

SCOFFLAW

FAQ

1. Why did I receive a notice from NYS DMV that my license will be suspended because of an unpaid ticket or summons?
2. What should I do if I received a notice from NYS DMV that my license will be suspended because of an unpaid ticket or summons?
3. How do I resolve my original ticket after my suspension is lifted?

1. Why did I receive a notice from NYS DMV that my license will be suspended because of an unpaid ticket or summons?

New York State Law provides that a New York State Driver's License, or the privilege to drive in New York State for out of state licensees, will be suspended if the licensee fails to appear in response to a traffic summons or fails to pay a fine imposed by the Court after 60 days. If 60 days have elapsed since your appearance date or fine due date and you have not appeared or paid your fine, the Department of Motor Vehicles is notified and a suspension notice is sent to you.

2. What should I do if I received a notice from NYS DMV that my license will be suspended because of an unpaid ticket or summons?

If you appear at Eastchester Town Court, Plead Guilty or Not Guilty, or pay your fine before the date of suspension on the notice, the Court notifies the Department of Motor Vehicles and the suspension does not occur. If you fail to appear or pay your fine by the suspension date on the notice, your license is suspended on that date and you are no longer legally able to drive in New York State. After a suspension occurs, you must also pay a \$70 scofflaw fee in addition to any fines and surcharges before the suspension will be lifted. Lifting of a suspension can take up to a week. Once your suspension is lifted it is your responsibility to check your driver status with DMV.

3. How do I resolve my original ticket after my suspension is lifted?

If you have never appeared or answered the ticket you may enter a Plea of Guilty or Not-Guilty.

If you plead "Not" Guilty and leave the ticket with the Court the Court will then process you're not guilty plea and provide you with an Appearance/Pre-Trial conference date for a Conference with The Prosecuting Attorney.

The prosecuting attorney is responsible for proving the charge against you and may, based on your record and the nature of the offense you are charged with, offer you a plea to a lesser offense, which, if you accept such a plea, will recommend to the Court the plea that you agreed to. Any such plea is subject to the review and approval of the Court, which in its sole discretion may or may not accept the recommendation of the prosecutor.

See copy of Declaration and Plea Agreement you will be asked to sign if you accept the offer of the prosecuting attorney ([click here](#)).

If you choose not to attend the conference you may notify the Court, in writing, prior to the conference date and request a trial date.

If you attend the conference and choose not to accept the offer of the prosecuting attorney at the scheduled conference you can request a Trial date, at that time, and one will be forwarded to you by the Court.

By maintaining your plea of “Not” Guilty you will exercise your right to a trial at which the prosecuting attorney, must prove, beyond a reasonable doubt, that you have committed the offense. At the trial you will have the opportunity to challenge the evidence and cross-examine any witness who testifies against you, including the Police Officer that ticketed you. You have the right to have witnesses testify on your behalf and you may, but are not required to, testify on your own behalf. The Court will determine after the trial or appearance/conference whether or not the prosecution has proven guilt beyond a reasonable doubt, and the judge will render an appropriate verdict. If you disagree with the Court’s decision you will have a right to appeal within 30 days of the decision by following the appeal process.

If you wish to plead guilty and leave the ticket with the Court the Court will then process your guilty plea and a Judge will assign a fine for the violation(s) and the Court will mail a fining notice back to you with a future pay-date.

With a Guilty plea you waive your right to a trial and an appeal and you will be notified by mail of the fine and surcharge imposed by the Court and you must pay the fine and surcharge that the Court assesses by the date on the notice you receive.