

DEFENSIVE DRIVING

Driver Safety Course (also known as Defensive Driving) is a method to keep a citation off of your driving record.

Upon the timely completion of an approved driver's safety course and the return of the Certificate of Completion and a copy of your Driving Record 3A version (obtained from the Texas Department of Public Safety) to the court, the court dismisses your citation.

*****DO NOT TAKE DRIVER SAFETY COURSE UNTIL IT HAS BEEN APPROVED BY THE COURT.*****

To qualify for a driving safety course to dismiss a traffic ticket, you need to **make a request to take the driver safety course either in writing or by appearing in person** at the Municipal Court 110 Buffalo St Gilmer Tx 75644 **by the appearance date given on the citation.**

Eligibility Requirements:

- **Valid Texas Driver's License:** You must possess a valid Texas driver's license or permit. Active duty military, their spouses, and dependents are exempt from this requirement, but must provide proof of military status.
- **Insurance:** You need to provide proof of financial responsibility with your name on the policy.
- **Not Taking the Course Recently:** You cannot have taken a driving safety course to dismiss a traffic ticket within the past 12 months.
- **Plea of Guilt or No Contest:** You must plead guilty or no contest to the traffic offense (sign and submit a plea form)
- **Not a Serious Violation:** You cannot be eligible for the course if you were charged with certain serious traffic violations. These include:
 - Speeding 25 mph or more over the limit.
 - Speeding 95 mph or more.
 - Passing a school bus while it is loading or unloading children.
 - An offense that occurred in a construction zone with workers present.
 - Leaving the scene of an accident.
 - Failure to give information at an accident scene.
- **No Commercial Driver's License:** If you have a Commercial Driver's License (CDL), you are not eligible.

Course Requirements:

- **Approved Course:** The course must be approved by the Texas Education Agency (TEA).
- **6-Hour Minimum:** The course must be a minimum of six hours long.
- **Completion Certificate:** You must complete the course and obtain a certificate of completion.
- **Submission:** You must present the certificate of completion to the court.
- **Driving Record:** You may also need to submit a certified copy of your driving record.

REQUIREMENTS TO REQUEST DRIVER SAFETY COURSE

In Person - (You will be given all information on your appearance)

- Plea Form
- Driver Safety Course Request
- Copy of valid Texas driver's license
- Copy of insurance
- Payment of \$144.00 for traffic offenses or \$169.00 for offense of Speeding in School Zone in the form of cash, check, money order, or credit card (service fee applied for card transactions)

Submission by Mail – (The Court will process and notify you of approval either by mail or by phone. Please provide the court with your mailing address and phone number)

Must include the following:

- Plea Form (Attached)
- Defendant's Request For A Driver Safety Course (Attached)
- Copy of valid Texas driver's license
- Copy of insurance
- Money order in the amount of: \$144.00 for traffic offenses
or \$169.00 for offense of Speeding in School Zone

MAKE MONEY ORDER OUT TO: GILMER MUNICIPAL COURT
110 BUFFALO ST, GILMER, TX 75644

After you make your request, if approved the court will sign an order allowing you to complete defensive driving. You will have 90 days from the date of the court's order to complete your course and submit your signed Certificate of Completion and Driving record 3A version.

If you fail to turn in the certificate of completion and your driving record within the 90 days, you will be deemed to have failed the course. Extensions of time are not granted.

STATE OF TEXAS

§

CAUSE NUMBER: _____
(Print the citation number)

VS.

§

Defendant (Print your name)

§

OFFENSE DATE: _____
(Print the date of offense)

PLEA FORM

For the offense of _____ I wish to enter a plea of:
(Print the offense listed on the citation)

☐ **GUILTY/CULPABLE**

I waive my right to a jury trial or hearing by the Court, and agree to pay the fine and costs assessed. I understand that my plea may result in a conviction on either a criminal record or a driver's license record. Furthermore, if I have posted a cash bond, I give my permission to apply my bond towards the fine and costs on the cause number listed above.

☐ **NO CONTEST/CULPABLE**

I waive my right to a jury trial or hearing by the court, and agree to pay the fine and costs assessed. I understand that my plea may result in a conviction on either a criminal record or a driver's license record. Furthermore, if I have posted a cash bond, I give my permission to apply my bond towards the fine and costs on the case number listed above.

☐ **NOT GUILTY/NO CULPABLE**

By Pleading Not Guilty I understand I am no longer eligible for a Driver Safety Course

- ☐ I want a jury trial.
- ☐ I waive my right to a jury trial and request a trial before the Court.

I have read and understand my plea. Signed this _____ day of _____, 20 ____.

Defendant (Sign your name)

CAUSE NUMBER: _____

STATE OF TEXAS
VS.

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IN THE MUNICIPAL COURT
CITY OF GILMER
UPSHUR COUNTY, TEXAS

DEFENDANT'S REQUEST FOR A DRIVING SAFETY COURSE

I hereby enter my appearance on the complaint of the offense of: _____ (in person)(by counsel)(by certified mail). I understand that I have a right to a jury trial. I hereby waive my right to a jury trial, plead (guilty)(no contest), and elect under Article 45.0511, Code of Criminal Procedure, to take a driving safety course.

I understand that I must present the Court the following with this request:

1. A valid Texas driver's license or permit, or proof that I am a member, or the spouse or dependent child of a member, of the United States military forces serving on active duty;
2. Proof of financial responsibility pursuant to Chapter 601, Transportation Code (automobile liability insurance);
3. Payment of court costs; and
4. Payment of a \$_____ nonrefundable reimbursement fee (*not to exceed \$10*).

I understand that I must:

1. Complete a driving safety course or motorcycle operator training course as applicable within 90 days of this request;
2. Submit by the 90th day from this request a uniform certificate of course completion of a driving safety course or a verification of course completion of a motorcycle operator training course as evidence that I have completed such a course;
3. Submit by the 90th day from this request an affidavit that I was not taking such a course nor had I completed one within the preceding 12 months from the date of my current offense that is not shown on my driving record as maintained by the Texas Department of Public Safety; or if I am on active military duty, or am the spouse or dependant child of a member of the United States military forces serving on active duty, that I have not taken a course in another state in the preceding 12 months nor am taking such a course at the time of this request; and
4. Submit by the 90th day from this request a certified copy of my driving record as maintained by the Texas Department of Public Safety.

I understand that:

1. If I comply with the court order granting the taking of a driving safety/motorcycle operator training course and submit all the required evidence as ordered, the Court will dismiss my case and report to the Texas Department of Public Safety the date that I completed my course for inclusion on my driving record;
2. If I fail to submit all the evidence required by the Court, I will be notified of a show cause hearing and be required to appear before the Court to show cause why I did not present the required evidence of course completion;
3. The judge may at the show cause hearing enter a final adjudication against me and require me to pay the fine; and
4. The failure to appear at the show cause hearing will result in a final adjudication being entered against me, and that I will be required to pay the fine and any additional costs required by law.

I ATTEST THAT I HAVE READ THIS DOCUMENT.

Defendant's Signature

Date Defendant's Attorney (if applicable)

Date