

CAN I DEFER MY INFRACTION?

By law, the court is required to report all committed traffic infractions to the Department of Licensing to be recorded on all 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 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 moving and one non-moving deferral in a seven year period. A person with a CDL cannot defer per federal guidelines. If you have already been granted a deferral, you are not eligible for another seven years.

Colfax Municipal Court had adapted a policy authorizing the deferral of traffic infractions subject to the following conditions:

1. The defendant shall commit no traffic violations for six months from the date the deferral order is entered.
2. The defendant shall pay the full monetary penalty for the infraction and an additional **\$75 administrative fee.**

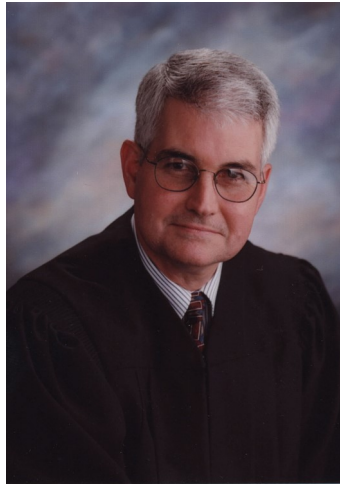
If a defendant fully complies with the conditions of the deferral, the infraction shall be automatically dismissed at the end of the six month deferral period. If the defendant fails to comply, the infraction shall be immediately adjudged committed, and shall be reported to the Department of Licensing.

Failure 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. Call Colfax Municipal Court and REQUEST TO DEFER.
2. Complete and sign your copy of the traffic infraction.
3. Send the form and payment (fine+\$75) to the court office.

You will be notified whether or not your request has been granted.



Judge

Douglas Robinson

Court Administrator

Kris Thompson

Receiving a ticket for a traffic 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 of the procedures. We have tried to anticipate and answer the more frequently asked questions. If you have any additional questions, don't hesitate to ask a staff member.

Colfax Municipal Court Infraction Procedure

Court Location

Colfax City Hall
400 N. Mill St.
Colfax, WA 99111
509.397.3861
509.397.3044 fax

If you would like to contest or mitigate a ticket, you must submit your ticket with the appropriate box checked within the 15 day respond period.

www.colfaxwa.org



WHAT IS AN INFRACTION?

Previously, many traffic and criminal charges were crimes. The legislature had 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 bottom portion of your 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 that the ticket was issued. An infraction is not a crime, but failure to respond can result in the suspension of your drivers license. You can respond by either mailing your ticket to the Court or bringing it in person to the City Hall to the Court Clerk. 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 shown on the ticket.

MAY I HAVE A LAWYER AT MY 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 prosecutor, prior to the hearing date.

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 but if they disturb the proceedings you may be requested to remove them. The Court does not provide child care. Have a seat in the Courtroom until the session convenes. You do not need to check in with the Clerk. When your case is called, come forward and take a seat at the counsel table.

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 and the violation will be reported to the Department of Licensing.

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. Then you may 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 present your ticket 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.

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 thirty (30) days of judgment. There will be various appeal costs, payable in advance, including a \$240 Superior Court filing fee and a \$56 appeal bond. If you appeal, the Superior Court will review the record that was made by the Municipal Court, but there will not be a new trial. The Clerk's office will provide you with information about the appellate process.



WHAT IF I CAN'T PAY MY PENALTY ALL AT ONCE?

If you need time to pay, you must submit a written request for timepay. Timepay requests must be made within the fifteen (15) day response period or if you have requested a hearing, at the scheduled hearing.

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

A failure to pay or respond to the ticket within fifteen (15) days results in an admittance that the infraction was committed. 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 mandatory insurance cost, 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 EITHER WITHIN THE 15 DAY RESPONSE TIME.**

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 the infraction be reported to the Department of Licensing. The infraction will then appear on your driving record. If you win at a contested hearing the infraction will be dismissed, it is not reported to the Department of Licensing and will not appear on your driving record.