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Traffic Law Enforcement

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by the court of one state is final and binding upon the courts of another state. GOODRICH, CONFLICT OF LAWS (2nd ed. 1938) § 20. However, if defendant has appeared and contested the question of domicile of plaintiff, and has had his day in court, then a finding against defendant is binding and entitled to full faith and credit. Davis v. Davis, 305 U. S. 32, 59 Sup. Ct. 3 (1938). It is submitted, then, that the Williams case makes it no more legally easy than before for a wife at fault in the marital rift to acquire a separate domicile for nation-wide divorce purposes, at least so long as the courts of states which did not grant the divorce choose to treat the alleged domicile in the decree-granting state as a sham.

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TRAFFIC LAW ENFORCEMENT

Thru the kindness and co-operation of Thomas L. Degnan of Grand Forks, who is the State Chairman of the Junior Bar Conference of the American Bar Association, we give you a synopsis of the recommendations of the Traffic Court Committee of the Junior Bar Conference on Traffic Courts, and their procedure.

TRAFFIC LAWS

1. Traffic laws with inherent defects should be revised and those which are unenforceable or unnecessary should be repealed.
2. Traffic statutes should be founded upon the "Uniform Vehicle Code" and the "Model Traffic Ordinances" with only regulations purely local in nature left to local ordinance. However, an exception should be made where this would result in ousting local courts from jurisdiction to try traffic violations.

TRAFFIC COURTS

3. All courts should treat traffic cases apart from their other business.
4. Special courts for traffic cases are necessary when the number of cases reach 7,500 per year with a violations bureau in operation, and 15,000 cases per year when there is no bureau.
5. The ideal traffic court organization would be on a State basis with various district courts, and with circuits operating from each district.
6. Physical courtroom conditions should be improved as to facilities, arrangements, cleanliness, and appearance.
7. The taxing of courts costs as a separate penalty should be eliminated, and the fine assessed in one sum. If costs are included, they should be in a reasonable amount.

VIOLATIONS BUREAUS

8. Violations bureaus are to be used only when the number of traffic cases make it impossible for the court to dispose properly of them.
9. The basis for all violations bureaus should be a signed plea of guilty and waiver of trial.
10. Schedules of fines charged at the violations bureau are not to be alterable.
11. The bureau should handle the least hazardous violations and should deal with moving offenses only when they respond to treatment

outside the courtroom. Major traffic law violations should never be handled in a violations bureau.

12. Assuming conformity with the recommended basis for violations bureau jurisdiction, the payment of by mail, properly safeguarded, is recommended.

13. Fines assessed at the violations bureau should be in average amounts used by the judge for the same offenses, and should be scaled higher for repeaters.

TRAFFIC JUDGES

14. Traffic judges should recognize the fact that a knowledge of traffic laws, traffic policing and engineering is necessary in addition to a legal background and should aim to obtain an understanding of these factors.

15. Traffic judges should not be selected by local authority or on a localized basis where appointment or selection on a wider scale is possible.

16. The selection of alternates for traffic judges should be safeguarded.

17. Where more than one magistrate is available for the traffic bench it is recommended that one judge be assigned to that post permanently or for a long period, rather than the use of a system of rotation of judges.

18. Traffic judges should be under the supervision of a chief magistrate, who should be given regulatory powers.

PROSECUTORS

19. It is recommended that the title "Prosecutor" be eliminated in favor of "Public attorney," or "Public solicitor," or a similar term.

20. "Prosecutors" should be assigned to traffic courts for aid in the disposition of cases.

21. Where the information on the ticket or complaint does not afford the prosecutor sufficient detail, the arresting officer should be required to furnish him with the additional report.

22. Prosecutors should not be used for the purpose of deciding whether a traffic violation should be brought to trial.

DEFENSE COUNSEL

23. Bar associations should interest themselves in ascertaining what the function of a lawyer in the traffic courts should be and in encouraging the maintenance of that standard.

