

**INFORMATION BRIEF**

**Research Department**  
**Minnesota House of Representatives**  
600 State Office Building  
St. Paul, MN 55155

Matt Burress, Legislative Analyst  
Rebecca Pirius, Legislative Analyst

Updated: September 2012

---

## Traffic Citations

This briefing provides an overview of citations for a traffic violation, focusing on basic penalties, the assessment of fines, and the allocation of fine proceeds. Many traffic violations can be addressed solely through payment of a fine at an amount set on a uniform fine schedule, while more serious violations usually require a court appearance. The amount paid is composed of a base fine, a surcharge, and a law library fee. Proceeds are allocated to local units of government and different state funds and accounts, following formulas that vary depending on the circumstances of the violation.

---

### Contents

<a href="#">Executive Summary</a> .....	2
<a href="#">Penalties for Traffic Violations</a> .....	3
<a href="#">Fines</a> .....	5
<a href="#">Disbursement of Funds</a> .....	7

## Executive Summary

**Offenses and penalties.** State statutes regulate traffic and motor vehicle operation through various prohibitions and requirements. There are four basic “offense levels” for violation of traffic (and other criminal) laws. The levels generally reflect differing gravity of offenses; higher levels carry increased penalties over a lower level.

- A **petty misdemeanor** is the lowest level of offense. It does not carry a jail sentence but entails a fine of up to \$300. A petty misdemeanor is typically a “payable offense,” which means that the fine can be paid without a court appearance. Fine payment constitutes a plea of guilty. Many but not all traffic violations are petty misdemeanors. [Minn. Stat. §§ 169.89; 609.02](#), subd. 4a.
- The next offense level is a **misdemeanor**. While a number of traffic-related misdemeanors are payable offenses, a court appearance is often required. A misdemeanor is punishable by imprisonment of up to 90 days, a fine of up to \$1,000, or both. [Minn. Stat. § 609.02](#), subd. 3.
- Most traffic violations are not categorized in the highest offense levels, **gross misdemeanor** and **felony**. [Minn. Stat. § 609.03](#).

**Fines.** For offenses where a fine can be paid without a court appearance (“payable offenses”), the amount is generally set by the judicial branch and is subject to statutory maximums set for each offense level. Fines are specified in state statute for some violations, though, and there are a few situations in which the law establishes a minimum or a different maximum fine, or raises the fine if certain conditions apply to the violation (such as doubling the fine for some speeding infractions). The fine amounts set by the judicial branch are contained in a uniform statewide fine schedule known as the Statewide Payables List, which is updated annually. It generally sets fines at a specific dollar amount for each traffic violation. A discussion of fines starts on page 5.

The total amount paid by a violator of a traffic law is generally composed of three components:

- the **base fine**, which is the core amount stemming from the violation (typically it is specified in the Statewide Payables List, although the fine may be set by a judge if there is a court appearance)
- a **surcharge**, imposed on all criminal and petty misdemeanor convictions regardless of offense—at \$12 for parking violations and \$75 all other violations
- a **law library fee** that varies across counties

**Allocation of funds.** State statutes establish several formulas for disbursing fine revenue. In general, money from the base fine is allocated between the state’s general fund, cities and counties, and state transportation-specific accounting funds. The formula that applies depends on the circumstances of the offense, such as the city and county where the offense took place and which agency apprehended the offender. The surcharge goes to different state accounts (primarily the general fund), and the library fee goes to the law library of the county where the offense occurred. More information is available starting on page 7.

## Penalties for Traffic Violations

State law establishes traffic regulations that impose various duties and limitations on motorists. They include vehicle registration and license plate requirements, directions on how a motor vehicle must be driven (such as stopping at red lights and using turn signals), vehicle size and weight restrictions, vehicle equipment requirements, and driver licensing.

