

IN THE SUPREME COURT OF ALABAMA
July 13, 2012

ORDER

IT IS ORDERED that Rule 20, Alabama Rules of Judicial Administration, is amended to read in accordance with the appendix to this order;

IT IS FURTHER ORDERED that this amendment be effective immediately;

IT IS FURTHER ORDERED that the following note from the reporter of decisions be added to follow Rule 20:

"Note from the reporter of decisions: The order amending Rule 20, effective July 13, 2012, is published in that volume of Alabama Reporter that contains Alabama cases from ___ So. 3d."

Malone, C.J., and Woodall, Stuart, Bolin, Parker, Murdock, Shaw, Main, and Wise, JJ., concur.

I Robert G. Esdale, Sr., as Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appear(s) of record in said Court.

Witness my hand this 13th day of July, 2012

Robert G. Esdale, Sr.
Clerk, Supreme Court of Alabama

APPENDIX

Rule 20. Magistrates' Fine Schedule and Procedure if Defendant Elects to Plead Guilty in District Court or Municipal Court

(Note: If a municipality does not have a municipal court, and a person charged with a municipal-ordinance violation listed on a schedule included in, attached as an appendix to, or adopted pursuant to this rule elects to plead guilty, the district-court schedule of fines shall apply.)

(A) *Schedule of Fines for Traffic Offenses.* If a defendant in a district-court or municipal-court case elects to plead guilty before a magistrate to one of the traffic offenses listed in the schedule below, the fine established in this schedule shall apply:

<u>OFFENSES</u>	<u>FINES</u>
Allowing child under the age of 16 to operate motor vehicle	\$50
Bicycle - no lamps or reflector	20
Blocking highway	30
Casting a light from a public road (nuisance spotlighting)	100
Clinging to vehicle	20
Coasting	20
Crossing a fire hose	50
Disobeying traffic control devices on a controlled-access highway	20
Driving on beach or sand dunes	100
Driving on wrong side of road	30
Driving through or around a barricade/fence/warning sign/detour sign	20
Driving under the minimum speed	20
Driving upon sidewalk	20
Driving with vision obscured	20
Entering highway closed by state trooper	20
Expired license	20
Expired tag	20
Failure to affix tinting-compliance label	20
Failure to dim headlights	10
Failure to display flare or warning devices	20
Failure to exercise care	20
Failure to move over or reduce speed when approaching enforcement or emergency vehicles	25
Failure to move to the right upon approach of emergency vehicle	50
Failure to obey pedestrian-control signals	20
Failure to obey the instructions of any official traffic-control device	20
Failure to stop at railroad crossing	10
Failure to stop when emerging from alley, driveway, or building	20
Failure to use child restraint	25

Failure to wear safety belt	10
Failure to yield right-of-way	20
Failure to yield to emergency vehicle	50
Following emergency vehicle	50
Following too closely	20
Hitchhiking	10
Impeding the flow of traffic	20
Improper access to controlled-access roadway	20
Improper backing	20
Improper brakes	20
Improper horn	20
Improper lane change	20
Improper lane usage	20
Improper length/width of a motor bus	100
Improper lights	20
Improper motorcycle operation	20
Improper muffler	10
Improper or no rearview mirror	20
Improper passing	20
Improper passing on a motorcycle	20
Improper riding of a bicycle on a roadway	20
Improper signal	10
Improper stopping or parking on or in highway (general)	30
Improper stopping, standing, or parking in specified places	30
Improper stopping, standing, or parking outside of business or residence	30
Improper tag	25
Improper tag classification	25
Improper tires	20
Improper turn	20
Improper use of clearly indicated divided highway	30
Improper window tinting	20
Improperly driving over the center line of a four-lane roadway	20
Improperly opening and closing vehicle doors	20
Insurance - allowing the operation of a vehicle without insurance	50
Insurance - display of invalid insurance	50
Insurance - failure or refusal to display	50
Insurance - operating a vehicle the registration of which is suspended	50
Insurance - operating a vehicle without insurance	50
Littering highway	100
Making a U-turn	20
Motorcycle - no shoes	10
No CD license	100
No flag, flares, or other warning device	20
No helmet (motorcycle rider)	10
No motorcycle endorsement	20

