



Traffic Cases

Harris County Justice Of The Peace Courts

Traffic citations may be paid online at <http://www.jp.hctx.net/>

Information about your case, such as your court date and the amount of the fine and costs, can be found by using FIND YOUR CASE AND COURT DATE at <http://www.jp.hctx.net/>

Introduction

This is basic information relative to the law governing procedures for traffic cases in the Harris County Justice Courts.

The Harris County Justices of the Peace and the Clerks of the Harris County Justice Courts are not allowed to give legal advice. You are urged to review the applicable laws and to consult an attorney of your choice for further information or answers to specific legal questions.

You have the right to a trial by a jury and to be represented by an attorney of your choice, or to represent yourself. Traffic offenses, generally, are punishable by a fine of not more than \$200.00 and costs of court.

Criminal Jurisdiction

Justices of the Peace have original jurisdiction in criminal cases punishable by fine only, or punishable by a fine and a sanction not consisting of confinement or imprisonment.

Criminal procedures for cases that are within the criminal jurisdiction of the Harris County Justice Courts are found in Chapter 45 of the Texas Code of Criminal Procedure.

The Rules of Evidence governing the trials of criminal actions in the District Courts apply to a criminal proceeding in the Justice Courts.

The Harris County District Attorney prosecutes traffic cases filed in the Harris County Justice Courts.

The Harris County Justices of the Peace have promulgated Local Rules. You may view the Local Rules at each Justice Court or online at [http://www.jp.hctx.net.](http://www.jp.hctx.net/)

***Disclaimer:** The law is constantly changing and there may be times when the information on this website will not be current. This information is provided for general informational purposes only and is not intended as legal advice. This information is not a comprehensive treatment of the subject and is not a substitute for advice from an attorney.*

It is not possible to include information sufficient to meet all facts and circumstances and you are urged to consult with an attorney. We have made every effort to set out information accurately, but we do not warrant the reliability or appropriateness of the information for a particular purpose, and we do not assume liability for any consequences resulting from your reliance on the information presented.

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Options for Responding to a Traffic Citation

Rights of Defendants

If you are accused of an offense within the jurisdiction of the Justice Court, you have certain rights.

You have the right to see the complaint or citation that has been filed with the court.

You have the right to a trial by jury, but you may waive the right to a trial by jury and be tried by the court.

You have the right to be represented by an attorney of your choice. You are not required to be represented by an attorney. An attorney may make an appearance on your behalf.

You have the right to remain silent and not to give evidence against yourself. You may waive this right and discuss your case with a prosecutor in an effort to dispose of your case without trial.

First Appearance in Court

Your traffic citation or summons will specify a date and time on which you are required to appear in court.

At the time of your first appearance, you will be identified as the defendant, and you will be asked how you plead to the offense with which you are charged.

Pleas are “not guilty,” “guilty,” or “no contest.”

If you plead not guilty, your case will be set for trial. You may waive your right to a trial by jury and have the case heard by the court. At your request, the court will subpoena a witness on your behalf, but you must furnish the court with the name, address, and telephone number of each witness prior to trial. You may be required to attend a pre-trial conference.

If you refuse to enter a plea, the court will enter a plea of not guilty for you, and your case will be set for a jury trial unless you waive that right.

If you plead guilty or no contest, the court will find you guilty and assess a fine as punishment. A plea of no contest has the same result as a plea of guilty, but it may not be used against you in any civil proceeding that might arise from the incident leading to your arrest.

If you are pleading guilty or no contest, you may present any evidence or documents to the court in connection with the offense and you may explain any mitigating circumstances that may affect punishment.

If you are unsure about how to plead, do not hesitate to enter a plea of not guilty.

The court may be required to provide you certain notices, and it is your responsibility to notify the court of any change of address.

If You Do Not Want To Appear In Court

Pay the Acceptable Fine Online

For most offenses for which a citation has been issued, fines can be paid online by using the Harris County Justice of the Peace Courts' website. Online payments may be made until 11:00 p.m. on the appearance date shown on your citation. To see if your case is eligible for payment online, use the **Find Your Case and Court Date** service on the Justice of the Peace Courts' website (<http://www.jp.hctx.net>).

Pay the Acceptable Fine in Person or by Mail

If you do not want to appear in court, you have the option of paying your fine by mail or by paying in person at the Justice Court as directed on your citation or summons. Before the time you must appear in court, mail or bring to the court a **Plea Form for Traffic Cases** together with your payment of the acceptable fine. The acceptable fine amount will include the court costs for the offense with which you are charged.

If you are paying by mail, you must pay by cashier's check or money order, payable to the Harris County Justice Court. If you are paying in person, you may pay your fine in cash, by cashier's check or money order, or by credit card.

Payment of the acceptable fine constitutes a finding of guilt in open court as though you had entered a plea of no contest.

Enter a Plea of Not Guilty by Mail

Before the time you must appear in court, you may mail or bring to the court a plea of not guilty. The court will set your case for a jury trial. If you notify the court that you waive your right to a jury trial, your case will be set for a trial by the court. You may be required to attend a pre-trial conference.

Dismissal for Driving Safety Course or Motorcycle Operator Training Course

If you are charged with an offense involving the operation of a motor vehicle or a motorcycle defined by Subtitle C of the Texas Transportation Code (Rules of the Road), you may require that your citation be dismissed by successfully completing a driving safety course or a motorcycle operator training course. You will lose that right if you do not provide the court with notice of your request to take the course *on or before your appearance date*.

