

# Got Unpaid Traffic Tickets?

## How to Avoid Getting Your Driver License Suspended

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### Can I get a hearing on my traffic ticket?

Yes, but you *must* request a hearing within fifteen days of getting a ticket. If fifteen days have passed, call the court clerk to see if you can still request a hearing. The court might grant a late hearing request if you have good reason.

### What are the two types of hearings I can request?

1. **Mitigation Hearing.** You admit you did what the ticket says. You ask for a lower fine. Prosecutors do not usually attend mitigation hearings.
2. **Contested Hearing.** You argue you did not commit the infraction. The prosecutor attends the hearing to argue against you.

### What is a pre-hearing settlement conference?

If you ask for a contested hearing, the court may let you have a pre-hearing settlement conference first. Do not miss this conference. You may be able to settle the ticket there. Then you do not need a hearing. If you do not settle your ticket, you still have the right to a contested hearing.

At the conference, the judge can lower your fine or change it to community service. The prosecutor may not be there.

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❖ **Do not ignore your traffic ticket!**

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### How do I request a hearing?

Check the box on your ticket for the type of hearing you want. Fill out your mailing address. Return the ticket to the court by mail or in person. (You might be able to request a hearing by phone.) Make a copy of your ticket before giving it to the court.

### How do I get ready for my hearing?

#### Request the Ticket & Officer's Statement.

These will be the main evidence at your hearing. To get copies of these, submit a written request for "discovery" (see Sample Discovery Request for Traffic Hearings at the end of this publication) to the court and prosecutor at least fourteen days before the hearing date.

**Look up the Law.** At the bottom of your ticket, the officer should have put the law you allegedly violated. You can look up the law at a law library, or search for it [online](http://apps.leg.wa.gov/rcw/) at <http://apps.leg.wa.gov/rcw/>. Read all of the law to see if you think you actually committed the infraction.

**Take Pictures.** You can take pictures of the area where you got your ticket. If you got a parking ticket, you can take pictures of parking signs, your car's position, and any other details about the scene you think the court should see.

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❖ **Example:** You got a ticket for a moving violation. You can take pictures of the intersection, street signs, or other conditions.

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**Call Witnesses.** You may want to call as a witness the cop who gave you the ticket, or any other witness who was there when you got it. Make sure any witnesses you call are available and willing to testify.

If you do not think the witness will come to the hearing, you can ask to have them subpoenaed (ordered by the court to appear at the hearing). Generally, you will have to subpoena a cop. You must subpoena witnesses at least seven days before the hearing date. Ask the court clerk for help. [Subpoenaing Witnesses and Documents](#) has more info.

**Hire a Lawyer.** If you want to hire a lawyer for your hearing, do it as soon as possible so the lawyer does not miss any deadlines. You may want a lawyer if you have a contested hearing over a more serious offense, such as a moving violation. Some traffic lawyers offer free first visits. You could use a free consultation to see if it makes sense for you to have a lawyer.

## What if I cannot afford to pay my fines?

**You have two alternatives:**

**Payment Plans.** If you cannot afford the full amount, you can set up a payment plan with the court. This keeps the court from suspending your driver license or sending your fine to a collection agency. If your fine goes to a collection agency, it will charge extra fees and interest. You will owe even more.

**Community Service.** If you cannot afford a payment plan, you can ask the court to change your fines to community service. The court does not have to do this. [RCW 46.63.110\(6\)\(e\)](#).

To ask for community service, follow the steps below for asking for a payment plan. If the court clerk says they cannot give you community service, write the judge a letter explaining why you cannot afford a payment plan and asking to let you do community service. Address your letter to “Presiding Judge.” (See Sample Letter to the Court at the end of this publication.)

