



Dealing with  
Traffic Tickets

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Even the safest drivers sometimes drive above the speed limit or misjudge whether to stop at a lighted intersection. This guidebook provides an overview of different violations, their consequences and what to do if you get a ticket.

It also looks at what violations may suspend your license and how to get your license back if that happens. And because the best defense is a strong offense, you can also learn some practical tips on how to prevent getting a ticket.

## Traffic Ticket Basics

A traffic ticket is technically known as a citation. A citation is a court document issued by an officer of a city, county or state for failing to obey the traffic laws of that particular jurisdiction. The citation needs to contain your name, driver's license number, the offense you are charged with, your court date, the officer's name, the jurisdiction and location of the court.

# Violations

If you receive a traffic ticket, you will generally have to pay a fine. Each state has a schedule of fines and penalties depending on the offense. The fines may be increased depending on the class of your license and/or the zone in which you received the citation. For example, if you are caught speeding in a school or work zone, you can expect that your fines will be considerably more.

The following questions address specific types of violations.

## Can I get a ticket for using my cell phone?

Driving requires your full attention and concentration for reading traffic, signs and signals — and for reacting quickly. Cell phone usage during driving can compromise a driver's ability to drive safely. In fact, each year, 3,142 people are killed by distracted driving every year.<sup>1</sup>

Talking on a hand-held cell phone while driving is banned in 24 states and the District of Columbia.<sup>2</sup> Some states have banned the use of a cell phone even if the driver has a hands-free device.

## Can I get a ticket for texting while driving?

While the overwhelming majority of people agree that distracted driving is a serious issue, 36% of drivers admit reading a text/email while driving, while a quarter of drivers report having sent a text/email while driving.<sup>3</sup> Yet all but two states — plus Washington, D.C., Guam and Puerto Rico — ban text messaging for all drivers.<sup>2</sup> This means that an officer can issue a ticket if you are caught driving and texting. Note that Montana is the only state that doesn't ban text messaging for all drivers. And Missouri bans text messaging only for drivers 21 years and younger.

## Can a recording or picture from a traffic camera result in a valid traffic violation citation?

In some states traffic cameras are used to issue traffic citations when people run a red light or speed. The general policy behind these laws is to prevent accidents. Many times the penalty is less severe than receiving a citation from an officer.

Keep in mind, however, that in some states there are laws that actually prohibit the use of speed or red light camera use. Visit [ghsa.org/html/stateinfo/laws/auto\\_enforce.html](https://ghsa.org/html/stateinfo/laws/auto_enforce.html) to learn the specific rules for your states.



Find your state's laws on infractions such as distracted driving, impaired driving, seat belt use, speed and red limit cameras and more, visit [ghsa.org/state-laws](https://ghsa.org/state-laws)

## Why Texting and Driving Is So Dangerous

Texting while driving is not just a distraction, it is incredibly dangerous. Sending or reading a text takes your eyes off the road for 5 seconds. At 55 mph, that's like driving the length of an entire football field with your eyes closed.<sup>4</sup>

Texting behind the wheel seriously diminishes your driving skills. That's because it involves all three types of driver distractions: manual (moving your hands from the wheel), visual (focusing your eyes away from the road) and cognitive (your mind wanders away from the task of driving).



### **Can a traffic violation in another state affect my home state driving record?**

An out-of-state violation can affect your home state driving record. The amount of points assessed in your home state and the effect of the offense depend on how your state classifies the out of state offense.

Many states have a system that allows the motor vehicle departments to communicate with one another and indicate whether out-of-state drivers have received citations within their states. The issuing state can notify the driver's licensing state that the driver failed to appear in the matter and the issuing state may take appropriate action.

### **How does a traffic violation affect my license?**

There is a period of time, which varies by state, that violations will stay on your record. The period of time starts when you are convicted or plead to the offense. After the amount of time expires, the particular offense will no longer be reflected on your driving record and will no longer affect your record.

### **How does a traffic violation affect a Commercial Driver's License (CDL)?**

People with a CDL tend to go through more rigorous procedures to obtain their licenses. Because of the nature of the license the penalties tend to be stricter when a person with a CDL commits a traffic violation. This means that a conviction may mean greater fines and points on that person's CDL record.

