

I just got a traffic ticket. What can I do to avoid license suspension?

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Learn how to respond to a traffic infraction (or a civil traffic ticket). You may be able to stop your license from being suspended. As of 2023, your license can no longer be suspended solely for failing to pay traffic fines. This information can help you avoid a suspension for non-criminal traffic tickets.

1. Ticket types

How do I know if my ticket was criminal or non-criminal?

If you think your license is suspended due to an unpaid ticket, it's important to know what type of ticket you got. It could have been a **non-criminal** traffic ticket or a **criminal** traffic ticket. Different rules apply to each type of ticket.

1. **Non-Criminal traffic tickets.** These are also called “traffic infractions” or “civil” traffic violations. These are tickets for things like speeding, faulty equipment, not having insurance, and parking tickets.

Usually, a **non-criminal infraction** notice will have a fine amount listed on the ticket itself.

If you have unpaid fines related to a non-criminal traffic ticket, you can ask for a payment plan or community service to pay the fine.

You also might be able to get your license back.

2. **Criminal traffic tickets** are traffic violations that are handled in criminal court. These are often also called criminal traffic “convictions.” Some types of criminal traffic violations are driving while under the influence (DUI), hit and run, driving with a suspended license and reckless driving.

You have a right to a free public defense lawyer when you appear in court to respond to a criminal traffic offense.

If there's no fine amount listed and the notice says that a court appearance is required, then it is a criminal traffic ticket. If you have unpaid fines related to a **criminal** traffic ticket, you can ask for a hearing to reduce your legal financial obligations related to the ticket.

If you know your ticket was non-criminal, ask for a payment plan or community service to pay the fine if you have **already have a suspension** from unpaid fines related to it.

2. Avoid suspension

I have new non-criminal traffic tickets I haven't paid. Will they suspend my license?

It could be suspended depending on your actions. Even though your license can't be suspended for not paying the fines, it **can still be suspended** for other things like if you don't go to the court hearing for your ticket. If you can't pay your fine in full at one time, you can ask the court for a payment plan or to do community service instead to **avoid license** suspension if it hasn't happened yet. There are specific timelines and steps to follow.

What if I can't afford to pay my fines?

As of 2023, your driver's license can't be suspended if you don't pay the fines for a non-criminal traffic ticket. But your license can still be suspended if any of these are true:

- You failed to respond to a summons related to a traffic ticket.

- You didn't go to a required court hearing for a moving violation
- You didn't go to a required court hearing for a criminal traffic violation

You should follow the instructions on the notice to respond to the infraction. **Do not ignore your traffic ticket!** Your license can be suspended if you don't respond to a summons or appear at a court hearing for a non-criminal moving violation like speeding.

Are there any alternatives to paying the fine all at once?

Yes. If you can't afford to pay your fines, you have 2 options:

- **Payment Plans.** If you can't afford the full amount at once, you can set up a payment plan with the court.
 - Payment plans are required if you can't pay the full amount.
 - A payment plan keeps the court from suspending your license or sending your fine to a collection agency.
 - A collection agency will charge extra fees and interest. You will owe even more if it goes to collections.
 - If you enter a payment plan and fail to make a payment, the court can require you to appear for a hearing and prove your inability to pay.
- **Community Service.** If you can't afford a payment plan, you can ask the court to change your fines to community service.
 - The court doesn't have to do this but you can ask for it and see if they will grant it.
 - You might not be able to do this if the court doesn't have an authorized community restitution program.

I have a non-criminal traffic ticket and my license is not suspended yet. Can I get a hearing on my traffic ticket?

Yes, but you **must** ask for a hearing within **30 days** of getting a ticket. If 30 days have passed, call the court clerk. Ask if you can still request a hearing. They might give you a late hearing if you have "good cause". Good cause means that you had a good reason for asking for a late hearing.

These are some **examples of good cause**:

- you were in the hospital
- you never received the ticket
- you had a death in your family or another emergency

You should follow the instructions on the notice to respond to the infraction. **Do not ignore your traffic ticket!** Your license can be suspended if you don't respond to a summons or appear at a court hearing for a non-criminal moving violation like speeding.

3. Payment plans and community service

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

There are 3 ways.

- Check the box on your ticket saying you can't afford to pay
- State at your ticket hearing that you can't afford to pay and ask for a payment plan or community service
- Call the court as soon as possible and ask to set up a payment plan or request community service

If you ask for payment plan and prove that you can't pay the full amount, the court **must** provide you with a payment plan as long as these are true:

- You **haven't** already been granted a payment plan for the same ticket.
- The court **hasn't** already referred your ticket for enforcement action to a collection agency

The court **must** provide a payment plan option if you ask. But the court **doesn't** have to give you community service if you ask for that option. It will be up to the judge.