You do not have the right to take a course if you are currently taking a course, or have completed a course within the 12 months preceding the date of the offense and the course was taken to secure a dismissal of a traffic citation.

You do not have the right to complete a course if you hold a commercial driver's license, if you held a commercial driver's license when the offense was committed.

You do not have the right to complete a course if you are charged with:

- (i) passing a school bus,
- (ii) failing to stop and give information or render aid following an accident, or on striking an unattended vehicle or fixture or highway landscape,
- (iii) a traffic offense committed in a construction and maintenance work zone while workers were present,
- (iv) speeding 95 miles per hour or more,
- (v) speeding 25 miles per hour or more over the posted speed limit,

You must have a valid Texas driver's license or permit, or you must be a member of the United States military forces serving on active duty, or the spouse or a dependent child of a member of the United States military forces serving on active duty.

You must have proof of financial responsibility (liability insurance).

You may not take the course if you are taking the course at the time of this request, or if you have completed a course within the 12 months preceding the date of the offense.

How to Request a Training Course Dismissal

On or before the appearance date on your citation, you must:

- (i) enter a plea of guilty or no contest;
- (ii) waive a trial by jury;
- (iii) submit to the court a **Driving Safety Course Request Form**;
- (iv) hold a valid Texas driver's license, or be a member, or the spouse or dependent child of a member, of the United States military forces serving on active duty; and
- (v) provide proof of automobile liability insurance or other proof of financial responsibility as required by Chapter 601 of the Texas Transportation Code.

On and after January 1, 2008, the court may require you to pay a fee in the amount of \$12.00 in order for the court to request a copy of your driving record. If the copy of the driving record

obtained by the court shows that you have not completed an approved course within the 12 months preceding the date of the offense, the court will allow you to complete the appropriate course.

If your offense date is before September 1, 2005, the DSC fee is \$91.00. If your offense date is between September 1 and December 31, 2005, the DSC fee is \$95.00. If your offense is on or after January 1, 2006, the DSC fee is \$100.00. If your offense is on or after March 1, 2007, the DSC fee is \$105.00.

You are required to pay court costs and fees as follows:

For offenses committed before, on or after 9-1-2007, and requests made prior to 1-1-2008, in the amount of \$105.00;

For offenses committed on or after 9-1-2007, and requests made on or after 1-1-2008, in the amount of \$125.00 (*includes \$12 fee for the court to obtain your driving record.*)

If eligible, you may apply and pay the costs for the driving safety course online by using the Courts' web site.

When you have qualified and have paid the court costs, the court will assess a fine but will defer the imposition of the judgment for 90 days to allow you successfully to complete the driving safety course or motorcycle operator training course.

Members of the United States Military

If you do not have a valid Texas driver's license but you are a member, or the spouse or dependent child of a member of the United States military forces serving on active duty, you must submit an affidavit stating that you were not taking a course in another state on the date the request to take the course was made, and that you have not completed such a course within the 12 months preceding the date of the course.

Requesting Your Driving Record

You may obtain a copy of your official driving record from the Texas Department of Public Safety by submitting an **Application for Copy of Driver Record (DR-1)**.

Online Service for Driving Records

A copy of your driving record may be ordered at <http://www.TexasOnline.com>, the official website for the State of Texas. This service allows eligible driver license holders to order a driver record at any time using a valid credit or debit card.

The fee for a Certified Complete Driving History is \$12.00. The printed driving record is mailed within five (5) business days. You are required to furnish your driving record in connection with your request to take a driving safety course.

Completing the Course and Dismissal

If you are allowed to take a driving safety course or motorcycle operator training course, you have 90 days within which to complete the course and present to the court:

- (1) a uniform certificate of driving safety course completion, or verification of completion of the motorcycle operator training course;
- (2) if the court has not already obtained the driving record, your driving record as maintained by the Department of Public Safety to show that no driving safety course or motorcycle operator training course was completed within the 12 months preceding the date of the offense; and
- (3) an **Affidavit** stating that you were not taking a driving safety course or motorcycle operator training course, as applicable, under Article 45.0511, Texas Code of Criminal Procedure, on the date the request to take the course was made, and that you had not completed such a course that is not shown on your driving record within the 12 months preceding the date of the offense; or
if you are a member, or the spouse or dependent child of a member of the United States military forces serving on active duty who does not have a valid Texas driver's license, an Affidavit stating that you were not taking a driving safety course or motorcycle operator training course, as applicable, in another state on the date the request to take the course was made and had not completed such a course within 12 months before the offense date.

In some instances, you may be required to pay a fee not to exceed the maximum fine for the offense.

If you successfully complete the driving safety course or motorcycle operator training course as required, the charge against you will be dismissed.

The Driving Safety Course must be a course approved by the Texas Department of Education. Driver Training and Education Schools and Classroom Locations may be found on the Texas Department of Education Website at http://www.tea.state.tx.us/drive/locate_schools.html.

The Motorcycle Safety Unit of the Department of Public Safety administers the Texas Motorcycle Operator and Safety Program. For information on locations of motorcycle training centers, visit the Motorcycle Safety Unit Website at <http://www.txdps.state.tx.us/msb/>.

