following findings and determinations are the results of your Hearing on February 10, 2011.

### FINDINGS OF FACT

#### **Negligent Operator Points:**

Respondent's driving record has accrued a total of 4 negligent operator points within 12 months because of the following:

##### Point Count Violations -

- \* 01 {Speed - Out of State Violation} occurring on 11/20/2009 and carries a point count of 1.
- \* 01 {Speed - Out of State Violation} occurring on 03/11/2010 and carries a point count of 1.
- \* 01 {Speed - Out of State Violation} occurring on 05/12/2010 and carries a point count of 1.
- \* 01 {Speed - Out of State Violation} occurring on 09/28/2010 and carries a point count of 1.

The evidentiary basis for the finding on the negligent operator issue is:

- ° DMV's Exhibit: DMV Driving Record Printout

II

#### **Amount of Use/Miles Traveled:**

Due consideration was given to Respondent's use of a vehicle and the miles she travels as follows: Respondent stated that she drives 20,000 miles per year. This includes six to seven trips from California to for business.

The following is the evidentiary basis for the Amount of Use/Miles Traveled findings:

- ° Respondent's testimony.

III

#### **Additional Findings:**

° Other Finding: Respondent testified that each state has different speed limits and it can get confusing as to what the speed limit is. Respondent stated that she uses the cruise control but when she has to apply the brakes, the cruise control is deactivated. Respondent also testified that she will take more breaks while driving so that she may be able to see the signs on the road. Respondent indicated that she was sorry for speeding.

Counsel is requesting that a higher point count should be considered for Respondent because of her work which requires her to drive from California to ... Since Respondent works out of state, she travels more miles per year than the average driver. Counsel is requesting either probation or a restricted license, to and from work.

Respondent stated during her testimony that she is not paying attention to the road signs. Respondent's driving record which dates back to 2002 indicates a lot of citations for speeding. Respondent had a prior Negligent Operator action and had a hearing for that action. As a driver, it is your responsibility to pay attention to the posted speed limit and travel within the posted speed limit. Respondent continues to speed and continues to demonstrate negligence. This is based on the evidence presented and the fact that Respondent is still not paying attention to the road signs and her speed.

Respondent's request for a restricted license was considered, but denied. All speeding citations causing the negligent operator suspension were received while Respondent was traveling to or from work.

**DETERMINATION OF ISSUES**

You are a negligent operator of a motor vehicle as defined in §12810.5 of the Vehicle Code in that you have accumulated 4 negligent operator points in 12 months.

**DECISION**

As a result of the preceding Findings & Determination, it is hereby ordered that the administrative action taken against your driving privilege in this case be re-imposed as specified here in these documents.

**PROBATION TERMS**

You must obey the provisions of the California Vehicle Code, all traffic regulations in this and other states, and remain free from traffic accident responsibility for the term also specified here in these documents.

**VIOLATION OF THESE TERMS WILL RESULT IN SUSPENSION OR REVOCATION OF YOUR DRIVING PRIVILEGE (SEE ATTACHED OR REVERSE)**

*Dated: February 16, 2011*

*[Handwritten Signature]*  
Bert ... - Driver Safety Officer

**THIS ACTION IS INDEPENDENT OF ANY OTHER ACTION TAKEN BY THE COURT OR THIS DEPARTMENT**

**BEFORE A DRIVER LICENSE CAN BE ISSUED OR RETURNED TO YOU AFTER AUGUST 24, 2011, YOU MUST COMPLETE THE FOLLOWING:**

- A \$55.00 (§§14904 and 14906 VC) reissue fee must be paid to DMV.
- You must file proof of financial responsibility as provided in §16430 VC. (See attached or reverse.)
- You must maintain proof of financial responsibility for three years.

**NOTE: If you drive while your driving privilege is suspended or revoked, you may be arrested and, if convicted, jailed and/or fined.**

**APPEAL RIGHTS**

You are entitled to a departmental review of this decision. A request for the departmental review shall stay the action pending a decision on review. The review shall be limited to an examination of these findings and determination, and any documentary evidence submitted at the hearing. It will not include a personal interview nor a review of evidence not presented at the hearing. To have this review, you must submit your written request to the address shown above within 15 days from the date shown below.