No permit (oversized width, height, length)	100
No plainly visible tag	50
No red or orange flag or red light or amber strobe	20
No reflect device on slow-moving vehicles	20
No reflectors on tractor	20
Obstructing driver's view	20
Operating a motor vehicle without a driver's license	25*
Overweight/overheight/overlength truck	100
Parking more than 18 inches from curb	30
Pedestrian entering or remaining on bridge or railroad crossing	20
Pedestrian on highway	10
Pedestrians not yielding to authorized emergency vehicles	10
Refusal to weigh	300
Riding in house trailer	20
Running red light	20
Running stop sign	20
Shifting load	25
Slowing or stopping without a proper signal	20
Speeding:	
Less than 25 MPH over posted speed limit	20
25 MPH or more over posted speed limit	40
Speeding in a construction zone:	
Less than 25 MPH over posted speed limit	40
25 MPH or more over posted speed limit	80
Speed - exceeding reasonable and prudent	20
Spilling load	25
Stopping on highway	30
Switched personalized license plates	100
Towing or hauling a disabled vehicle	50
Unattended motor vehicle	25
Unloading logs, lumber, etc., on or near highway	25
Violating driver's license restriction or endorsement	10*
Violating oversized-load permit	100

*This amount does not include the \$50 penalty imposed pursuant to § 32-6-18 and § 32-6-19, Ala. Code 1975.

(B) *District-Court Schedule of Fines.* Any district court, by action of the majority of the judges thereof, and subject to the limitations imposed in section (D), may adopt, in whole or in part, the Supreme Court's extended schedule of fines appearing as Appendix B to this rule, and the schedule adopted by the district court shall apply in municipal-ordinance-violation cases, state-law-violation cases (i.e., cases involving offenses for which a sentence of imprisonment not in excess of 30 days may be imposed (see § 13A-1-2(2), Ala. Code 1975)), and misdemeanor cases, including cases charging the violation of a rule or regulation promulgated by a state agency or department, not included in the schedule set out in section (A), wherein a defendant elects to plead guilty before a magistrate to a misdemeanor, a state-law violation, a municipal-ordinance violation, or other violation listed in the schedule. Provided, that in no event shall the schedule of fines include violations or misdemeanors involving the use or consumption of alcoholic beverages or any controlled substance, violations or misdemeanors connected with violent acts, or violations or misdemeanors requiring restitution to victims of crime.

If the district court adopts the Supreme Court's extended schedule of fines, in whole or in part, the district court may subsequently, by action of the majority of the district judges, omit from its local schedule of fines any particular offense listed on the Supreme Court's extended schedule of fines or it may reject the Supreme Court's extended schedule of fines in its entirety.

Any district court, by action of the majority of the judges thereof, and subject to the limitations imposed in section (D), may adopt a local schedule of fines for other misdemeanors, state-law violations, municipal-ordinance violations, or violations of rules or regulations promulgated by a state agency or department, not included in section (A) and not included in the Supreme Court's extended schedule of fines, or, as to a particular offense, may set a fine amount different from that contained in the Supreme Court's extended schedule of fines. This local schedule shall apply if a defendant elects to plead guilty before a magistrate to a misdemeanor or violation listed in the schedule. Provided, however, that any local schedule that lists additional offenses or sets different fine amounts shall not be effective until it has been approved by the Alabama Supreme Court. The presiding district judge shall submit the local fine schedule listing other offenses or setting different fine amounts to the clerk of the Supreme Court, who shall present it to the Supreme Court for approval.

Any district court adopting a local fine schedule pursuant to this rule, whether it adopts the Supreme Court's schedule of fines, in whole or in part, or adopts a different schedule permitted by this rule, shall submit a copy of its schedule (or schedules) to the Administrative Office of Courts, and the district court shall maintain the original on file in the court clerk's office. Any district court rejecting the Supreme Court's extended schedule of fines in its entirety shall notify the Administrative Office of Courts of this fact, furnishing the administrative director of courts a copy of the document indicating that action; the district court shall maintain the original document in the court clerk's office. The clerk of the court shall distribute copies to the county sheriff, all chiefs of police for municipalities located within the county, and the state-trooper office located within the county for display in a conspicuous place, and the clerk shall post the schedule (or schedules) in a conspicuous place. (See section (G), "Posting, Distributing, and Displaying Schedule of Fines.")

(C) *Municipal-Court Schedule of Fines.* Any municipality having a municipal court may, by ordinance, adopt, in whole or in part, the Supreme Court's extended schedule of fines appearing as Appendix B to this rule, and the schedule adopted shall apply in municipal-ordinance-violation cases or cases charging the violation of a rule or regulation promulgated by a state agency or department and incorporated in municipal ordinances, not included in the schedule set out in section (A), wherein a defendant elects to plead guilty before a magistrate to a misdemeanor or violation listed in the schedule. If a municipality adopts all or a portion of the Supreme Court's extended schedule of fines, it may subsequently amend its local schedule of fines, by ordinance, to include or exclude any of or all the offenses contained in the Supreme Court's extended schedule of fines or to reject the Supreme Court's extended schedule of fines in its entirety. Provided, that the adoption of a schedule of fines pursuant to this section shall be subject to the limitations imposed in section (D), and provided further that in no event shall the schedule of fines include municipal-ordinance violations or other violations or misdemeanors incorporated by reference into ordinances involving the use or consumption of alcoholic beverages or any controlled substance, municipal-ordinance violations or other violations or misdemeanors incorporated by reference into ordinances connected with violent acts, or municipal-ordinance violations or other violations or misdemeanors incorporated by reference into ordinances requiring restitution to victims of crime.

