Deferred Disposition

Is Defendant charged with a Rules of the Road offense in a work zone with workers present (**other than pedestrian/inspection/seat belt offenses**)?

YES → **Defendant is ineligible for deferred disposition.**

NO → Does Defendant have a CDL or had one at the time of the offense **AND** is the offense charged related to motor vehicle control?

YES → **Defendant is ineligible for deferred disposition.**

NO → Defendant is eligible for deferred disposition.

1. Defendant must enter plea of guilty or nolo (or be found guilty at trial).
2. Defendant must pay initial fine and court costs or if the defendant is unable to pay, judge must order alternative satisfaction of fine and costs (such as payment plan or community service).
3. Court must issue a written order containing the conditions of the deferral and the time period (from 1-180 days), and the initial fine, if any (**must not exceed maximum fine for the offense**).
4. If the defendant is under 25 and the offense is a moving violation, the conditions must include that the defendant take a Driving Safety Course.
5. If the defendant has a provisional license and the offense is a moving violation, the conditions must include that the defendant retake the driving test.

Did the defendant comply?

YES → The case is dismissed and not reported to DPS.

The court may grant an extension to allow defendant time to comply.

NO → The court must send notice of noncompliance and show cause hearing. Does the defendant appear and show good cause for noncompliance?

YES → **The court may grant an extension to allow defendant time to comply.**

NO → The judge should enter a conviction and may assess a fine as punishment for the offense. Any initial fine paid is credited against the fine as punishment for the offense. The defendant may not be held in contempt or charged with FTA for not appearing or not complying.

NOTE: A time payment reimbursement fee must be assessed if any amount owed is paid more than 30 days after the order to pay (but only one fee may be assessed per case).