**You may avoid an appearance in court by submitting the required documentation to the court, either in person or by mail, at any time before the date you are required to appear. If you are submitting your proof of completion and affidavit by mail, it is recommended that you keep copies of these documents.*

Failure to Comply

If you fail to comply with the requirements for a driving safety or motorcycle operator training course dismissal, the court will notify you by mail, at your address on file with the Court or at the address that appears on the citation, of a time and place to appear to show cause why the evidence was not timely submitted to the court. Failure to appear as required in the notice, or failure to show good cause, will result in the imposition of judgment requiring you to pay the fine.

The court may, for good cause, extend the time during which you shall present a uniform certificate of course completion or a verification of completion of the motorcycle operator-training course.

Failure to appear at this show cause hearing shall constitute an offense punishable by a maximum fine in the amount of \$200.00.

Dismissal for Driving Safety Course with Child Safety Seat Instruction

If you are charged with transporting a child who was not secured in a child passenger safety seat system or who was not secured by a safety belt, you may complete a specialized driving safety course for instruction in the proper use of child passenger safety seat systems.

You are *not* qualified to request a specialized driving safety course dismissal

- if you hold a commercial driver's license
- for offenses committed in a construction and maintenance work zone while workers were present.

Instructions for Requesting a Specialized Driving Safety Course Dismissal

On or before the appearance date on your citation, you must:

- (i) enter a plea of guilty or no contest;
- (ii) waive a trial by jury;
- (iii) submit a **Specialized Driving Safety Course Request Form**;
- (iv) hold a valid Texas driver's license, or be a member, or the spouse or dependent child of a member, of the United States military forces serving on active duty; and
- (v) provide proof of automobile liability insurance or other proof of financial responsibility as required by Chapter 601 of the Texas Transportation Code.

You may take a Specialized Driving Safety Course that encourages the use of child passenger safety seat systems even if you are taking the a driving safety course at the time of this request, or if you have completed a driving safety course within the 12 months preceding the date of the offense, if those courses did not include instruction encouraging the use of child passenger safety seat systems.

On and after January 1, 2008, the court may require you to pay a fee in the amount of \$12.00 in order for the court to request a copy of your driving record. If the copy of the driving record obtained by the court shows that you have not completed an approved course within the 12 months preceding the date of the offense, the court will allow you to complete the appropriate course.

If your offense date is before September 1, 2005, the DSC fee is \$91.00. If your offense date is between September 1 and December 31, 2005, the DSC fee is \$95.00. If your offense is on or after January 1, 2006, the DSC fee is \$100.00. If your offense is on or after March 1, 2007, the DSC fee is \$105.00.

Taking the Specialized Driving Safety Course

When you have qualified and have paid the court costs, the court will assess a fine but will defer the imposition of the judgment for 90 days to allow you to successfully complete the specialized driving safety course.

Members of the United States Military

If you do not have a valid Texas driver's license but you are a member, or the spouse or dependent child of a member of the United States military forces serving on active duty, you must submit an affidavit stating that you were not taking a course in another state on the date the request to take the course was made, and that you have not completed such a course within the 12 months preceding the date of the course.

Requesting Your Driving Record

You may obtain a copy of your official driving record from the Texas Department of Public Safety by submitting an **Application for Copy of Driver Record (DR-1)**.

Completing the Course and Dismissal

If you are allowed to take a specialized driving safety course, you have 90 days within which to complete the course and present to the court:

- (1) a uniform certificate of specialized driving safety course completion;
- (2) if the court has not already obtained the driving record, your driving record as maintained by the Department of Public Safety to show that no specialized driving safety course was completed within the 12 months preceding the date of the offense; and
- (3) an **Affidavit** stating that you were not taking a specialized driving safety course under Article 45.0511, Texas Code of Criminal Procedure, on the date the request to take the course was made, and that you had not completed such a course that is not shown on your driving record within the 12 months preceding the date of the offense; or
if you are a member, or the spouse or dependent child of a member of the United States military forces serving on active duty who does not have a valid Texas driver's license, a **Military Affidavit** stating that you were not taking a specialized driving safety course in another state on the date the request to take the course was made and had not completed such a course within the 12 months preceding the date of the offense.

In some instances, you may be required to pay a fee not to exceed the maximum fine for the offense.

If you successfully complete the driving safety course or motorcycle operator training course as required, the charge against you will be dismissed.

**You may avoid an appearance in court by submitting the required documentation to the court, either in person or by mail, at any time before the date you are required to appear. If you are submitting your proof of completion and affidavit by mail, it is recommended that you keep copies of these documents.*

Failure to Comply

If you fail to comply with the requirements for a specialized driving safety course dismissal, the court will notify you by mail, at your address on file with the Court or at the address that appears on the citation, of a time and place to appear to show cause why the evidence was not timely submitted to the court. Failure to appear as required in the notice, or failure to show good cause, will result in the imposition of judgment requiring you to pay the fine.

The court may, for good cause, extend the time during which you shall present a uniform certificate of course completion.

Failure to appear at this show cause hearing shall constitute an offense punishable by a maximum fine in the amount of \$200.00.

No Insurance Cases (Failure to Provide Evidence of Financial Responsibility)

A person may not operate a motor vehicle in this state unless financial responsibility is established for that vehicle through:

- (1) a motor vehicle liability insurance policy;
- (2) a surety bond filed with the Department of Public Safety;
- (3) a deposit of cash or securities made with the Comptroller;
- (4) a deposit of cash or cashier's check made with the County Judge; or
- (5) self-insurance.

