

IN THE STATE COURT OF FORSYTH COUNTY

STATE OF GEORGIA

INTERNAL OPERATING PROCEDURE 99-8

TRAFFIC VIOLATIONS BUREAU ORDER

EFFECTIVE NOVEMBER 5, 1999

WHEREAS, O.C.G.A. §40-13-50 provides for the establishment of a Traffic Violations Bureau, and

WHEREAS, it is the desire of this Court to provide for the prompt disposition of the traffic cases assigned to this Court;

IT IS THEREFORE ORDERED that, effective this date, all prior versions of the Traffic Violations Bureau Order and amendments thereto shall be deleted in their entirety and replaced with the following:

Section 1. The Traffic Violations Bureau shall be under the direct supervision of and attached to the office of the Clerk of this Court. Douglas E. Sorrells, Clerk of this Court, and any assistants he requires are hereby appointed to receive the fines and forfeitures as specifically set out herein.

Section 2. The Traffic Violations Bureau shall have jurisdiction only over offenses listed on Exhibit "C" attached hereto, except those offenses that are listed as "See Judge" offenses. Any officer who arrests any person for the violation of a traffic law or traffic ordinance alleged to have been committed outside the corporate limits of any municipality shall permit such person to be released upon surrender of his driver's license and upon being served with a citation and summons, as herein provided, unless such an officer has reasonable and probable grounds to believe that the person will not obey said summons and agreement to appear.

Section 3. All citations and warrants for offenses which do not come within the jurisdiction of the Traffic Violations Bureau, including all offenses for which the defendant has been booked into the jail, shall be forwarded by the Sheriff's Department directly to the office of the Solicitor General of Forsyth County for prosecution. The Solicitor General shall then prepare accusations for the prosecution of these offenses at her sole discretion.

Section 4. The original and Department of Public Safety copy of the uniform traffic citation and summons, coming under the jurisdiction of the Traffic Violations Bureau, shall be sent by the officer issuing the summons, within 24 hours of the offense date, to the Traffic Violations Bureau of this Court. The defendant named in the summons shall be given the second copy of the ticket. The uniform traffic citation shall have instructions printed on the back of the violator's copy as set out on Exhibit "A" attached hereto. It shall be the duty of the Sheriff's Department to separate the citations according to this order, determining which offenses are Traffic Violations to be sent to the Traffic Violations Bureau and which are misdemeanors to be sent directly to the office of the Solicitor General.

Section 5. In the event a person charged with a Traffic Violations Bureau Offense pleads not guilty and requests a trial or requests to negotiate with the prosecutor, the Solicitor General of

Forsyth County shall assume the prosecution of said traffic violation. A request for trial or to negotiate with the prosecutor shall not result in a loss of jurisdiction by the Traffic Violations Bureau pursuant to O.C.G.A. § 40-13-60. However, upon a finding of guilty by the judge or jury, the Court will not be bound by the previously set fines on Exhibit "C" attached hereto. Moreover, the Clerk of the Traffic Violations Bureau shall code each case in which the Solicitor General assumes prosecution for case counting purposes and shall provide a list of such cases to the Solicitor General on a quarterly basis.

Section 6. Any person cited for any traffic offense under the jurisdiction of the Traffic Violations Bureau of this Court shall be permitted to give a cash bond for his appearance under the terms and conditions as set forth upon the summons given to him at the time the defendant is cited and summoned by the prosecuting officer for a traffic violation. In any case, where a defendant, cited for a traffic violation, as herein defined, and who posts a cash bond, fails to appear on the day set forth in the original summons and citation, said failure shall be construed as an admission of guilt. The cash bond shall then be forfeited. The proceeds of said cash bond shall be applied and distributed as any fine imposed by said court would be. Nothing herein shall be construed as preventing the judge from ordering the defendant to appear and stand trial. However, in the event the cash bond is sufficient to satisfy all fines and fees as specified for the offense in this order, the case shall be closed and the guilty plea entered. In the event the forfeiture is not sufficient to satisfy all fines and fees as defined in this order, a bench warrant shall issue at the appropriate time as defined in this order as a result of the defendant's failure to appear. When a criminal defendant posts a cash bond, the cash bond shall be forwarded from the Sheriff's Department to the Clerk of the State Court who shall hold the cash bond and enter it on a cash bond docket with the name of the criminal defendant and the amount of the cash bond included thereon until such time as the criminal defendant's case is disposed of in the State Court.

