

What to do in Case of a Traffic Ticket or Accident in Costa Rica

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The 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 several evidentiary contradictions, which created a big mess affecting both administrative and court procedures. This does not mean the current law in effect 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, to get their license back, the person must also complete a driver education course, which is a real nightmare to subscribe online. If the driver wants to regain their license before the one-year deadline, they can accomplish that through performing community service. Those tourists with a valid driving license issued on their country of origin can legally drive here cars and ATVs -maximum 500 cc- for a maximum term of three months. After that period, they are enforced to [validate their license here obtaining a Costa Rican driving license](#).

It is still required that a vehicle carries 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 at all hours of the day. There were speed cameras during a short period of time, but that system is currently suspended. The Government has mentioned the intention to put them back, but nothing concrete yet.

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. 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 loses 6 points.

If the level of alcohol in the blood exceeds 0.75 grams, it is considered a crime that can be punished by imprisonment. If a driver receives a traffic ticket they are entitled to file an appeal within 10 days at 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 or fax number, 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 explained above, indicating that the ticket does not indicate where an appeal can be filed, does not contain an exact location of where the fine was issued. It's about trying to create a reasonable doubt.

As for traffic accidents, the general rule was that if a collision happens, drivers must leave vehicles in the position until the traffic officer and the representative of the insurance company appear. The problem are the roads, which have too many vehicles on them and 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 biggest issue is that supposedly drivers need to be carrying a form named DAM which needs to be filled by both drivers. The use of this method has been impractical.

When there is a collision and no agreement can be reached, it's necessary to proceed calling a traffic officer, which can be made to 911 line even if no one is hurt. Next, it is also important to contact the insurance company in case the vehicle is insured for them to send a representative to inspect damages. Once the traffic officer appears drivers involved must provide their driving license and car documents. The officer will proceed making measurements to later prepare a graphic of the vehicles position and other relevant information. Once that is finished the officer will provide each driver a printed copy of a document named **BOLETA DE CITACION**.

The **BOLETA DE CITACION** indicates that drivers must appear within 10 days in front of the local Traffic Court where accident happened to make a deposition, offer witnesses and other relevant proofs. If witnesses are offered later there will be a hearing for that. If no witnesses are offered, a Traffic Judge will decide based on the deposition of the drivers and the graphic provided by the traffic officer. If none of the drivers appears the Judge will make a decision which usually is to dismiss the case and release both drivers of any responsibility. If the Judge finds one of the drivers guilty that driver will receive a fine, lose some point from your license and will be ordered to pay damages to the other driver.

Material damages can only be claimed by the person who appears as the owner of the car title. In that case, after the Traffic Judge declares one of the drivers responsible it is necessary to start a different process in a Civil Court to claim material damages. This means the affected owner first must face a process in traffic court then another process in civil court to try collect damages. During all that time, the vehicle driven by the guilty driver will hold a lien as guaranty for that payment. Many cars in Costa Rica circulate without any insurance that can cover damages caused to other cars or persons. There is only a basic insurance to cover injuries to the vehicle occupants and other people damaged.

For those visiting the country as tourist, be very cautious with the rental car companies. In many cases when there is an accident where the vehicle renter is responsible or not, some rental car companies will just replace the vehicle without informing the necessity of appearing in front of a Traffic Court for a deposition within 10 days. If for some reason the insurance company declines covering the damages or if it covers only a percentage, the rental car company might try charging the total or partial cost of the repairs -or even the total cost of the car- to the credit card of the car renter. This practice is illegal if renter was not properly informed before or given the chance to discuss the amount of damages.

In case of an accident where people are injured or dead the procedure is totally different, and it will be handled as a criminal investigation by a prosecutor, so the rule of having to make a deposition within 10 days does not apply. Is better to contact a criminal lawyer in that case for better advice. It is important to note that there are tools to defend drivers' rights in the 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.

About the Author: Allan Garro was incorporated as a lawyer and public notary in 1996. He specializes in Litigation, Corporate and Real Estate Law. He has also acted as external legal consultant to Congress. He has been the author of more than 100 published English Language articles and can be reached at