A person commits an offense if the person operates a motor vehicle without an insurance policy or other evidence of financial responsibility. This offense is a misdemeanor punishable by a fine of not less than \$175.00 or more than \$350.00.

If a person has been previously convicted of an offense under this section, an offense under this section is a misdemeanor punishable by a fine of not less than \$350.00 or more than \$1,000. 00.

It is a defense to prosecution for this offense that you produce to the court proof of liability insurance or other evidence of financial responsibility that was valid at the time that the offense is alleged to have occurred.

You are entitled to have a citation for "no financial responsibility" dismissed if you have an automobile liability insurance policy or other proof of financial responsibility that was valid *at the time of the offense*.

After the court verifies the evidence of liability insurance or other proof of financial responsibility, the court shall dismiss the charge.

A person commits an offense (Class B misdemeanor) if the person:
(1) displays or causes or permits to be displayed an insurance document knowing that the document is counterfeit, tampered with, altered, or fictitious.

A person commits an offense (3rd degree felony) if the person:
(1) makes or possesses, with the intent to sell, circulate, or pass, a counterfeit insurance document.

- If you are convicted of the offense of “no financial responsibility,” and a prior conviction was reported to the Department of Public Safety, the Department will suspend your driver’s license and vehicle registration unless you file and maintain evidence of financial responsibility with the Department until the second anniversary of the date of the subsequent conviction.
- A second or subsequent conviction of an offense under the Texas Motor Vehicle Safety Responsibility Act will result in the suspension of your driver’s license and motor vehicle registration unless you file and maintain evidence of financial responsibility with the Department of Public Safety for two years from the date of conviction. The Department may waive the requirement to file evidence of financial responsibility if you file satisfactory evidence with the Department showing that at the time this citation was issued, the vehicle was covered by a motor vehicle liability insurance policy or that you were otherwise exempt from the requirements to provide evidence of financial responsibility.

Effective April 1, 2008, the minimum amounts of motor vehicle liability insurance coverage required to establish financial responsibility under this chapter are:

- (1) \$25,000 for bodily injury to or death of one person in one accident;
- (2) \$50,000 for bodily injury to or death of two or more persons in one accident, subject to the amount provided by Subdivision (1) for bodily injury to or death of one of the persons; and
- (3) \$25,000 for damage to or destruction of property of others in one accident.

Certain Offenses Relating To Driver’s Licenses, Registration, Inspection Certificates, And Equipment

If you are charged with “driving a vehicle that does not display two valid license plates, one at the front and one at the rear of the vehicle,” the court may dismiss this charge if you have remedied the defect before your first court appearance. You must pay an administrative fee of \$10 when the charge is dismissed.

If you are charged with “driving a passenger car or commercial motor vehicle without a registration insignia,” the court may dismiss the charge if you show that a registration insignia was issued for the period during which the offense was committed and was attached to the vehicle before your first court appearance. You must pay an administrative fee of \$10 when the charge is dismissed.

If you are charged with “driving a motor vehicle with an expired registration insignia, the court may dismiss the charge if you remedy the defect not later than the 20th working day after the date of the offense or before your first court appearance. You may be required to pay an administrative fee of \$10 when the charge is dismissed.

If you are charged with the offense of “driving a vehicle displaying a wrong or obscured license plate,” the court may dismiss the charge if you have remedied the defect before your first court appearance. You must pay an administrative fee of \$10 when the charge is dismissed.

If you are charged with “operating a motor vehicle without carrying or displaying your driver’s license,” and the charge is dismissed because you can produce in court a driver's license issued to you, appropriate for the type of vehicle you were operating, and which was valid at the time of the offense. You may be required to pay an administrative fee of \$10 when the charge is dismissed.

If you are charged with “driving with an expired driver’s license,” the court may dismiss the charge if you have remedied this defect within 20 working days or before your first court appearance. You may be required to pay an administrative fee not to exceed \$10.00.

If you are charged with “failing to notify the Department of Public Safety of a change of name or address,” the court may dismiss this charge if you have remedied the defect not later than 20 days from the date of the offense. You may be required to pay an administrative fee of \$10.00.

If you are charged with “operating a motor vehicle in violation of a restriction or an endorsement” imposed on your license because of a physical condition that has been medically corrected before the date of the offense, or was imposed in error and the Department of Public Safety has removed the restriction or endorsement before your first court appearance, the court may dismiss the charge. You will be required to pay an administrative fee not to exceed \$10.00.

If you are charged with “driving a vehicle, other than a commercial vehicle, that is improperly equipped or otherwise unsafe,” the court may dismiss this charge if you remedy the defect before your first court appearance. You must pay an administrative fee of \$10 when the charge is dismissed.

If you are charged with “driving a vehicle with an expired inspection certificate,” the court will dismiss the charge if you have remedied the defect within 20 working days or before your first court appearance and the inspection certificate was not expired for more than 60 days. The court may dismiss the charge if the inspection certificate was expired for more than 60 days. If the charge is dismissed, you are required to pay an administrative fee of \$10.00.

Presenting Documents to the Court

It is a serious crime to present to the court any document, knowing that it is false, intending to affect the outcome of a criminal case.