Section 7. Upon receipt of a traffic citation, the Traffic Violations Bureau shall:

- A. In the event the Sheriff's Department has not already separated all citations, separate citations for which the offender cannot pay a prescribed fine in the Traffic Violations Bureau, as provided for in this Order, and immediately forward those citations to the Solicitor's Office without filing them in. Moreover, all citations attached, as part of the same transaction, to a citation which cannot be paid to the Traffic Violations Bureau, shall be forwarded to the Solicitor's Office.
- B. File those citations which can be disposed of in the Traffic Violations Bureau in a temporary file according to the dates set for arraignment in the State Court, and prepare a typed calendar of all Traffic Violations Bureau offenses in the order that same shall be called at arraignment. Such calendar shall be updated to reflect only those cases which shall be called at arraignment. Copies of such list shall be provided to the Judge, Solicitor and other Court officials prior to the call of said calendar. Each traffic citation shall be attached to a card which shall be stamped "filed" with the date of the filing of the citation and all cards shall be temporarily filed by date of arraignment, until permanently filed upon disposition.
- C. Utilize the following procedure:

On arraignment day, a staff member of the Solicitor's office will be posted at the front door of the courthouse beginning at 8:15 a.m. The persons entering the courthouse for State Court arraignment will be directed to Courtroom 2 if they had to post a bond for their

offense. All others will be directed to the Jury Assembly Room. Staff members from the Solicitor's and Clerk's office will be set up in the Jury Assembly room with all cases for arraignment. From 8:15 a.m. until approximately 8:50 a.m., persons wishing to pay an approved accident case or TVB case will be gathered in groups and taken to the Clerk's office by a bailiff to pay their fines. At 9:00 a.m., the Judge will give instructions to those persons in the Jury Assembly Room. After the Judge gives preliminary instructions, the TVB clerk shall call the TVB arraignment calendar and all those persons appearing on said calendar shall form a line at the TVB clerk's desk. After the Clerk has called the calendar, the Solicitor will then ask all others to form a line at the Solicitor's table. All TVB cases wishing to plead guilty shall be taken to the clerk's office with the bailiff. All TVB cases wishing to plead not guilty or nolo contendere or wishing to negotiate with the Solicitor will be given to the Solicitor who will discuss their case with them. After the Judge has given instructions to those in the Jury Assembly Room, he will immediately go to Courtroom 2 and give instructions to those persons. A representative from the Solicitor's office will go to Courtroom 2 as soon as possible to begin the arraignment process for those persons.

D. Allow all Traffic Violations Bureau violations to be paid between the hours of 8:30 a.m. and 5:00 p.m. Monday through Friday, not earlier than four business days after a copy of the charges is issued.

E. Utilize the following procedure upon pleas of not guilty:

All not guilty pleas will be reset for trial on a day designated by the Solicitor General. The Clerk will make copies of all not guilty pleas and all pleadings, if any, and give to the Solicitor to publish calendars for trial and to subpoena all witnesses.

F. File numerically in a permanent file all citations for which the prescribed fine has been paid to the Traffic Violations Bureau.

G. Upon receipt of a prescribed fine by mail, or personally presented, post the scheduled fine on the Traffic Violations Bureau Docket.

H. Upon the failure of a person to appear in the Traffic Violations Bureau on the date specified on the summons issued to such person, a notice shall be sent to such person that the person's driver's license is being suspended for failure to appear. In the event the person comes to pay the ticket, the person shall be assessed court costs of \$50.00 plus surcharges in addition to the prescribed fine for the offense.

I. Fines shall be paid according to the schedule attached hereto and identified as Exhibit "C".

J. The Traffic Violations Bureau is not authorized to accept payment of any fine by nolo contendere plea. Any violator wishing to enter a nolo contendere plea must request to see the Judge on arraignment day.

