

## **MAY I HAVE A HEARING BY MAIL?**

Once you receive your notice of hearing, you may request for your hearing to be done by mail. You must complete a **sworn affidavit** if filling a Contested Hearing or a **sworn statement** if mitigating (forms are available at the District Court office and on the web site). The affidavit must be **received at least 7 days prior to the scheduled hearing, or it will NOT be considered and YOU MUST APPEAR ON THE SCHEDULED HEARING DATE.** If your affidavit is received timely, your hearing will be cancelled and the Court will respond by mail with its findings within three weeks. By requesting your matter to be heard by mail, you give up any right to appeal.

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

When you pay the penalty, mitigate, or if the Judge finds that you have committed a traffic infraction at a contested hearing, the state law requires that the infraction be reported to the Department of Licensing. The infraction will then appear on your driving record. The Court Clerk, nor the Judge, has the authority to keep it 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 FOR MY TICKET OR APPEAR AT 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 \$52.00 late penalty is added to

the amount shown on the ticket. Your license may then be suspended if the entire amount due is not paid. Your 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. The infraction will be dismissed upon payment of the \$25.00 Mandatory Insurance Cost. 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 EITHER 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 Grant 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 \$110.00 filing fee and a \$40.00 Preparation of Appeal Fee. Complete appeal instructions are available at the District Court Office.

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# **GRANT COUNTY DISTRICT COURT**

## **INFRACTION PROCEDURES**



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Being accused of an infraction can be an upsetting experience. We hope this pamphlet will be of help in guiding you through the infraction process and take some of the mystery out the procedures. We have tried to anticipate and answer the more frequently asked questions. If you have additional questions, don't hesitate to ask a staff member.

**RICHARD C FITTERER** **JANIS WHITENER MOBERG**  
Judge Judge  
**DOUGLAS K EARL**  
Court Commissioner

## 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.

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

Start by reading the entire back side of your notice of infraction (ticket). If you follow the instructions, you can't go wrong! You should note that you **must** respond 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 driving privilege. You can respond by either mailing the green ticket into the Court or by bringing it in person to the District Court office. Select one of the boxes on the back of 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.

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

Suitable attire is required. Shoes and shirt 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 not be present in the courtroom. The Court does not provide childcare. 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 in with the Clerk unless your name is NOT on the list.** When your case is called, come forward and stand behind 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 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. You have a right to subpoena witnesses, including the officer who issued the infraction. If you wish to subpoena a witness, you must bring your completed subpoena form to the Court for signature at least 10 days prior to the hearing date. You are responsible for having the subpoena served properly and this must be done at

least 7 days prior to the hearing. You have a right to request from the prosecutor a witness list and a copy of the citing officers sworn statement if it will be offered as evidence at the hearing. You must make this request at least 14 days prior to the hearing and the witness list and citing officer's sworn statement should be given to you at least 7 days prior to the hearing. 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 upon a 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 appropriate prosecutor, prior to the hearing date. A separate hearing is held when lawyers are involved and it is necessary to have sufficient notice for scheduling.

## IS THERE A PROCESS TO KEEP THE VIOLATION OFF MY RECORD?

Yes. If you request a mitigation or contested hearing, RCW 46.63.070(5)(a)(b) allows the court to defer the findings for up to one year and impose conditions and administrative costs. Attendance at traffic school may be required. You may have one deferral within a seven year period for moving violations and one within a seven year period for non moving violations.