

Got a Traffic Ticket?

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When you or a driver for your company receive a traffic citation, it is important to have a plan of action and to be aware of the steps you need to take in order to protect you or your driver's driving record, CSA score and CDL. Here are some considerations and tips to help you or your driver be better prepared to deal successfully with a traffic citation.

- 1. Carefully Review the Citation** – Different states have different ways of handling a traffic citation. Important information concerning your rights will likely be listed on the traffic citation. For instance, in Pennsylvania you have 10 days to enter your plea and send in either collateral or pay fine and costs. Citations issued in other states may set an automatic hearing date. It is important to make sure you do not miss any court deadlines as it may result in a guilty plea and/or a suspension of your license.
- 2. Consider Where the Violation Occurred** – If you received a citation in a state other than the state where you are licensed it is good practice to call an attorney who practices in the state in which you are

licensed to determine what if any affect a guilty plea and/or a conviction would have on your license in your licensing state. The majority of states are part of a license compact, which requires a state where a driver pleads guilty and/or is convicted to report the plea and/or conviction to the driver's "home" state, which is the state where they are licensed.

- 3. Don't Forget About Your Inspection Report** – If your citations are received in connection with an inspection report, do not forget to review and challenge any inappropriate violations contained on your inspection report. The inspection report and traffic citation are separate. Only violations contained on an inspection report will be reflected in your CSA score. A finding of not guilty or the dismissal of a traffic citation will NOT automatically remove a violation from your inspection report. In order to remove an improper violation from your inspection report, which will remove it from your CSA score, you will need to submit a DataQ challenge.

4. Consider Consulting an Attorney – In today's economy, it may appear more fiscally prudent to represent yourself. However, before you decide to represent yourself consider that typically an initial consultation on a traffic citation will be free and whether there are any special circumstances, i.e. facing a possible suspension, potential points on a license, other unique facts or circumstances, that may be better handled by an attorney.

5. If You Do Consult An Attorney Be Prepared - Have a copy of the traffic citation, inspection report and any supporting documents available for review. Some important preliminary information you should be ready to provide the attorney include; (1) when you received the citation, (2) where you received the citation, (3) the specific vehicle code you were cited with violating, (4) the hearing date if you have received one and (5) the fine amount.

6. A Helpful Officer May Not Be As Helpful As You Think
- Officers who attempt to be helpful during the stop may not be as helpful as you think. For instance, I had a case where an officer thought he was doing a commercial driver a favor by citing him under 75

Pa.C.S.A. 3309(1), which is a no-points violation, however, the violation constitutes a serious traffic offense for a commercial driver.

7. The Defendant Driver is the Client and Not the Company – I actually have not run into this problem, however, it can arise when a company retains an attorney for a driver who receives a traffic citation. While the company is paying the attorney's bill it is the driver who is the client. As the client, it is the driver who will be ultimately responsible for the fine, costs and/or penalties associated with a conviction and/or guilty plea for a traffic citation. Therefore, the decision on how the case should proceed is the driver's decision.

8. Keep in Mind Potential Consequences of a Guilty Plea vs. Conviction – If a driver receives a traffic citation in connection with a motor vehicle accident, the driver's conviction and/or guilty plea may be admissible in a civil case depending on the state.



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