

Title 17 - Highways

Chapter 1.

Sec. 125. Traffic violations procedures.

(a) Any person cited for violations of any provisions of this Title, other than Sections 107 or 121, shall elect among the following alternative options:

(1) Prior to the date scheduled for hearing on the citation, he/she may pay a fine in the amount provided in Section 125(d) either in person or by mail, which fine shall be specifically noted on the citation; or

(2) The person shall appear for a hearing in Court at the time scheduled on the citation. At the appearance, he/she may either:

(A) Make a statement in explanation of his/her action, and the Court may at that time, in its discretion, impose, waive, reduce, or suspend the statutory fine provided in Section (125(d); or

(B) Request a hearing on the violation charged. If at the hearing the individual is found guilty of the violation charged, the penalty imposed shall be that prescribed in the section establishing the violation, or if there is no such penalty, the penalty prescribed in Section 127.

(b) If the person cited follows the procedures in Sections 125(a)(1) or 125(a)(2)(A), he/she shall be deemed to have admitted the violation and to have waived his/her right to a hearing on the issue of commission of the violation.

(c) If a person fails to appear at the hearing scheduled, after being properly summoned by summons or citation, the judge may at once issue an arrest warrant. The arrest warrant may set cash bail equivalent to the statutory fine. The person may notify the Court that the cash bail will be forfeited as the penalty for the offense charged. Such forfeiture will be taken as a guilty plea of the offense charged and a conviction of the offense documented on the person's criminal record.

(d) The following fines shall be assessed for the following offenses for any person electing to pay the fine in advance of the hearing. A person so electing need not attend the hearing scheduled on the citation. Each citation shall clearly and plainly

advise the person of this option, and of the fine to be paid for the offense charged:

(1) For a speeding, driving without a valid license and reckless driving violation, \$25.00 for the first offense, \$50.00 for a second offense within 1 year of the first offense, and \$75.00 for each additional offense within 1 year of the first. Any defendant submitting an insufficient amount for a fine shall be summoned into Court to pay the balance.

(2) For all other violations except those listed in Section 125(a), a fine in the amount of \$25.00, unless the Court summons the person to appear in Court because of multiple offenses.

(e) A person cited for a violation of Sections 107 or 121 shall appear for a hearing in Court at the time scheduled on the citation.

(AMENDED AS PER RESOLUTION NO. 1771-2007-06; DATED 6/22/2007; AMENDED AS PER RESOLUTION 26-638-2012-04; DATED 4/11/2012)