TRAFFIC VIOLATION INFORMATION - PLEASE READ BEFORE CONTACTING THE COURT

COURT WEBSITE: https://www.cochise.az.gov/benson-justice-court/home
HOURS OF OPERATION: Monday through Friday - 8:00 am to 5:00 pm

COURT:	Phone:	Address:	City, State, Zip:
BENSON JUSTICE COURT (PRECINCT 3) AND BENSON MUNICIPAL COURT	**520-586-8100**	**126 W 5th Street Suite 1**	**Benson, AZ 85602**

You have just received a traffic citation and may be wondering what to do now. The information below may help you.

Be sure to read both sides of your traffic citation. It is important for you to know that you **must** respond to the court on or before the "Notice to Appear" date shown on the front of your citation.

Failure to appear or contact the court on the date listed on your citation, or failure to complete one of the following options may result in the issuance of a warrant for your arrest, and/or additional monetary costs being imposed.

YOUR APPEARANCE DATE IS *NOT* YOUR TRIAL DATE

The following three options are available to you for the citation you received or you may appear in court for an initial appearance on the date and time shown above your signature on your citation. If you have multiple charges on your citation, you will need to indicate your choice for **each** charge.

YOU MUST APPEAR in person on or before the court date and time listed on your complaint ***if***:

- Your charge is a Misdemeanor **(Criminal),**
- Your complaint was issued as a result of an accident involving death or serious physical injury,
- You are under 18 years of age**. *A parent or guardian must accompany you to court.***

YOU HAVE THREE DISPOSITION OPTIONS

- **Option 1:** Attend a Defensive Driving Program (for Civil Traffic violations ONLY).
- **Option 2:** Pay your fine by mail (Entering a plea of guilty or responsible).
- **Option 3:** Request a Trial or Hearing Date.
- **BE SURE** to check the *Important Notices* and *Fine/Sanction Schedules* below.

YOU HAVE SEVERAL WAYS TO PAY YOUR TICKET

- Money Order, Cashier's Check or Personal Check made payable to Cochise County Treasurer (note: a $25.00 fee **will be** assessed for all returned checks.),
- Visa, MasterCard or Discover Card in person or by mail
- **Ncourt** online payment service at www.bensonpay.com or call 855-839-6015

***** NO PERSONAL CHECKS WILL BE ACCEPTED FOR LATE PAYMENTS *****

Please see listings for individual courts for on-line payments or payments by credit card.

**** IMPORTANT NOTICES ****

FAIL TO STOP AT A RED LIGHT (A.R.S. 28-645A3A)
FLASHING RED SIGNAL (A.R.S. 28-647.1)

If you have received a citation for violation of 28-645A3A or 28-647.1, you may be eligible to attend Defensive Driving School and have the violation dismissed. If you choose not to attend Defensive Driving School or are not eligible and are found responsible for the violation, you will be assigned by the Motor Vehicle Division (MVD) to attend a Traffic Survival School class when MVD receives notice of the violation.

CHILD PASSENGER RESTRAINT (A.R.S. 28-907A)

Purchase of a child passenger restraint system after the date and time the complaint was issued **MAY** result in a reduced sanction. Contact the court for further information.

NO PROOF OF REGISTRATION (A.R.S. 28-2532A)

If you did not have valid registration at the time the citation was issued but have since obtained valid registration, mail or bring proof to the court by your court date and the charge will be dismissed. If you are not the owner of the vehicle, you may file a written statement at the court or by mail by your court date and the charge will be dismissed. If you have valid registration at the time the citation was issued, and mail or bring proof to the court by your court date, the charge will be dismissed.

NO DRIVER'S LICENSE IN POSSESSION (A.R.S. 28-3169A)

The charge will be dismissed if the person presents an acceptable form of proof that his or her driver's license was current at the time the violation occurred. Acceptable forms of proof are: presentation of the person's driver's license that was valid at the time the violation occurred, or presentation of a duplicate driver's license issued to the person which was valid at the time the violation occurred.

INSURANCE VIOLATION (A.R.S. 28-4135A, B OR C)
(Effective September 30, 2009)

The sanction for no insurance is:

- A minimum fine of $975.00 will be assessed
- Your driver's license, vehicle registration, and vehicle license plates **will** be suspended by MVD for 3 months (first offense), 6 months (second offense), or 1 year (third offense).

