



Ticket Assassin's
VISOR GUIDE TO TRAFFIC STOPS
How to Be Safe & Avoid Citations

Print this guide and keep it in under your windshield visor. When you are pulled over, whip it out and follow the guidelines, step by step.

Author's Note: This guide is written to help you, the California motorist, have a safe (and perhaps ticket-free) traffic stop. The best way to avoid tickets is to fully understand and obey the law as outlined in the current California Vehicle Code. Laws are frequently changed, updated, added, and repealed and all laws are subject to differing interpretations by California judges. You can purchase a copy of the vehicle code at your local DMV. To be a safer driver, you must understand the law and use your common sense. As a licensed driver, you are ultimately responsible for verifying the information contained here and applying it to the unique situations you encounter. Good luck!

We have received numerous reports that possession of this guide during traffic stops has helped many motorists to receive warnings instead of citations.

SAFETY FIRST--WHEN YOU SEE & HEAR THE POLICE BEHIND YOU

1. PULL OVER TO RIGHT WHEN SAFE

(if you intend to continue driving to a well-lit area where you would feel safer, signal your intention to do so in any way possible--turn signal, hazard lights, slowing down, etc. Be aware that some officers may construe this as "flight", so don't push your luck by driving too far. Also, follow all subsequent safety instructions to the letter to relieve any suspicion the officer may have. If the officer is unreasonably belligerent about your failure to stop immediately, mention your fear for your personal safety and the name "[Craig Peyer](#)". This tends to take the steam out of them. Be aware that failure to stop immediately will probably increase your odds of getting a citation; this is a small price to pay for safety.

2. TURN OFF YOUR ENGINE / PUT IGNITION KEY ON DASH

(an obvious step that many forget.) You're not in a "drive-thru." Officers do not feel safe approaching a car that might back over them or take off. By increasing the officer's sense of personal safety and decreasing his stress level as soon as possible, your chances of not being cited improve.

3. **STAY IN YOUR VEHICLE!!**--EXITING YOUR VEHICLE WITHOUT BEING ASKED BY POLICE WILL PROBABLY BE TAKEN AS A THREAT (allow the officer to approach you and thereby maintain control of the situation.)

4. KEEP HANDS IN PLAIN VIEW (ON STEERING WHEEL)--DO NOT "ROOT" AROUND CAR FOR LICENSE, REGISTRATION, ETC. (once again, giving the officer no cause for suspicion or undue stress will decrease your odds of citation.)

5. TURN ON INTERIOR LIGHTS (NIGHTTIME ONLY) (this increases your visibility to the officer which decreases his stress.)

6. ROLL DOWN WINDOW SLIGHTLY AND WAIT FOR OFFICER TO APPROACH (do not be surprised if officer approaches on right (passenger) side of car--they often do this to avoid being hit by passing traffic.)

SAFETY SECOND--OFFICER APPROACHES YOUR VEHICLE

(engine is off, keys on the dash, your hands are on the steering wheel)

1. OFFICER ASKS FOR DRIVER'S LICENSE, REGISTRATION and PROOF OF INSURANCE

If paperwork is in glovebox or "stashed" elsewhere in car, tell the officer where and **ask permission** to get them.

Retrieve documents when given permission. This will decrease the officer's stress by allowing him to fully control the situation, that is, he'll be less likely to expect you to produce a weapon from the glovebox. Keep a visor copy of your registration to avoid this.

2. BE POLITE

Regardless of what happens from here on out, treat the officer with courtesy and respect. Being rude, demeaning, or insolent should guarantee you a ticket. Save your problems with authority figures for your next visit home. CHP officers can be referred to as "trooper", members of the Sheriff Department are "deputies", all other police should be referred to as "officer" unless you recognize a rank nametag or insignia (Sergeant, etc.) in which case you may address the officer by his rank. Never ask: "What's the trouble?" This sounds hostile and your going to find out soon anyway.

THIRD--AVOIDING CITATIONS

NOTE: EVERY QUESTION ASKED BY THE OFFICER HAS A PURPOSE-- HE IS COLLECTING EVIDENCE AGAINST YOU--HE IS TRYING TO GET YOU TO ADMIT GUILT (in over half of all traffic stops you, the motorist, provide all the evidence the officer will need to get a conviction by admitting your guilt. The officer will definitely take note of your admission of guilt in case you try to fight the ticket in court.)

