

CA²RS By-Laws

ARTICLE I NAME

The name of this organization shall be California Association of Accident Reconstruction Specialists, also referred to as CAARS, CA²RS, or CA2RS.

ARTICLE II OBJECTIVE

To promote professionalism and integrity in the field of Traffic Accident Reconstruction and to advance the level of knowledge of its members in the science of Collision Analysis and Traffic Accident Reconstruction.

ARTICLE III BOARD OF DIRECTORS

A. Organization:

1. The governing body of CAARS shall be the Board of Directors (the "Board").
2. The Board of Directors shall consist of seven (7) members who are elected by the membership from within CAARS and are members in good standing.
3. The Officers of CAARS shall be the Chair, Vice Chair and five (5) Directors at Large.
4. The composition of the Board of Directors shall be two (2) representatives from Northern California, two (2) representatives from Southern California, and three (3) non-designated representatives. A "non-designated" representative can include out-of-state members.
5. Northern and Southern California will be defined as follows. Southern California is that part of California south of the northern border of the following counties: San Luis Obispo, Kern, and San Bernardino. Northern California is that part of California north of those three counties.
6. As a member of the Governing Board of Directors of the Accreditation Commission for Traffic Accident Reconstruction (ACTAR), CAARS will maintain a full-time ACTAR representative as part of the Board of Directors. The representative shall be appointed by the CAARS Board of Directors, shall serve at its discretion, and shall make reports directly to them. The representative may or may not be a member of the CAARS Board of Directors. The minimum qualifications of the ACTAR representative are as follows: must be ACTAR certified, must attend the annual ACTAR Governing Board of Directors meeting, and must meet any further requirements outlined by ACTAR.

B. Duties:

1. The Board of Directors of CAARS shall be charged with overseeing the membership meetings and the general management of the affairs of the organization.
2. The Board of Directors shall oversee the financial affairs of CAARS and may appoint a Treasurer. The Treasurer may or may not be a member of the Board of Directors and he/she shall be responsible for updating the Board of Directors regarding the financial records of the organization.
3. The Board of Directors may establish operational policies to facilitate the smooth operation of CAARS. These policies will be maintained in a policy manual and shall be adhered to by the board of directors. The policies shall be reviewed on an annual basis at the first board meeting of the calendar year. Any policy that is added to or removed from the policy manual must be by a majority vote of the entire Board of Directors.
4. The Board of Directors shall have the ultimate authority to approve, restrict or expel any member for cause based upon the recommendation of the membership. Expulsions shall be conducted in accordance with the provisions of Article IX – "Discipline".

5. The Board of Directors may remove with cause any officer elected or appointed by the Board by a majority of the full Board.
6. The Board of Directors shall be required to have a meeting at least one time per year.

C. Meetings:

1. Meetings of the Board of Directors shall be held at such times and as deemed necessary by the Chair of the Board of Directors.
2. In the interest of saving both time and money, meetings may be held by use of a conference call.
3. Four members of the Board of Directors shall constitute a quorum for the transaction of business.

D. Election:

1. The first Board of Directors shall be appointed at the first general meeting and shall serve until the first election.
2. The Directors shall be elected for two-year terms at the annual fall conference. The Chair and two Directors at Large shall be elected in even-numbered years and the Vice Chair and three Directors at Large shall be elected in odd-numbered years. Terms shall run from January 1st to December 31st of each year. Newly elected board members are encouraged to participate in board meetings and discussions between the election and January 1st of the following year. Newly elected board members will have no voting privileges until January 1st of the year following the year in which they are elected.
 - a. The Chair will oversee the elections in odd-numbered years and the Vice-Chair will oversee the elections in even-numbered years.
3. Any member in good standing may nominate another as a candidate, either in writing, or verbally at the third quarterly training session of the year (July & August). Nominations will be accepted at both the Northern and Southern California quarterly training sessions. For those not attending the training sessions, written or e-mail nominations may be submitted to the CAARS administration for presentation at the meeting. If the nominated member is not present at the training session at which they are nominated, the Chair and/or Vice Chair will notify them in writing and/or via e-mail of the nomination within one (1) week after the training session. The nominee will then notify the Chair and/or Vice Chair in writing and/or via e-mail as to their acceptance or declination of the nomination. This shall be done within one (1) week after the training session.
 - a. Future advances of the CAARS web site may allow nominations via the web site. This provision may be approved by a vote of the Board of Directors and announced to the membership if/when it is available.
 - b. Once a member is nominated via the web site the Chair and/or Vice-Chair will notify them in writing and/or via e-mail of the nomination within one (1) week of the nomination. The nominee will then notify the Chair and/or Vice-Chair in writing and/or via e-mail as to their acceptance or declination of the nomination. This shall be done within one (1) week of the notification to the member of the nomination.
4. Nominees may submit a short biography or candidate's statement to be included in the CAARS newsletter that is published preceding the annual fall conference. This newsletter deadline is September 7th.
5. The nomination period will run from July 1st to September 1st of each calendar year.