***Offense levels*** Traffic infractions (as well as other law violations) are divided into four basic levels of offenses reflecting increasing seriousness: petty misdemeanor, misdemeanor, gross misdemeanor, and felony. The basic methods of penalizing a person for committing a traffic offense are (1) a fine, (2) imprisonment, and (3) loss of driving privileges. (This briefing does not discuss loss of driving privileges, which involve cancellation, suspension, or revocation of a driver's license as well as associated costs.)

***Payable offenses*** Many traffic violations are considered a "payable offense," meaning that the violation can be handled by payment of a fine instead of a court appearance. Payable offenses consist primarily of all statutory petty misdemeanors identified along with some designated misdemeanors. Payment of the fine constitutes a plea of guilty. Minn. R. Crim. P. 23.03, subd. 3.

***Petty misdemeanors*** A petty misdemeanor citation does not include a sentence of imprisonment, but does entail a fine of up to \$300. [Minn. Stat. § 609.02](#), subd. 4a. A petty misdemeanor is normally a payable offense that can be handled through payment of the fine without appearing in court. If the person chooses to appear in court, the case is not subject to a jury trial and the judge sets the amount of any fine imposed. [Minn. Stat. § 169.89](#), subd. 2. In most cases, a person only cited for a petty misdemeanor traffic violation is not taken into custody. A petty misdemeanor is not technically considered a "crime" under Minnesota Statutes (the term is instead reserved for the more serious offense levels that may subject a person to imprisonment). [Minn. Stat. § 609.02](#), subd. 4a.

Violation of a traffic regulation is often a petty misdemeanor offense, although various registration and licensing requirements, some repeat offenses, and more significant infractions can carry a higher penalty. [Minn. Stat. § 169.89](#), subd. 1.

Violations that by themselves constitute a petty misdemeanor include: speeding; various other moving violations like running a red light or failure to signal a turn; parking in restricted locations; and driving a vehicle having unsafe equipment such as a faulty brake light or improperly tinted windows. [Minn. Stat. §§ 169.06; 169.14; 169.19; 169.34; 169.50; 169.71.](#)

### ***Crimes***

In general, more serious violations of state traffic laws are associated with a higher offense level. A misdemeanor (the next level above a petty misdemeanor) is punishable by imprisonment of up to 90 days, a fine of up to \$1,000, or both. [Minn. Stat. § 609.02](#). Among traffic-related misdemeanors, some are designated as “payable offenses” where a court appearance is not required. Offenses designated as payable include careless driving (if there was no accident or injury) and failure to carry proof of auto insurance. [Minn. Stat. §§ 169.13; 169.797](#).

Traffic violations that are normally a petty misdemeanor can be enhanced to a misdemeanor if:

- identified as having been committed “so as to endanger or be likely to endanger any person or property” (in which case it is no longer a payable offense); or
- preceded by two or more petty misdemeanor convictions for any traffic or motor vehicle violations, excluding parking violations, within the previous 12-month period. [Minn. Stat. § 169.89](#), subd. 1.

A gross misdemeanor carries a penalty of up to one year of imprisonment, a fine of up to \$3,000, or both. The highest level of penalty is a felony, which carries a sentence of more than a year. [Minn. Stat. § 609.02](#).

### ***Administrative citations***

Under a provision enacted in 2009, counties, cities, and towns are authorized to establish, by resolution, administrative citations that peace officers can impose instead of petty misdemeanor or criminal citations. [Laws 2009, ch. 158](#), § 6. The state statute that is violated remains the same, but the fine and legal process differ for administrative citations. The authority to issue administrative citations is limited to:

- speeding violations, if the person exceeds the limit by less than 10 miles per hour as actually recorded by the officer;
- failure to stop or yield at designated signs; and
- operating a vehicle that violates certain lighting and equipment standards (concerning items like window tinting, brakes, tires, bumpers, and horns). [Minn. Stat. § 169.999](#), subd. 1.

