

RULE 7:12. Trial of Traffic Offenses

7:12-1. Trial Date; Adjournment

The date fixed for the trial of any traffic offense shall be not less than five days from the date of its commission unless the defendant, having been informed of the right to such trial date, waives it and the court in its discretion fixes an earlier date. If a hearing is adjourned, the court may detain the defendant in safe custody, unless the defendant makes a cash deposit or gives a recognizance in accordance with R. 7:4 in an amount not exceeding \$500, or qualifies and justifies in real estate security situated in this State in twice the amount fixed for the bail.

Note: Source-R.R. (1969) 7:6-4. Adopted October 6, 1997 to be effective February 1, 1998.

7:12-2. Calendar Parts; Sessions

Insofar as practicable, traffic offenses shall be tried separate and apart from other offenses. Except for good cause shown, if a court sits in parts and one part sits in daily session and has been designated as a traffic court, traffic offenses shall be tried in that part only, or if a court has designated a particular session, which may be an evening session, as the traffic session, traffic offenses shall be tried in that session. If there is neither a special part nor a special session, the court shall designate the time for a trial of traffic offenses. The Administrative Director of the Courts may, where necessary, direct a court to hold more frequent traffic sessions or to coordinate the sessions held by the court with those regularly scheduled by any other municipal court judges in the county.

Note: Source-R.R. (1969) 7:6-5. Adopted October 6, 1997 to be effective February 1, 1998.

7:12-3. Pleas of Not Guilty and Pleas of Guilty by Mail in Certain Traffic or Parking Offenses

- **(a) Use of Pleas by Mail; Limitations.** Use of Pleas by Mail; Limitations. In all traffic or parking offenses, except as limited below, the judge may permit the defendant to enter a guilty plea by mail, or to plead not guilty by mail and submit a written defense for use at trial, if a personal appearance by the defendant would constitute an undue hardship such as illness, physical incapacity, substantial distance to travel, or incarceration. The Administrative Director of the Courts may designate certain traffic or parking offenses as exempt from the hardship requirement. This procedure shall not be available in the following types of cases:
 - **(1)** traffic offenses or parking offenses that require the imposition of a mandatory loss of driving privileges on conviction;
 - **(2)** traffic offenses or parking offenses involving an accident that resulted in personal injury to anyone other than the defendant;
 - **(3)** traffic offenses or parking offenses that are related to non-traffic matters that are not resolved;
 - **(4)** any other traffic offense or parking offense when excusing the defendant's appearance in municipal court would not be in the interest of justice.
- **(b) Plea of Guilty by Mail.**
 - **(1)** In those cases where a defendant may enter a plea of guilty to a traffic offense or parking offense by mail, such plea shall include:
 - **(A)** an acknowledgement that defendant committed the traffic violation or parking offense set forth in the complaint(s);
 - **(B)** a waiver of the defendant's right to contest the case at a trial, the right to appear personally in court and, if unrepresented by an attorney, the right to be represented by an attorney;

- **(C)** an acknowledgement by the defendant that the plea of guilty is being entered voluntarily;
 - **(2)** A plea of guilty to a traffic offense or parking offense by mail may also include a statement for the court to consider when determining the appropriate sentence.
- **(c) Plea of Not Guilty by Mail**
 - **(1)** In those cases where a defendant may enter a plea of not guilty to a traffic offense or parking offense and submit any defense to the charge(s) by mail, such not guilty plea and defense shall include the following:
 - **(A)** A waiver of the defendant's right to appear personally in court to contest the charge(s) and, if unrepresented by an attorney, a waiver of the right to be represented by an attorney;
 - **(B)** Any factual or legal defenses that the defendant would like the court to consider;
 - **(2)** A defense to a traffic offense or parking offense submitted by mail may also include a statement for the court to consider when deciding on the appropriate sentence in the event of a finding of guilty.
- **(d) Forms.** Any forms necessary to implement the provisions of this rule shall be approved by the Administrative Director of the Courts.
- **(e) Judgment.** If a defendant elects to enter a plea of guilty or to enter a plea of not guilty under the procedures set forth in this rule, the court shall send the defendant a copy of the judgment by ordinary mail.

Note: Source - R. (1969) 7:6-6. Adopted October 6, 1997 to be effective February 1, 1998; caption amended, paragraph (a) caption and text amended, former paragraph (b) amended and redesignated as paragraph (c), and new paragraph (b) adopted July 28, 2004 to be effective September 1, 2004; caption of rule amended, captions and text of former paragraphs (a) and (b) deleted, former paragraph (c) redesignated as paragraph (e) and amended, and new paragraphs (a), (b), (c), and (d) adopted June 15, 2007 to be effective September 1, 2007; paragraph (a) amended July 16, 2009 to be effective September 1, 2009; paragraph (a) amended July 9, 2013 to be effective September 1, 2013.

