

Guide to Traffic Court

Texas Young Lawyers Association (<https://texaslawhelp.org/directory/legal-resource/texas-young-lawyers-association>) [1]

This article provides information on navigating traffic court. This article is from the Texas Young Lawyers Association.

What are my options if I admit that I am wrong?

First of all, you should always remember that a traffic ticket is an allegation that a traffic offense occurred. **Signing the ticket does not mean that you are admitting guilt.**

Therefore, if you believe that you are not guilty of the alleged offense you always have the right to retain an attorney to defend you in the matter. You also have the right to proceed in court pro se (representing yourself) because the only punishment that can be administered is a fine. This means that you have the right to represent yourself. You should also be aware that some traffic offenses could result in additional consequences that can be very costly.

Do I have to “appear” in court?

The first thing that has to happen is that you must make an appearance regardless of whether you plan to admit guilt or not. When you received the traffic ticket the police officer more than likely pointed out to you the date to appear. You must plead guilty, not guilty or no contest on or before your appearance date. You can either appear in person (with or without an attorney) by taking the citation with you to court, or mailing it to the court by the appearance date. **It must be postmarked by the appearance date if you decide to mail it.**

How do I know how much I owe?

You can choose to contact the court prior to your appearance date to find out the total amount of the fine. By doing this you can pay the fine when you make the appearance. If you do not pay the fine with your appearance the court will send you a notice and you will have 30 days to pay the fine in full. At this time you can also choose to plead guilty, not guilty or no contest. If you refuse to enter a plea the court will enter a not guilty plea for you.

What happens if I plead “no contest” instead of “guilty”?

Pleading no contest, in essence, has the same outcome of a guilty plea. You are going to have to pay the fine. However, if there is ever a civil suit filed against you related to this particular traffic offense, your plea of no contest cannot be used against you in the civil suit, while your guilty plea can. If you plead guilty or no contest and you do not pay the fine with your appearance you will be given the opportunity to speak with a judge and tell her why you should not have to pay the whole fine. However, the judge is under no obligation to reduce your fine and doing so is at the judge’s sole discretion.

Are there any other options besides paying the fine?

When you receive your ticket you will see that there is a great deal of information on the reverse side. When making your plea of guilty, not guilty, or no contest you often have the opportunity to make two additional decisions, too.

1. The Driving Safety Course:

To be eligible for a driving safety course you must meet the following requirements:

- You must not have completed a driving safety course in the previous 12 months or be in the process of taking one;
- If you got a speeding ticket you cannot have been going more than 24 miles over the posted speed limit;
- You must be at least 17 years of age;
- Your driver’s license cannot have been a commercial drivers license (CDL), or you cannot have been the holder of a CDL at the time of the offense;
- You must present proof of insurance.

There are some specific offenses for which a driving safety course cannot be completed. Please contact your court for specific information as to those offenses.

2. Deferred Adjudication (also known as Deferred Disposition):

The deferred adjudication process can vary by court. In essence, if you are eligible for deferred adjudication the court will accept your guilty or no contest plea and in exchange for your plea they will place you on probation. As long as you complete your probation terms the court will discharge you from probation and dismiss the offense against you without finding you guilty. Deferred adjudication is at the sole discretion of the court, unless under **Art. 45.051(g) of the Code of Criminal Procedure**

(<http://www.statutes.legis.state.tx.us/Docs/CR/htm/CR.45.htm#45.051>) [2], you commit an offense in a work zone or if you hold a commercial driver's license or held a commercial driver's license at the time the offense was committed and the offense was anything related to motor vehicle control other than a parking ticket. In these instances a deferral is not an option.

You should contact your court to find out if you might be eligible for this relief. If you are eligible and you have the offense dismissed you can then seek an expunction of the offense from your criminal record.



Click the link below for the complete [Guide to Traffic Court PDF](#)

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