



## Help!

### I Have Unpaid Traffic Tickets!

#### Practical Advice for Resolving Your Traffic Tickets When You Cannot Afford to Pay the Fine and Are Facing Warrants or Jail

DO NOT ignore the ticket because you cannot afford to pay the fine;

Always appear in court by the date on the ticket;

Tell the clerk you cannot afford to pay the ticket and provide proof of your income;

Tell the clerk if you have any medical or family issues that would make community service difficult and bring proof of your situation;

Ask to speak to the judge to explain your situation; and

Keep a record of all your interactions with the court.

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These self-advocacy guidelines are not legal advice. Every case is unique and nothing can replace the advice of a lawyer.

Whatever your legal situation is, remember to keep a record of each time you contact the court, save original copies of all your papers, and keep your address up to date in the court's records.

***If you cannot afford to pay your ticket in full, a judge MUST consider alternatives to full payment.***

#### What are my Options?

##### 1. Payment Plan

Ask the court for a payment plan that you can afford; do NOT agree to an amount that you cannot afford. If you agree to a payment plan and then you no longer can afford it, go back to the court and let them know.

##### 2. Community Service

If you cannot afford to make payments toward what you owe the court, you can request to perform community service. Options for community service have been expanded to include: volunteering at a non-profit or governmental agency, work and jobs skills training, GED classes, and drug and alcohol rehab classes and meetings. Always check with the court to make sure that where you want to volunteer is an approved place. The court must credit you at least \$12.50 an hour.

##### 3. Waiver

If you cannot afford to pay the fine and you cannot complete community service, tell the judge why and ask the judge to waive the balance of what you owe. Always bring documents for the court that back up your claims.

#### After You Receive a Ticket

When you receive a ticket, usually the officer makes you sign at the bottom. This signature is a promise to appear in court by a certain day.

- You should appear in court by the date on the ticket.
- If you miss a court date, a warrant may be issued for your arrest, you may be charged with other crimes, and the amount you owe may increase.
- A missed court date can also cause you not to be able to renew your driver license.

When you go to court the first time, you can always plead not guilty.

- When you say you are not guilty, the court will set a date for you to come back to court and meet with the prosecutor to discuss your case.
- ***Do not miss your court date. If you have a conflict, contact the court to reschedule as soon as you realize you cannot make the date.***
- Bring all your financial documents and proof, if you have it, that the situation has been fixed. For example, if you received a no-insurance ticket, bring proof that you have insurance now.
- Prosecutors sometimes offer a deferred disposition, which means if you are able to complete the terms, such as paying a fee or completing a driving safety course, the charges will be dismissed.

If you plead guilty, you will owe the full amount of the ticket to the court.

- You can ask the court for a payment plan or to do community service if you cannot afford to pay the ticket.
- You will have to fill out some forms with the court in order to get on a payment plan or to qualify for community service. There is also a \$25 fee for payment plans.

If you plead guilty, there may be other consequences, such as your license being suspended or surcharges being attached to your driver license account.

#### What If There Is a Warrant For My Arrest?

- Many courts will not arrest you if you come to court to deal with your ticket. Always call the court and ask if you will be arrested if you have a warrant and come to court.
- Ask the court if there are times when you can walk in and speak with a judge about your situation.
- If you have not already pled guilty or no contest, you can still plead not guilty and ask to speak to a prosecutor to resolve your ticket.
- If you have already pled guilty or no contest and agreed to pay your ticket, you can ask the court for a payment plan or to do community service.
- If the clerk will not offer you a plan that works for your situation, ask to speak to the judge.

*Make sure that you tell the clerk or the judge if you are unable to pay the tickets, keep up with the payment plan, or complete community service because of your financial or life circumstances.*

When considering alternatives to full payment, the judge may conduct an indigency hearing where she asks you questions about your life and your finances.



## What If The Court Wants a Bond?

Some courts will not let you speak to a judge unless you pay a “bond” usually in the amount of the ticket. ***As of September 1, 2017, courts must offer personal bonds, which are bonds that are promises to appear in court instead of a money bond.***

If the court says you must pay money to see the judge, tell the court you cannot afford it and ask for a personal bond. If the court still will not let you speak with the judge, send the judge a letter.

