

CHAPTER 492

TRAFFIC VIOLATIONS BUREAUS

492.01 Establishment.
 492.02 Establishment by rule.
 492.03 Contents of court rule.

492.04 Disposal of violations.
 492.05 Records; fines and other collections.
 492.06 Limitation on effect.

492.01 ESTABLISHMENT.

Subdivision 1. **Authorization.** The council of any city, however organized, by ordinance, authorize the court or courts in that municipality having jurisdiction over traffic offenses to establish a traffic violations bureau to assist the court in disposing of violations of traffic laws or ordinances.

Subd. 2. **Ordinance, required contents.** The ordinance authorizing the establishment of such a bureau shall:

(a) Designate or authorize the court to designate the head of the bureau, and provide for other bureau personnel to the extent that municipal officers and employees, whether employed to perform other municipal duties or not, are used to staff the bureau; but such provisions shall be consistent with requirements of other applicable statutory and charter provisions;

(b) Provide suitable space and other facilities for the bureau and fix the hours when the bureau is to be open;

(c) Appropriate funds for the establishment and operation of the bureau, if necessary, and make provision for its financial operations, including disposition of its receipts, consistent with section 492.05;

(d) Provide for bureau records and reports, consistent with section 492.05;

(e) Include such other provisions, not inconsistent with this chapter and with authority otherwise existing in the court to make rules for its own operations, as may be necessary for establishment and operation of the bureau.

History: 1953 c 527 s 1; 1973 c 123 art 5 s 7

492.02 ESTABLISHMENT BY RULE.

Subdivision 1. **Courts.** When an ordinance authorizing the establishment of a traffic violations bureau has been adopted, the court or courts to which the ordinance relates may establish such a bureau by rule.

Subd. 2. **Justices of peace.** In any municipality not having a municipal court, a rule establishing a traffic violations bureau may be adopted by joint action of both justices of the peace of the municipality or separately by one of them if both have jurisdiction over violations of traffic laws or ordinances. Until modified or revoked, a rule so adopted shall apply to the court of any justice who subsequently assumes the office either by election or by appointment; but any justice may revoke the rule insofar as the same establishes the bureau as an agency of his court by filing a written declaration to that effect with the municipal clerk and the head of the bureau. Any justice who is in office at the time a rule establishing the bureau is adopted and who does not adopt it or join in its adoption and any justice of a court in which a rule has been revoked may later become bound thereby by filing his written consent with the municipal clerk and the head of the bureau. A traffic violations bureau shall not operate as an agency of the court of any justice of the peace who is not bound by the rule establishing the bureau and the head of the bureau shall not appear before such justice on behalf of any person who has given satisfaction to the bureau for a traffic violation.

Subd. 3. **Amendment of rule.** A rule establishing a traffic violations bureau may be amended at any time, but no amendment of a justice court rule shall be effective unless approved by each justice to whom the rule then applies under the provisions of subdivision 2. Before becoming effective each rule of a municipal or justice of the peace court establishing a traffic violations bureau and any amendment thereto shall be published at the expense of the municipality in the same manner as its ordinances.

History: 1953 c 527 s 2

492.03 CONTENTS OF COURT RULE.

Consistent with this chapter and with the ordinance authorizing the bureau, the court rule establishing the bureau shall include the following:

(a) Designation of the head of the bureau, where this is delegated to the court in the ordinance authorizing establishment of the bureau or where a clerk of municipal court is so designated;

(b) Subject to section 492.04, subdivision 3, specification of the traffic offenses which may be satisfied at the bureau without a personal court appearance, including a stipulation of the maximum number of identical or different traffic violations by the same person which may be satisfied at the bureau without such an appearance.

(c) A schedule fixing the fines for first, second, and subsequent violations which may be satisfied at the bureau; but such fines shall be within the limits prescribed by law or ordinance;

(d) Provisions fixing the time within which a defendant must appear at the bureau in answer to a charge of violating a traffic law or ordinance;

(e) A schedule fixing bail for violations processed at the bureau but requiring a personal appearance in court;

(f) A schedule fixing penalties for failure to appear at the bureau within the time prescribed;

(g) Provisions for determining the previous record of traffic violations when this is material to disposition of cases by the bureau;

(h) In courts paid by fees, provisions for a waiver of statutory fees in cases satisfied at the bureau, or a stipulation of the total fees, not exceeding the amounts fixed by statute, to be collected at the bureau either as part of the fine or in addition thereto for the entry of judgment and any other services rendered in connection with cases satisfied at the bureau;

(i) Provisions for the form of traffic tag or summons and complaint to be used in making charges for violation of a traffic law or ordinance. Insofar as not otherwise prohibited by law such form may be a complaint with a summons attached thereto and made a part thereof.