An administrative citation is issued at the peace officer’s discretion; officers cannot be required to handle eligible violations through administrative citations. The citation can be contested through a civil process that must be established by the local unit of government. The process must include a hearing and rulings by a neutral third party when a citation is contested. This process is in place of the court system handling the case. The citation is not recorded on a person’s driving record and does not affect driving privileges.

## Fines

### *Amount of a fine*

The actual amount of a fine for a traffic violation is not usually set in state statute. Rather, most fines are determined by either a uniform fine schedule or a judge, subject to the maximum identified in statute (e.g., up to \$300 for a petty misdemeanor). The fine for an administrative citation is set in statute at \$60. [Minn. Stat. § 169.999](#), subd. 5.

There are exceptions in which an amount is specifically fixed in law. In some cases, a statutory minimum or different maximum amount exists. Exceptions can apply to petty misdemeanors as well as some crimes. As examples, it is a \$25 fine for failure to wear a seat belt; it is a fine of no more than \$50 for failure to secure certain children in a child restraint device; and unauthorized parking in a disability space carries a fine of \$100 to \$200. [Minn. Stat. §§ 169.346](#), subd. 3; [169.685](#), subd. 5; [169.686](#), subd. 1.

There are also a few cases in which the fine amount is increased based on the circumstances of the violation. For instance, the fine is doubled for a person who violates the speed limit in various ways, such as going over the limit by 20 or more miles per hour. [Minn. Stat. § 169.14](#). With some repeat offenses (in which a person commits more than one violation of a law) a minimum fine amount is established, as with a minimum fine of \$400 for a second or subsequent instance of littering on a highway. [Minn. Stat. § 169.42](#), subd. 5.

### *Statewide Payables List*

For petty misdemeanor and some misdemeanor traffic violations where the fine amount is not already set by statute, the judicial branch maintains a uniform fine schedule. (There are other schedules for truck-related and commercial motor vehicle violations as well as for violations related to natural resources and outdoor activities.) The schedule is the Statewide Payables List, which is itself authorized by state statute.<sup>1</sup> [Minn. Stat. § 609.101](#), subd. 4. It is maintained and revised annually by the Judicial Council (which is the governing body of the judicial branch). There is a \$50 default fine for a petty misdemeanor offense where the amount or violation is not specified in the Statewide Payables List.

In most cases, the fine identified in the Statewide Payables List is a specific amount for each violation. However, in some cases the fine amount varies, such as with the fine for speeding (which depends on the extent to which the person exceeded the limit) or excessive vehicle weight (which is scaled based on the extent to which the vehicle was overweight).

---

<sup>1</sup> This is available at: <http://www.mncourts.gov/?page=1774>.

For certain offenses, an additional fine schedule can be set at the local judicial level if a district court has a violations bureau that processes fines paid in lieu of court appearances. The district court's fine schedule cannot override amounts set in the Statewide Payables List. A district court's schedule is used for setting fines for violations of local ordinances as well as state law. Minn. R. Crim. P. 23.03.

***Components of a fine***

The overall fine amount paid for a traffic violation has a few elements.<sup>2</sup> First, there is the **base fine** itself. As discussed, for payable offenses this is typically set in the Statewide Payables List, but in some cases it is set in statute at a minimum or specific amount. For crimes requiring a court appearance, the fine is set by the judge as part of sentencing.

Second, there is a \$75 **surcharge** for all persons convicted of a petty misdemeanor or crime, including traffic violations that are continued, stayed, or dismissed as part of diversion program.<sup>3</sup> However, the surcharge does not apply (1) to administrative citations, or (2) if the penalty is a petty misdemeanor and no fine is imposed. [Minn. Stat. § 357.021](#), subd. 6.

The surcharge amount for parking violations is \$12.<sup>4</sup> An additional \$1 special surcharge is also added in the Second Judicial District if authorized by Ramsey County. Under a 2009 change, only one surcharge per case can be imposed (that is, if a person is convicted for more than one offense in a case, there would be only one surcharge). [Minn. Stat. § 357.021](#), subd. 6.

