

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 fee, 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 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 Chelan County. The notice of appeal must be filed within 30 days of the judgment. There will be various appeal costs payable in advance. 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.

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

If you can't pay your penalty in full at the time of the hearing, you may work out a payment plan. This is a contract for installment payments with which you must strictly comply. Read the contract carefully, as failure to follow the contract can result in late fees, a possible suspension of your driver's license, and assignment of the account to a collection agency.



Judge Nancy A. Harmon



Judge Roy S. Fore

For additional information about the court, please take a look at our website at http://www.co.chelan.wa.us/dcc/dcc_main.htm. Information concerning infractions, infraction deferrals, and other court business can be reviewed on the website.

An Introduction
to

CHELAN 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 of the procedures. We have tried to answer the most frequently asked questions. If you have any additional questions, don't hesitate to ask a staff member.

WHAT IS AN INFRACTION?

Infractions are non-criminal violations of the law. An infraction case is a civil proceeding initiated by a Notice of Infraction (ticket).

WHAT MUST I DO IF I RECEIVE A NOTICE OF INFRACTION?

Start by reading the entire 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 that the ticket was personally served on you. An infraction is not a crime, but failure to respond can result in the suspension of your driver's license or driving privileges. You can respond by either mailing the ticket to the Court or bringing it in person to the Clerk's office. Select one of the boxes on the ticket and verify your address. If you select the first box you are choosing to pay the amount of the penalty as shown on the front of the ticket and the violation will be found committed

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 select the second box. The Court, depending on the explanation and your record, may adjust the penalty but the violation will be found committed. If it is a traffic related violation, the Court will notify the Department of Licensing of the committed finding and the violation will appear on your driving record. Mitigation hearings may be conducted by mail. In other words, you may send a letter to the Court explaining the circumstances you believe justify a reduction of the penalty.

WHAT IS A CONTESTED HEARING?

If you believe you did **not** commit the violation then you should select the third box and appear for 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 witness 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. A contested infraction hearing is a civil case and the Judge will decide the case based on the preponderance of the evidence.

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. Upon your arrival, find your name on the calendar outside the Courtroom and then have a seat in the proper 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 stand behind one of the counsel tables until instructed otherwise by the Judge.

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.

WILL A TRAFFIC INFRACTION APPEAR ON MY DRIVING RECORD?

When you pay or mitigate the penalty for a traffic infraction or 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. The infraction will then appear on your driving record. If you win at a contested hearing the infraction is dismissed, it is **not** reported to the Department of Licensing and will **not** appear on your driving record.

HOW CAN I AVOID HAVING A TRAFFIC INFRACTION APPEAR ON MY DRIVING RECORD?

Upon your request, the Court may defer findings up to one year upon appropriate conditions, including your payment of an administrative fee. If all conditions are met and you have not committed any new traffic infractions, the Court will dismiss the infraction. You may receive only one deferral within a 7 year period for moving violations and one for non-moving violations. If you have a commercial driver's license or were driving a commercial vehicle at the time of the violation, you are not eligible for a deferred finding.

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 driver's license or privilege may then be suspended if the penalty is not paid and the account may be assigned to a collection agency.