(j) Provisions for the control of and accounting for books of traffic tags, or summonses and complaints issued to police officers;

(k) Provisions for the establishment by the bureau of a calendar of court appearances for violations not satisfied at the bureau and for notification of the municipal attorney and police department of the time fixed for trial of such cases;

(l) Provisions for the written form to be used in satisfying cases at the bureau;

(m) Such other provisions, not inconsistent with statute and the ordinance authorizing the bureau, as may be necessary or desirable to provide for the efficient operation of the bureau as an agency of the court.

History: 1953 c 527 s 3

492.04 DISPOSAL OF VIOLATIONS.

Subdivision 1. **Procedure.** Subject to subdivision 3, a traffic violations bureau may be authorized to dispose of violations of a traffic law or ordinance by permitting the person charged with the violation to comply with the following procedure:

(a) Appearance at the traffic violations bureau either in person or by written power of attorney within a specified time;

(b) Payment of the prescribed fine;

(c) Execution of a written form waiving a hearing in court, pleading guilty to the charge, and authorizing the person in charge of the bureau to make the plea and pay the fine in court.

Subd. 2. **Effect of compliance with procedure.** Compliance with the procedure specified in subdivision 1 shall have the same effect as a judgment of conviction entered upon a plea of guilty in open court, and the violator shall be given a receipt which so states.

Subd. 3. **Exceptions.** A traffic violations bureau shall not be authorized by rule or otherwise to dispose of any of the following violations without a personal court appearance:

(a) Driving without a license or permit or after suspension or revocation of a license;

(b) Driving in violation of license or permit restrictions;

(c) Leaving the scene of an accident;

(d) Driving under the influence of intoxicants;

(e) Reckless or careless driving;

(f) Driving more than 20 miles per hour in excess of the speed limit.

Subd. 4. **Rights of persons protected.** A traffic violations bureau shall not deprive any person of his right to counsel or prevent him from appearing in court to answer, explain, or defend any charge of violating a traffic law or ordinance or otherwise object to the procedure authorized in this chapter. Every person appearing at the bureau in answer to a charge of violating a traffic law or ordinance shall be informed that he may be represented by counsel, that he may plead guilty or not guilty, that he has a right to a court hearing, and that, if a moving violation is involved, his record will be sent to the commissioner of transportation of the state of Minnesota or of the state which has issued his driver's license.

Subd. 5. **Notices; warrant for arrest.** If a person charged with a non-moving violation does not comply with subdivision 1 within the prescribed time, the bureau shall send him a notice directing him to respond to the previous notice or summons within a period specified by the court rule, but not more than 48 hours from the time such notice is postmarked. If a defendant charged with a moving violation does not comply within the prescribed time with the procedure prescribed in subdivision 1, or if a defendant charged with a non-moving violation fails to respond to the notice, the traffic violations bureau shall bring that fact to the attention of the court so that a warrant may be issued for the defendant's arrest and appearance before the court.

History: 1953 c 527 s 4; 1976 c 166 s 7

492.05 RECORDS; FINES AND OTHER COLLECTIONS.

A traffic violations bureau established pursuant to this chapter shall keep a record of all cases of violation brought before it, including their final disposition, and also a record of all fines collected and the disposition thereof. Fines and other moneys collected by the bureau shall be disposed of in the same manner as if

MINNESOTA STATUTES 1982

492.05 TRAFFIC VIOLATIONS BUREAUS

8346

guilt had been determined in court. The bureau shall also perform such additional duties and keep such additional records as are prescribed by the court or in the ordinance authorizing establishment of the bureau.

History: 1953 c 527 s 5

492.06 LIMITATION ON EFFECT.

This chapter does not affect any traffic violations bureau established by special law, nor does it limit the authority of any court under any other statutory or charter provision to provide for the disposition of traffic cases in any other manner.

History: 1953 c 527 s 6