TRAFFIC COURT PROCEDURE

24. Preliminary hearings in minor traffic cases should be eliminated.

25. Summonses and tickets should be returnable on particular days assigned to officers.

26. Where the volume of cases is large the time of appearance should be staggered according to the type of offense.

27. Complaints other than tickets are unnecessary and should not be used in traffic cases where the officer witnessed the violation.

28. Dockets should be kept by the court clerk's office and traffic cases cases should be kept in a separate docket.

29. Dockets should be in duplicate, the disposition to be marked on the original by the judge at the time of trial.

30. Each defendant should be treated as a single case regardless of the number of charges against him.

31. Appearances should be enforced by the service of warrants through the police department and by additional fines.

32. The traffic court judge should be made solely responsible for the granting and use of continuances.

33. Continuances should not be used for the purpose of allowing violators an opportunity to obtain the money needed for the fine. Instead, surrender of the offender's license until payment is made recommended.

THE JURY

34. The use of juries in trials for summary or minor traffic offenses should be eliminated.

APPEALS

35. There is need for the study and revision of the appellate procedure available to persons convicted of traffic offenses.

CONDUCT OF TRAFFIC COURT

36. There is a general need for higher standards of decorum and courtroom procedure in traffic cases.

PUNISHING THE TRAFFIC VIOLATOR

37. Juvenile traffic violators should be treated by traffic courts except where a behavior problem is involved.

38. Rigid and set fines (as distinguished from flexible standards) for the various violations are to be discouraged.

39. The utilization of effective methods other than fines and sentences for the punishment and treatment of traffic violators should be encouraged.

40. The primary aim of the traffic court should be to impress defendants with the need for traffic law observances rather than to penalize.

THE FIX

41. Reduction of charges in traffic cases should be a judicial power and exercisable only by the judge.

42. Judges should hold police officer, prosecutor, or both, strictly accountable for deliberate attempts to weaken the case against the defendant.

43. Clerical procedure should be revised for the purpose of permitting audits, allocating responsibility and providing checks on the handling of cases before they are tried.

RECORDS

44. Traffic judges should be furnished with the traffic record of the defendant by the police department, to be used only after deciding guilt in the present case, for the purpose of assessing the punishment.

45. Drivers' records should be State-wide for maximum effectiveness and made available through police departments to traffic courts throughout the State.

46. Traffic courts should keep daily cumulative records, broken down by division into the common offenses, and published at least annually.

CONVICTION REPORTING

47. Bar associations and other interested groups should interest themselves, where necessary, in the problem of the failure of judges in traffic courts to report convictions as required by State law.

THE JUSTICE OF THE PEACE

48. The justice of the peace system is outmoded and its plan of organization ineffective for good traffic-law enforcement. It is recommended that the justice of the peace should be replaced for the trial of traffic cases by a State-wide system of regular courts with trained personnel functioning on a circuit basis from centrally located seats and under the supervision of a chief judge.

QUALIFICATIONS AND SUPERVISION

49.¹ Minimum qualifications should be prescribed for candidates for the office of justice of the peace.

50. The basis governing the number and location of justices of the peace should be revised to allow the existence of a reasonable number of officers and an efficient distribution.

51. Adequate supervision should be provided, and regular inspections made of all functioning justice courts.

THE FEE SYSTEM AND SALARIES

52. The present fee system in use in most States as a method of remuneration for justices of the peace should be abolished and replaced by a means of compensation not dependent in any manner upon the decision in the case.

53. Where practical, fair, and adequate salaries should be given justices of the peace.

ADMINISTRATION OF JUSTICE

54. Courtrooms should be furnished to justices in the various localities.

55. The choice or selection of a particular justice court by the arresting officer should not be permitted if the practical necessity therefor is removed.

56. The practice of taxing costs should be eliminated.

57. All justices should be furnished with and required to keep satisfactory dockets, financial and other records, and should be obliged to report to a county or State office at least monthly.

The executive committee of the National Committee on Traffic Law Enforcement includes some of the country's outstanding men in the field dealing with traffic problems and traffic conditions.

¹ Recommendations Nos. 49 to 57 are subject to recommendation No. 48.