

## EL MIRAGE CITY COURT – CIVIL RIGHTS FORM

**This form explains some of the basics regarding civil traffic tickets. Read BOTH sides and fill out the back portion. If you have questions, ask the court staff.**

### **STEP ONE. “ARRAIGNMENT”--Your First Court Appearance**

Your first appearance in court is the “arraignment”. The purpose of the arraignment is to confirm your name and address and that you understand the violations that have been filed. Remember, the arraignment is not the trial. Do not expect to offer evidence or explain why the charges should be dropped.

**STEP TWO. Entering a “Plea” to the Traffic Violations.** There are three pleas to traffic violations: “Responsible”, “Responsible with Explanation”, and “Not Responsible”. If you admit a violation and do not want to fight it, you may plead “Responsible” or “Responsible with Explanation”. This means you do not want a trial and the court will enter judgment and impose a fine. If you have an “Explanation”, the court will listen to it and then the court may reduce the penalty. The court does not dismiss charges that you admit to. If you plead “Not Responsible”, the court will set your case for a civil traffic hearing at a later date. You must appear at that hearing with any documents or witnesses you need to explain your side. Remember, for civil traffic matters, the state has a burden of proof of “preponderance”. This means the evidence only needs to be 51% of a possible 100% of proof. This is a much lower burden of reasonable doubt, which is the burden for criminal charges.

**STEP THREE. Penalties, Sanctions, Points on Your License.** For civil traffic violations, you cannot be sent to jail or receive community service hours. The fine (or “sanction”) is a monetary penalty that you must pay. If you fail to pay on time, then your driver’s license may be suspended. If you are cited or arrested for driving on a suspended license, that is a separate criminal offense. The law allows for your registration to be cancelled for some violations. For moving violations, MVD assesses points on your driving record. MVD controls points and your driving rights. The court cannot remove or cancel points. Speeding is normally three points; red light or stop sign violations are two points. If you have tickets or charges in other courts, you must remember to deal with them separately at the court that has jurisdiction. If you have more than one set of tickets in this court, tell the staff so the judge can review all your matters at the same time.

**STEP FOUR. Defensive Driving School – Once Every Two Years for One Moving Violation.** For moving violations, you can attend driving school for ONE moving violation. You can attend once every two years, starting from the date of the first violation. Driving school is normally one class that is about 4 hours long and is available seven days a week. The cost varies in a range from about \$180 to \$200. You can find a location near your home or work; it is possible to take the class on line. If you attend school on time and complete properly, your moving violation is dismissed, you do not have to return to court. If you have other charges on your ticket, you must deal with them with the court, they are not covered by going to the school. **Remember, if you take your case to trial to fight it, you lose the option to attend driving school.** If you fail to complete driving school, your license can be suspended without further notice. Under Arizona law, if you have a CDL commercial license, you cannot attend school to get a charge dismissed, even when driving a personal vehicle.

**STEP FIVE. No Insurance Tickets.** The DRIVER, not the owner, is required to show insurance while driving. The court will not dismiss a no insurance ticket because you are not the owner or the car or you “didn’t know there was no insurance”. The fines for no insurance range from approximately \$995.75 to \$1910.75. If you provide an insurance card or other proof showing that the vehicle involved was insured ON THE DATE AND TIME of the violation, the charge may be dismissed. If you did not have insurance on the date of violation when you were cited you must appear in court. At that time, you may have your fine reduced to approximately \$321.00 if you present (1) proof of 6 months current insurance and (2) your MVD driving record for the last 36 months per the details on the yellow insert.

**STEP SIX. Payment of Sanctions and Other Fees.** Fines/Fees are due in full at time of sentencing. You may pay in cash, credit/debit card, check, or money order. If you need a payment plan, there is an additional \$20 Time Payment Fee that will be assessed. Paying your fine and complying with all deadlines is your responsibility. **KEEP YOUR ADDRESS CURRENT. IF YOU MISS A DEADLINE, IT IS TOO LATE. THE LAW ALLOWS THE COURTS TO INTERCEPT STATE INCOME TAX REFUNDS AND/OR BLOCKS RE-REGISTRATION OF YOUR MOTOR VEHICLE. IF YOU FAIL TO APPEAR FOR YOUR TRIAL, THE COURT MAY ENTER DEFAULT JUDGMENT AGAINST YOU AND ASSESS MORE FEES. THIS IS YOUR NOTICE OF THESE RISKS.**

To better assist the judge and court staff, please select your options on your traffic violations.

Driving School, if available  Admit and Pay Fine  Contest and Set to Hearing

PLEASE PRINT CLEARLY.

First Name Middle Initial Last Name

NAME \_\_\_\_\_ Soc Sec No. \_\_\_\_\_

Birth Date \_\_\_\_ / \_\_\_\_ / \_\_\_\_ Dr. Lic. No. \_\_\_\_\_ Day Phone ( ) \_\_\_\_\_

MAILING ADDRESS \_\_\_\_\_ Apt/Unit/Space \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

TODAY'S DATE \_\_\_\_ / \_\_\_\_ / \_\_\_\_ Parent's Initials for Juvenile Defendant \_\_\_\_\_