Finally, the overall fine can include a **fee added for county law libraries**. The amount is set by each county and varies across the state. As examples, the fee amount is \$12 in the Fourth District (covering Hennepin County) and \$10 in the Second District (for Ramsey County). Funds are allotted to support the library. [Minn. Stat. §§ 134A.09; 134A.10](#).

The following table highlights some example citations and associated fines.

---

<sup>2</sup> In addition to the items discussed here, a person could be required to pay vehicle towing and impoundment costs, restitution, and other court costs.

<sup>3</sup> The surcharge was first instituted starting January 1, 1999. It has been set as follows: fiscal years 1999–2001: \$25, first instituted starting January 1, 1999 ([Laws 1998, ch. 367](#), art. 8, § 5); 2002–2003: \$35 ([Laws 2001, 1st spec. sess., ch. 9](#), art. 18, § 15); 2004–2005: \$60 ([Laws 2003, 1st spec. sess., ch. 2](#), art. 8, § 6); 2006–2008: \$72 ([Laws 2005, ch. 136](#), art. 14, § 4); and 2009 to present: \$75 ([Laws 2008, ch. 363](#), art. 12, § 11).

<sup>4</sup> The surcharge for parking has been set as follows: fiscal years 2004–2005: \$3 ([Laws 2003, 1st spec. sess., ch. 2](#), art. 8, § 6); 2006–2008: \$4 ([Laws 2005, ch. 136](#), art. 14, § 4); 2010 to present: \$12 ([Laws 2009, ch. 83](#), art. 2, § 22).

### Examples of Fine Components

Violation	Base Fine	Surcharge	Law Library <sup>a</sup>	Total
Brake light not working	\$40	\$75	\$12	\$127
Careless driving <sup>b</sup>	100	75	12	187
Expired tabs	30	75	12	117
Expired driver's license	100	75	12	187
Parking (too close to fire hydrant)	20	12	0	32
Seatbelt use	25	75	12	112
Speeding (12 m.p.h. over limit)	50	75	12	137
Speeding (21 m.p.h. over limit) <sup>c</sup>	140	75	12	227
Stop sign (failure to stop)	50	75	12	137

**Notes**  
<sup>a</sup> Amount differs depending on the location of the offense. All examples are for Hennepin County.  
<sup>b</sup> Violation is payable without a court appearance only if there is no accident or injury.  
<sup>c</sup> Base fine includes doubled amount. See [Minn. Stat. § 169.14](#), subd. 2.

## Disbursement of Funds

Disbursement of proceeds from the base fine, the surcharge, and an administrative citation are handled independently, through a number of different allocation formulas discussed below.

**Factors in allocation of fines** The allocation of base fine proceeds varies. It depends on four factors: (1) the county, and in a couple cases the city, in which the violation occurred; (2) who handled prosecution; (3) who apprehended the offender; and (4) in some cases the specific violation, such as with a parking violation, seat belt violation, or if exceeding a vehicle weight limit.

**General allocation of fines** Except for apprehension by the State Patrol, the fine allocation is primarily based on the location where the offense takes place. Proceeds go to cities or towns as well as the state. The following table outlines the generally applicable distribution of proceeds under different circumstances. (The allocation may be different for a specific offense; state statutes should be consulted to confirm whether there is variation from those in the following table.)

### General Allocation of Base Fines for Traffic Violations

Circumstances of Offense	To Political Subdivision	To State General Fund
In Hennepin County <sup>a</sup>	80%	20%
In Ramsey County <sup>a</sup>	50%	50%
In St. Paul <sup>a</sup>	66 2/3%	33 1/3%
In all other counties	66 2/3%	33 1/3%
If a parking violation	100%	0%
If prosecuted by county attorney (regardless of circumstances above)	0%	100%
If apprehended by State Patrol (regardless of circumstances above)	<i>Varies (see page 8)</i>	
<b>Notes</b>		
<sup>a</sup> Allocation also applies to parking violations.		
“Political subdivision” refers to the city or town in which the offense is committed. Allocation excludes the surcharge and administrative citations. Allocation for a specific offense may be set differently in state statute. <a href="#">Minn. Stat. §§ 484.841; 484.85; 484.90; 574.34.</a>		