A.R.S. § 28-4135 B or C: If valid proof is shown to the court on or before your appearance date that valid insurance was in effect on the date the citation was issued, the insurance violation will be dismissed.

A.R.S. § 28-4135 A, B or C: If you provide the court with proof of pre-paid 6-month liability insurance and a record from MVD showing no insurance violations in 24 months or only one in 36 months, **on or before your appearance date** the sanction may be reduced.

OPTION #1: DEFENSIVE DRIVING PROGRAM (For Civil Traffic Violations Only)

NOTE: Commercial Driver's License (CDL) holders are eligible for the Defensive Driving Program if violations received while driving personal vehicles or non-commercial vehicles.

Arizona statute provides that under certain circumstances, you may divert ***one*** traffic violation by attending a defensive driving class. You may be eligible for the program if you meet all of the following requirements:

- The violation code on your Complaint matches an eligible code indicated in the *Fine/Sanction Schedule*.
- Your traffic charge was not issued as a result of an accident involving death or a serious physical injury
- Your traffic charge has not already been paid or set for trial or hearing
- You have not attended a Defensive Driving class for dismissal of a traffic charge received in the State of Arizona within the past twelve months (violation date to violation date)

If you choose to use this option:

1. **No court appearance is required for that charge only.**
2. The charge will be dismissed.
3. No fine will be assessed for the charge.
4. No points will be added to your record for the charge.

What Must I do? (Two steps)

1. **Enroll** for a Defensive Driving class by immediately calling any approved Arizona state defensive driving school.

   - **Further information and a list of defensive driving schools may be found at the following website: http://www.azdrive.com** or by calling 1-888-334-5565.

2. **Complete** the class **7 days before** your appearance date. Failure to notify the court before your appearance date may result in forfeiture of your option to attend a Defensive Driving School.

   - **If you require and extension for the defensive driving school, there will be a $25 fee.**

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OPTION #2: TO PAY YOUR FINE BY MAIL (ENTER A PLEA OF GUILTY/RESPONSIBLE) INSTRUCTIONS:

If you complete this option, you are **admitting responsibility** for the violation(s). The court will enter a **judgment of guilty/responsible** and will report the findings to the Motor Vehicle Division. Points will be assessed to your driving record for any moving violations.

If you chose this option, you **must**:

1. **READ AND SIGN** the ACKNOWLEDGEMENT statement on the form below.

2. **ENTER** the Complaint Number in the spaces provided.

3. **MATCH** the violation code(s) from your Complaint to the codes listed on the fine/sanction schedule to determine the amount owed.

4. **FILL IN** all the information requested below. Print your name, address and date of birth exactly as they appear on the Complaint, circle the charge letters from the complaint and enter the appropriate fine and/or sanction amount for ***each*** charge you are paying (charges A-E are located on the left side of the Complaint).

5. **PAY** the total amount due by money order, cashier's check or credit card. DO NOT SEND CASH. A $25.00 fee will be charged for all checks or money orders returned for non-sufficient funds. If payment receipt is required, enclose a stamped, self-addressed envelope.

6. **PRINT** two copies of the completed form and **keep one** for your records.

7. **MAIL** the original Complaint (or a photocopy) along with the **Option** form (below) to the Court indicated on your Complaint.

8. **PAYMENT** and **PAPERWORK** ***must*** be received by the Court **at least 5 working days** before your scheduled court date (located above your signature on the Complaint).

IF PAYMENT IS NOT RECEIVED BY YOUR COURT DATE, additional **fees** may be applied to your account; your account may be referred to **COLLECTIONS**; your delinquent status reported to a **CREDIT BUREAU**; and your **COMMANDING OFFICER** notified (military.)