6. In the event that there are not a sufficient number of nominees at the end of the nomination period, the Board reserves the right to conduct a nomination/election process during the general membership meeting at the annual Fall conference.
7. Results of elections shall be announced during the general membership meeting at the annual Fall conference.
8. In the event that the outcome of the election would violate the provisions of Article III(A)(4), the next eligible candidate receiving the most votes would serve the term to which they were elected.
9. If the office of any Director becomes vacant, the Chair shall appoint a successor, with the advice and consent of the remaining Directors. The appointed Director shall hold office for the remainder of the term.

E. Compensation:

1. The members of the Board of Directors shall not receive compensation for their services provided to CAARS.
2. Members of the Board of Directors and/or members at large may be reimbursed for pre-approved expenses incurred in the duties and functions for CAARS. A reimbursement form and receipts when applicable must be submitted to the treasurer for reimbursement.

F. Majority Vote:

1. All actions of the Board of Directors shall be by a simple majority vote of the quorum.

G. Definitions:

1. The Chair of the Board shall be the Chief Executive Officer of CAARS and shall preside at all meetings of the members and of the Board of Directors. He/she shall have management of the business of CAARS, under the supervision and direction of the Board of Directors, and shall see that all orders and resolutions of the members and Board of Directors are carried into effect. The Chair, together with the Vice Chair and the five Directors at Large, shall execute all contracts or instruments of CAARS and shall have other such powers and perform other such duties that the Board of Directors may prescribe.
2. The Vice Chair of the Board shall assume the duties and responsibilities of the Chair in his/her absence and perform other duties as prescribed by the Board of Directors.
3. The Directors at Large shall assume the duties as prescribed by the Board of Directors and the responsibilities of the Chair or Vice Chair in his/her absence.

ARTICLE IV COMMITTEES

A. Committees may be established by the Chair as deemed necessary.

1. Standing committees shall be elected by the membership of CAARS.
2. Committees of a temporary nature shall be appointed by the Chair.

ARTICLE V DUES AND FEES

A. The Board of Directors shall establish a schedule of administrative fees, application fee for new members and dues for members.

B. All dues and fees are payable in U.S. currency.

C. Annual dues are to be paid to CAARS.

D. Payment of annual dues as established by the Board of Directors shall be a prerequisite for continued membership in CAARS. Failure to pay annual dues shall be cause for expulsion from CAARS.

E. All application, administrative fees and dues are non-refundable.

F. Non-members may attend general membership meetings at the discretion of the Board of Directors.

1. Quarterly training sessions may be attended as a non-member.
 - a. A fee equal to 100% of the current membership application fee will be charged.
 - b. The non-member will have the option of joining at the quarterly training session which they are attending by submitting a membership application.
2. An individual may attend a quarterly training session as a guest upon petition by a member in good standing and at the discretion of the Board.
 - a. Board approval must be granted prior to the quarterly training session.

G. This association is organized exclusively for charitable, educational, and scientific purposes under section 501 (c) (3) of the Internal Revenue Code, or corresponding section of any future federal tax code.

H. Upon the dissolution of this association, assets shall be distributed for one or more exempt purposes within the meaning of section 501(c) (3) of the Internal Revenue Code, or corresponding section of any future federal tax code, or shall be distributed to the federal government, or to a state or local government, or for a public purpose.

ARTICLE VI ADMINISTRATIVE STAFF

A. An administrative staff shall be appointed by the Chair of the Board with recommendations from the Board of Directors. The administrative staff reports directly to the Board of Directors.

B. The administrative staff shall attend all membership meetings and Board meetings when requested.

C. Under the supervision and direction of the Board of Directors, the administrative staff shall be responsible for: all membership correspondence, recording all votes and the minutes of all proceedings of general meetings, keeping members updated via the CAARS newsletter and/or website , membership dues invoice billing and collections, keeping full and accurate accounts of receipts and disbursements in books belonging to CAARS, and shall deposit all moneys, securities and other valuable effects of CAARS in an account designated by the Board of Directors.