QUESTIONS YOU MIGHT BE ASKED BY THE POLICE

1. DO YOU KNOW WHY I STOPPED YOU?

Analysis: An open-ended question designed to trap the intimidated, confused, stoned, drunk and insane.

BAD ANSWERS: "Because of all the drugs and guns in the trunk?" (Someone actually gave this answer on an episode of Cops.) "Because of the blood all over the back seat?" "Because I was SPEEDING, SWERVING, DRAG RACING,...etc.?"

BETTER ANSWER: "I don't know officer. Why did you stop me?"

2. DO YOU STILL LIVE AT THIS ADDRESS? (OFFICER LOOKING AT YOUR LICENSE)

Analysis: An "innocent" question which will cost you at least a \$10 fix-it ticket (with a \$25 "administrative fee") if you get it wrong; also, it gives the officer an easy excuse to start writing your ticket. According to VC 14600a, you have 10 days to notify the DMV of a change of address, for which they will issue you a paper document which you must present with your license when stopped. Failure to notify the DMV within 10 days is a citable offense.

BAD ANSWERS: "Dude, I haven't lived at that address since the DEA busted up the meth lab--about 2 years ago."

BETTER ANSWER: "Yes officer, that is my current address." or "No officer, I moved two days ago to the following address...."

3. DO YOU KNOW HOW FAST YOU WERE GOING? (OR ONE OF ITS INDIRECT VARIANTS: WHAT'S THE HURRY? OR DO YOU KNOW THE SPEED LIMIT HERE?)

Analysis: Again, this type of question is trying to make you admit to breaking the Prima Facie (VC 23352) or Maximum (VC 22349) Speed Law by stating a specific number (which the officer will record as evidence) or otherwise admitting to speeding.

BAD ANSWERS: "75." "85." "95." "About your I.Q." "Who knows, the signs blur out when I pass 100."

BETTER ANSWER: Yes. I was going a SAFE AND REASONABLE speed for conditions in accordance with the BASIC SPEED LAW (VC 22350).

STAGE FOUR--ASK, DON'T BEG, FOR A WARNING

THE OFFICER STATES THAT YOU HAVE BROKEN SOME LAW BUT HAS NOT YET WRITTEN A TICKET---ASK FOR A WARNING (approximately 1 of 4 CHP traffic stops last year ended in a Warning, yet officers will seldom ask if you want one--this is your job!) A safe and courteous traffic stop on your part will vastly improve your odds here.

EXAMPLE: (SPEEDING VIOLATION) : "Well Officer, though you may think I was going a bit over the posted limit, I always drive safely and I know my speed was SAFE & REASONABLE for conditions---would you please give me a WARNING as a reminder?"

EXAMPLE: (other violations) : "I'm always a safe driver officer, and now that I see that sign (or understand this law) I'll certainly never violate it. Would you please give me a warning as a reminder?"

STAGE FIVE--IT'S LOOKING BAD--HE WANTS TO WRITE IT

1. EXCUSE TIME--NEVER BE AFRAID TO GIVE AN HONEST & LEGITIMATE EXCUSE AS TO WHY YOU MAY HAVE BEEN DISTRACTED AND INADVERTENTLY VIOLATED THE LAW

(I have a friend who was cited for speeding while taking his pregnant (in labor) wife to the hospital. Sound absurd? What's really absurd is that he did not inform the officer of his situation, feeling that it was a "private" matter. Remember though, even an ambulance can not legally drive more than 15 mph over the posted limit. Other "legitimate" excuses for distraction: trying to control children or pets, adjusting child seat, arguing with spouse..etc. Being "in a hurry" for non-emergency reasons is never a good excuse.

REMEMBER THAT ANY "EXCUSE" MIGHT BE USED AGAINST YOU IN COURT AS AN IMPLIED ADMISSION OF GUILT.)

2. QUESTIONING THE EVIDENCE: WITH A BASIC KNOWLEDGE OF THE VEHICLE CODE YOU CAN POLITELY ASK THE OFFICER QUESTIONS WHICH MAY PROVE HIS EVIDENCE ILLEGAL IN ITSELF AND UNUSABLE IN COURT.

