

# ALABAMA RULES OF JUDICIAL ADMINISTRATION

## Rule 19.

### Uniform traffic infractions.

#### (A) *Complaint and Summons; Use; Forms.*

(1) TRAFFIC COMPLAINT AND SUMMONS. The complaint and summons used in all nonfelony traffic cases filed in all courts of the State shall be the "Uniform Traffic Ticket and Complaint" ("the ticket") or an approved electronic version of the ticket containing substantially the same information as that found on the ticket. Any reference to the ticket made in these Rules shall also include an electronic version of the ticket approved by the Administrative Director of Courts ("the ADC").

(2) NOTICE TO APPEAR. The notice to appear is a document that may be electronically generated and printed at the site of the traffic stop or completed by hand by the issuing officer and served upon the defendant in lieu of the ticket. A notice to appear shall be served upon a defendant only in the event the law enforcement officer issues and files an electronic ticket with the court. The contents and format of the notice to appear shall be established and approved by the ADC.

(3) USE OF TICKET. The ticket shall be used in all nonfelony traffic cases in all courts of the State. Any ticket properly issued by a law enforcement officer shall be accepted for filing and disposition in any court having jurisdiction over the alleged offense.

(4) FORM OF TRAFFIC COMPLAINT AND SUMMONS AND NOTICE TO APPEAR. The form, content, and numbering schemes of the ticket shall be as prescribed in Attachment One to this rule. The form, content, and numbering schemes of an electronic version of the ticket shall be as approved by the ADC. The form and content of a notice to appear shall be as approved by the ADC.

(5) ISSUANCE OF TICKETS TO LAW ENFORCEMENT OFFICERS. Each law enforcement agency shall issue the tickets for use by each officer within that agency. Each law enforcement agency shall obtain its supply of the paper tickets through purchasing and distribution channels prescribed by the ADC. All electronic versions and formats of tickets will also be distributed by the Administrative Office of Courts ("the AOC"). Any electronic ticket must be approved by the ADC.

#### (6) ACCOUNTABILITY FOR TICKETS.

##### (a) Law Enforcement Agencies.

i. Paper tickets. Each law enforcement agency shall be responsible for the proper accounting and use of all tickets stocked by that agency. Each law enforcement officer issuing a ticket shall complete and sign the ticket, serve a copy of the completed ticket upon the defendant and, without unnecessary delay, normally within 48 hours, acknowledge under oath the facts alleged therein before any person within the judicial branch of government who is authorized by the State of Alabama to administer oaths and file the court copies of the ticket with the court having jurisdiction over the alleged offense.

ii. Electronic tickets. A law enforcement officer issuing an electronic ticket shall:

(a) Electronically or wirelessly transmit the defendant's licensing information and other pertinent information to be included on the electronic ticket to the AOC. If required by the court of jurisdiction, the law enforcement officer shall also submit a printed copy of the electronic ticket directly to the court. Pursuant to the provisions of this rule, the court may electronically file the traffic ticket and otherwise process the ticket;

(b) Serve a summons or notice to appear upon the defendant; and

(c) Without unnecessary delay, normally within 48 hours, acknowledge under oath the facts alleged therein before any person within the judicial branch of government who is authorized by the State of Alabama to administer oaths. Both the law enforcement officer and the person administering the oath may use electronic signature process approved by the ADC when swearing to and verifying electronic tickets.

(b) Courts. The presiding circuit judge, other judge, or clerk of each court shall designate personnel to be responsible for accounting for all tickets used in such court. The designated personnel shall be responsible for the proper disposition and accounting of such tickets and shall cause to be prepared and submitted such records and reports relating to the tickets as may be requested by the ADC. Upon request made in person, in writing, or by other means by the defendant or the defendant's attorney, the clerk of the court shall print or otherwise provide a copy of the electronic ticket to the person making the request.

