

Traffic Infractions FAQ

What is an infraction?

- Infractions are non-criminal violations of the law and include violations such as speeding, parking, watercraft violations, code violations and animal complaints. Previously, many traffic and criminal violations were considered crimes, but in 1981 Washington joined a number of states in decriminalizing minor offenses which resulted in a major change in the way courts of limited jurisdiction deal with those offenses. Now, many traffic, parks, wildlife and fisheries offenses are civil infractions.

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 that 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 either mailing the ticket to the court or bring it in person to the clerk's office. Select one of the boxes 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 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.

What is a mitigation hearing by mail?

You may present your circumstances to the court by mail. Please use the Declaration for Mitigation form, [click here](#). The Court must receive your written statement before the date of your mitigation hearing. You will be notified by mail of the court's decision, the penalty amount, and the date that the penalty is due.

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, you must 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. A contested infraction hearing is a civil case and the Judge will decide the case based on the preponderance of the evidence.

What is a contested hearing by mail?

You may present your circumstances to the Court by mail. Please use the Declaration for Contested form, [click here](#). The Court must receive your written statement before the date of your contested

hearing. If the infraction is found committed, you have NO right to appeal the court's decision. You will be notified by mail of the Court's decision, the penalty amount, and the date that the penalty is due.

What is a deferred finding?

A deferred finding allows for the dismissal of the infraction. Not all cases are eligible for a deferred finding and dismissal. If eligible, the infraction will be dismissed at the end of the time period imposed by the judge if you follow all court imposed conditions. A person is only allowed one deferral in a seven-year period for moving violations and only one deferral in a seven-year period for non-moving violations. A finding of committed will be entered with the Department of Licensing if you fail to comply with court ordered conditions of the deferral.

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.

Is there a right to appeal?

Yes you have the right to appeal to the Superior Court of Pierce 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 \$230 Superior court filing fee, a \$40 record processing fee, and the possibility of an appeal bond. If you appeal, Superior Court will review the record only, there will not be a new trial. The clerk's office will provide you with the information about the appellate process and the forms necessary to file the appeal.

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. The infraction will then 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 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 stop, you may file proof of insurance with the court clerk, pay \$25 administrative cost, the charge will be dismissed and will not be reported to the Department of Licensing. If you obtained insurance after you were given the ticket, you may file proof of the insurance with the court clerk and your penalty will be reduced to \$250 or you may request a mitigation hearing (box 2) to explain the circumstances and show your policy to the Judge. You must do this within the 15 day response time.

Can I pay my court legal financial obligations online?

Yes, you can! Simply [click here](#) to go to a secure server where you can pay your financial obligations to the Court online.

Correction Notices

If you receive a “correction notice” from the police officer, you have fifteen (15) days to correct your vehicle’s equipment problem. Have a Fife Police Officer or representative inspect the vehicle, sign the correction notice, and file it with the court. Once the clerk receives the signed correction notice, the infraction will be dismissed.

REMEMBER: Failure to respond within 15 days or to appear for a scheduled hearing may result in the suspension of your driving privilege.

Hearing Impaired

Hearing assistance devices are available at the Fife Municipal Court and may be requested from the Clerk to allow you to better hear the Judge and all details of your case. If a Language Signer is required, please notify the court 14 days prior to your hearing for an interpreter.

Address/Name Changes (RCW46.20.205)

You are required by law to notify the Department of Licensing, in writing, when you change your address and/or your name. You may file this change of address through your local Department of Licensing Office or online at <http://www.dol.wa.gov/driverslicense/addresschange.html>. Your correct address and name are the only means of notifying you about problems with your driver’s license.