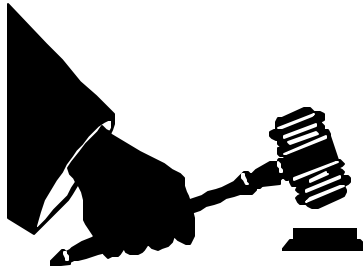


INFRACTION PROCEDURES

CLALLAM COUNTY DISTRICT COURT II



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WHAT IS AN INFRACTION?

In 1981, the Legislature decriminalized many minor traffic offenses to promote public safety and to facilitate the implementation of a uniform and expeditious system for the disposition of such offenses. Common traffic infractions are speeding, seat belt and liability insurance violations. Since 1989, other types of minor offenses have been decriminalized, including certain parks, wildlife, and fisheries offenses. These offenses are called *infractions* and are considered civil cases.

WHAT MUST I DO IF I RECEIVE AN INFRACTION?

Start by reading the entire back side of the notice of infraction (or "ticket") given to you by the police officer. Your copy of a notice of infraction is green in color. **You must respond** to the court **within fifteen (15) days** of the date the infraction was issued to you. An infraction is not a crime, but failure to respond can result in an increase of the amount you must pay and in the suspension of

your driver's license. Your response must be made in one of three ways listed on the back side of the infraction. A more detailed explanation of each type of response follows:

1. Respond by payment in full. If you select box one (1), you are choosing to pay the amount of the penalty as shown on the front of the infraction. Check the box, verify your address and sign the infraction on the back where indicated. You can either mail the infraction and your payment to the court or bring it in person to the court office. A payment in cash, by check or money order is acceptable. It is recommended that you do not send cash by mail.

2. Respond by requesting a hearing to explain the circumstances. If you select box two (2), you are requesting a hearing to explain the circumstances. Check the box, verify your address and sign the infraction on the back where indicated. You can either mail the infraction to the court or bring it in person to the court office. Called a "mitigation" hearing, this is for cases where you are admitting the violation, but wish to explain the circumstances to the judge. Typical requests are for either a reduction in the amount of the penalty, a monthly payment plan, or to perform community service work instead of paying the amount due. For example, if you were issued an infraction for "speeding, 74 in a 60 zone" and you believe you were only going 68, you could request a hearing to explain that to the judge. The judge may (or may not) reduce the amount of the penalty and make a finding of a lower speed. However, the traffic infraction will be reported to the Department of Licensing, and it will appear on your driving record.

3. Respond by requesting a contested hearing. If you believe you did not commit the infraction then you may select box three (3) and have a contested hearing. State law allows the judge at a contested hearing to consider the officer's written report made under oath, unless you request the officer be present in court for your hearing. The judge will hear the officer's testimony or read the officer's sworn statement. Then you may testify and present other witnesses and evidence in your behalf. The judge will decide whether or not the infraction was committed based on the preponderance of the evidence. If the judge finds the infraction committed, a reduced penalty may still be imposed. If the judge finds the infraction not committed, the infraction will be dismissed.

MAY I HAVE A LAWYER AT A CONTESTED HEARING?

You may have a lawyer appear and represent you at your hearing. The lawyer fees would be your responsibility. The court does not appoint lawyers at public expense in infraction cases.

WILL A TRAFFIC INFRACTION APPEAR ON MY DRIVING RECORD?

If you are found to have *committed* a traffic infraction, either by paying the penalty, having a hearing to explain the circumstances, or after a contested hearing, state law requires the court to report the conviction to the Department of Licensing (DOL). The traffic infraction will then appear on your driving record, which DOL maintains for three years for insurance purposes. If the infraction is *dismissed* by the court, it will not be reported to DOL and it will not appear on your driving record.

WHAT ABOUT A "NO LIABILITY INSURANCE" TICKET?

If you receive an infraction for "failure to display proof of liability insurance" and you were insured *at the time* of the infraction, you may file proof of your insurance with the court along with a \$25 administrative fee, and the infraction will then be dismissed and not go on your driving record. If

you obtained insurance *after* you were issued the infraction, you may request a mitigation hearing (response number 2) to explain the circumstances and show your insurance proof to the judge. The judge generally reduces the penalty substantially. However, **you must respond** as described above **within the 15 days required** by your notice of infraction.

WHAT ABOUT DEFERRED FINDINGS?

The court may, in appropriate circumstances, defer findings or the entry of an order. A person is limited to one deferral for infractions involving moving violations and one deferral for infractions involving non-moving violations within a 7 year period.

The court may condition the deferral on conditions such as attendance at the *Clallam County Traffic School* in Port Angeles. The Traffic School is designed to provide individuals cited for violating minor traffic laws the opportunity to improve their knowledge and understanding of the law. It also gives them addition motivation to be better drivers by keeping the violation off their driving record.

WHAT IF I CANNOT AFFORD TO PAY THE PENALTY IN FULL?

If you need to arrange to make several payments over time, or need to arrange for community service instead of payment, you will need to contact the clerks office or, if necessary, request a hearing to explain this to the judge.

WHAT HAPPENS IF I DON'T PAY MY TICKET OR APPEAR FOR A HEARING?

Failure to pay or respond to an infraction within 15 days will result in a finding that the infraction was committed and an order that the penalty listed on the infraction is due immediately. If you asked for a court hearing and do not appear at the scheduled hearing, the court will find that the infraction was committed and order the penalty listed on the infraction due immediately. A \$52 late penalty is added when no response is made, payment is not made in a timely manner, or a hearing is missed. For traffic infractions, the Department of Licensing is notified of your failure to respond, pay or appear, resulting in suspension of your driver's license. Delinquent payments may also be assigned to a collection agency with collection costs added.

I FORGOT ABOUT MY TICKET. WHAT DO I DO NOW?

Paying the amount due in full, including late penalties and collection costs, will clear the matter with the court. Partial payments are not acceptable at this point. The court may reconsider its decision if good cause is shown for your failure to respond, appear or pay. To schedule a "good cause" hearing, you must file a written request for a "good cause" hearing and personally appear at the scheduled hearing date. If more than one year has passed since your failure to respond, appear or pay, the court may not allow a "good cause" hearing.

IS THERE A RIGHT TO APPEAL?

You may appeal if the court finds you committed the infraction after a contested hearing. A written notice of appeal must be filed with the court within thirty (30) days of the court's decision against you. You will be responsible for the costs of an appeal, which include a \$110 superior court filing

fee, payable in advance. If you appeal, the superior court will review the record that was made at the district court. The superior court will not provide a new trial. The clerk's office will provide you with information about the appellate process.