

Clark County District Court



Infraction Information

TO BETTER SERVE YOU

Receiving an infraction may be an upsetting experience. We hope this brochure will be of help in guiding you through the court systems and taking some of the mystery out of the procedures. We have tried to anticipate your questions and answer those most frequently asked. If you have any questions that were not answered in this brochure, please ask a staff member. Please refer to the infraction number at the top right corner of your infraction when you phone, write, or come into our office about your infraction. Our office is located on the ground floor of the Clark County Courthouse at 1200 Franklin in Vancouver. Office hours are from 8:00 a.m. to 4:30 p.m. weekdays, except legal holidays. The court has night court on the first and third Tuesdays of each month from 5:00 p.m. to 7:00 p.m. If you would like night court, please request this option when you respond.

What is an infraction?

Infractions are tickets issued by local law enforcement agencies for minor, non-criminal offenses, and are treated as civil cases. The judge may impose a penalty, but may not commit you to jail.

What must I do if I receive a infraction?

Begin by **reading the entire back side of your notice of infraction**. Notice there is three boxes, or choices. It is important that you respond in one of those three ways within **fifteen (15) days** of the date the infraction was issued, or an additional penalty of \$52 will be added. An infraction is not a crime, but failure to respond could result in the **suspension of your driving privileges**. You can respond by checking the appropriate box, and either mailing your copy of the infraction, or bringing it to the District Court offices. Be sure to verify that your mailing address is written correctly on the infraction. Also, please specify if you would like to appear at night court.

Do I have to go to court?

If you select box (1), you are electing to pay the full amount of the penalty shown on the front of the infraction, and need not appear in court. Moving infractions will appear on your driving record. Infractions issued for not carrying proof of insurance may be dismissed if you bring in or mail proof you were insured on the date and time the infraction was issued, and pay a \$25

administrative fee to the court. Remember, you still need to respond within 15 days.

How do I pay a fine?

Payment may be brought to our office during business hours, or you can mail your copy of the infraction and enclose your check or money order. Please write your infraction number on the check, payable to District Court. If your check is returned for any reason by your bank, your case will be re-opened, a \$25 returned check fee will be added, and a hold will be put on your driver's license. A payment drop-box is located at the front of the Clark County Sheriff's Office in Vancouver at 707 W. 13th Street. Drop box payments should be in sealed envelopes with the words "Clark County District Court" on the front. There is also a drop box located on the ground floor of the courthouse at 1200 Franklin Street. The hours are: 4:30 p.m. – 8:00 a.m. Monday through Friday.

What is a mitigation hearing?

A mitigation hearing is an informal proceeding where the judge listens to your explanation of the circumstances surrounding the commission of your infraction. If you check box two (2), you are admitting you committed a infraction. The court will send notice of a hearing date by mail, or set one immediately if you bring your infraction into the District Court offices. You can also request the hearing to be set at "night court" if you are unable to appear during regular business hours.

Mitigation hearings are held on the second floor of the courthouse. At the hearing, the judge may adjust the penalty depending on the explanation and your record. You may ask witnesses to attend, but cannot require them to do so. The judge will not dismiss the infraction, and moving infractions will appear on your driving record. You will be required to pay the penalty at the end of your hearing.

Infractions issued for "Speeding in a School Zone", "Speeding in a Construction Zone", or "Passing a school bus with Red Lights Flashing" cannot be mitigated and must either be paid or contested.

Remember that when you choose mitigation hearing, you are actually admitting guilt. Mitigation requests done through the mail or e-mail are not appealable.

Mail In Mitigation

For people who wish to explain the circumstances surrounding the commission of the infraction but can't appear for court, you may write to the court with your explanation and have the matter disposed of through the mail, or e-mail. You may request to participate in the Court's Deferred Findings Program.

What is a contested hearing?

If you believe you did not commit the infraction, you may select box three (3) to request a contested hearing. Contested hearings are held on the second floor of the courthouse. At the hearing, the judge will read a sworn statement of the officer, unless you have requested the

officer to be present. If you wish to have witnesses appear and testify at the hearing, you will be responsible for having those witnesses present, and obtaining and processing any subpoenas yourself (a blank subpoena form is available in our office, and subpoena must be served at least seven days before the hearing). After hearing the testimony and reviewing the evidence, if the judge finds you did not commit the infraction, it will be dismissed. If the judge finds you did commit the infraction, the penalty may be the same or reduced. Any penalties will be due following the hearing.

May I have a lawyer?

You may, at your own expense, have a lawyer appear and represent you at the hearing. Since your infraction is not a criminal matter, you are not entitled to a court-appointed attorney.

How can I keep this violation off of my driving record? What is Deferred Finding?

You may request to participate in the Court's Deferred Findings Program. To qualify for the Deferred Findings program, you must pay a non-refundable administrative fee, regardless of the ticket amount, and not commit another infraction for 12 months. The following violations **cannot** be deferred: Negligent Driving II, No Valid Operator's License, Failure to Register Vehicle, School Zone Violation, School Bus Violation, Construction Zone Violation, No Liability Insurance and Driver's with CDL license. The court will retain your infraction for one year. If you pay court costs as promised and do not commit another infraction for 12 months, the infraction will be dismissed and will not appear on your driving record. Failure to pay and/or receiving any additional infractions during the next 12 months will cause this ticket to be reported to the Washington Department of Licensing, and the original amount of the ticket will be added to the administrative fee. You can only defer one moving and one non-moving infraction once during a seven year period.

Is there a right to appeal?

If you are found to have committed the infraction at your contested hearing, you have the right to appeal the judge's decision in the Superior Court of Clark County. You can obtain the necessary paperwork from the clerk. The notice of appeal must be filed in the District Court within 30 days of the judgment. There will be various appeal costs, including a \$200.00 filing fee which must be paid when you file your appeal. If you appeal, your case will be reviewed by the Superior Court for errors in matters of law, but there will not be a new trial.

What if I don't pay?

If you don't pay, the court will add a \$52 penalty and notify the Department of Licensing, which may result in a suspension of your driving privileges. In addition, the court refers all cases that are past due to a collection agency. Once a case is referred to a collection agency, you can no longer pay at our office.

Questions?

Our goal is to be helpful and responsive to the public. Please call our office at (360) 397-2424 if you have any questions we have not answered in this brochure. Our office hours are from 8:00 a.m. to 4:30 p.m. weekdays, except legal holidays.