

## WHAT IS AN INFRACTION?

Previously, many traffic and criminal charges were crimes. The Legislature has decriminalized many traffic, parks, wildlife and fisheries offenses. These offenses are now called infractions and are civil cases. It is a good idea to review the statute(s) you have been charged with at <https://app.leg.wa.gov/rcw/>

## WHAT MUST I DO IF I RECEIVE AN INFRACTION?

Start by reading the entire reverse side of your notice of infraction (ticket). If you follow the instructions you can't go wrong! You should note that you must respond in person or in writing within fifteen (15) days of the date the ticket was issued. An infraction is not a crime, but failure to respond can result in the suspension of your driver's license. You can respond by mailing in the green copy or 8 1/2 x 11 white paper, to the Court or delivering it in person to the clerk's office. Select one of the boxes on the ticket and verify your address. If you select box one (1) you are electing to pay the amount of the penalty as shown on the front of the ticket. If you have lost your infraction or wish to retain it, you may request a hearing in writing on a separate sheet of paper making sure you list your entire name, date of birth and if available, your ticket number.

## WHEN ARE HEARINGS SCHEDULED?

The Whitman County District Court is located in the Whitman County Courthouse in Colfax, Washington. The District Court courtroom is on the 2nd floor. The Court operates a satellite office in the Pullman City Hall Building in Pullman, Washington. We hold infraction hearings at both locations.

### Pullman Division SE

325 Paradise St

Pullman, WA 99163

Phone: (509)332-2065

FAX: (509)338-3318

### Whitman County Courthouse

N. 400 Main St

Colfax, WA 99111

Phone: (509)397-6260

FAX: (509)397-5584

Mitigation Hearings - Tuesdays, 1:30 pm

Contested Hearings - Tuesdays, 2:30 pm

(except for the 2nd Tuesday of each month)

Mitigation Hearings - Wednesdays, 9:00 am

Contested Hearings - Wednesdays, 10:00 am

(except for the 3rd Wednesday of the month)

## WHAT IF I LIVE TOO FAR AWAY TO COME TO COURT?

If you live beyond a 75-mile radius of the court, you may request a hearing by mail. You must request the hearing in writing and the request must be filed within 15 days of the date the ticket was issued. After your request is received, the court will mail you a hearing by mail packet to be completed by you and returned within 30 days. The court will review your written sworn affidavit as well as the citing officer's report and make a decision. You will be provided with a written judgment and, if a fine is imposed, given 30 days from the date of judgment to pay.

## CAN I DEFER MY TRAFFIC INFRACTION?

By Washington State Law, the court is required to report all committed traffic infractions to the Department of Licensing to be recorded on an individual's driving record. RCW 46.63.070(5)(a), however, permits the court to defer a finding of committed for a period up to one year and to not report the infraction to the Department of Licensing, provided the person complies with such

conditions as the court deems appropriate. A person is only entitled to one deferral in a seven-year period. If you have already been granted a deferral you are not eligible for another seven years. Individuals who hold a commercial driver's license (CDL) are ineligible for a deferral per RCW 46.63.070(5)C.

Whitman County District Court has adopted a policy authorizing the deferral of traffic infractions, subject to the following conditions:

1. The defendant shall commit no traffic violations for one year from the date the deferral order is entered.
2. The defendant shall pay the full monetary penalty for the infraction and an additional \$75.00 administrative fee.

If a defendant fully complies with the conditions of deferral, the infraction shall be automatically dismissed at the end of the one-year deferral period. If the defendant fails to comply, the infraction shall be immediately adjudged committed, and shall be reported to the Department of Licensing. Fail to pay in a timely manner will result in the assessment of a \$52 late penalty and your driving privileges may be suspended.

To request a deferral:

1. Complete and sign the [REQUEST TO DEFER TRAFFIC INFRACTION](#) form.
2. Complete and sign your (green or 8 1/2 x 11 white) copy of the traffic infraction.
3. Send both forms and payment (fine + \$75 fee) to one of the court offices.