QUESTIONS YOU CAN ASK THE POLICE

(SPEEDING): Motorist: "Officer, how did you determine my speed?"

Officer: "I paced you."

Motorist reply: "Fine. When was your speedometer last calibrated? May I see proof of calibration?"

OR

Officer: "I used radar."(MOST TICKETS OFF FREEWAY ARE RADAR)

Motorist: "Fine. May I see your tuning fork and calibration record?"(Many radars are calibrated with a tuning fork.)

Officer: "Here they are." (Note: officer not legally required to show you the radar reading itself, but feel free to ask.)

OR

Motorist: "When was the required TRAFFIC AND ENGINEERING SURVEY last conducted on this road? Was it conducted within the last seven years? If so, what did it determine the SAFE SPEED on this road to be?"

Officer: "I don't know any of that?"

Motorist: " Then can I assume this is a SPEED TRAP by definition of VC 40802 and that your "evidence" is illegal by VC40803?"

If the last question seemed a bit too complex, try this:

Motorist: "Officer, how long have you guys had this Speed Trap set up?"

Officer: "'Bout half an hour."(though any answer not categorically denying that he is conducting a Speed Trap might work.)

Motorist: Thanks for that information, officer. Are you aware that Speed Traps (VC 40802) and Speed Trap Evidence (VC 40803) are illegal?"

Officer: "You got me there. You're free to go." (Yes, this might occur.)

(other citations): Ask him about his ticket "quota" indirectly:

Motorist: "Officer, are you permitted to give me a warning or are you required to only write citations today?"

Officer: "They sent me here to write tickets, not to give warnings."

Motorist: "I thought you were here to promote traffic safety; what you described sounds like a quota." (quota's are illegal: VC 41602)

(Officers can always write a warning for a 1 point infraction, so if he tells you he can't, he's indirectly admitting to some sort of directed quota.)

STAGE SIX--ONE LAST CHANCE BEFORE HE WRITES CITATION

PLACE TO APPEAR (VC 40502b): "Upon demand" cited person may have his ticket adjudicated (tried) at the county seat of the county he is cited in if the county seat court is closer to his home or work than the court closest to his place of "arrest". For example, if you are stopped in either North County, South Bay, Escondido, or El Cajon judicial districts, demand that your case be heard at the county seat court, San Diego Superior Court in Clairmont, as is your right in accordance with VC 40502b before the officer writes your ticket. Most officers serving in these outlying districts do not like to travel all the way to Clairemont and will often write you a warning when you demand this right.

IF OFFICER REFUSES: Write on the signature line of citation: "I demand my legal right to appear at county seat (VC 40502b)." Then sign and smile at the officer. This will enable you to prove, in court, that you did demand to appear at the county seat court, at the traffic stop, and thereby guarantee your right to appear at the county seat.

STAGE LAST--CITATION WRITTEN, SEE YOU IN COURT

If you read and understood this guide and rigorously followed its advice, you should never get here. But perhaps you didn't have this guide with you. Or maybe guilt overcame you and you confessed to the officer in tears and helped him write your ticket. Or perhaps your ticket arrived in the mail, taken by a sneaky [red light camera](#). All hope is not lost.

Here are your options for contesting your ticket.

Hire a lawyer.

You could hire a lawyer to defend you, but at \$200 per hour, this is usually not cost effective. Few California lawyers study the vehicle code since almost nobody is willing to pay standard lawyers fees to defend them against a traffic ticket.

Appear in court.

Appear in court to plead "not guilty" and then appear again on your trial date to point out a police officer's incompetence before an impatient judge in a crowded room. Not only will you have to endure public speaking in front of

an unfriendly, judgmental crowd, you also miss two days pay (which is probably more than your total fine).

Option three, **the best option.**

Contest your citation by completing a Written Not Guilty Plea and Trial by Written Declaration. You stand a decent chance of winning and you will be able to fight your ticket without any court appearances. Devise your plan of attack here:

<http://www.ticketassassin.com/fight.html>.

If you lose your case, request traffic school from the judge to keep your DMV record clean (and your insurance rates reasonable). You can attend a class taught by the author of this guide: Patrick Mulroy, Owner of Patrick's Comedy Traffic School. (619) 702-9333.

Ticket Assassin
<http://www.TicketAssassin.com>

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