### **Are there statutes of limitations on traffic violations?**

A statute of limitation is the period of time during which a prosecuting court must bring an action against you after you have committed an offense. In general, statutes of limitations do not apply to traffic citations because you are deemed to be served with the action for which you are charged upon receipt of the citation by the issuing officer.

### **What are points?**

Some traffic offenses carry points that stay on your driver's record for a period of time. The number of points attached to an offense and the amount of time those points remain on your driving record vary according to the traffic and motor vehicle licensing laws of the state where you committed the violation.

Insurance companies use your driver's history to rate and assess risk to your insurance policy. The insurance company will check to see how many points you have and may apply a surcharge to your insurance policy for a period of time.

To learn your state's laws regarding points, visit [dmv.org/point-system.php](https://dmv.org/point-system.php).

# What to Do if You Get a Ticket

Paying a citation without protest generally means that you are pleading guilty to the violation as charged by the issuing officer. This means you will face all original penalties associated with the offense you were charged with, including the fines and points associated with the charge.

## If you agree with the charge

Generally, if you have decided to plead guilty and want to pay the traffic ticket, contact the clerk of court in the issuing jurisdiction where you received your citation. Most jurisdictions let you mail it in and many allow you to pay your fines online. You usually do not need to appear in court if you pay the ticket. However, some offenses, such as driving with a revoked license or driving under the influence (DUI) or while intoxicated (DWI) require a mandatory court appearance. In some cases your appearance can be waived if you have hired an attorney to appear on your behalf.

## If you disagree with the charge

To avoid pleading guilty to the charge, you generally have two options:

- Hire an attorney who can attempt to negotiate a plea arrangement for a lesser offense before the fines are due and paid.
- Attend traffic court and see whether you can negotiate a lower plea or, in some limited circumstances, have the charge dismissed before you pay the fines. The district attorney, judge or magistrate may require you to return at a later date to either produce documentation and/or complete a driver's education course of some sort in order to receive a dismissal or reduction on your charges.



Your license may be suspended if you don't:

- Appear for your court date.
- Pay the ticket.
- Hire an attorney to handle the ticket for you.

## Contesting a traffic ticket

Normally when you receive a citation, a court date and location is listed. If it is your first appearance, you or your attorney can let the magistrate or prosecutor know that you wish to contest your ticket and the court should provide you with an adjournment (also known as a continuance, or a postponement of the trial) and a new trial date. Then, do the following:

- **Request documents and information.** Either you or your attorney can submit a written request to review any items the officer collected during the traffic stop and any items he or she used in the investigation (breathalyzer, radar gun, etc). For instance, with a red light violation you can request any recorded tape showing the violation. If the tape cannot be produced, then there is a strong possibility that your ticket will be dismissed.
- **Be sure you know the laws.** Every state has its own set of traffic laws (generally available on your state legislature's site or the DMV website). These resources will be limited to the actual traffic laws and not advice. Keep in mind that the DMV, court and prosecutors cannot provide you with legal advice.
- **Learn available defenses.** If you decide you are going to defend yourself, you need to understand that learning the defenses available to you by the law will take time and effort in a local law library. Keep in mind that while the internet is a great resource for helpful information, be aware of sites and posts authored by the general public regarding their experience with and explanation of traffic defenses and specific state and federal laws. If the information is not provided by a traffic law attorney in the jurisdiction, they may not have a full understanding of the law or how it applies to the facts of your case.

## Postponing your court date

If you have a legitimate reason for being unavailable, you can usually have your case adjourned or continued, meaning postponed to a later date. Check with the clerk of court to see if your appearance will be required or if you can request a continuance.

## Reducing points

Depending on the state, there are certain pleas (No Contest, Prayer for Judgment Continued, or some other deferred plea), where points may be avoided because it is not considered to be a full guilty plea for which points can be assessed. (See page 4 to learn more about points.)

If you are unable to take advantage of a plea that will avoid points, you may be able to take some sort of driver improvement or safety class. Check with the DMV and your insurance company to see which particular courses will help reduce or eliminate points.

## Reopening a case

In some states you can make a motion to reopen a case on which you previously pleaded guilty. This is done in cases where someone pleads guilty to a charge that suspended their license or caused their insurance premiums to skyrocket. If you choose to reopen your case, make sure that you and your attorney are aware of all of your options in order to limit the damages to your driver's history and/or driving privileges.