GO TO OPTION 2 FORM

CONTINUED:

OPTION #2 (CONTINUED):
TO PAY YOUR FINE BY MAIL (ENTER A PLEA OF GUILTY/RESPONSIBLE) COMPLETE THE FOLLOWING:

Court/Precinct: _____

READ *AND* SIGN the following **ACKNOWLEDGEMENT** statement:

> ***"I hereby waive my right to trial or hearing, enter a plea of guilty/responsible, and consent to judgment imposing the prescribed fine or sanction."***

SIGN HERE: _____

ENTER the Complaint Number (located in the upper left corner of your citation):

Last Name:_____First Name:_____MI:_ DOB:

_____Day Phone#_____Other Phone # _____

Address:_____City:_____State:_____Zip: _____

_____**Check** here if this address is a change from the address listed on the Complaint

Check the charges being paid, enter the amount for each charge, add fee AND enter total amount:

_____	A=	$ _____
_____	B=	$ _____
_____	C=	$ _____
_____	D=	$ _____
_____	E=	$ _____
	Add Justice Court Security Fee	**$ 35.60**
	Total:	$ _____

Method of Payment:

____ Money Order ____Check Credit Card:_____Visa ____MasterCard ____Discover Card

Exp. Date:_____Cardholder Name (print): _____

Credit Card Number: | | | | | | | | | | | | | | | | | | | |

Cardholder Signature: _____

OPTION #3 REQUEST A TRIAL/HEARING DATE:

1. **READ AND SIGN** the following statement:

   "I request a trial/hearing to contest the charges indicated below. I enter my plea of <u>Not Guilty/Responsible</u>. I understand that I am giving up the option of attending a defensive driving class on those charges for which I have requested a trial/hearing be set."

   SIGN HERE: _____

From your Arizona Traffic Ticket and Complaint:

2. **ENTER** the Complaint Number in the boxes below (located in upper left corner of your citation.)

3. For ***each*** charge you are requesting a trial or hearing be set, **ENTER** the statute number(s) here. →

	Charges:
A.	
B.	
C.	
D.	
E.	

4. **PRINT** the following information:

   NAME _____ D.O.B. _____

   ADDRESS _____

   CITY _____ STATE _____ ZIP _

   DAY PHONE # _____ Other Phone # _____

   ____ Check here if this address is a change from the one listed on the Complaint.

5. **CHECK** one box:

   _ **I will be** represented by an attorney

   _ **I will not be** represented by an attorney

6. **PRINT** this page with either the original or a photocopy of the Complaint and **MAIL** at least 5 working days before the court date written above your signature on the Complaint. If your request is not received by your court date, a warrant will be issued or default judgment entered and additional fees will be assessed.

7. You will be notified by mail of your assigned trial/hearing date. You must appear on that date and be ready to present evidence and examine witnesses before a judge or hearing officer.

YOU MUST BE PREPARED TO PAY ANY FINE IMPOSED ON THE DAY OF YOUR TRIAL/HEARING. FAILURE TO APPEAR WILL RESULT IN ADDITIONAL MONETARY PENALTIES, AND/OR THE ISSUANCE OF A WARRANT FOR YOUR ARREST.

Fine/Sanction Schedule

A plea of guilty/responsible must be received by the court before payment can be accepted.
Violation codes in RED are eligible for the Defensive Driving Program.
For any violation cited as the cause of a traffic accident the minimum fine/sanction is $185.00.
For Federal Trucking Regulations contact the Court for fine amount.

**** NO PERSONAL CHECKS WILL BE ACCEPTED FOR LATE PAYMENTS ****

Please see Court link for on-line payments or payments by credit card.

VIOLATION CODE		FINE / SANCTION	WITH ACCIDENT
28-448A		147.00	N/A
28-644A1		147.00	N/A
28-645A1B		147.00	185.00
28-645A2B		147.00	185.00
28-645A3A	See "Important Notices"	147.00	185.00
28-645A3B &		147.00	185.00
28-645A3C		147.00	185.00
28-645A3D		129.00	185.00
28-646A1		147.00	185.00
28-646A2		129.00	185.00
28-646B		129.00	185.00
28-647.1	See "Important Notices"	129.00	185.00
28-647.2	See "Important Notices"	129.00	185.00
28-650		217.00	N/A
28-651		147.00	185.00

Fine Schedule for Speeding Violations
Maximum fine for Civil Traffic is $493.00

MPH OVER POSTED LIMIT	FINE / SANCTION Civil Traffic	FINE / SANCTION Criminal Traffic
1-5	105.00	105.00
6-10	175.00	175.00
11-15	245.00	245.00
16-20	315.00	315.00
21-25	385.00	385.00
26-30	455.00	455.00
31-35	525.00	525.00
36-40	595.00	595.00
41-45	665.00	665.00
46-50	735.00	735.00
51-55	805.00	805.00
56-60	875.00	875.00
61-65	945.00	945.00
28-701A	See **Speeding** Fine Schedule	
28-701E	See **Speeding** Fine Schedule	

