



## MUNICIPAL COURT

402 E. LAUREL ST.

ROCKPORT, TEXAS 78382

FAX (361) 729-9645

court@cityofrockport.com

(361) 729-2213 ext. 237

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### **REQUEST DRIVING SAFETY COURSE REQUIREMENTS AND INSTRUCTIONS**

If charged with a moving traffic violation, you may be eligible to take a driving safety course to have the charge dismissed. The request must be made in writing on or before the appearance date on the citation and may be presented in person, by counsel, or by certified mail. If you are under age 17, you must appear in open court with a parent or guardian to make the request.

#### **To be eligible you:**

- 1) Cannot have taken a driving safety course or motorcycle operator's course for a traffic offense within the last 12 months for the date of the current offense;
- 2) Cannot currently be taking the course for another traffic violation;
- 3) Cannot be the holder of a commercial driver's license (CDL) or have held a CDL at the time of the offense; and
- 4) Your current citation cannot be for one of the following offenses:
  - Failure to Give Information at Accident Scene;
  - Leaving Scene of Accident;
  - Passing a School Bus/Fail to Stop for School Bus
  - A serious traffic violation, which applies to commercial motor vehicle operators;
  - An offense in a construction or maintenance work zone when workers are present;
  - Speeding 25 mph or more over limit; or
  - Speeding 95 mph or more.

#### **To Make your request:**

Print the attached Driving Safety Request Form, Affidavit and Plea Form, complete and send to the court with the required items listed on the request form. The documents may be mailed or brought to Rockport Municipal Court, 402 E. Laurel St., Rockport, Texas 78382. Requirements for completion proof are also listed on the Request Form attached.

**IN THE MUNICIPAL COURT OF  
THE CITY OF ROCKPORT, ARANSAS COUNTY, TEXAS**

**THE STATE OF TEXAS**

**VS.**

**CAUSE NO.** \_\_\_\_\_

**DEFENDANT'S REQUEST FOR 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 **\$124.10** (add \$25.00 if school zone); and
4. payment of a **\$9.90** nonrefundable administrative fee.

**I understand that I must:**

1. complete a driving safety course or motorcycle operator training course as applicable within 90 days of this request; List of approved on-line classes at <http://www5.esc13.net/drivers/list-online.html>
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 of completion of 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. (See "Driver License Request" form under separate tab on this web-site or order on-line at: [www.texasonline.com](http://www.texasonline.com)).

**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

**Completion date:** \_\_\_\_\_

Granted     Denied (set for Pretrial with a not guilty plea until defendant appears in court)

\_\_\_\_\_  
Judge's Signature

**IN THE MUNICIPAL COURT OF  
THE CITY OF ROCKPORT, ARANSAS COUNTY, TEXAS**

**THE STATE OF TEXAS  
VS.**

**CAUSE NO.** \_\_\_\_\_

\_\_\_\_\_

**AFFIDAVIT**

I, \_\_\_\_\_, state under oath that on the date of my request for a driving safety course/motorcycle operator training course in the above numbered cause that I was not taking such a course nor had I completed one within the 12 months preceding the date of my current offense that is not shown on my driving record as maintained by the Texas Department of Public Safety (or as maintained by the state that issued my driver's license - active military duty personnel only).

\_\_\_\_\_  
Defendant's Signature

Sworn and subscribed before me, the undersigned authority on this the \_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(Judge)(Court Clerk)(Deputy Court Clerk)  
(Notary Public in and for the State of Texas)

**IN THE MUNICIPAL COURT  
CITY OF ROCKPORT, ARANSAS COUNTY, TEXAS**

**THE STATE OF TEXAS**  
**VS.**

**CAUSE NO.** \_\_\_\_\_

\_\_\_\_\_

**PLEA FORM**

You have been charged with \_\_\_\_\_.  
You may enter a plea of no contest, guilty, or not guilty.

**NO CONTEST**  
(nolo contendere)

A plea of no contest states you are not contesting the charges filed.  
If you plead no contest, a finding of guilty will be entered by the court and the Judge will set the amount of your fine.