Section 8. SUSPENDED SENTENCE DIVISION. The Traffic Violations Bureau shall have charge of a Suspended Sentence Division of the Traffic Violations Bureau for the State Court of Forsyth County. Such division shall be responsible for the administration and supervision of the sentence imposed including collection of fines imposed upon persons convicted in the Court, where the sentence is suspended upon the payment of a fine. The person or persons in such division shall be authorized, where the Judge imposing the sentence stipulates the same therein,

to permit such persons receiving suspended sentences, in addition to the other conditions imposed in the suspended sentence, to pay the suspended sentence fine at a later date. The person or persons responsible for the administration of the Suspended Sentence Division shall be responsible for collecting the suspended sentence fine and shall also be responsible for the preparation of bench warrants of persons who fail to comply with the conditions of suspended sentence.

So ordered this 5th day of November, 1999.

Jeffrey S. Bagley, Judge
State Court of Forsyth County

EXHIBIT "A"

**TRAFFIC VIOLATIONS BUREAU
TELEPHONE: (770) 886-4865**

Fines may be paid Mon. thru Fri., 8:30 AM to 5:00 PM, at the Traffic Violations Bureau, Forsyth County Courthouse, Cumming, Georgia. You may pay by mail with a money order or cashier's check payable to "Douglas E. Sorrells, Clerk", mailed to Traffic Violations Bureau, 100 Courthouse Square, Cumming, GA 30130. (Cannot pay fines until 4 days after citation date.)

You cannot pay a fine on the following cases at the Traffic Violations Bureau-You must appear in court:

Driving under the influence, illegal registration, any case involving an accident, speeding in excess of 23 MPH, reckless driving, vehicular homicide, serious injury by vehicle, fleeing or attempting to elude an officer, impersonating an officer, racing, failure to render aid or report an accident, leaving the scene of an accident, suspended license, permitting unlicensed person to drive, obedience to authorized persons directing traffic, eighteen wheeler offense, overtaking and passing a school bus, unattended motor vehicle, driving upon sidewalk, crossing fire hose, clinging to another vehicle, interference with arrest, all citations showing a pending test result.

LICENSE CANNOT BE SURRENDERED IN LIEU OF BAIL FOR THE FOLLOWING OFFENSES:

1. Driving under the influence of alcohol/drugs.
2. Failure to stop and render aid.
3. Any felony or false statement.
4. Hit and run.
5. Manslaughter.
6. Transporting contraband or stolen goods.
7. Racing.
8. Homicide by vehicle.
9. Failure to weigh vehicle.
10. Using vehicle to elude officer.
11. No insurance.
12. Driving on suspended or revoked license.

I, THE UNDERSIGNED, DO HEREBY ENTER MY WRITTEN, RATHER THAN PERSONAL APPEARANCE IN THE COURT CASE RESULTING FROM VIOLATION CHARGED ON THE REVERSE SIDE OF THIS CITATION. I UNDERSTAND THAT BY PAYING MY FINE AND NOT PERSONALLY APPEARING BEFORE THE COURT I AM WAIVING ANY RIGHT THAT I MIGHT HAVE HAD TO A TRIAL BY JUDGE OR JURY AND BE REPRESENTED BY COUNSEL. I FURTHER UNDERSTAND THAT BY PAYING THE FINE, I HAVE PLED GUILTY TO THE OFFENSE AS CHARGED.

SIGNATURE OF ACCUSED _____

EXHIBIT "C"

CODE	OFFENSE	FINE/BOND TOTAL
40-6-181	Speeding	
	<u>65 Miles per hour zone</u>	
	66-75 76-85 86-88 All speeds over 88 miles	\$46.75 \$65.50 \$96.75 See Judge
	<u>55 Miles per hour zone</u>	
	56-65 66-75 76-78 All speeds over 78 miles	\$46.75 \$65.50 \$96.75 See Judge
	<u>45 Miles per hour zone</u>	
	46-55 46-65 66-68 All speeds over 68 miles	\$46.75 \$65.50 \$96.75 See Judge
	<u>40 Miles per hour zone</u>	
	40-50 51-60 61-63 All speeds over 63	\$46.75 \$65.50 \$96.75 See Judge

