The Negligent Operator Treatment System (NOTS) is based on negligent operator points and is a series of warning letters and progressive penalties against your driving privilege. NOTS affects California drivers 18 years of age and older.

**What are negligent operator points?**

Negligent operator points are point values ranging from 0-3 points that are added to your driving record if law enforcement finds you responsible for a collision.

**How do I get negligent operator points?**

Points are assigned to convictions for traffic violations that involve the safe operation of a motor vehicle. If reports from law enforcement indicate that you, as a driver, contributed, were at fault, or were responsible for the collision, DMV then applies negligent operator points against your license.

*Note: DMV considers all evidence submitted in reaching a final determination regarding the driver’s negligent operator status.*

**What are the criteria of negligent operator points?**

NOTS actions are then based on the number of negligent operator points drivers add to their driving record within specified time periods.

* Traffic convictions are assessed as negligent operator point values ranging from 0-3 points.
* Major convictions, such as when you are driving a commercial vehicle, are given three points.
* Other collisions you are found to be responsible for are counted as one point depending on whether you are driving a commercial or non-commercial vehicle.

**One – Point Convictions**

[CVC §12810](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=VEH&sectionNum=12810.)requires DMV to assign one point to any conviction “involving the safe operation of a motor vehicle upon the highway.” Examples of one-point CVC violations are:

* [CVC §22348 (a)](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=VEH&sectionNum=22348)Speed
* [CVC §24002](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=VEH&sectionNum=24002) Unsafe Vehicle

A mechanical violation may be assigned zero or one point, depending on whether it affects safe operation. For example:

* 0-point conviction – No light on the license plate

**This model form/template must be customized to meet your Agency’s needs.**

**Two-Point Convictions**

All two-point convictions are mandated by the CVC. These violations are considered more serious by the legislature because of the increased traffic safety risk. Examples of two-point convictions are:

* [CVC §20002](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=20002.&lawCode=VEH)Hit and Run
* [CVC §23152](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=VEH&sectionNum=23152) Driving Under the Influence

**Commercial Vehicle Conviction/Collision Points**

* Under [CVC §12810.5 (b)(2)](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=VEH&sectionNum=12810.5.), a conviction is assessed one or two points.
* Under [CVC §12810](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=VEH&sectionNum=12810.), a conviction that occurs during the operation of a vehicle requiring a Class A or B license, or any certificate or endorsement listed in the section, is given a point count of 1 ½ times its usual value.
* For example, a conviction of [CVC §22348 (a)](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=VEH&sectionNum=22348), speeding, is a one-point violation. However, a commercial vehicle violation for the same offense is 1 ½ points.

**Out-of-State Conviction**

* DMV also assesses negligent operator points for traffic convictions California drivers receive in other states, the District of Columbia, Puerto Rico, and Canada.
* Under [CVC §13363](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=VEH&sectionNum=13363.), DMV determines whether the same violation, if committed in California, would be assessed negligent operator points or would be grounds for suspension or revocation.

*Note: Points resulting from out-of-state convictions may form the basis, or part of the basis, for a NOTS action.*

**Out-of-State Collisions**

* If a California driver has a collision out of state, it may be reported to DMV through the Problem Driver Pointer System (PDPS), National Driver Register, or out-of-state law enforcement agencies.
* These collisions are entered on individual records and report the date and location of the collision. When there is not enough information to determine responsibility, these collisions are not assigned NOTS points. Therefore, no NOTS action is imposed.
  + Exception: if the driver is suspended at Level III or IV and the collision occurs during a suspension when it is evidence of driving while suspended.
* When these reports are reviewed and it is determined that the driver was responsible, had been drinking, was injured, etc. the report is then updated onto the driver’s record and, if the driver was responsible, the collision adds a NOTS point to the record.

If a DMV investigation finds that you have been a negligent driver, the department may act against your driving privileges. There are four levels of Negligent Operator Treatment System (NOTS) actions:

**Level 1 (Warning Letter)**

You will receive a warning letter if you have accumulated a certain number of points within a time period.

2 Points within 12 months

4 Points within 24 months

6 Points within 36 months

*Note: You might also receive a warning letter when a major conviction is added to your driving record.*

**Level 2 (Notice of Intent to Suspend)**

You will receive a notice of intent to suspend letter if you accumulate a certain number of points within a time period.

3 Points within 12 months

5 Points within 24 months

7 Points within 36 months

You might also receive a notice if a major conviction is added to your driving record.

**Level 3 (Order of Probation/Suspension)**

You will receive an order of probation/suspension and your driving privilege will be suspended if you accumulate a certain number of points within a time period. The action is one-year probation that includes a six-month suspension. The action is effective 34 days from the date the order is mailed.

4 Points within 12 months

6 Points within 24 months

8 Points within 36 months

If you are a commercial driver, i.e., you hold a Class “A” or Class “B” license, you are entitled to a higher point count:

6 Points within 12 months

8 Points within 24 months

10 Points within 36 months

However, if you are a commercial driver, a moving violation that would otherwise receive one point (for a Class “C” driver) will receive 1.5 points if you are a commercial driver. This means that although commercial drivers are entitled to a higher point count before being deemed a negligent operator, they can also accumulate points faster.

*Note: Under California Vehicle Code (CVC) §12810.5, the driver is presumed to be a prima facie negligent operator. Prima facie evidence is evidence sufficient to establish a given fact and which, if not rebutted or contradicted, will remain valid.*

**Level 4 (Violation of NOTS Probation)**

You will receive a NOTS violation of probation order and your driver license will be suspended if:

* Any violation or collision occurs during a suspension.
* Any one or two-point violation or responsible collision occurs during a probation period.
* Any Failure to Appear (FTA) in court on a traffic violation.
* A driver under the age of 18 years violates provisional probation because of a responsible collision, an FTA or Failure to Pay (FTP), or any other reportable violation.

**Violation or Collision During a Period of Suspension While on a NOTS Probation**

If you commit a violation or get into a collision while you are on NOTS probation, an additional six-month suspension will be imposed, and the probation will be extended for one year from the violation of probation if either of the following occurs while the driving privilege is suspended:

* The driver receives any violation while operating a motor vehicle.
* The driver is involved in a collision regardless of fault.

**First and Second Violation of Probation**

The suspension period for a first or second violation of probation is six months. The probation period will also be extended to one year from the date of the violation.

**Third Violation of Probation**

Upon a third violation of probation, a one-year revocation of the driving privilege is imposed.

*Source:* [*CA DMV The Negligent Operator Treatment System*](https://www.dmv.ca.gov/portal/driver-education-and-safety/dmv-safety-guidelines-actions/negligence/)

[*CA DMV Negligent Operator Actions*](https://www.dmv.ca.gov/portal/driver-education-and-safety/dmv-safety-guidelines-actions/negligence/negligent-operator-actions/)