

EMCIR 2
DECISION ON WRITTEN STATEMENT

(A) Generally. The Court shall examine the citing officer's report and any statement submitted by the respondent. The examination shall take place within 120 days after the respondent has filed a response to the notice of infraction. The examination may be held in chambers and shall not be governed by the Rules of Evidence.

(B) Factual Determination. The Court shall determine whether the plaintiff has proved by a preponderance of all evidence submitted that the respondent has committed the infraction if contested.

(C) Disposition. If the Court determines that the infraction has been committed, it may assess a penalty in accordance with IRLJ 3.3. If the Court defers a finding for a specified period of time on certain conditions, it may assess an administrative fee to process the infraction notice.

(D) Notice to Parties. The Court shall notify the parties in writing whether the infraction was found to be committed, deferred, or dismissed and what penalty or administrative fee, if any, was imposed.

(E) The court administrator and/or court clerks shall have the authority to resolve "Failure to Provide Proof of Insurance" infractions at the court office window as follows: a) If respondent had insurance in force on the day the citation was issued, and the respondent provides such proof to the court staff member, the court staff member shall copy the proof of insurance verification which shall be attached to the infraction, and the case will be dismissed upon payment of a \$25.00 fee to cover administrative costs. (b) If respondent did not have insurance of the date of the citation, but has now obtained insurance, the citation will be entered as "committed" but the court staff member shall reduce the fine from \$550.00 to \$250.00. The court staff member shall copy the proof of insurance verification, shall enter the appropriate decision on each ticket, enter the monetary amount due by respondent, and sign and date the ticket.

(F) No Appeal Permitted. There shall be no appeal from a decision made upon written statements.

[Adopted effective September 1, 2012]