Juveniles with Traffic Citations

Appearance in Court Required

If you are sixteen (16) years of age or younger, the law requires that you appear in court with a parent, guardian, or managing conservator. A person sixteen (16) years of age or younger cannot pay the fine by mail or in person before the appearance date.

Parent Must Appear with Juvenile

The court is required to take the plea of a person sixteen (16) years of age or younger in open court and will issue a summons to compel the juvenile's parent, guardian, or managing conservator to be present.

Failure of the parent to appear as required by the summons is an offense punishable by a fine not to exceed \$500.00 and may result in the arrest of the parent.

Obligation to Provide Current Address

A juvenile and the juvenile's parent have an obligation to provide the court with the current address and residence of the juvenile. This obligation does not end when the juvenile reaches seventeen (17) years of age, but continues until the case is concluded and any judgment is fully satisfied. Notice of a new address must be given to the court, in writing, on or before the seventh (7th) day after the date the juvenile or the juvenile's parent changes residence.

Failure to notify the court of the current address is an offense punishable by a fine not to exceed \$500.00.

When Juveniles Become Adults

If a juvenile charged with an offense filed in the Justice Court fails to appear in court as required, the court will issue a warning to the juvenile when the juvenile reaches seventeen (17) years of age. The notice will warn the individual of a continuing obligation to appear to conclude the case. The notice will further warn that the failure to appear as required by the notice is a criminal offense punishable by a fine not to exceed \$500.00 and will result in the issuance of an arrest warrant.

Convictions

If you plead guilty or no contest, or if you are found guilty after trial, you will be assessed a fine as punishment. You will also be responsible for court costs. Full payment of the fine and costs will satisfy your obligations in connection with the charge filed against you.

Time to Pay the Fine and Costs

If you are not able to pay the fine and court costs in full, the court may consider allowing you to pay the fine and costs at a later date or in installments.

Time to Pay and Time Payment Fee

If you need to make arrangements for more time to pay your fine and court costs, you will need to make that request to the court. If you request to pay over a period of more than thirty (30) days, a \$25.00 Time Payment Fee will be assessed. This fee is required by Article 103.033 of the Texas Code of Criminal Procedure.

Failure to Pay the Fine and Costs

Should you default in the payment of the fine and costs, the court may require you to perform community service work to discharge all or part of the fine and costs. You will be given \$50 credit for each 8 hours of community service work performed. You may pay the fine and costs remaining due at any time.

Collection Fee: If the fine and costs are more than sixty (60) days past due, the court may refer your case to a private attorney or vendor for collection services. A collection fee equal to 30% of the amount due will be added. This fee is allowed under Article 103.0331 of the Texas Code of Criminal Procedure.

Issuance of Capias Pro Fine: If you fail to pay the fine and costs as directed, the court may issue a capias pro fine commanding a peace officer to bring you before the court or place you in jail until you can be brought before the court. You will be required to pay additional fees in connection with the issuance of the capias pro fine and your release. These fees are required by Article 102.011 of the Texas Code of Criminal Procedure.

Confinement in Jail to Discharge Fine and Costs: If you intentionally fail to make a good faith effort to discharge the judgment, you may be committed to the Harris County Jail until the judgment is discharged by serving a sufficient length of time to satisfy the fine and costs owed.

Denial of Renewal of Driver's License: If you fail to pay the fine and costs as directed, the court may notify the Department of Public Safety to deny the renewal of your driver's license. You will be required to pay an administrative fee of \$30 prior to the renewal of your license. This fee is required by Section 706.006 of the Texas Transportation Code.

Denial of Registration of Vehicle: If the fine and costs are past due, the court may notify the Texas Department of Transportation to refuse to register your vehicle. You may be required to pay an additional fee to the county prior to registering your vehicle.

Failure to Appear on Your Court Date

If you fail to take care of your citation prior to the appearance date on the citation or fail to appear in court as required, the court may issue a warrant for your arrest. You may also be charged with an additional offense for violating your promise to appear. The issuance of a warrant carries additional fees, and the punishment for the offense of “violate promise to appear” is a fine of not more than \$200.00.

If you fail to appear after posting bail, you may be charged with the offense of “failure to appear.” The punishment for “failure to appear” is a fine not to exceed \$500.00.

If a warrant is issued, you may avoid arrest by:

Posting Bail at the Justice Court:

You may post bail at the Justice Court in which your case is filed. Bail may be in the form of a **Surety Bond** or a **Cash Bond**. If you are posting a cash bond, you must tender cash in the form of a cashier’s check or money order, payable to the Justice Court, in the amount of the bail.

A magistrate must consider allowing you a personal bond.

When you have posted bail, you will be notified of the date and time you are to appear in court.

Paying the Fine at the Court:

You may pay the acceptable fine either (i) in person at the Justice Court in which your case is filed or (ii) by mailing the fine to the Justice Court. **Fines may be paid by cashier’s check or money order payable to the Justice of the Peace.**

Fines may also be paid in cash or by credit card at the office of the Justice of the Peace.

If you pay the fine, no further court appearance is necessary.

You will remain subject to arrest until you post bail or otherwise dispose of your case.

If you are arrested, you will be required to give bail to secure your release from custody and appear in court at a later time to answer for this charge.

New Trial and Appeal

New Trial

A motion for new trial must be made within one (1) day after the rendition of the judgment in your case. A motion for new trial cannot be made afterward.

