

Disposition of Parking Summonses Issued to Persons on Official Business

Directive #21-79
Issued by:

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Robert D. Lipscher
Administrative Director

Pursuant to the directions of the Supreme Court, the following procedures shall be employed in connection with the handling of traffic and parking summonses issued to public officials or employees:

1. All proceedings involving traffic tickets, not paid in full through the Violations Bureau, shall be on the record as required by *R. 7:4-5*. This includes pleas of guilty where the fine is to be suspended in whole or in part, dismissals and tickets where an affidavit of the statement in defense or mitigation of penalty is submitted pursuant to *R. 7:6-6*. Voided traffic tickets will be handled in the manner set forth in the Municipal Court Manual at page 39, defective meter cases as stated on page 49 [sic]. The record should include the ticket number, the nature of the violation, the defense and the disposition with reasons. Of course, the judge will fill out and sign the ticket in the appropriate place on the reverse side.
2. In lieu of personal appearance, the statement in mitigation or defense by affidavit as provided in *R. 7:6-6* may be used by any defendant in appropriate circumstances. When this procedure is used by a public employee who urges official business as a defense or mitigation, the affidavit shall include the exact nature of the business and the reason why such employee could not park legally. The affidavit will be accompanied by a letter from such public employee's supervisor, on the government agency's letterhead, verifying that such employee was in fact on official business. Each case will be decided on its own merits. There shall be no blanket policy of dismissal or suspension of all or part of penalty, based upon official business.
3. If a Municipal Court Judge, Acting Judge, or Court Administrator receives a traffic ticket (parking or otherwise) and pleads not guilty, or intends to plead guilty with an explanation seeking a reduced penalty, such case shall be forwarded for disposition by the Municipal Court Administrator to the Special Civil Part, Law Division, Superior Court of the county where the municipality is located. If a Workers Compensation, Administrative Law, Tax or Superior Court Judge receives such traffic ticket and pleads not guilty or guilty with an explanation seeking a reduced penalty, such case will be forwarded by the Municipal Court Administrator to the Assignment Judge for hearing and disposition by him or her or a Judge designated by him or her. In either case, where the disposition involves payment of a fine or costs, these sums will be forwarded to the Municipal Court from which the complaint was received. If an affidavit containing a statement in mitigation or defense as provided by *R. 7:6-6* is used, the provisions of paragraph 2 above shall apply. Of course, any Judge or Administrator may pay such tickets through the Violations Bureau.
4. In the event that any juror receives a parking ticket while attending jury duty, such juror shall be directed to the Trial Court Administrator's office who will provide the form of affidavit of statement in mitigation or defense to be submitted by such juror to the Clerk of the Municipal Court. The Trial Court Administrator shall prepare a letter confirming that the juror was actively engaged in jury service at the time the ticket was issued, if that is a fact.

EDITOR-S NOTE

The reference to the superseded directive has been deleted and the correct pages for the revised Municipal Court Manual have been inserted.

In the third numbered paragraph, the former County District Court has been replaced by the Special Civil Part of the Superior Court, Law Division, and the reference to the Juvenile and Domestic Relations Court and to the District Court have been removed. All references to the former "municipal court clerk" have been replaced with the newer title "municipal court administrator" (P.L. 1991, c.98). The language has been amended to render it gender-neutral.

Chapter 7 of the Rules Governing the Courts of the State of New Jersey governs practice in municipal courts. This chapter was substantially revised in 1997 and users of this compilation should consult the revised chapter for any changes that may affect these directives.