## How do I ask for a payment plan or community service?

There are generally two ways:

1. **At a Hearing.** You can ask at either type of hearing, even if you lose. Bring proof of your income (pay stubs, child support, TANF, Social Security, and so on). Ask the judge for a payment plan or community service when the judge imposes the fine.
2. **Before or After a Hearing.** If you do not ask for a hearing, or the court has already imposed a fine, call the court to ask how to set up a payment plan. Do this as soon as possible. The clerk may not be able to set up a payment plan once the fine goes to collections. The court may ask you to bring proof of your financial situation (**examples:** food stamps, ABD, TANF, SSI/SSDI, rent, mortgage bills, pay stubs, tax forms, and debts). You can also ask the court to convert your fines into community service by writing the court a letter. (See Sample Letter to the Court at the end of this publication.)

## Do you have tips for asking for a payment plan?

1. **Bring Proof of Financial Circumstances.** This includes proof of public assistance (**examples:** food stamps, ABD, TANF, SSI/SSDI), rent, mortgage bills, utility bills, pay stubs, tax forms, debts, and so on. Bring as many of these as you can to show you cannot afford the fine.
2. **Payment Plans Required for Fines Imposed Within One Year.** If the court determines you are unable to pay in full a traffic fine imposed within the last year, the court *must* give you a payment plan. [RCW 46.63.110\(6\)](#). The court does *not* have to give you a payment plan if it already gave you one for that same fine before and you missed a payment, or you are not complying with *any* other payment plan you have with that court.

The court can decide not to give you a payment plan.

## Should I stay in touch with the court?

Yes. The court is more likely to be lenient with you. Here are two ways how:

**File Proof of Community Service.** If you do not get credit for community service hours otherwise. Make sure to file proof of these hours by the due date. Check with the court for how to file.

**If You Miss a Payment or Community Service Due Date:** call the court to explain why. If possible, call them before missing the deadline. If you have a good reason such as illness, job loss, or something else that keeps you from meeting your obligation, the court may work with you by extending the deadline or lowering your payments.

**APPENDIX: SAMPLE FORMS**

**#1: Sample Discovery Request for Traffic Hearings**

IN THE MUNICIPAL COURT FOR THE CITY OF SEATTLE

CITY OF SEATTLE,	)	
	)	
Plaintiff,	)	
	)	Cases No. 789465123
v.	)	
	)	
	)	DISCOVERY REQUEST
LISA SMITH,	)	
	)	
Defendant.	)	
_____	)	

DISCOVERY REQUEST

PLEASE TAKE NOTICE that Lisa Smith demands discovery, pursuant to IRLJ 3.1(b), of a copy of the notice of infraction, a copy of the citing officer’s sworn statement, the identity of any witnesses the prosecutor will call at a hearing in this cause, a copy of video or photo evidence the prosecutor proposes to introduce or the address to a website where such evidence is accessible to the defendant, if it will be offered into evidence at that hearing.

Dated this 14th day of October, 2012.

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Lisa Smith

**Sample Letter to the Court**

Presiding Judge  
King County Superior Court  
516 Third Ave.  
Seattle, Washington 98104

September 4, 2012

Re: Ticket #123456, Speeding Infraction (received 05/20/2012)

Your Honor:

I write regarding Ticket #123456. I received this speeding infraction on May 20, 2012. I could not pay for the traffic fine because I did not have a steady job or any other way to pay.

I write now because I am hoping to get my driver license back so I can get a job. I live in an area that does not have good public transportation. I need access to a car so I can find a job.

I am in a better position now to resolve the ticket. I have a stable place to live. A caseworker is helping me find a job.

I have tried to work out a payment plan on my ticket with the collections agency. They want me to pay 50% of the fine before they would consider a payment plan on the rest. I do not have a job. I cannot afford to make that big of a down payment. I request that you allow me to work off the fine through community service. If that is not possible, I request that you permit me to make payments directly to the court in an amount I can afford. I believe I can afford to pay \$\_\_\_ per month.

I am attaching a letter from my case manager explaining what I am doing in my program to help improve my situation. I am also attaching proof that I receive food stamps and TANF.

I would really appreciate an opportunity to get my license back so I can get a fresh start and find a job.

If you have any questions, please contact me at 206-696-7503.

My mailing address is:  
500 ABC St. Apt. 123  
Seattle, WA 98104

Thank you for your time and consideration.

Sincerely,  
[your signature here]  
[type your name here]