The judge has ten (10) days after the date the judgment was entered within which to grant a new trial. If a motion for new trial is not granted before the eleventh (11th) day after the date the judgment was entered, the motion for new trial is considered denied.

Appeal

An appeal from a judgment of a Harris County Justice Court is heard by a Harris County Criminal Court at Law.

Should you wish to appeal the decision in your case, you must file an **Appeal Bond** in the amount of two (2) times the amount of the fine and costs. The bond is filed with the Justice Court in which your case was filed, and must be filed not later than the tenth (10th) day after the date the judgment was entered.

When the appeal bond has been timely filed, all proceedings in the Justice Court will cease.

Information About the Texas Point System (The Driver Responsibility Program and Driver's License Surcharge)

For questions concerning the Driver Responsibility Program, including the Driver's License Points and Surcharges, contact the Department of Public Safety
(512) 424-2000 or visit
http://www.txdps.state.tx.us/director_staff/public_information/pr081903c.htm

The Driver Responsibility Program establishes a system that assesses a surcharge based on certain traffic offenses committed on or after September 1, 2003. Points are assigned to moving violations, and are applied to drivers based on the type of offense and the time period in which the offense was committed.

Points remain on the driver record for a period of three (3) years.

Your driver's license will accumulate points as follows:

Conviction for a moving violation, except speeding less than 10% faster than the posted speed limit in a location other than a school zone	2 points
Conviction for an offense relating to child passenger safety seat systems	2 points
Conviction for a moving violation resulting in an accident	3 points

If you accumulate 6 or more points during the preceding 36 month period, you will be required to pay to the Department of Public Safety, a surcharge of \$100.00 for the first 6 points, and \$25.00 for each additional point.

Each year the Department of Public Safety will assess a surcharge of \$250.00 if, during the preceding 36-month period you have been convicted of "driving while license invalid," "failure to show proof of financial responsibility (no insurance)," or "operating a motor vehicle while the registration is suspended."

Each year the Department of Public Safety will assess a surcharge of \$100.00 if, during the preceding 36-month period you have been convicted of "driving without a valid license."

Fines for Speeding Citations

MPH over the Speed Limit	Speeding	School Zone
1-10	130.00	155.00
11	135.00	160.00
12	140.00	165.00
13	145.00	170.00
14	150.00	175.00
15	155.00	180.00
16	160.00	185.00
17	165.00	190.00
18	170.00	195.00
19	175.00	200.00
20	180.00	205.00
21	185.00	210.00
22	190.00	215.00
23	195.00	220.00
24	200.00	225.00
25	205.00	230.00
26	210.00	235.00
27	215.00	240.00
28	220.00	245.00
29	225.00	250.00
30	230.00	255.00
31	235.00	260.00
32	240.00	265.00
33	245.00	270.00
34	250.00	275.00
35	255.00	280.00
36	260.00	285.00
37	265.00	290.00
38	270.00	295.00
39+	275.00	300.00

Traffic citations may be paid online at <http://www.jp.hctx.net/>

Fines for Traffic Citations

Common Moving Violations	Total Fine and Cost
Failure to Control Speed	\$190.00
Failure to Drive in a Single Marked Lane	\$155.00
Ran Stop Sign or Red Light	\$160.00
Unsafe Lane Change	\$165.00
Unsafe Speed	\$140.00
Driving on Wrong Side of Road — Not Passing	\$165.00
Driving Wrong Way — Divided Highway	\$220.00
Driving Wrong Way on One Way Road	\$285.00
Driver's License Violations	Total Fine and Cost
Expired Driver's License*	\$105.00
Failure to Report Change of Address	\$80.00
No Driver's License on Demand	\$125.00
No Texas Driver's License	\$160.00
Violation of Driver's License Restriction	\$105.00
Other Traffic Violations	Total Fine and Cost
Expired Inspection Certificate**	\$105.00
Expired Vehicle Registration (Non Commercial Vehicle)*	\$75.00
Failure to Wear Safety Seat Belt	\$125.00
Failure to Maintain Financial Responsibility***	\$315.00
Passing a Stopped School Bus	\$1085.00
Unrestrained Child	\$190.00

Traffic citations may be paid online at <http://www.jp.hctx.net/>

*Under the provisions of Texas Law, the court will dismiss the violations of Expired Driver's License and Expired Registration upon proof of (official receipt) that the matter was remedied within (10) working days of the citation date. An administrative fee of \$10.00 will be assessed.

If the inspection was expired for no more than 60 days and was corrected within ten (10) **working days of the violation (proof of receipt required) the charge will be dismissed. **An administrative fee of \$10.00 will be assessed**

***A second or subsequent offense of Failure to Maintain Financial Responsibility will carry an enhanced fine and a second or subsequent conviction will carry a suspension of the defendant's driver's license and registration.

Methods of Payment

Most traffic fines can be paid online (<http://www.jp.hctx.net>).

Only traffic citations that are NOT past due may be paid on the web.

You must pay fine and cost in full if you choose to pay via the web.

You may pay via the web using the following forms of payment:



American Express

VISA

Master Card

Discover

E-Check



Payments made on the web will be acknowledged with a receipt mailed from the court within three (3) business days from the date of posting. The receipt will be mailed to the address of the defendant that is on file in the court's database.