(c) Administrative Office of Courts. The AOC shall develop and maintain an electronic application that (1) permits the law enforcement officer to electronically store the ticket information, (2) forwards the electronic ticket information to the court of jurisdiction, and (3) allows the law enforcement officer and court to authenticate tickets pursuant to subsection (A)(6)(a)(2)(c) of this rule. Once the ticket is electronically filed with the court, the court must electronically report disposition and other information specified by the ADC to the AOC's central ticket repository. The ADC shall have the authority to implement policies and procedures that establish processes for the fulfillment of any requirement of this rule. The AOC shall also provide each court filing an electronic ticket the ability to create and print the electronic ticket on demand.

(B) *Municipal parking offenses.* The ticket shall not be used to charge municipal parking offenses. Municipal parking offenses shall be processed administratively by each municipality. The governing body of a municipality shall have the power to establish a fine and cost schedule for the summary disposition of all municipal parking offenses. In municipalities retaining municipal courts, municipal court magistrates shall administratively process all municipal parking offenses wherein a dispute arises. In all other municipalities, the governing body of the municipality may designate city clerks or appoint administrative hearing officers, who shall be neutral and detached from law enforcement, to accept payment for parking tickets and to determine parking-offense disputes. Within 14 days from any administrative decision of a contested case, a defendant may appeal such decision to the appropriate circuit court for a trial de novo in accordance with the provisions of Ala. Code 1975, §§ 12-11-30 and 12-14-70.

(C) *Procedures.*

(1) DEFENDANT'S APPEARANCE, PLEA, AND WAIVER OF TRIAL. A defendant charged with a traffic infraction, which is included within an approved schedule of fines prescribed for magistrates in accordance with these Rules, may, within 7 days, or, in the discretion of the magistrate, not later than 24 hours before the court date shown on the ticket:

(a) Appear in person before a magistrate, sign under the "Plea of Guilty/Waiver of Rights" section on the back of, or accompanying, the ticket, or on a form provided by the magistrate, and pay the fine and costs; in such a case, the magistrate must retain a copy of the tickets or other such forms in either a paper or approved electronic format; or

(b) Sign under the "Plea of Guilty/Waiver of Rights" section on the back of, or accompanying, the ticket, and mail the ticket and the amount of the fine and costs to the clerk of the court. Remittance by mail of the fines and costs constitutes a guilty plea and waiver of trial, whether or not the "Plea of Guilty/Waiver of Rights" section on the back of, or accompanying,

the ticket is signed by the defendant. Should the amount tendered be insufficient, such money received by the magistrate or clerk shall be considered to be a partial payment of the lawful penalty, applied by the clerk to the fines and costs, and disbursed as required by law. The clerk may give notice of such insufficiency by first class mail to the defendant at the address contained on the ticket, and a supplemental summons or warrant of arrest shall be issued for the offender's arrest, and a judgment shall be entered by the magistrate of court for the balance of the penalty due.

(c) Pay the amount of the fine and costs by credit card or bank transfer to the clerk of court, magistrate, or to any repository for payment established by the ADC. Remittance of the fines and costs by credit-card payment or bank transfer constitutes a guilty plea and waiver of trial, whether or not the "Plea of Guilty/Waiver of Rights" is signed by the defendant. Should the amount tendered be insufficient, such money received by the magistrate, clerk, or other designated office shall be considered to be a partial payment of the lawful penalty, applied by the clerk to the fines and costs, and disbursed as required by law. The clerk may give notice of such insufficiency by first class mail to the defendant at the address contained on the ticket, and a supplemental summons or warrant of arrest shall be issued for the offender's arrest, and a judgment shall be entered by the magistrate of court for the balance of the penalty due.

(2) ISSUANCE OF NOTICE, SUMMONS, OR WARRANT. When a defendant fails to appear pursuant to a ticket issued to him, the court may, in its discretion, issue further notice, and, if the offense is contained in an approved magistrate's fine schedule for traffic offenses pursuant to Rule 20 of these Rules, increase the amount of the fine above the scheduled amount for such offense or issue a supplemental summons or warrant and forfeit bail according to law.