#### WHAT SHOULD I WEAR AND HOW SHOULD I ACT IN COURT?

Suitable attire is required. Shoes and shirts are necessary. Halter tops, tank tops, and shorts are not permitted. Hats are to be removed upon entering the Courtroom. No smoking, food or drink will be allowed. Children may be present in the Courtroom. If they disturb the proceedings you may be requested to remove them. The Court does not provide child care. Upon your arrival, find your name on the calendar outside the Courtroom and then have a seat in the Courtroom until the session convenes. You do not need to check with the Clerk unless your name is NOT on the list. When your case is called, come forward and be seated at one of the counsel tables until instructed otherwise by the Judge.

#### WHAT IS A MITIGATION HEARING?

A mitigation hearing is where you admit you committed the violation, but you wish to explain the circumstances of the infraction. To request a mitigation hearing, you should check box two (2). The Judge, depending on the explanation and your record, may adjust the penalty. However, the Judge will not dismiss your ticket. As the Court is required to forward all committed traffic tickets to the Department of Licensing, it will appear on your driving record.

#### WHAT IS A CONTESTED HEARING?

If you believe you did not commit the violation then you should select box three (3) and have a contested hearing. Unless you request the officer to be subpoenaed, the procedure at the hearing will be for the Judge to read the sworn statement of the officer. You may then testify or present any evidence or witnesses that you wish. If you want to have the officer or any technician present, please advise the Clerk at the time you request a hearing or as soon thereafter as possible.

so the hearing can be appropriately scheduled. As a result of a contested hearing, the penalty may stay the same, be reduced, or the ticket dismissed. In the event you have subpoenaed witnesses, you may be required to pay court costs. A contested infraction hearing is a civil case and the Judge will decide the case based on the preponderance of the evidence.

#### **MAY I HAVE A LAWYER AT A CONTESTED HEARING?**

You may, at your own expense, have a lawyer appear and represent you at your hearing. If you are to be represented by counsel, the lawyer is required to file a notice of appearance with the Court, and the Whitman County Prosecutor, prior to the hearing date.

#### **WILL A TRAFFIC INFRACTION APPEAR ON MY DRIVING RECORD?**

When you pay the penalty, mitigate, or if the Judge finds you have committed a traffic infraction at a contested hearing, state law requires that the infraction be reported to the Department of Licensing. If the Judge enters a finding of committed and does not impose a penalty, the violation will still appear on your driving record. Neither the Court Clerk, nor the Judge, has the authority to keep the infraction off your record. If you win at a contested hearing and the infraction is dismissed, it is not reported to the Department of Licensing and will not appear on your driving record.

#### **WHAT IF I DO NOT PAY MY TICKET OR APPEAR FOR A HEARING?**

A failure to pay or respond to the ticket within 15 days results in an order that the infraction was committed. If you asked for a hearing and do not appear your payment is due immediately. When an infraction is not paid in a timely manner or a hearing is missed, a \$52 late penalty is added to the amount shown on the ticket. Your license may then be suspended if the penalty is not paid following a notice to pay the increased penalty, and the account may be assigned to a collection agency.

#### **WHAT ABOUT A NO LIABILITY INSURANCE TICKET?**

If you receive a ticket for no insurance and you had insurance at the time of the ticket, you may file proof of insurance with the Court Clerk, pay a \$25 administrative cost, and the charge will then be dismissed and not go on your driving record. If you obtained insurance after you were given the ticket, you may request a mitigation hearing (box 2) to explain the circumstances and show your policy to the Judge. However, you must do one or the other within the 15-day response time.

#### **IS THERE A RIGHT TO APPEAL?**

If you do not win at a contested hearing you have the right to appeal to the Superior Court of Whitman County. The notice of appeal must be filed within 30 days of the judgment. There will be various appeal costs, payable in advance, including a \$240 Superior Court filing fee, a \$46 District Court appeal preparation Fee and a \$100 appeal bond. If you appeal, the Superior Court will review the record that was made at the District Court, but there will not be a new trial. The Clerk's office will provide you with information about the appellate process.

#### **HOW DO I MAKE PAYMENT ARRANGEMENTS?**

Whitman County District Court uses Court Payment Management Services to administer timepay cases. If you would like to set up a payment plan, please contact our Financial Coordinator, Kayla Brink. 509-397-5293.