D. The administrative staff shall be reimbursed for expenses incurred in the duties and functions for CAARS. A complete and separate accounting of these expenditures shall be reported to and approved by the Board of Directors.

E. The administrative staff shall perform other duties as may be prescribed by the Board of Directors or by the Chair of the Board.

ARTICLE VII GENERAL MEETINGS

A. General membership meetings shall be held at such time and place as determined by the Board of Directors and the membership. Written notice of the time and place of each meeting shall be announced in the CAARS newsletter and/or on the website.

B. A quorum of members of the Board of Directors must be present to conduct orders of business. A quorum is more than half of the current Board members.

C. Each member of CAARS shall have one vote on each issue presented at the meeting. Voting shall be in accordance with the provisions outlined in Article X.

D. Members shall have all the privileges of the floor, the right to introduce motions and resolutions and to participate in other general business at such meetings.

E. All voting and orders of business shall proceed in accordance with Robert's Rules of Order, except where inconsistent with the By-Laws of the organization.

ARTICLE VIII TRAINING/SEMINARS

A. Education and training in the field of accident reconstruction is a major component of CAARS.

B. Training/seminars shall be held in conjunction with any or all general meetings and may be held as a separate entity as well.

C. Training/seminars may be held in conjunction with other organizations, groups, schools and associations.

ARTICLE IX DISCIPLINE

A. Any member of CAARS who conducts him/herself in any manner so as to bring disgrace or discredit to him/herself, or to the organization, shall be expelled at the discretion of the Board of Directors.

B. Unacceptable conduct shall include, but not be limited to:

1. Perjury.
2. Willful and wanton misuse of the laws of physics and equations that are used in accident reconstruction.
3. Deliberate concealment or destruction of evidence in any case.

C. Accusations made during cross-examination shall not constitute proof of wrongdoing.

D. Any person accused of misconduct has the right to present a defense, in writing or in person, to the full Board of Directors. There is no subsequent right of appeal of the final decision of the Board.

ARTICLE X MISCELLANEOUS

A. General Meeting Voting Procedures and Amendment of By-Laws:

1. All information about actions to be voted on must be announced at least sixty (60) days in advance to each member in writing and/or via the website.
2. All actions to be voted on, excluding the election of Directors, shall be accomplished only at regularly scheduled meetings and shall be by voice vote of the members in good standing who are present.

3. The election of Directors shall be held at the annual Fall conference. It shall be accomplished by ballot vote of the members in good standing who are present.
4. The membership of CAARS shall have the power to amend, alter or repeal these By-Laws and, if necessary, to adopt additional By-Laws.
5. A notice of any proposal to make, alter, amend or repeal the By-Laws shall be received in writing by the Chair of the Board ninety (90) days prior to the meeting at which the vote is to occur in order to be considered at the meeting.
6. All amendments or alterations of these By-Laws shall occur only at regularly scheduled meetings and shall be by voice vote of the members in good standing who are present.
7. Amendments, alterations or revocations of these By-Laws shall become effective sixty (60) days following that meeting unless disagreed with in writing by not less than twenty percent (20%) of the total membership prior to the effective date.
8. All notices of amendments, alterations or revocations of these By-Laws shall be promulgated to all members in a timely manner at the conclusion of the meeting by publication in the CAARS newsletter and/or on the website.
9. Members who are unable to attend any vote may request an absentee ballot. Ballots must be requested at least thirty (30) days prior to the meeting at which the vote will occur. Ballots must be received by the CAARS administration no later than five (5) business days prior to the meeting at which the vote will occur. Absentee ballots shall be read into the record as a voice vote by the Vice Chair, or his designee, as if the sender was present.
 - a. Future advances of the CAARS website may allow absentee voting via email as well as regular mail. This provision may be approved by a vote of the Board of Directors and announced to the membership if/when it is available. If approved, the requirement that ballots be received by the CAARS administration no later than five (5) business days prior to the meeting at which the vote will occur would still apply.
 - b. Whenever any official notice is required to be given to any member, that notice shall be deemed to be complete when written notification is mailed to the last address on record of that member listed with CAARS. It is each member's responsibility to advise CAARS of any contact changes.

B. Dedication clause

1. The property of this association is irrevocably dedicated to charitable purposes and no part of the net income or assets of this organization shall ever inure to the benefit of any director, officer, or private person.

C. Political Limitation Clause

1. No substantial part of the activities of CA²RS shall consist of carrying on propaganda or otherwise attempting to influence legislation, and the association shall not participate or intervene in any political campaign (including the publishing or distribution of statements) on behalf of any candidate for public office.