**GUILTY**

A guilty plea states you are guilty of the charges as filed. The fine and costs on a plea of guilty are the same as plea of no contest.

**NOT GUILTY**

A not guilty plea states you are not guilty of the charge as filed.  
If you plead not guilty, a trial date will be set. You are required to appear for trial. Failing to appear may result in you being charged with Failure to Appear (Sec.38.11 PC) and a warrant being issued for your arrest. **YOU HAVE THE RIGHT TO HIRE AN ATTORNEY.** The State is represented by the City Attorney. **NOTICE OF YOUR COURT DATE WILL BE MAILED TO THE MAILING ADDRESS YOU HAVE LISTED BELOW.**

**TO THIS CHARGE:  
CHECK ONE:**

- I hereby enter a plea of NOT GUILTY and request a non-jury trial and do hereby waive my right to a trial by jury.
- I hereby enter a plea of NOT GUILTY and request a trial by jury.
- I hereby enter a plea of GUILTY and do hereby waive my right to a trial by jury.
- I hereby enter a plea of NOLO CONTENDERE and do hereby waive my right to a trial by jury.
- I hereby enter a plea of NOLO CONTENDERE and request Deferred Adjudication
- I hereby enter a plea of NOLO CONTENDERE and request Defensive Driving.

\_\_\_\_\_  
DEFENDANT'S SIGNATURE/DATE

\_\_\_\_\_  
DEFENDANT'S ATTORNEY SIGNATURE/DATE

\_\_\_\_\_  
DRIVER'S LICENSE NO. OR I.D. NO.      DATE OF BIRTH      SOCIAL SECURITY NO.

\_\_\_\_\_  
HOME ADDRESS APT #      CITY, STATE, ZIP      PHONE

\_\_\_\_\_  
MAILING ADDRESS      EMAIL ADDRESS

\_\_\_\_\_  
WORK ADDRESS      STE#      CITY, STATE, ZIP

**IN THE MUNICIPAL COURT  
CITY OF ROCKPORT, ARANSAS COUNTY, TEXAS**

**THE STATE OF TEXAS**

**VS.**

**CAUSE NO.** \_\_\_\_\_

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**ORDER FOR DRIVING SAFETY COURSE**

On this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the Defendant in the above numbered and entitled cause appeared (by attorney) (in person) (by mail), entered a plea of (guilty) (no contest), and waived a jury trial or any trial; and the Court finds the Defendant guilty of the offense of \_\_\_\_\_. The Defendant, having been found guilty, is assessed a fine of \$\_\_\_\_\_ plus any and all costs required to be paid.

The Defendant elected to take a driving safety course, and the Court finds that the Defendant meets the requirements for taking a driving safety course. The imposition of this judgment is hereby deferred for a period of 90 days and the Defendant is hereby granted the right to take a (driving safety course) (motorcycle operator training course). The Defendant is ordered to pay immediately all court costs and fees required by statute or ordinance in the amount of \$134.00 (\$159.00 if school zone).

The Defendant is required to complete the course and present evidence (a uniform certificate of completion of the driving safety course) (a verification of completion of the motorcycle operator training course) to this Court by \_\_\_\_\_, 20\_\_\_\_. Furthermore, when presenting evidence of course completion, the Defendant is ordered to present a certified copy of the Defendant's driving record as maintained by the Texas Department of Public Safety (or if the Defendant is on active military duty or is the spouse or dependent child of a member of the United States military forces on active military duty, a certified copy of the Defendant's driving record from the state that issued Defendant's driver's license), showing that the Defendant has not completed an approved driving safety course or motorcycle operator training course, as applicable, within the 12 months preceding the date of the offense, and an affidavit stating that the Defendant was not taking a driving safety course or motorcycle operator training course, as applicable, under Article 45.0511, Code of Criminal Procedure, on the date of the request to take this course and has not completed such a course that is not shown on the Defendant's driving record within the 12 months preceding the date of the offense.



\_\_\_\_\_  
Judge, Municipal Court  
City of Rockport, Aransas County, Texas