A municipality having a municipal court may, by ordinance, and subject to the limitations imposed in section (D) and subject to the limitations that the schedule of fines not include violations or misdemeanors involving the use or consumption of alcoholic beverages or any controlled substance, violations or misdemeanors connected with violent acts, or violations or misdemeanors requiring restitution to victims of crime, adopt a local schedule of fines for municipal-ordinance violations or violations of rules or regulations promulgated by a state agency or department and incorporated into ordinances, which offenses or violations are not included in the schedule of fines provided in section (A) or in the Supreme Court's extended schedule of fines, and as to which a defendant may elect to plead guilty before a magistrate. Provided, that the fines adopted may not be inconsistent with either the fine schedule set out in section (A) or the Supreme Court's extended schedule of fines and provided that the included violations are offenses that do not require a court appearance.

(D) *Limitations.*

(1) No schedule of fines established for use by magistrates pursuant to section (B) or (C) shall include any of the following traffic offenses:

(a) Operating or being in actual physical control of any vehicle or vessel while intoxicated or under the influence of drugs;

(b) Reckless driving;

(c) Felony offenses;

(d) Operating a motor vehicle while one's driver's license is suspended, revoked, or canceled;

- (e) Fleeing or attempting to elude a police officer;
- (f) Racing on the highway;
- (g) Operating or driving a commercial vehicle after the vehicle or driver has been placed “out of service” by a law-enforcement officer; and
- (h) Offenses that carry a penalty that includes mandatory incarceration.

(2) Notwithstanding that the particular misdemeanor or violation with which the defendant is charged is listed on a schedule adopted pursuant to this rule, that schedule shall have no application to the defendant's case if the offense charged resulted in personal injury or property damage.

(E) Procedure for Pleading Guilty to Nontraffic Offense.

(1) Personal Appearance or Remittance by Mail or Hand Delivery. Any defendant electing to plead guilty to any nontraffic misdemeanor, state-law violation, municipal-ordinance violation, or violation of a rule or regulation promulgated by a state agency or department, which misdemeanor or violation is listed in a schedule established pursuant to section (B) or (C), must, within 7 days of the date of receiving the Uniform Nontraffic Citation and Complaint (“the UNTCC”), or, in the discretion of the magistrate, not later than 72 hours before the court date shown on the UNTCC, comply with one of the following requirements:

(a) Appear in person before a magistrate, sign the “Plea of Guilty/ Waiver of Rights” provision on the UNTCC, and pay the fine, all applicable court costs, and, for a misdemeanor offense in the district court, the minimum victim-compensation assessment of \$25; in the event the defendant chooses this option, the magistrate should retain a copy of the UNTCC; or

(b) Sign the “Plea of Guilty/Waiver of Rights” provision on the UNTCC and mail or hand deliver to the clerk of the court the signed page and payment for the amount of the fine, all applicable court costs, and, for a misdemeanor offense in the district court, the minimum victim-compensation assessment of \$25. Remittance by mail or hand delivery of the fine, costs, and victim-compensation assessment constitutes a guilty plea and waiver of trial, even if the “Plea of Guilty/Waiver of Rights” provision on the UNTCC has not been signed by the defendant. If the amount sent is insufficient, then the money received by the clerk shall be considered to be a partial payment of the lawful penalty, and it shall be applied by the clerk to the fine, costs, and victim-compensation assessment and shall be disbursed as required by law. The clerk may give notice of an insufficiency, and a supplemental summons or warrant of arrest shall be issued for the defendant's arrest, and a judgment shall be entered by the magistrate for the balance due.

(c) Pay the amount of the fine and costs by credit card or bank transfer to the clerk of court, magistrate, or any repository for payment established by the Administrative Office

of Courts. 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 officer 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 UNTCC, and a supplemental summons or warrant of arrest shall be issued for the defendant's arrest, and a judgment shall be entered by the magistrate of court for the balance of the penalty due.

(2) Exception for Repeat Offenders; Mandatory Court Appearance. If the court has reason to believe that a defendant charged with a scheduled offense is a repeat offender, the court, in its discretion, may require the defendant to appear in court to answer the charged offense, in which case the defendant may not plead guilty before a magistrate.