1. Make sure the letter is addressed to the judge.
2. In the letter tell the judge:
  - That you cannot afford to pay the tickets and that you cannot afford to pay the “bond;”
  - That you want to talk about resolving your ticket;
  - About all the times you have contacted the court and what the clerks have said; and
  - Why, if it applies, you missed a court date, missed a payment, or did not complete community service.

Your reasons should be based on your individual circumstances, but could include information about:

- Your income, including if you receive government benefits;
- Your family responsibilities;
- Your transportation issues; and
- Your or your family’s medical needs.

Always include supporting documentation with the letter and a way for the judge to contact you, such as an address or phone number.

## Unpaid Tickets and Your Driver License

### Driver License Suspensions

Some convictions, such as driving without a valid license, can cause a license suspension. If this happens, you may need to get an Occupational Driver License (“ODL”) during the suspension period to drive legally. An ODL is a type of driver license that allows you to drive to fulfill essential needs, such as driving to work or taking your children to school. You have to request an ODL from a court.

### Surcharge Fees

- Some convictions, such as not having car insurance or driving without a driver license, will have additional fees, called surcharges with the Department of Public Safety (DPS).
- Depending on your income, you may qualify to have your surcharges reduced or waived.

Always send your signed application and supporting documents in the mail, as DPS’s online system is confusing and hard to use. Keep a copy of anything you send in the mail. On DPS’s website you can look up the total amount of your surcharge fees and find out how to apply for a reduction or waiver. [txsurchargeonline.com/onlineservices.aspx](http://txsurchargeonline.com/onlineservices.aspx)

### Denial of Driver License Renewal

If you do not appear in court or you fail to pay a ticket, DPS can deny the renewal of your license when it expires. If you are unable to renew your license, you may be able to apply for an ODL while you work on resolving the tickets.

*For more information on obtaining an occupational driver license see TFDP’s guide: “Getting an Occupational License in 10 Steps” at [fairdefense.org](http://fairdefense.org) or call 512-637-5220 to request a hard copy.*

## What Happens If I Get Arrested on a Warrant for Unpaid Tickets and Go to Jail?

If you are arrested, you should see a judge, usually within 24 hours. ***If you do not see a judge, please call TFDP as soon as you are able.*** When there is an opportunity, you should tell the judge why you have not taken care of your tickets.

1. Explain why you could not afford to pay your tickets.
  - Talk about your job, how much money you make, and hours you work;
  - If you or your children get government benefits like food stamps/SNAP, Medicaid/CHIP, Section 8, SSI/SSDI, or free school lunches, tell the court.
2. Next, if it applies to you, say why you are/were unable to complete community service.
  - Explain where you work and how many hours, say how long it takes to get there and if you take the bus;
  - Explain your family obligations, like taking care of your children or elderly parents; and
  - Talk about any illness or disability that makes completing community service hard.

***Always ask for the judge to consider a punishment other than jail*** and say what would happen if you are sent to jail, like you might lose your job, your children would suffer, it would make your health problems worse, or any other way jail would negatively impact your life.

If you go to jail for your tickets or for any reason during the time you have unpaid tickets, get proof of the time spent in jail and take the proof to the court to ensure the jail time is credited toward your fines.

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***If your situation changes and you cannot make an agreed payment or complete ordered community service, go to the court immediately and tell them what is going on. If you do not communicate with the court, warrants will likely issue for your arrest and you risk going to jail.***

**Even if you cannot pay your ticket, do not ignore it.** Contact the court and see what options are available.

Every time you go to court, take all your income documents, proof of any governmental benefit you or your children receive, and proof of any medical conditions that affect your daily life.

Research for this brochure included materials produced by Texas Appleseed, Texas RioGrande Legal Aid, and the ACLU of Texas.

Support for this brochure was made possible by Equal Justice Works, the Friends and Family of Phillip M. Stern, and the Litigation Section of the Texas State Bar.