VIOLATION CODE		FINE / SANCTION	WITH ACCIDENT
28-701.02A2 **Criminal Traffic Fine Only - See Speeding Fines**			
28-701.02A3 **Criminal Traffic Fine Only - See Speeding Fines**			
28-702.01A ***NOT*** Eligible for Traffic School		72.00	N/A
28-702.01C thru 28-702.04B	See **Speeding** Fine Schedule		
28-704A	See **Speeding** Fine Schedule		
28-704B	See **Speeding** Fine Schedule		
28-721 through 28-735A		147.00	185.00
28-751.1 through 28-792B		147.00	185.00
28-793A		129.00	185.00
28-793B		129.00	185.00
28-793C		129.00	185.00
28-794.2		129.00	185.00
28-794.3		129.00	185.00
28-795		129.00	185.00
28-796A, B & C		129.00	185.00
28-797F	Miles per hour over 15 mph limit		
	1-5	105.00	N/A
	6-10	175.00	N/A
	11-15	245.00	N/A
	16-20	315.00	N/A
28-797G		258.00	N/A
28-797H (Signs Present) Miles per hour over 15 mph limit			
	1-5	137.02	N/A
	6-10	246.35	N/A
	11-15	355.67	N/A
	16-20	465.00	N/A
28-811A		123.00	185.00
28-813A through 28-815B		123.00	185.00
28-815D		123.00	185.00
28-855B		147.00	185.00
28-855C		147.00	185.00
28-856.1		147.00	185.00
28-856.2		147.00	185.00
28-856.3		147.00	185.00
28-857A1		505.00	N/A
28-857A2		505.00	N/A

28-701.02A1	**Criminal Traffic Fine Only - See Speeding Fines**	28-871A	147.00	N/A

*** NO PERSONAL CHECKS WILL BE ACCEPTED FOR LATE PAYMENTS OR SUSPENSIONS ***

Please see Court link for on-line payments or payments by credit card.

VIOLATION CODE	FINE / SANCTION	WITH ACCIDENT
28-873A1 through 28-873A14	147.00	N/A
28-874A	147.00	175.00
28-874C	147.00	175.00
28-884A	147.00	N/A
28-891A	147.00	175.00
28-896	147.00	175.00
28-897	147.00	175.00
28-898A	207.00	175.00
28-898B	207.00	175.00
28-903A through 28-903D	147.00	175.00
28-904A	147.00	175.00
28-906	147.00	175.00
28-907A See "Important Notices"	137.00	N/A
28-909A1	63.00	N/A
28-909A2	63.00	N/A
28-909B	63.00	N/A
28-914A1A, 28-914A1B, 28-914A2 **1ST OFFENSE**	182.00	N/A
28-914A1A, 28-914A1B, 28-914A2 **2ND OFFENSE**	315.00	N/A
28-921A1A through 28-964B	117.00	175.00
28-965	117.00	N/A
28-981A1	117.00	175.00
28-981A2	117.00	175.00
28-983A through 28-983D2	117.00	175.00
28-1091A through 28-1098B	117.00	175.00
28-1104C	141.00	N/A
28-2008 through 28-2060E	141.00	N/A
28-2153A	503.00	N/A
28-2153B1	545.00	N/A
28-2153B2	545.00	N/A
28-2158C through 2165A	141.00	N/A
28-2203	184.00	N/A
28-2322	487.00	N/A
28-2354A1 thru 28-2354B3	141.00	N/A
28-2531B1	487.00	N/A
28-2532A See "Important Notices"	594.00	N/A
28-2533A	620.00	N/A
28-3151A through 28-3157B	171.00	N/A
28-3169A See "Important Notices"	171.00	N/A
28-3222 through 28-3225B3	171.00	N/A
28-3474	487.00	N/A
28-3475	220.00	N/A
28-3482A	493.00	N/A
28-4135A See "Important Notices"	975.00	N/A

VIOLATION CODE	FINE / SANCTION	WITH ACCIDENT

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