(3) Issuance of Notice, Summons, or Warrant. If a defendant fails to appear, the court may, in its discretion, issue further notice and, if the offense is contained in a schedule of fines, increase the amount of the fine above the scheduled fine for such an offense or it may issue a supplemental summons or warrant and forfeit bail according to law.

(4) Fines, Court Costs, and Victim-Compensation Assessments Paid to Clerk of Court; Transfer of Records from Outside Clerk's Office. Fines, court costs, and, in misdemeanor cases in the district court, victim-compensation assessments collected in cases where the defendant pleads guilty shall be paid to the clerk of the court, who shall disburse the funds as provided by law; provided, however, that magistrates serving outside the office of clerk shall transfer to the office of the clerk all records, including the UNTCC and the signed "Plea of Guilty/Waiver of Rights" provision, within 48 hours of receiving those records, and the clerk of court shall disburse all fines, court costs, and, in misdemeanor cases in the district court, victim-compensation assessments, in accordance with rules adopted by the Administrative Director of Courts.

(F) *Declaration of Approval of Uniform Nontraffic Citation and Complaint.* The UNTCC, appearing as Appendix A to this rule, is hereby approved and declared to be sufficient for each of the nontraffic offenses listed in the Supreme Court's extended schedule of fines and for those offenses listed in any schedule of fines approved by the Supreme Court or adopted pursuant to sections (B) and (C). The use of an electronic version of the UNTCC, as approved by the Administrative Director of Courts, containing substantially the same information as that found on the UNTCC appearing as Appendix A to this rule is declared to be sufficient.

(G) *Posting, Distributing, and Displaying Schedule of Fines.* Each court clerk shall post, in a conspicuous place, the schedule of fines prescribed in section (A) and any schedule adopted pursuant to section (B) or (C). The schedule shall be distributed by the clerk of the court to all law-enforcement agencies, including municipal police departments, and to state agencies and departments that will use the Uniform Traffic Ticket and Complaint and the UNTCC and to officers operating within the jurisdiction of the court, and it shall be prominently displayed in the offices of magistrates and the clerk of court.

(H) *Acceptance of Plea as to Offense not Listed on Schedule; Contempt.* Any magistrate who accepts a defendant's guilty plea as to an offense not listed on a schedule adopted pursuant to this rule is subject to the power of the district court or the municipal court to punish for criminal contempt.

(I) *Use of Uniform Nontraffic Citation and Complaint.* If a law-enforcement officer chooses to cite and release the defendant for a misdemeanor or violation listed in a schedule of fines adopted pursuant to this rule, the UNTCC or the electronic version of the UNTCC shall serve as the charging instrument. However, in no event shall the UNTCC or the electronic version of the UNTCC be used in regard to an offense listed in section (D) or in regard to a violation or a misdemeanor that is based on the use or consumption of alcoholic beverages or any controlled substance, that is connected with a violent act, or that requires restitution to a victim of crime.

(J) *Issuance of Forms to Law Enforcement Officers.* Each law-enforcement agency and each agency or department of the state using the UNTCC shall issue copies of the UNTCC to each law-enforcement officer or each officer who is responsible for the enforcement of the rules and regulations within that agency. Each law-enforcement agency and each agency or department of the state using the UNTCC shall be responsible for printing paper-ticket books. The electronic version of the UNTCC will be distributed by the Administrative Office of Courts.

(K) *Accountability for Uniform Nontraffic Citation and Complaint.*

(1) *Law-Enforcement Agencies.* Each law-enforcement agency and each agency or department of the state using the UNTCC or the electronic version of the UNTCC shall be responsible for the proper accounting and use of all tickets stocked by that agency. Each law-enforcement officer issuing a UNTCC shall complete and sign the UNTCC, serve a copy of the completed UNTCC 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 copies of the UNTCC with the court having jurisdiction over the alleged offense. Electronic versions of the UNTCC may be electronically transmitted to and filed with the court of appropriate jurisdiction. If an electronic UNTCC is used, both the law-enforcement officer and the person administering the oath may use an electronic signature and verification process approved by the Administrative Director of Courts when swearing to and verifying electronic UNTCCs.

(2) *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 Administrative Director of Courts.

(L) *Electronic Filing of Guilty Pleas and Orders.* Judges, clerks, and magistrates may utilize an electronic filing system managed and operated by the Administrative Office of Courts to accept pleas of guilty and/or to enter orders in nontraffic cases that have been initiated by the filing of a UNTCC or an electronic version of the UNTCC.