

99108031166000

Heruntergeladen am 01.07.2025

<https://fimportal.de/xzufi-services/2847/L100042>

Modul	Sachverhalt
Leistungsschlüssel	99108031166000
Leistungsbezeichnung I	
Leistungsbezeichnung II	Notice of fine for administrative offense; objection
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Bayern
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher Ansprechpartner	
Fachlich freigegeben am	16.08.2024

Modul	Sachverhalt
Fachlich freigegeben durch	Bayerisches Staatsministerium der Justiz (Bavarian State Ministry of Justice)
Handlungsgrundlage	http://www.gesetze-im-internet.de/owig_1968/BJNR004810968.html#BJNR004810968BJNG000091309 http://www.gesetze-im-internet.de/owig_1968/BJNR004810968.html#BJNR004810968BJNG000091309 https://www.gesetze-bayern.de/Content/Document/BayZustV-G14 https://www.gesetze-bayern.de/Content/Document/BayZustV-G14
Teaser	Fines imposed in administrative offense proceedings can be contested by lodging an objection.
Volltext	<p>Compared to a criminal offense, an administrative offense is a minor offense. It is prosecuted in administrative proceedings. However, this can lead to proceedings similar to criminal proceedings before the ordinary courts.</p> <p>The administrative authority is initially responsible. Which administrative authority is specifically responsible is determined by the laws containing the fine regulations themselves, the jurisdiction ordinances of the federal states or by § 36 and § 37 of the Administrative Offenses Act (OWiG).</p> <p>In the case of a minor offense, the authority can issue a warning with the consent of the person concerned as a milder measure than a fine. This only becomes effective if the person concerned pays the fine on time. If the proceedings are not discontinued and there is no (effective) warning, the administrative authority can issue a fine notice after hearing the person concerned.</p>
Erforderliche Unterlagen	
Voraussetzungen	You have received an administrative order imposing a fine and, according to the information on legal remedies, you have the option of lodging an appeal.
Kosten	In court fine proceedings, the court fees are generally calculated according to the amount of the legally binding fine imposed.

Modul

Sachverhalt

The lawyer's fees for the court fine proceedings are only determined by the framework (so-called framework fees). The lawyer determines the fee in each individual case at his/her reasonable discretion, taking into account all circumstances. The scope and difficulty of the lawyer's work, the importance of the matter and the client's income and financial circumstances are decisive.

Verfahrensablauf

You can lodge an objection to a fine notice in writing or for the record with the administrative authority that issued the fine notice. The objection can be limited to certain points of complaint.

As a rule, the locally competent district court will decide on the objection if the administrative authority upholds the fine notice and the public prosecutor's office does not discontinue the proceedings.

If the facts of the case are simple in terms of the evidence, in particular if the person concerned confesses, the local court can decide by order without an oral hearing after hearing the parties involved in writing, if the person concerned and the public prosecutor's office do not object to the court issuing a corresponding notice.

In addition, the court may, with the consent of the public prosecutor's office, discontinue the proceedings by order in any situation if the proceedings are pending before the court and it does not consider it necessary to impose a penalty. The consent of the public prosecutor's office is not required if a fine of up to EUR 100 has been imposed by the fine notice and the public prosecutor's office has declared that it will not participate in the main hearing.

If no decision is made by order, the local court will set a date for the main hearing. In this case, the person concerned must be summoned and must also appear if the court has not exempted them from the obligation to appear in person at their request. The decision is made by judgment or order.

Bearbeitungsdauer

Modul	Sachverhalt
Frist	An appeal against an administrative order imposing a fine may be lodged in writing or for the record with the administrative authority that issued the administrative order within two weeks of service.
weiterführende Informationen	
Hinweise	
Rechtsbehelf	<p>An appeal against a decision of the local court (judgment or order) is an appeal on points of law, but this is only admissible if certain requirements are met.</p> <p>An appeal on a point of law is also admissible against a judgment if an application is made for its admission and the appeal court allows it.</p> <p>The Bavarian Supreme Regional Court makes the final decision on the appeal.</p>
Kurztext	
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	BayernPortal, BayernPortal