(3) FINES AND COURT COSTS PAID TO CLERK OF THE COURT. Fines and court costs collected from the summary disposition of traffic infractions shall be paid to the clerk of the court, who shall disburse said funds as provided by law; provided, however, that magistrates serving outside the office of the clerk shall transfer all records, including the ticket and plea of guilty, within 48 hours of receipt thereof, and all fines and costs in accordance with rules adopted by the ADC.

(D) *Declaration of approval.* The ticket, which is attached hereto and marked as Attachment One to this rule, is hereby approved and declared to be sufficient for each of the offenses listed therein; provided, however, that nothing in this section shall be deemed to prohibit continued use of any prior series of tickets which have not been specifically recalled or retired by the ADC. The use of an electronic version of the ticket, as approved by the ADC, containing substantially the same information as that found on the ticket attached hereto

and marked as Attachment One is declared to be sufficient for each of the offenses listed. (Attachment One is the Alabama Uniform Traffic Ticket and Complaint form (Form UTTC-1).

(E) *Electronic filing of guilty pleas and orders.* Judges, clerks, and magistrates may utilize an electronic filing system approved by the ADC to accept pleas of guilt and/or to enter orders in a traffic case. The ADC may promulgate necessary policies and procedures for the acceptance of pleas of guilt by electronic means and the electronic filing of orders.

(F) *Authority of the administrative director of courts.* The ADC shall provide the Supreme Court with notice of any policies, procedures, guidelines, directive, or any other standards that are implemented pursuant to this rule. Notice shall be provided by filing the documentation of such with the clerk of the Supreme Court for circulation to members of the Court.

[Amended 11-9-76; Amended 12-7-76, eff. 4-1-77; Amended 12-6-77, eff. 1-1-78; Amended 12-20-77, eff. 1-15-78; Amended 12-28-78, eff. 1-5-79; Amended 6-5-79, eff. 8-1-79; Amended 11-6-79, eff. 1-1-80; Amended 1-5-81, eff. 1-30-81; Amended 11-2-82, eff. 2-1-82; Amended 10-21-82, eff. 1-1-83; Amended 9-28-83, eff. 11-1-83; Amended 1-7-85, eff. 1-1-85; Amended 10-28-85, eff. 1-1-86; Amended eff. 6-2-87, Amended 9-28-87, eff. 10-1-87; Amended eff. 2-8-89; Amended 3-18-97, eff 3-18-97; Amended eff. 12-29-2004; Amended eff. 3-28-2005; Amended eff. 11-9-2006; Amended eff. 10-30-2009.]

### Comment

This rule, read in conjunction with Ala.Code 1975, Section 12-2-30, establishes administrative procedures for the accountability, use, and summary disposition of the uniform traffic ticket and complaint (UTTC) for all non-felony traffic infractions prosecuted in the courts of this state. The form and content of the traffic complaint and summons shall be as prescribed in Attachment One of the rule; however, continued use of any UTTC previously approved for use, and not specifically recalled is authorized.

**Note from the reporter of decisions:** The order amending Rule 19, effective December 29, 2004, is published in that volume of *Alabama Reporter* that contains Alabama cases from 890 So. 2d.

**Note from the reporter of decisions:** The order amending Rule 19(A) (5) (a), effective March 28, 2005, is published in that volume of *Alabama Reporter* that contains Alabama cases from 895 So. 2d.

**Note from the reporter of decisions:** The order amending Rule 16, Rule 18, Rule 19, Rule 20, Appendix B to Rule 20, Rule 30, and Rule 31, effective

November 9, 2006, is published in that volume of *Alabama Reporter* that contains Alabama cases from 944 So. 2d.

**Note from the reporter of decisions:** The order amending Rule 19, effective October 30, 2009, is published in that volume of *Alabama Reporter* that contains Alabama cases from 18 So. 3d.