#### *Other allocation of fines*

Under state statute, the **fine from a seat belt violation** must go to an emergency medical services relief account. The money is distributed:

- 90 percent to regional emergency medical services systems for training, vehicles and equipment, and operations of emergency transportation; and
- 10 percent for State Patrol traffic safety education programs. [Minn. Stat. § 169.686](#), subd. 3.

If a person is **apprehended by the State Patrol**, then the fine allocation follows one of three formulas depending on the circumstances of the violation. Under the first formula:

- three-eighths of the fine goes to the state’s general fund; and
- of the remaining five-eighths: (1) the first \$1,000,000 collected in a fiscal year goes to the Minnesota grade crossing safety account<sup>5</sup>, and (2) the remainder goes to the trunk highway fund.

---

<sup>5</sup> Fund distribution to the grade crossing account was first established in 2005 at \$600,000 and was increased to \$1 million in 2010. [Laws 2005, 1<sup>st</sup> spec. sess., ch. 6](#), art. 3, § 88; [Laws 2010, ch. 351](#), § 58. Prior to that, the entire five-eighths went to the trunk highway fund.



Second, if the violation is prosecuted by a city attorney (when the fine is not simply paid) a different formula applies with:

- one-third going to the state's general fund;
- one-third of the fine going to the municipality; and
- one-third going to the state in the same manner as the five-eighths allocation outlined above.

Third, if the violation involves motor vehicle weights, the allocation is:

- three-eighths to the state's general fund; and
- five-eighths to the highway user tax distribution fund. [Minn. Stat. § 299D.03](#), subd. 5.

The third allocation (above) is also used if a person is **apprehended for a weight violation by an employee of the state**, such as a qualified vehicle weight inspector.

***Allocation of the surcharge***

The \$75 surcharge is distributed based on specified dollar allocations in addition to a formula, resulting in:

- \$65 to the state's general fund;
- \$9.75 to a peace officers training account; and
- \$0.25 to the game and fish fund to provide training for DNR officers.<sup>6</sup>

The entire \$12 parking violation surcharge goes to the state's general fund. The additional \$1 special surcharge imposed by Ramsey County is credited to its petty misdemeanor diversion program. [Minn. Stat. § 357.021](#), subd. 7.

***Allocation of administrative citation proceeds***

The proceeds of an administrative citation are allocated in two ways depending on who apprehended the violator. If a peace officer employed by a local unit of government issues the citation, proceeds are distributed:

- one-third to the state's general fund; and
- two-thirds to the general revenue fund of the governmental unit.

---

<sup>6</sup> The distribution in state statute allocates \$50 to the general fund and the remaining \$25 based on percentages (at 60 percent, or \$15, to general fund; 39 percent, or \$9.75, to the peace officers training account; and 1 percent, or \$0.25, to the game and fish fund). [Minn. Stat. § 357.021](#), subd. 7. The actual amount appropriated to the POST board from the peace officer training account varies. Since the creation of the surcharge in 1998, corresponding rider language has capped the amount expended out of the peace officer training account and provides that receipts in excess of the specified amount be credited and transferred to the general fund. See e.g., [Laws 2011, 1<sup>st</sup> spec. sess., ch. 1](#), art. 1. § 12.

If the State Patrol (under contract to a local unit of government) issues the citation, the proceeds are allocated:

- two-thirds to the state's general fund; and
- one-third to the general revenue fund of the governmental unit.  
[Minn. Stat. § 169.999](#), subd. 5.

*For more information about motor vehicle regulations, visit the transportation area of our website, <http://www.house.mn/hrd/hrd.htm>.*