



Kaiserslautern (Kleber Kaserne) Legal Assistance Office



GERMAN TRAFFIC VIOLATIONS

In Germany, it is very unlikely to receive a fine for a traffic violation on the spot. Most violations (*i.e.* speeding, following too close, running a red light) are recorded by camera. The initial notification for the traffic ticket is served by mail.

First Notification. The first notification that is sent out, about two to three weeks after the incident happened, is a questionnaire [*Anhörung*] explaining the alleged violation and asking you to give a statement, which is completely voluntary. This notification is sent to your APO mailbox. The questionnaire normally includes a photo, but it does not contain a fine, unless it is considered a minor violation with an expected fine of not more than 55 EUR.

If the expected fine is not more than 55 EUR, you can settle and close the case without the official fine proceeding. All you must do to settle and close the case is accept and pay the suggested warning fee [*Verwarnung mit Verwarnungsgeld / Anhörung*] **within one week** after you receive the notification.

Administrative Fine Order. If the expected fine is more than 55 EUR or if you did not pay the suggested warning fee, the authorities will start the official fine proceeding and issue an administrative fine order [*Bußgeldbescheid*]. As this fine order needs to be officially served, you will receive it from the military legal liaison, who can either send it through your chain of command (commander/supervisor) or email it to you. The administrative fine order automatically includes an additional 25 EUR processing fee, which should not be confused with a late fee.

Once you receive the administrative fine order, you must either pay the fine or file an objection. An objection needs to be received by the issuing authority **within two weeks** from the date of receipt. It must be in writing, and it cannot be filed by email. The issuing authority must reassess their decision. They can either drop the charges or adhere to the fine. If they decide to continue, they will ask you to drop the objection, otherwise they will transfer the case to the prosecutor who could forward it to the local court and a judge would have to decide in a court hearing.

As a court hearing would cause additional fees, you should only file an appeal if you have a reasonable defense. Not being the driver is a valid reason, while not being aware of the speed limit or simply missing a traffic sign is usually *not* a strong defense. The statute of limitations can sometimes be a legitimate reason for an objection, as it is only three months. However, be aware that the three months' period restarts on the day on which they send out the first notification, no matter whether you received the questionnaire or not.

Paying Your Fine. To pay a fine, you must transfer the requested amount to their bank account. The IBAN is mentioned on the ticket. Do not forget to put the case number on the reference line.

If you think about filing an objection, and you want to find out about the prospects for success, your legal assistance office will be able to advise you accordingly.