

Maricopa County Justice Courts
CIVIL TRAFFIC DEFENDANT INFORMATION

YOU MUST CHECK IN AT THE FRONT COUNTER BEFORE ENTERING THE COURTROOM

You are here to give a plea to the court for the civil traffic violations listed on your citation. You may see the judge in the courtroom if you want him/her to consider any explanation you may have to offer. If you intend to plead NOT RESPONSIBLE this is not the time for the court to hear testimony about what happened in your case. A hearing date will be set and all testimony will be reserved for that time. **If you are under the age of 18 you MUST appear in court with a parent or guardian. If you need reasonable accommodations pursuant to the Americans with Disabilities Act (ADA), call the court at least 3 days prior to the scheduled hearing.**

YOU MAY PLEAD THE FOLLOWING WAYS:

ADMIT RESPONSIBILITY AND PAY THE PENALTY (All civil penalties are due in full on or before the scheduled appearance date)

Possible penalties for a RESPONSIBLE plea may include:

- Points on your driving record
- Imposition of a civil pe

DENY RESPONSIBILITY (Request a hearing)

This means that you are denying the violation(s) you were cited for. A hearing will be set and the citing officer will be subpoenaed. The court clerk can schedule your hearing date.

1. You may request a hearing by mail or by appearing on your scheduled court date.
2. If you request a hearing you give up the option of attending a defensive driving school diversion program (for the contested violation(s)).
3. You may voluntarily post a deposit in the amount of the civil penalty to prevent default judgment and assessment of collection fees should you fail to appear for the hearing.

The officer who issued the citation will be subpoenaed to appear at the hearing. You must appear on the date assigned and be prepared to present evidence and/or examine witnesses before a Justice of the Peace or Civil Traffic Hearing Officer.

IMPORTANT: If you don't receive a court date within 30 days after filing the request for hearing, call the court.

OTHER IMPORTANT INFORMATION

You may appear on your scheduled court date to admit the violation with an explanation to the judge. The court will consider the explanation in determining the civil penalty. All fines are due in full on the same day they are imposed. A \$20.00 time payment fee is added to all fines and penalties not paid in full on the same day they are imposed.

Without seeing the judge court staff may:

- extend the time for you to attend driving school (up to 30 days), when you appear on your scheduled court date.
- schedule a hearing date when you deny responsibility and request a hearing be set.
- take your payment and issue a receipt.
- assist you with the following violations:

28-2532A When you admit responsibility for driving with expired registration and provide proof of renewed registration. The civil penalty can be reduced.

28-4135B, or C If you provide proof that insurance was in effect on the date of the violation the court may dismiss the violation.

NO PROOF OF INSURANCE violation can carry strict civil penalties ranging from \$938.00 to \$1,828.00, plus placing a Default Judgment on your MVD Record, suspension of the registration and license plate by the Arizona Motor Vehicle Division for 3 months for a first offense. The court may waive the license suspension as well as the monetary civil penalty if the person presents the court with proof that a six month vehicle insurance policy has been purchased and the person presents to the court an MVD record showing no insurance violations within the past 24 months or one violation within the past 36 months.

28-3169A If you provide proof that a legible driver's license was in effect on the date of the violation the court may dismiss the violation. Additional consequences are associated with violations of ARS 28-645A3A or 28-647.1 (red light violations) If you pay or admit responsibility or are found responsible at a hearing, on receipt of judgment, MVD will require that you attend traffic survival school (TSS).

ENTERING THE COURTROOM

Each person will be seen on a first-come-first-served basis after checking in at the front counter. **All** electronic devices must be turned off (phones, pagers, etc.). **No** beverages or food in the courtroom. **No** chewing gum or tobacco. **Please** remove all hats. **Inappropriate dress** will not be allowed (i.e. bare midriffs, short shorts, tank tops, tube tops). **No** talking in the courtroom. If you need to talk please step outside. **No smoking anywhere in the building or near the court entrance.**

YOU HAVE THE FOLLOWING LEGAL RIGHTS

- The right to have a civil traffic hearing before a Judge or Civil Traffic Hearing Officer.
- The right to have an attorney represent you. If you wish to be represented by an attorney, written notice must be filed with the court at least ten (10) days prior to the hearing date. If you fail to notify the court that you will be represented by an attorney, you waive that right. Attorneys are not appointed for civil traffic violations.
- The right to confront witnesses and cross-examine them as to the truthfulness of their testimony.
- The right to present evidence on your behalf. If you want someone to testify on your behalf, you have the right to have subpoenas issued by the court without expense to you, the subpoena is used to compel the attendance of the witness only. If you want a witness you must obtain the subpoena forms from the court. You must fill out the subpoena form and return it to the court at least ten (10) days prior to the hearing so that it can be served upon the witness.

The hearing is a civil hearing and you may be required to testify. The State has the burden of proof and must prove by a preponderance of the evidence that you violated the statute(s) cited. The court will only consider a request for a continuance made in writing and received by the court at least five (5) days before your hearing date. No continuances will be granted over the phone. If you fail to appear, the court will enter a judgment for the State and impose the scheduled civil penalty. Posting a deposit in the amount of the civil penalty will ensure MVD does not add a description of default judgment should you fail to appear at the scheduled hearing. The deposit will be applied to pay the judgment.

PAYMENT OF PENALTIES

If you are required to pay fines, penalties, fees or other financial obligations as a result of a judgment of this court and you are unable to pay, bring this to the attention of court staff or the judge because payments over time or other alternatives may be available. If you do not pay a fine the day of your hearing, the court will add a \$20 time payment fee. The courts accept Visa, MasterCard, American Express, Discover, checks and cash for payment. If you do not pay your fine in full, you must complete an application for a time payment order and show proof that you cannot make payment. A credit check may be performed.

For more information go to <http://justicecourts.maricopa.gov>

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