Here are a few matters that may be used to defend a traffic ticket yourself:

- **The stop was unlawful or without reason or justification.** If it can be shown at trial that the traffic stop was without justification or was illegal then the entire ticket may be dismissed by the judge.
- **The offense was not committed.** The judge will have to weigh the testimony of the driver and any of the driver's witnesses against the officer's testimony.
- **You were involved in an accident where either monetary and/or injuries were sustained.** Tickets are often issued if you were involved in an accident. If you can provide the prosecutor with an insurance letter showing that your insurance company will cover the damages, then the ticket may be dismissed.

# Violations That May Suspend Your License

If you don't show up in court, hire an attorney or pay the fine, the court will regard your case as if you did not make an appearance. If you fail to make an appearance, the issuing state may suspend your license.

## **Suspension based on points**

Generally, you can accumulate and carry a certain amount of DMV points on your license over a certain period of time before your license will be suspended. For example, your state may suspend your license if you receive more than 12 points within a 24-month period. Check with the DMV in the state where your license was issued for the specified amount of points and the period of time.

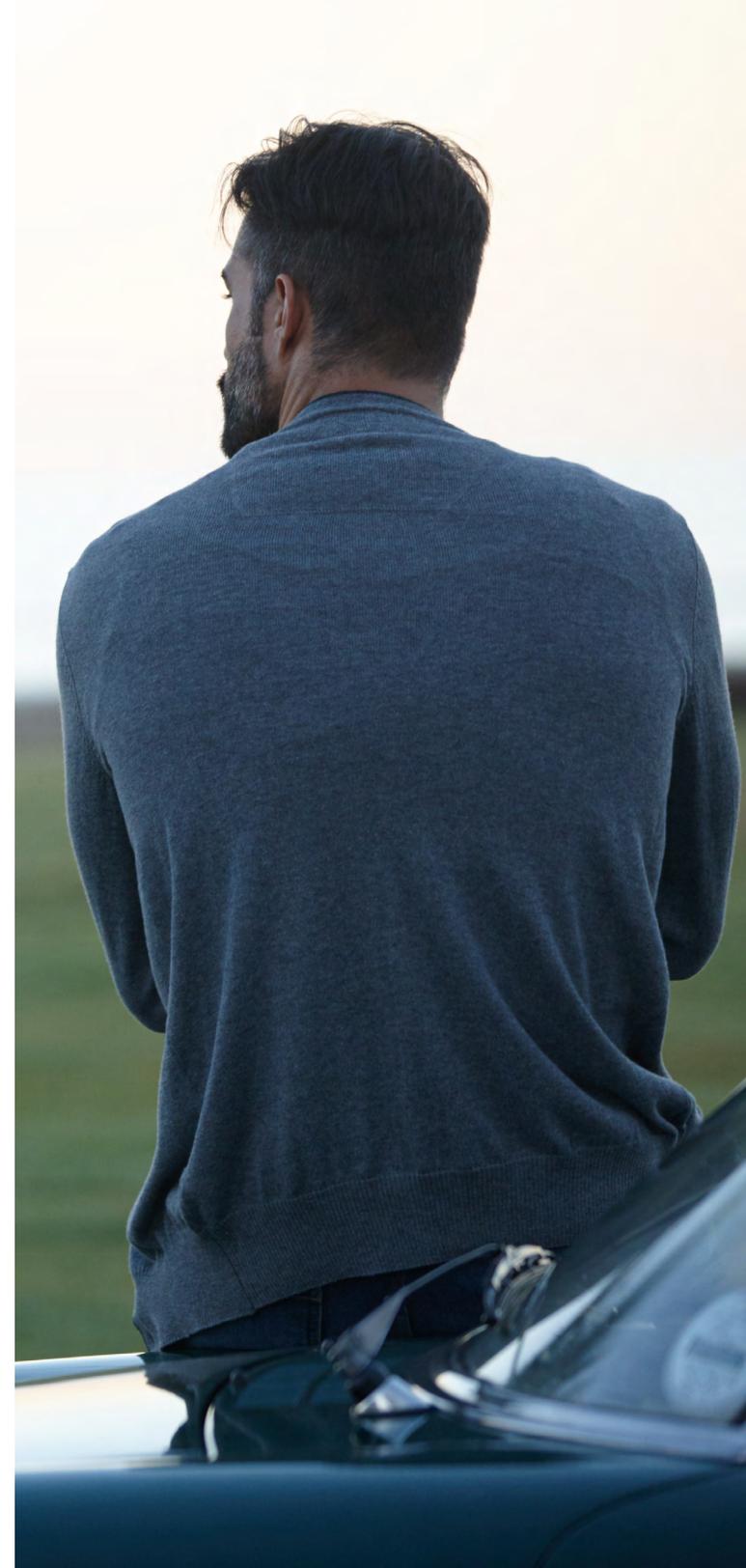
## **Suspension for other reasons**

The automatic punishment for certain offenses is suspension of your license for a period of time or indefinitely (depending on state law). Examples of such offenses include:

- Driving under the influence (DUI) or Driving while intoxicated (DWI)
- Driving with a revoked license
- Driving at excessive speeds
- Reckless driving
- At-fault accidents

## **Restrictions based on health**

Your doctor may contact the DMV and place a restriction on your license based on your health. In some states doctors are required to do this if they feel that you may pose a threat to others and/or yourself if you are allowed to drive.