	miles	
		<u>As amended 3/6/98</u>
	<u>35 Miles per hour zone</u>	
	35-45 45-55 56-58 All speeds over 58 miles	\$46.75 \$65.50 \$96.75 See Judge
40-5-20	Driving with Expired/Out of State License	\$65.50
40-5-23	Driving w/o proper class of license	\$65.50
40-5-29	Driving w/o license in possession w/proof	\$15.50
40-5-120	Unlawful Use of License	\$253.00
40-6-10	W/O Proof of Insurance	\$34.25
	No Insurance	See Judge
40-6-11	W/O Proof of Insurance-Motorcycle	\$34.25
	No Insurance-Motorcycle	See Judge
40-6-14	Sound Devices	\$65.50
40-6-20	Obedience to and required traffic control devices	\$65.50
39-5-22	Pedestrian Control Signs	\$65.50
39-5-23	Flashing Signals	\$65.50
39-5-24	Lane Directions	\$65.50
40-6-26b	Driving on unopened or closed road	\$65.50
40-6-40a	Driving on wrong side of road	\$65.50

40-6-41	Proceeding in opposite direction must pass on right	\$65.50
40-6-42	Overtaking a vehicle on the left	\$65.50
40-6-43	Overtaking and passing on right permitted	\$65.50
40-6-44	Limitations on overtaking on left	\$65.50
40-6-45	Further limitations on driving on left of center	\$65.50
40-6-46	No Passing Zones	\$65.50
40-6-47	One-way roadways and rotary traffic islands	\$65.50
40-6-48	Weaving on Roadway	\$65.50
40-6-49	Following Too Closely	\$65.50
40-6-50	Driving on divided highways	\$65.50
40-6-70	Vehicle approaching or entering intersection	\$65.50
40-6-71	Vehicle turning left	\$65.50
40-6-72a	Stop signs and Yield signs w/o regard	\$96.75
40-6-72b	Stop signs and Yield signs w/regard	\$65.50
40-6-73	Vehicle entering roadway	\$65.50
39-5-74	Operation of vehicle on approach of authorized Emergency vehicles	\$128.00
40-6-75	Highway construction and maintenance vehicles	\$65.50
39-5-120	Required positions and methods of turning at Intersections	\$65.50
40-6-121	Turning on curve or crest of grading prohibited	\$65.50
40-6-122	Starting parked vehicle	\$65.50

40-6-123	Turning movements and required signals	\$65.50
40-6-124	Failure to use signals	\$65.50
40-6-125	Signals by hand and arm or signal lamps	\$65.50
39-5-140	Failure to comply with railroad signals	\$65.50
39-5-141	Failure to observe railroad stop sign	\$65.50
39-5-142	Failure to stop at railroad crossing	\$65.50
40-6-144	Emerging from alley, driveway or building	\$65.50
40-6-180	Too fast for conditions	\$65.50
40-6-184	Impeding traffic	\$65.50
39-5-200	Parked or Stopped Vehicle	\$65.50
40-6-201	Leaving Vehicle Unattended	\$65.50
39-5-202	Stopping, standing or parking outside of Business or residence districts	\$65.50
39-5-203	Stopping, standing or parking prohibited Specified places	\$65.50
40-6-205	Obstructing an intersection	\$65.50
40-6-207	Responsibilities of owner of leased vehicle	\$65.50
40-6-225b	Unauthorized parking in Handicapped zone	\$128.00
40-6-240	Limitation on backing	\$65.50
40-6-242	Obstruction to driver's view or driving mechanism	\$65.50
40-6-246	Coasting prohibited	\$65.50
40-6-247	Following emergency	
	vehicles prohibited	\$65.50

40-6-249 or 16-7-42	Littering Highway	\$378.00
40-6-250	Wearing device that impairs driving	\$65.50
40-6-251a	Laying Drags	\$65.50
40-6-253	Open Container	\$128.00
40-6-254	Unsecured/Uncovered Load	\$96.75
40-6-311	Riding on motorcycles	\$65.50
40-6-312	Operating motorcycles on roadway laned for traffic	\$65.50
40-6-314	Footrests and handlebars	\$65.50
40-6-315	Equipment for motorcycle riders	\$62.50
	<u>DEFECTIVE EQUIPMENT</u>	
40-8-3	Vehicle or Load Dragging on Highway	\$96.75
40-8-6	Altered Suspension System	\$65.50
40-8-7	Operating vehicle unsafe condition	\$65.50
40-8-8	Defective Speedometer	\$65.50
40-8-20	When lights required	\$65.50
40-8-22	W/O Headlights	\$65.50
40-8-23	W/O Taillights	\$65.50
40-8-24	W/O Reflectors	\$65.50
40-8-25	Brake Lights/Turn Signals Required	\$65.50
39-7-26	Brake Lights/Turn Signals must meet standards	\$65.50
39-7-27	Light or flag on projecting load required	\$65.50
39-7-28	Headlight Dimmed on Parked Vehicle	\$65.50
39-7-29	Specifications for spot, fog,	\$65.50

