

# Infractions

Infractions are citations issued by law enforcement officers for non-criminal offenses such as speeding or failure to have automobile insurance. The court may impose a monetary penalty but not jail.

The first thing you should do after receiving an infraction is to carefully read through it for your options. You must respond within 30 days of the date that the ticket was issued or 33 days from the date the notice is mailed. Your response must be postmarked by midnight of the day it is due at the court. If you do not respond or appear for court hearings: The court will find that you committed the infraction and the determination will be final unless contested; your penalty may be increased; failure to pay or failure to enter into a payment plan may result in a referral of your case to a collection agency, including garnishment of your wages and assets; AND if

- **Traffic**-you may lose your license
- **Non-Traffic**-It is a crime and will be treated accordingly.

Parking-DOL may refuse to renew your vehicle registration until any penalties imposed have been satisfied.

## You have four options if you receive a notice of infraction:

### 1. Pay the Infraction or request a payment plan

You can pay the full amount listed on the infraction at the district court window or by sending a check or money order along with the ticket to: Pend Oreille County District Court P.O. 5030, Newport, Washington 99156.

If you wish to arrange monthly payments check the payment box on the infraction, and send in the request. Or call 509-447-4110 or 1800-359-1506. You may also fill out the the [Payment Application](#), and send it in along with your request for payments.

**Credit Card Payment:** You can pay by credit card by calling 1-800-272-9829 if your case is not in collections. For phone payments use jurisdiction code 5673. ACI Payments, Inc. charges the consumer a fee of \$3.25 for each transaction.

**Pay Online:** You can pay online at [ACI Payments website](#) if your case is not in collections.

## 2. Mitigate the Infraction

The goal of mitigation is to reward good drivers by reducing the fine for an occasional infraction. By mitigating you are admitting to the infraction. Click on the [Mitigation Guidelines](#) link to see if you qualify and which infractions may be reduced. You can mitigate the infraction several ways:

**Window:** Mitigate the infraction at the Pend Oreille County District Court Window or request a court hearing. To request a hearing, check the box marked “mitigation” on your copy of the infraction and send it to the District Court.

**Letter:** Send a letter to Judge Robin R McCroskey along with a copy of your citation explaining the circumstances surrounding the infraction and asking for a reduction. Infractions that require physical submission of documents (such as no insurance) can be mitigated by mail by including proof of compliance along with your letter.

**Email:** Your Email request must contain your full name, the infraction number (upper right hand corner of the infraction) along with an explanation. Infractions that require submission of proof of compliance (insurance, expired license, etc.) need to attach the information to the email. Please send a separate mitigation email letter for each citation to districtcourt [at] pendoreille.org.

Note: click on the email address link above to send your email.

Always call to confirm the email has been received.

For further information on how to mitigate call 509-447-4110 or 1-800-359-1506.

## 3. Defer the Infraction

If you receive a moving or a non-moving traffic infraction, you may be eligible to have the infraction deferred. Here is how it works. You pay a \$175.00 (\$50.00 each additional violation) non-refundable administrative fee. A finding on the infraction is then deferred for 6-12 months. If you do not receive another moving or non-moving infraction within the 6-12 months, the deferred infraction is dismissed and does not become committed on your driving record. Unfortunately, if you receive another moving or non-moving infraction within the 6-12 months, the infraction becomes committed on your driving record. To apply for a deferred finding, you must meet the following criteria:

1. You must have a valid Driver’s License and no FTAs. (Failures To Appear)
2. You must respond to your traffic ticket within 15 days of the violation.

3. You have not received a Deferral or Deferred Finding in the past 7 years from a court in the State of Washington.
4. You do not possess a Commercial Driver's License.

You may defer the infraction three ways. You can appear in person at the district court window. You can schedule a mitigation hearing to request the deferred finding at the court hearing. Or you can defer by mail or email. To defer by mail. Please send a letter to Pend Oreille County District Court, P.O. box 5030, Newport, WA 9956 Or fill out the [Request for Deferred form](#) and email to districtcourt [at] pendoreille.org

Call the District Court for instructions at 509-447-4110 or 1-800-359-1506).

Even if you meet the criteria to apply for the Deferral Program, your acceptance is discretionary after review by the judge.

#### **4. Contest the Infraction**

If you believe you did not commit the infraction then you should select the contested hearing option. Unless you request that the citing officer be subpoenaed, the procedure at hearing will be for the judge to read the sworn statement of the officer. You then will have the opportunity to testify and present any evidence or witnesses you wish. Infraction hearings are governed by the [Infraction Rules for Courts of Limited Jurisdiction \(IRLJ\)](#).

You are entitled to a list of witnesses the plaintiff intends to call at the hearing and a copy of the citing officer's sworn statement if it will be offered into evidence at the hearing. If you wish to obtain a copy of the officer's statement and plaintiff's list of witnesses, you must file a written demand with the prosecuting attorney at least 14 days before the scheduled hearing.

For Pend Oreille County Infractions-Pend Oreille County Prosecuting Attorney, P.O. Box 5070 Newport, Washington 99156 (509-447-4414 fax: 509-4470235)

For City of Newport Infractions-Newport City Prosecutor Josh Maurer, 1604 W. Dean, Spokane, WA 99201 (509-838-9111)

If you wish to have the citing officer and any other witnesses present for your hearing, you must serve a subpoena upon the officer and/or witness. Call the District Court for more information.

The infraction will be reported to the Department of Licensing if you pay the penalty, mitigate, or if the judge finds the infraction to be committed. The infraction will then appear on your driving record. If you prevail at the contested hearing, the infraction is not reported to the Department of Licensing and will not appear on your driving record.

**APPEAL** If the infraction is found committed at a contested hearing, you have the right to appeal to the Pend Oreille County Superior Court. 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 and an appeal bond in the amount of the infraction. 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. For more information on appeal call the District Court at 509-447-4110 or 1-800-359-1506.

You may not appeal an infraction once you have mitigated or deferred that infraction. You may appeal a finding of committed after a contested hearing.

## Supporting Documents

Counter Mitigation Guidelines 206.16 KB

Defer Traffic Infraction Request Form 93.58 KB

Payment Application Form 90.24 KB

## Related Links

- [Infraction Rules](#)