I Got A Careless Driving Ticket For Passing On The Wrong Side; What Do I Do?

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I was driving on Route 10 the other day. I wanted to pass a car that was traveling at about 25 miles per hour in the left hand lane, way slower than speed limit, so I passed him on the right. That's when a police car pulled out of one of the strip malls and pulled me over. I got a careless driving ticket. Should I argue it because the guy in the left hand lane was really the issue. What's it going to cost me? Should I get an attorney?

S.R.

Dear S.R.:

Thank you for your question. Getting pulled over for an alleged motor vehicle violation is a frustrating experience that many of us have experienced. The best way to defend yourself in a situation like this is to understand the law and apply it to the facts and circumstances in your case.

Careless driving is defined by N.J.S.A. 39:4-97. According to this statute, "A person who drives a vehicle carelessly, or without due caution and circumspection, in a manner so as to endanger, or be likely to endanger, a person or property, shall be guilty of careless driving."

As you can see, the definition of careless driving is extremely broad. In fact, most motor vehicle infractions can be deemed "careless driving" by a police officer.

If you are convicted of, or plead guilty to, careless driving the Court must fine you anywhere from $50 to $200. In addition, you will be required to pay court costs up to $33 and an assessment of $6. It is

also critical to note that the Court has the discretion to imprison you up to 15 days in jail; however, this is rarely, if ever, imposed. Furthermore, if you are convicted of, or plead guilty to, careless driving, you will receive two (2) points on your driving record.

The defense of a careless driving ticket requires a careful examination of all of the facts and circumstances of your case. Accordingly, you should consult with an experienced municipal court attorney. Once the relevant discovery is received, your attorney can assist you in determining whether the case should be tried, or if you should seek a plea deal for reduced charge.

With the help of an experienced municipal court attorney, you may be able to have your charges dismissed by developing a creative defense including, but not limited to, the doctrine of necessity. If, however, you're unable to have the charges dismissed, your attorney can assist you in resolving your matter in a way that minimizes or avoids fines and/or points being assessed against you.