	or auxiliary light	
39-7-30	Standards for variable beam lighting equipment	\$65.50
40-8-31	Failure to dim headlights	\$65.50
40-8-50	W/O Brakes	\$65.50
40-8-54	Brake Maintenance	\$65.50
40-8-70	W/O Horn	\$65.50
40-8-71	W/O Mufflers	\$65.50
40-8-72	Mirror Requirement	\$65.50
40-8-73	W/O Windshield wipers	\$65.50
40-8-73.1	Tinted windows	\$65.50
40-8-74	Slick Tires	\$65.50
40-8-75	Tire Flaps/Mud Flaps	\$65.50
40-8-76	W/O Child restraint first offense second offense	\$34.25 \$46.75 \$96.75
40-8-76.1 (e)(3)	W/O Seatbelt (<u>CHANGED 7/98</u> <u>surcharges prohibited</u>) minor (over 4 years)	\$15.00** \$34.25
40-8-130	Emission control decal	\$46.75
	ALL DEPARTMENT OF TRANSPORTATION CITATIONS	
	32-6-21/22/23/24/25/26	\$96.75
	<u>COMMERCIAL</u> <u>VEHICLE VIOLATIONS</u>	
46-7-16(a)/(b)	No single state registration	\$378.00
CFR, Title 49		
1-7-1.02(b)/(i)	No motor carrier of property permit	\$378.00
	FOLLOWING TOO CLOSELY	\$190.50
CFR, Title 49	<u>HAZARDOUS MATERIAL</u>	
177.817	No shipping papers	\$378.00

172.500/177.823	No placards/missing 50% +	\$378.00
177.823(a)	Improper placards	\$190.50
172.200	Improper load securement	\$378.00
CFR, Title 49		
390.21	Private vehicle, not identified as required	\$128.00
OCGA 40-6-51 OCGA 40-6-52	Lane violation and/or operating on restricted highway	\$190.50
CFR Title 49		
1-7-1.02(d)	IRP (needs cab card)	\$315.50
392.9(a)	Failure to properly secure load	\$315.50
392.22	Improper parking on interstate	\$190.50
395.8	Log violation (general/Form 4 manner)	\$128.00
395.8(a)	No log book in possession	\$190.50
395.8(e)	False entries in log book	\$315.50
395.8(f)(1)	Drivers record of duty status not current	\$253.00
395.8(k)(2)/ 395.13(b)(2)/ 395.15(4)	Log book not current (exceeds last 2 days) and/or missing days	\$190.50
395.3(a)(1) 395.3(a)(2) 395.3(b)	Hours of service (10,15,60/70 hour rule)	\$190.50
OCGA 32-6-24(b)(2)(B), 40-8-27 & 392.87	No strobe light and/or flags on projecting loads	\$253.00
CFR Title 49		
393.17 & 393.17(b)	Failure to use tow lamps as required	\$190.50

392.15(a)	Failure or improper use of turn signal	\$65.50
392.15(b)	Failure to signal direction from parked position	\$65.50
392.15(c)	Failing to signal a lane change	\$65.50
392.15(d)	Using turn signal to indicate disabled vehicle	\$65.50
392.15(e)	Using turn signal as a "Do-pass"	\$65.50
392.16	Failure to use seatbelt while operating a CMV	\$15.00
392.20	Failing to properly secure parked vehicle	\$65.50
392.22(a)	Failing to use hazard warning flashers	\$65.50
392.22(b)	Failing/improper placement of warning devices	\$65.50
392.3	Operating a CMV while ill or fatigued	\$65.50
392.33	Operating a CMV with lamps/reflectors obscured	\$65.50
392.71(a)	Using or equipping a CMV w/ radar detector	\$65.50
391.11(b)(2)	Non-English speaking driver	\$65.50
391.41(a)	No medical certificate or driver's possession	\$46.75
390.21(a)	No DOT # marking and/or name/city/state	\$46.75
OCGA 40-8-75	Mud Flap requirement	\$65.50
393.205(a)	Wheel/rim cracked or broken	\$65.50
393.205(b)	Stud/bolt holes elongated on wheels	\$65.50
393.205(c)	Wheel fasteners loose and/or missing	\$65.50
393.24(b)	Non-compliance with	\$65.50