When paying in person, the court accepts the following:

- Cash
- Cashier's Check, payable to Justice of the Peace Court
- Money Order, payable to Justice of the Peace Court
- Bank card (debit card)
- Credit Card
 Visa, Mastercard, American Express, Discover

When paying by mail:

- Cashier's Check, payable to Justice of the Peace (note the Precinct and Place Number)
- Money Order, payable to Justice of the Peace (note the Precinct and Place Number)
- Please do not mail cash

Note: The court cannot accept credit card payments for the following:

- Cash Bonds
- Appeal Bonds
- Restitution
- Payments by Mail

Please refer to the court in which your case is filed for additional payment methods.

Contact the Court

If you have any further questions about the information provided in this packet, please contact the court in which your case is filed or visit the Court in person.

You can find your case, your court date, or your nearest courthouse at the Justice of the Peace Courts' website (<http://www.jp.hctx.net>).

Links to Websites

To order a copy of your driving history online:

Texas Online

<http://www.texasonline.state.tx.us/NASApp/txdps/TXDPSLicenseeManager>

To locate a Driving Safety Course provider:

Texas Education Agency (TEA)

<http://www.tea.state.tx.us/drive>

For questions concerning the Driver Responsibility Program
(including the Driver's License Points and Surcharges)

Texas Department of Public Safety (DPS)

http://www.txdps.state.tx.us/director_staff/public_information/pr081903c.htm

Legal Forms

(Download at <http://www.jp.hctx.net/traffic/TrafficForms.pdf>)

Disclaimer: The following forms are provided as a sample only. You are urged to consult an attorney concerning your particular circumstances.

Traffic Citation Reply Form

This form is used to pay a traffic citation without having to appear in court or to enter a not guilty plea and request a case be set on the courts docket. You may mail, or bring this form to court along with payment of the acceptable fine and a copy of your citation.

Cash Appearance Bond (forfeiture of a cash bond to satisfy fine on failure to appear)

Driving Safety Course or Motorcycle Operator Training Course Request Form

Driving Safety Course Affidavit

Driving Safety Course Affidavit of Members of the United States Military Forces

Specialized Driving Safety Course Request Form

Specialized Driving Safety Course Affidavit

Specialized Driving Safety Course Affidavit of Members of the United States Military Forces

Appeal Bond – Cash Bond and Surety Bond

This form is used to appeal a Class C misdemeanor conviction. This form is filed with the Justice Court in which your case was filed, and must be filed not later than the 10th day after the date the judgment was entered.

Frequently Asked Questions

Q. I received a traffic citation. What are my options?

- A. *Pay the Fine.* Prior to the appearance date shown on your citation, you may pay the fine for the offense with which you are charged. Most fine amounts are shown on the Uniform Traffic Notice. You may also find your fine amount using the “Find My Case and Court Date” feature on the Harris County Justice of the Peace Courts’ Website.

[Fines may be paid online](http://www.jp.hctx.net) at <http://www.jp.hctx.net> using your credit card or an electronic check. Fines may be paid by **mail** in the form of a cashier’s check or money order payable to the Justice of the Peace. Fines may be paid in person at the court with cash, a cashier’s check, a money order, or with a credit card.

Enter a plea of “Guilty” or “No Contest.” You may enter a plea of “guilty” or “no contest” and waive your right to a trial by jury, either in person or by mail, on or before the appearance date shown on the citation. You must pay the fine assessed on or before the 31st day after receiving notice of the amount of the fine.

Enter a plea of “Not Guilty.” You may mail to the Court a plea of “not guilty.” The Court should receive your plea of “not guilty” on or before the appearance date shown on the citation. You may also indicate if you waive your right to a jury trial.

Request a Driving Safety Course, Motorcycle Operator Training Course Dismissal, or Specialized Driving Safety Course for Instruction in the Proper Use of Child Passenger Safety Seat Systems. You may be able to require that your citation be dismissed by successfully completing the appropriate course. You will lose that right if, on or before your appearance date, you do not provide the court with notice of your request to take the course. If eligible, you may apply and pay the costs for the driving safety course online by using the Courts’ web site.

Q. What should I do if I missed my court date?

- A. As a courtesy, the Justice Courts will allow you ten (10) days within which to appear and make arrangements for the disposition of your case.

If a warrant has been issued, you must act immediately to avoid arrest. However, you remain subject to arrest at any time. You may choose one of the following options:

Post Bail At The Office Of The Constable Or At The Court:

You may post bail at the office of the Constable or at the Justice of the Peace Court. Bail may be in the form of a **Surety Bond** or a **Cash Bond**. A magistrate must consider allowing you a personal bond. For a cash bond, you must tender cash in the form of a cashier’s check or money order, payable to the Justice of the Peace, in the amount of the bail. You will be notified of a court date. You may also post a Cash Bond that allows the cash to be forfeited to satisfy the fine and costs in the event you fail to appear in Court.

Pay The Fine At The Justice Of The Peace Court:

You may pay the amount indicated as the acceptable fine either in person at the Justice of the Peace Court during its normal business hours, or by mailing the fine to the Justice of the Peace. *Fines may be paid by cashier’s check or money order payable to the Justice of the*

Peace. Fines may be paid by credit card, in person, at the office of the Justice of the Peace. If you pay the fine, no further court appearance is necessary.

If you are arrested, you will be required to give bail to secure your release from custody, and appear in court at a later time to answer for this charge.

The Court may also notify the Department of Public Safety to deny the renewal of your driver's license.

