

**TITLE 9: VEHICLE CODE**  
**DIVISION 1: GENERAL PROVISIONS**

**§ 1304. Written Traffic Citation; Discretion of Officer to Give Warning.**

(a) Whenever a person is halted by a police officer for any violation of this title and is not taken before a judge, the driver of the vehicle shall surrender his or her operator's license for inspection by the police officer and the officer shall prepare a written traffic citation. The police officer, after inspecting the information on the operator's license, shall return the operator's license to the driver of the vehicle.

(b) The citation shall include on its face a notice to appear and a space for the person charged to sign a promise to appear in court at a later time.

(c) Notwithstanding subsection (a) of this section, the officer may give a warning to a person violating this title, in lieu of preparing a written traffic citation.

**Source:** PL 3-61, § 1 (§ 117) modified; amended by PL 5-23, § 2; subsection (a) amended by PL 13-6, § 2.

**Commission Comment:** PL 13-6, which became effective on May 31, 2002, contained findings, severability, and savings clauses. According to PL 13-6:

Section 1. Findings. The Legislature finds that a person who is stopped by a police officer for a traffic or other related violation is required to surrender his or her driver's license pending a court appearance. The Legislature finds that to surrender one's driver's license is not only unnecessary because of the availability of obtaining a bench warrant from the court if the person fails to appear at the appointed time, but also very inconvenient to the person who may rely exclusively on the driver's license as the person's sole form of identification for common everyday transactions.