	headlamp requirements	
393.25(b)	Lamps are not visible as required	\$65.50
392.25(e)	Lamp not steady burning	\$65.50
393.25(f)	Stop lamp violations	\$65.50
393.26	Requirements for reflectors	\$65.50
393.28	Improper or no wiring protection as required	\$65.50
393.65(c)	Improper securement of fuel tank	\$65.50
393.65(f)	Improper fuel line protection	\$65.50
392.67	Fuel tank requirement violations	\$65.50
393.67(c)(7)	Fuel tank fill pipe cap missing	\$65.50
393.67(c)(8)	Improper fuel tank safety vent	\$65.50
393.75(a)	Flat tire or fabric exposed	\$65.50
393.75(a)(1)	Tire-ply or belt material exposed	\$65.50
393.75(a)(2)	Tire-tread and/or sidewall separation	\$65.50
393.75(a)(3)	Tire-flat and/or audible air leak	\$65.50
393.75(a)(4)	Tire-cut exposing ply and/or belt material	\$65.50
393.75(b)	Tire-front tread depth less than 4/32 of inch	\$65.50
393.75(c)	Tire-other tread depth less than 2/32 of inch	\$65.50
393.75(d)	Tire-bus regrooved/recap on front wheel	\$65.50
395.75(e)	Tire-regrooved on front of truck truck-trac	\$65.50
393.43(a)	No/improper tractor protection valve	\$253.00

393.45	Brake tubing and hose adequacy	\$65.50
393.45(a)(4)	Brake hose/tubing chaffing and-or kinking	\$65.50
393.45(a)(5)	Brake hose/tubing contacting exhaust system	\$65.50
393.46	Brake hose/tube connection	\$65.50
393.65	Fuel system requirements	\$65.50
393.65(b)	Improper location of fuel system	\$65.50
393.95(f)	Emergency warning devices not as required	\$65.50
393.95(g)	HM-restricted emergency warning device	\$65.50
393.9H	Inoperable head lamps	\$65.50
393.9T	Inoperable tail lamp	\$65.50
395.13(d)	Driving after being declared out-of-service	\$65.50
395.15(g)	On-board recording device info not available	\$65.50
395.1(i)(1)	15,20,70/80 hours of service violations(AK)	\$65.50
395.1(i)(2)	Adverse driving conditions violations (AK)	\$65.50
396.3(a)(1)	Inspection/repair and maintenance	\$65.50
396.3A1B	Brakes(general)	\$65.50
396.3A1BA	Brake-out of adjustment	\$65.50
396.3A1BC	Brake-air compressor violation	\$65.50
396.3A1BD	Brake-defective brake drum	\$65.50
396.3A1BL	Brake-reserve system pressure loss	\$65.50
396.3A1T	Tires (general)	\$65.50
396.5	Excessive oil leaks	\$65.50

396.5(b)	Oil and/or grease leak	\$65.50
393.80	No or defective rear-vision mirror	\$65.50
393.81	Horn inoperative	\$65.50
393.82	Speedometer inoperative	\$65.50
393.83(a)	Exhaust system location	\$65.50
393.83(b)	Exhaust discharge fuel tank/filler tube	\$65.50
393.83(c)	Improper exhaust-bus (gasoline)	\$65.50
393.83(d)	Improper exhaust-bus (diesel)	\$65.50
393.83(e)	Improper exhaust discharge (not rear of cab)	\$65.50
393.83(f)	Improper exhaust system repair (patch/wrap)	\$65.50
393.83(g)	Exhaust leak under truck cab and/or sleeper	\$65.50
393.83(h)	Exhaust system not securely fastened	\$65.50
393.9	Inoperable lamp (other than head/tail)	\$65.50
396.7	Unsafe operations forbidden	\$190.50