## Required notice

If you are in danger of having your license suspended, the DMV is required to provide you with:

- Notice of its intent to suspend your license
- The date the suspension will go into effect
- The reason your license is being suspended
- The amount of time your license will be suspended

If you pleaded guilty or failed to appear, the DMV in your state should send you notice that your license will be suspended. It normally provides time to resolve the matter before suspending your license.

## Driving under the influence/Driving while intoxicated

You can be charged with driving while under the influence or intoxicated if you have an impairing substance in your system at the time you are operating the vehicle. Each state has a specific level of impairment that will result in the driver being charged with DUI/ DWI. An officer can show that a driver is impaired in several ways:

- **Breathalyzer.** This is a breath analysis machine that measures the concentration of alcohol on the driver's breath.
- **Blood alcohol level.** A driver suspected of being intoxicated may be taken to a secure location where his or her blood will be drawn to measure the percentage of alcohol present in the driver's blood at the time of the inspection. In most states the Blood Alcohol Content (BAC) limit is .08. A person with a BAC level of .08 percent or more is presumed to be impaired.
- **Appreciably impaired.** An officer may determine, based on his experience and observations, that a driver is appreciably impaired to the extent that it affects driving ability. Some of these factors include odor on the driver's breath or person, slurred speech, dilated pupils or an inability to walk in a straight line.

If you are charged with a DUI/DWI, you are subject to automatic suspension of your license for a period of time. If you are convicted, the suspension could be extended. In some limited circumstances, a driver convicted with DUI/DWI may apply for a limited driving privilege to drive to work or school only.



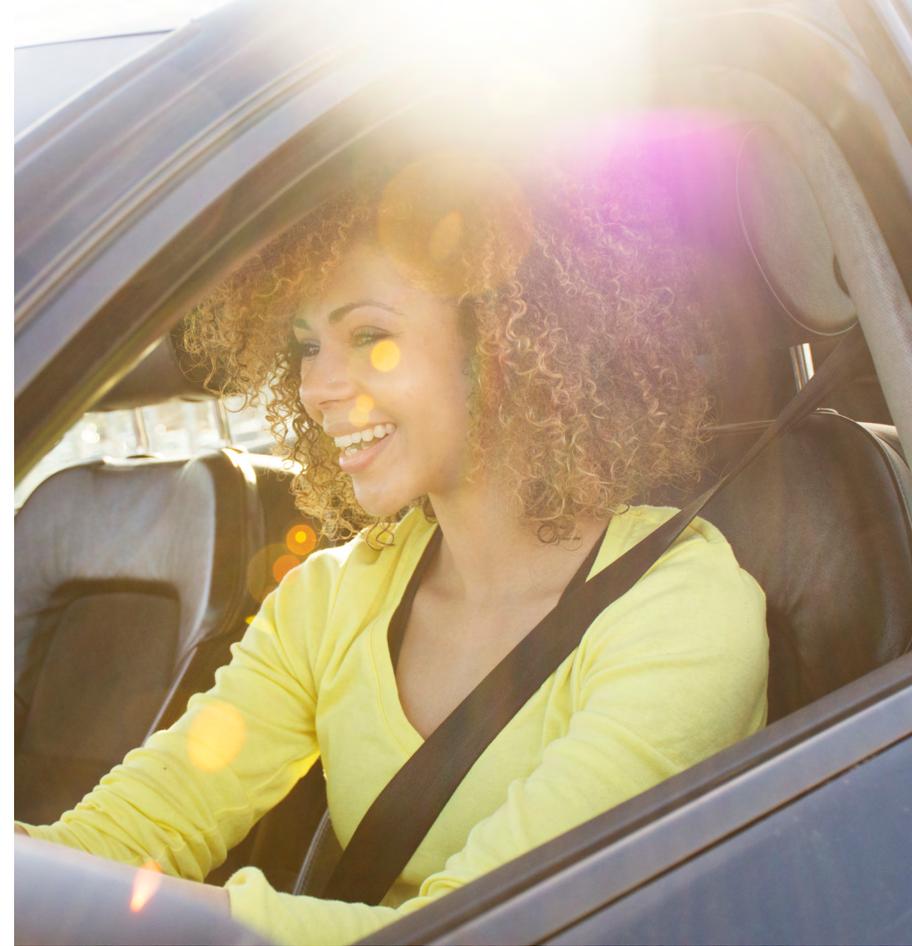
*Make sure your address on file with the DMV is up to date. Usually the DMV will mail you the notification.*

