

by Allan Garro

## Defense Against Traffic Tickets

**T**he current traffic law in Costa Rica has been in effect since October 26th, 2012. The purpose of the regulation was to fix some big problems created by a former law approved in 2010, which contained outrageous fines and a number of evidentiary contradictions, which created a big mess affecting both Administrative and Court procedures. This does not mean the current one is much better, so the purpose of this article is to inform you how to deal with traffic fines and other events, like car accidents.

Under the previous system, each driver had 50 points on their license and each offense committed would subtract from that total. Now, drivers accumulate points for each violation and if anyone reaches 12 points they lose their license for a year. Additionally, in order to get their license back, the person must also complete a driver education course. If the driver wants to regain their license before the one-year deadline, they can accomplish that through performing community service. If a driver loses his or her license a second time, there is a two-year period before they can get it back.

It is still required that a vehicle carry a fire extinguisher, safety cones or triangles, and a reflective vest. It is no longer necessary to carry a first aid kit, toolbox, or battery cables (also known as jumper cables). The rule that children under 12 years old, and shorter than 1.45 meters (4 feet 9 inches) should ride in the rear seat sitting on a booster seat is still in place, as is the rule that babies also need to travel in a child seat. Drivers traveling on motorcycles, ATVs or UTVs must wear a reflective vest and have lights on at all hours of the day.

On the issue of liquor at the wheel, it is important to be aware that the law now classifies drivers into three classes: Novice, Professional, and Standard. Novice drivers are those who obtained their driving license less than three years ago. Professionals are those involved in the transport of things or people like taxi or truck drivers.



“Normal” drivers (Standard) are those who were licensed to drive more than three years ago.

For Novice and Professional drivers the permitted blood/alcohol limit is 0.20 grams per liter. For Standard drivers the limit is 0.50 grams of alcohol per liter of blood. If the amount of alcohol registers between 0.50 and 0.75 grams, the fine is around \$550 USD and the driver accumulates 6 points on their license. If the level of alcohol in the blood exceeds 0.75 grams, it is considered a crime that can be punished by imprisonment. A driver caught intoxicated can request to be taken immediately to the nearest hospital for a blood/alcohol test to be conducted.

If a driver receives a traffic ticket they are entitled to file an appeal within 10 days at the headquarters of the Road Safety Council, or Traffic Department, of each province. The ticket must indicate where the appeal can be filed. A point of major importance is to verify that the ticket contains the exact address of the place where ticket was issued (not in general, like, “San José” – “Escazú” – “El Carmen”) and should be precise with streets, avenues, and other signs included. It is also important to check that the conduct for which the traffic ticket was issued gets adequately described by the police officer.

The appeal document must indicate a media, such as an e-mail address, where the appellant can receive notifications. If witnesses are offered, an oral hearing should be set to receive the testimony. The appeal

document should focus on objective elements that serve to annul the fine and not use arguments such as asserting that they were “traveling at high speed because the driver believed a robber might have been following them.”

As for traffic accidents, the general rule was that if a collision happened, drivers must leave vehicles in the position until the traffic officer and the representative of the insurance company appear. The problem was that the roads currently have too many vehicles on them, so a crash usually causes large jams, sometimes lasting for hours. For this reason, since the beginning of 2016, a Presidential Decree, number 39146-MOPT, allows vehicles to be moved if there is agreement between the drivers.

The requirements that allows drivers to move their vehicles are as follows: a) The collision must be between two vehicles or between a vehicle and an object, b) That there are only material damages (meaning no person was injured in any way), c) That one of the drivers accepts

responsibility for the accident and, d) It is necessary to avoid traffic jams.

The drivers must take pictures and videos and may then move the vehicles to the side of the roadway and call their insurance company. Later it becomes necessary to fill in a form called DAM relating all details of the accident.

It is noteworthy that this decree is quite new at the time of writing this article and it is uncertain how it will work in reality. For now, it is important to note that there are tools to defend any driver's rights in case of receiving a traffic ticket. I hope the information provided herein is useful for those who are not familiar with the legal labyrinth that exists in Costa Rica.

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