



ISLAND COUNTY DISTRICT & MUNICIPAL COURT

800 SE 8th Avenue, Oak Harbor, WA 98277

(360) 675-5988

www.islandcountywa.gov

PRESIDING JUDGE

Ronald A. Costeck

COMMISSIONER

Eric M. Ohme

COURT ADMINISTRATOR

Norma Allain

INFRACTION DEFERRED FINDINGS (RCW 46.63.070) - REQUEST/CONDITIONS/ORDER

Name: _____ Infraction #: _____

Violation: No. 1: _____ No. 2: _____

REQUEST

- If I am approved for a deferred finding, I am requesting a payment plan.
- If I am not approved for a deferred finding, I am requesting that my ticket be set for (**you must check one of the boxes**).
 - Please mitigate my infraction
 - Please Set a Contested Hearing Date

I have read and understand the Instructions for Deferred Findings and paid the fine amount and the non-refundable administrative fee to the District Court. I request the Court defer its findings in this case.

I agree to abide by the conditions as imposed by the Court and understand that if I violate the terms of this order during the 6-month deferral period, the infraction(s) will be found committed and will be reported to the Department of Licensing.

I certify under penalty of perjury under the laws of the State of Washington that the above statements are true and correct.

Dated: _____

Defendant's Signature _____

READ PAGE TWO - INSTRUCTIONS FOR DEFERRED FINDINGS INSTRUCTIONS FOR DEFERRED FINDINGS

State Law allows you to request the Court defer the entry of any findings regarding your Infraction. Parking violations are not eligible for deferral. You may receive only one deferral for a moving violation and one deferral for a non-moving violation in a 7-year period. The decision whether to grant a deferral is within the Court's discretion.

Complete page one of this form and return it to the District Court clerk with an administrative payment of \$150.00. If the citation includes more than one infraction, in addition to the \$150.00, please include an \$50.00 for each additional infraction (count).. **If you currently have a mitigation or contested hearing set you must submit this request at least seven days before your scheduled hearing, so that we may cancel your hearing if your request is approved.**

Additional information: This local rule describes the requirement for a deferred finding. If your infraction falls within section (d), you will be required to attend a traffic school (online). If your infraction is listed in section (c), you will be required to submit additional information to qualify for a deferred finding.

LIRLJ 3.6.1 DEFERRED FINDINGS

- (a) **Process.** To enter a deferred finding, the defendant must complete the written request form provided by the court and pay an administrative fee in full prior to entry of the deferred finding.
- (b) **Administrative Fee.** The base administrative fee shall be \$150.00; if the citation includes more than one infraction, an administrative fee of \$50.00 will be charged for each additional count.
- (c) **Additional Documents Required.** The following documents must be included with the written request for certain types of infractions.
 - (1) **Construction or Speed Zone.** If the infraction is in a construction or speeding zone. A written statement that specifically describes why entry of a deferred finding is justified.
 - (2) **Out of State Resident.** If the defendant is an out-of-state resident, a current copy of the defendant's home state driving record.
 - (3) **Operating without Insurance (RCW 46.30.020).** If the infraction is for operating without insurance, a copy of valid insurance shall be included.
- (d) **Traffic School – when required.** If the defendant has received a citation involving a collision, a speeding infraction that are twenty (20) miles per hour over the posted limit, an infraction in a construction or speed zone, or a cell phone infraction (RCW 46.61.667) the court will require the defendant to provide proof of completion of traffic school by the end of the deferral period. The court clerk will maintain and provide a list of approved traffic school agencies.
- (e) **Deferral Period.** The deferral period is for six (6) months from the time of the entry of the deferred findings.

The court is not authorized to approve a deferred finding if:

- you possess a commercial driver's license.
- you were operating a commercial motor vehicle at the time of the infraction; or
- the infraction is for Negligent Driving Second Degree with a vulnerable user victim.

- You have had a deferred finding in the past seven years.

You should be aware of the following:

- If you were involved in a traffic accident and the court grants your request for a deferral, an accident investigation report will still be forwarded to the Department of Licensing; and,
- If this infraction occurred in conjunction with a pending criminal violation, you may instead ask that this infraction track with the criminal violation. After the criminal matter has been resolved, you may renew your request to defer the infraction.

If you are approved for a deferred finding, the court will mail you a copy of the signed approval/order for a Deferred Finding, Conditions, and the Registration form for the online traffic safety class.

PERSONAL CONTACT INFORMATION

Full Name: _____ Infraction #: _____

Date of Birth

Driver's License Number State

Mailing Address: _____

Phone No.: _____ Email Address: _____

CONDITIONS IMPOSED

- To have no new traffic infractions or criminal traffic violations of the law.
- Attend a Traffic Safety School (online) and provide proof of attendance to the Court within four (4) months of approval of this request.
- For selected infractions: The Petitioner has submitted proof of Insurance, out-of-state driving record, letter requesting deferred.
- Pay the \$150.00 and an additional \$50.00 non-refundable administrative fee for each additional count: Total amount due: .00.

ORDER

The request for a deferred finding is: Denied. Approved on the above conditions. The deferral period is one year from the date of approval. If the defendant complies with all conditions imposed in this order during the deferral period, this case will be dismissed and closed. Any violation of the conditions set forth above during the deferral period will result in the infraction being found committed and reported to Department of Licensing.

A payment plan has been approved. You promise to pay \$_____ for _____ months which includes a \$10 administrative fee.

First payment is due _____

Failure to pay will result in the infraction(s) being found committed and being reported to the Department of Licensing. There may be further penalties and assessment for the failure to pay.

Dated: _____

Judge/Commissioner