The Court may also notify the Department of Transportation to refuse to register your vehicle(s).

Q. What should I do if I can't pay the fine immediately?

- A. If you cannot pay the total amount of the fine and court costs, you may request the Court to allow you additional time to pay. You will be required to submit certain financial information to assist the Court in making payment arrangements. If you cannot pay the fine and costs at the time they are assessed, you should be prepared to give the court certain [financial information](#) to assist the Court in making payment arrangements.

You should be aware that the law provides as follows:

If you pay any part of the fine and costs on or after the 31st day after the date of the judgment of conviction, you must pay a time payment fee of \$25.00. (Tex. Code of Crim. Proc. Art. 103.003)

If the fine and costs are more than 60 days past due, the Court may refer the judgment to a private attorney or vendor for collection services. You will be charged a collection fee equal to 30% of the amount due. (Tex. Code of Crim. Proc. Art. 103.0031)

If you fail to pay the fine and costs as directed, the Court may notify the Department of Public Safety to deny the renewal of your driver's license. You will be required to pay an administrative fee of \$30.00 prior to the renewal of your license. (Tex. Transp. Code §706.006)

If you fail to pay the fine and costs as directed, the Court may notify the Department of Transportation to refuse to register your vehicle. You will be required to pay an additional fee prior to registering your vehicle. (Tex. Transp. Code § 502.185)

If you fail to pay the fine and costs as directed, the Court may issue a *capias pro fine* commanding a peace officer to bring you before the Court or place you in jail until you can be brought before the Court to explain why you have failed to pay the fine and costs. You will be required to pay additional fees in connection with the issuance of the warrant and your arrest and release. (Tex. Code of Crim. Proc. Art. 102.011)

In certain circumstances, the Court may require a defendant who fails to pay a previously assessed fine or costs, or who is determined by the court to have insufficient resources or income to pay a fine or costs, to discharge all or part of the fine or costs by performing community service. A defendant who performs community service work is considered to have discharged not less than \$50 of fines or costs for each eight (8) hours of community service performed. (Tex. Code of Crim. Proc. Art. 45.049)

Q. Will a conviction for a traffic offense be shown on my driving record?

- A. The Justice of the Peace is required to submit to the Department of Public Safety a record of a conviction or forfeiture of bail of a person charged with violating a law regulating the operation of a vehicle on a highway. The Justice of the Peace is also required to report the fact that the defendant successfully completed a driving safety course or a motorcycle operator training course and the date of completion.

The Justice of the Peace does not notify the Department of Public Safety following the successful completion of probation under a suspension of sentence and deferral of disposition.

Under the [Driver Responsibility Program](#)

(http://www.txdps.state.tx.us/administration/driver_licensing_control/drp/drp.htm), the driver's license of a person accumulates points as of the date the Department of Public Safety records a conviction. A moving violation of the traffic law is assigned two points and a moving violation that resulted in an accident is assigned 3 points.

No points are assigned for speeding less than 10 percent faster than the posted speed limit, unless the offense was committed in a school crossing zone.

No points are assigned following the successful completion of the terms of probation imposed under a suspension of sentence and deferral of final disposition or for the successful completion of the driving safety course or motorcycle operator training course dismissal procedures.

If you accumulate 6 or more points during the preceding 36 month period, you will be required to pay to the Department of Public Safety, a surcharge of \$100.00 for the first 6 points, and \$25.00 for each additional point.

Each year the Department of Public Safety will assess a surcharge of \$250.00 if, during the preceding 36-month period you have been convicted of "driving while license invalid," "failure to show proof of financial responsibility (no insurance)," or "operating a motor vehicle while the registration is suspended."

Each year the Department of Public Safety will assess a surcharge of \$100.00 if, during the preceding 36-month period you have been convicted of "driving without a valid license."

The Driver Responsibility Program applies to an offense committed on or after September 1, 2003.

Q. How do I request a Suspension of Sentence and Deferral of Final Disposition ("Deferred Disposition")?

- A. The procedures for a Suspension of Sentence and Deferral of Final Disposition, often called a "deferred disposition," are found in Art. 45.051 of the Texas Code of Criminal Procedure. The Justice of the Peace has the discretion to grant you this option. However, you may not apply for a deferred disposition if you have been charged with an offense committed in a construction and maintenance work zone when workers were present, or if you hold a commercial driver's license, or if you held a commercial driver's license when the offense was committed.

This procedure requires a plea of "guilty" or "no contest" to the offense with which you are charged, and the payment of all court costs. You will be placed on probation for a period not

to exceed 180 days, during which time you will be required to comply with certain specified conditions of probation.

If you are younger than 25 years of age and charged with a traffic offense classified as a moving violation, you must complete a driving safety course approved by the Texas Education Agency, and if you hold a provisional license, you must also take or re-take the examination required by the Department of Public Safety for all driver's license applicants to demonstrate your ability to exercise ordinary and reasonable control in the operation of a motor vehicle. You are required to pay a \$10 fee to the Department of Public Safety for this examination.

If you timely present satisfactory evidence that you have complied with the requirements of probation, the Justice of the Peace will dismiss the case and there is no final conviction. You may be required to pay a special expense not to exceed the amount of the fine that was originally assessed.

If you do not timely present satisfactory evidence of compliance, the Justice of the Peace will impose the fine assessed which constitutes a final conviction and you will be responsible for the immediate payment of the fine assessed.