7:12-4. Violations Bureau; Designation; Functions

- **(a) Establishment.** If the court determines that the efficient disposition of its business and the convenience of defendants so requires, it may establish a violations bureau and designate the violations clerk. The violations clerk may be the municipal court administrator, the deputy court administrator, other employee of the court, or, with the prior approval of the Supreme Court, any other appropriate official or employee of the municipality, except any elected official or any officer or employee of a police department in the municipality in which the court is held. If no municipal official or employee of the municipality is available, any other suitable and responsible person may be appointed subject to the prior approval of the Supreme Court. The judge designated to preside over a joint or central municipal court may establish a violations bureau. The violations clerk may be the municipal court administrator, the deputy court administrator, other employee of the joint or central municipal court, or, with the prior approval of the Supreme Court, any other appropriate official or employee of the municipality in the instance of a central municipal court or of any of the municipalities comprising the joint municipal court, except any elected official or any officer or employee of a police department in the municipality in which the court is held. If no such municipal official or employee is available, any other suitable and responsible person may be appointed subject to the prior approval of the Supreme Court. The violations clerk shall accept appearances, waiver of trial, pleas of guilty and payments of fines and costs in non-indictable offenses, subject to the limitations as provided by law or Part VII of the Rules of Court or the Statewide Violations Bureau Schedule approved by the Supreme Court. The violations clerk shall serve under the direction and control of the designating court.
- **(b) Location.** Whenever practical, the violations bureau shall be in a public building. The location shall be designated by the court subject to the approval of the Administrative

Director of the Courts, and the violations clerk shall take pleas and accept payment of fines and costs only at such location. An appropriate sign reading "Violations Bureau, _____ Municipal Court" shall be posted at the entrance to the violations bureau.

- **(c) Designated Offenses; Schedule of Penalties.** The court shall establish by order a "Local Supplemental Violations Bureau Schedule", which may from time to time be amended, supplemented or repealed, designating the non-indictable offenses within the authority of the violations clerk, provided that such offenses shall not include:
 - **(1)** non-parking traffic offenses requiring an increased penalty for a subsequent violation;
 - **(2)** offenses involving traffic accidents resulting in personal injury;
 - **(3)** operation of a motor vehicle while under the influence of intoxicating liquor or a narcotic or habit-producing drug or permitting another person who is under such influence to operate a motor vehicle owned by the defendant or in his or her custody or control;
 - **(4)** reckless driving;
 - **(5)** careless driving where there has been an accident resulting in personal injury;
 - **(6)** leaving the scene of an accident;
 - **(7)** driving while on the revoked list; or
 - **(8)** driving without a valid driver's license.
- The Local Supplemental Violations Bureau Schedule shall be submitted to and approved by the Assignment Judge of the county in which the court is located. It shall specify the amount of fines, costs and statutory penalties to be imposed for each offense within the authority of the violations clerk, including, in the discretion of the court, higher fines, costs and penalties for second and subsequent offenses, provided such fines, costs and penalties are within the limits declared by statute or ordinance. The Statewide Violations Bureau Schedule and the Local Supplemental Violations Bureau Schedule shall be posted for public view at the violations bureau.
- **(d) Plea and Payment of Fines, Costs and Penalties.** A person charged with an offense within the authority of the violations clerk, may, upon ascertaining the fines, costs and penalties established by the Statewide Violations Bureau Schedule or Local Supplemental Violations Bureau Schedule for the offense charged, pay the same, either by mail or in person, to the violations clerk on or before the return date of the summons, provided that when the summons is marked to indicate that a court appearance is required, payment may not be made to the violations clerk even though the offense is on the Statewide Violations Bureau Schedule or Local Supplemental Violations Bureau Schedule. The tender of payment for an offense to the Violations Bureau, without a signed guilty plea and waiver, may be accepted by the clerk, and shall have the effect of a guilty plea. The court may process the payment and enter a guilty finding to the offense on its records. That finding shall be subject to being reopened subject to R. 7:10-1, in the court's discretion, on motion by either the court or the defendant. If the defendant is a corporation, partnership or unincorporated association, the plea and waiver may be signed or payment may be made on its behalf by any of its agents or employees. The court in its discretion may authorize the violations clerk to accept such plea and payment after the return date of the summons.

Note: Source-Paragraph (a): R. (1969) 7:7-1; paragraph (b): R. (1969) 7:7-2; paragraph (c): R. (1969) 7:7-3; paragraph (d): R. (1969) 7:7-4. Adopted October 6, 1997 to be effective February 1, 1998; paragraph (d) amended July 5, 2000 to be effective September 5, 2000; paragraph (a) amended June 15, 2007 to be effective September 1, 2007.