Impairing substances include alcohol, illegal drugs and some prescribed drugs (where operating a vehicle is prohibited after consumption).

## How to Get Your License Back

Generally, the DMV will specify the reason your license is suspended. Knowing the rationale for your suspension gives you the ability to determine if and how you can apply to get the suspension lifted. There are a few things you can do to restore your license:

- If you are unsure why your license is suspended, contact the DMV to see what the basis for suspension was and the requirements that need to be met to restore your driving privileges.
- If you are suspended because of a particular offense, you can either handle the underlying ticket that triggered suspending your license and/or try to have the case reopened to have the charges reduced so that your license will not be suspended.
- If you have done the above and your license is still suspended you can request a hearing before the DMV. You can contact the DMV and it should provide you with the procedure to request a hearing.



# How to Avoid Traffic Tickets

While we sometimes forget, there are several simple, even obvious, options to help prevent getting a ticket.



**Obey the traffic signs and speed limits.** The most common reason people are stopped by an officer is because they have violated a traffic sign or speed limit. Make sure you maintain a speed within the posted speed limit, and one that is also appropriate for the road and weather conditions.



**Drive according to the conditions of the road and weather.** If it is raining, foggy or snowing, reduce your speed accordingly. Accidents happen during these conditions when people don't take the proper precautions. If an officer sees you driving in a manner that is inconsistent with the weather conditions, you can be cited for reckless driving.



**Make sure your registration, license plates and inspection stickers are current.** It costs less to keep these up to date than to pay a ticket for an expired tag or registration.



**Don't drive under the influence of drugs or alcohol.** In most states if you are caught driving under the influence of drugs or alcohol you will be arrested and likely have your license suspended for a period of time.



**Pull over if you need to make a phone call or text.** Even if your state doesn't have laws against distracted driving, glancing at or reaching for your phone takes your eyes off the road - and your mind off driving - for a precious few seconds. Chances are the call or text can wait a minute or two until you're in a safe place to respond.



**Be polite and courteous when addressing the officer who has stopped you.** The officer may be willing to let you go with a warning if you are polite and your record is clean. In some cases, the officer will indicate on a citation whether you were polite or rude. Remain calm, listen to what the officer asks, do not say more than is directly responsive and be cooperative when you are stopped.

## Take Control with ARAG



*If you have questions or aren't sure where to turn, ARAG can help. Visit [ARAGlegal.com](https://www.araglegal.com) to learn more about how ARAG legal coverage gives you an affordable way to manage legal matters.*

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<sup>1</sup> Stewart, T. "Overview of motor vehicle crashes in 2020." (Report No. DOT HS 813 266). National Highway Traffic Safety Administration, March 2022.

<sup>2</sup> <https://www.iihs.org/topics/distracted-driving/cellphone-use-laws>

<sup>3</sup> [2021 Traffic Safety Culture Index, AAA Foundation for Traffic Safety.](https://www.aaa.com/traffic-safety/culture-index)

<sup>4</sup> <https://www.nhtsa.gov/risky-driving/distracted-driving>