How do I check the box on my ticket to say I can't afford to pay?

As of 2023, all tickets should include an option that allows you to admit responsibility for the infraction and “attest” (say) that you don’t have the current ability to pay the full amount.

What if there is no box to check on my ticket?

If there is nowhere on the ticket to check that you can’t afford to pay it in full, you can write this statement on the ticket: *“I attest that I do not have the ability to pay and I am requesting a payment plan.”*

Or if you are requesting community service, write this: *“I attest that I do not have the ability to pay and I am requesting the fines be converted into community service.”*

Then follow the instructions on the ticket for returning the notice to the court.

Be sure the ticket has your return address.

How do I ask for a payment plan through the court clerk?

You can ask **before or after** the hearing. If you didn’t check the box on your ticket or if you didn’t ask for it at the hearing, contact the court as soon as possible. Ask the court clerk how to set up a payment plan. Don’t wait to do this. The clerk may not be able to set up a payment plan once the fine goes to collections.

Prepare to have proof of your financial situation including 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 can’t afford the fine.

How do I ask for community through the court clerk?

You can ask the clerk about community service options too before or after the hearing. You can also ask the court to convert your fines into community service by writing the court a letter. In the letter you should explain to the judge why you can’t afford the fines and ask for community service instead. Ask the clerk to give the letter to the judge. Use our sample letter to help you write your letter:

September 4, 2024

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

Re: Ticket #123456, Speeding Infraction (received 05/20/2019)

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 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 can't 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 206-699-9999.

My mailing address is:

500 ABC St. Apt. 123
Seattle, WA 98104

Thank you for your time and consideration.

4. Ask for a hearing

What are the 2 types of hearings I can request?

- **Mitigation Hearing:** You admit you did what the ticket says. You ask for a lower fine. Prosecutors don't usually attend mitigation hearings.
- **Contested Hearing:** You argue you didn't commit the infraction. The prosecutor attends the hearing to argue against you.

How do I ask for a hearing?

You should:

1. Check the box on your ticket for the type of hearing you want.
2. Put your mailing address where the ticket asks for it.
3. Return the ticket to the court by mail or in person.

You might be able to ask for a hearing by phone. Look on the ticket for more information.

Make a copy of your ticket before giving it to the court. Take a picture of the ticket before you give it to the court if you can't make a copy.

5. Evidence and proof

How do I get the evidence I need for a contested hearing?

If you are **contesting** the charges, you might need to use a subpoena to get the evidence that you need or if you plan to call witnesses. Before your hearing date, you may be able to ask for “discovery” about the ticket. This means you can ask the police department for copies of their records relating to the ticket. **Ask for the Ticket & Officer’s Statement.** These will be the main evidence at your hearing.

The court clerk might have a discovery form you can use to make the request. Procedures vary for discovery forms and rules. Ask the clerk what their rules are for discovery. Usually, you have to submit a written request for discovery to the court and prosecutor **at least 14 days before** the hearing date. Ask the court clerk if there is a specific Discovery Request form for that court.

What other things can I do to get ready for a contested hearing?

- **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/>). Read all of the law. See if you think you actually committed the infraction.
- **Take Pictures.** You can take pictures of the area where you got your ticket. If it was 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. For a moving violation, you can take pictures of the intersection, street signs, or other conditions.
- **Call Witnesses.** You may want to call 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 must subpoena a cop. You must subpoena witnesses and documents at least **7 days** before the hearing date. Ask the court clerk for help.
- **Hire a Lawyer.** If you want a lawyer for your hearing (<https://www.mywsba.org/PersonifyEbusiness/Default.aspx?TabID=1536>), get one quickly, so the lawyer doesn’t 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 that visit to see if it makes sense for you to have a lawyer.

What evidence do I need for a mitigation hearing?

You will need evidence of your financial situation. Gather proof that shows you have a low income or otherwise can't afford to pay the fine in full.

You can provide these kinds of proof of your financial situation:

- Documents that show that you receive public assistance
- Bank statements and rent receipts or a lease copy
- Proof that you live on SSI or SSDI
- Other documentation that shows that your income and costs impact your ability to pay the fine at once in full like proof of large medical expenses

How do I prepare all my proof for the court?

There are things you can do to make going to court easier. Make sure your documents and evidence are in a format that the court will accept.

How do I give my evidence to the court?

You might need to submit your evidence to the court **before** the hearing. And you might need to submit the evidence **in special ways** depending on what kind of format the evidence is in. This is especially true for video evidence but there may also be strict timelines and rules for photo evidence or other kinds of proof. Ask the court clerk about what is required.

6. Get ready for the hearing

I asked for a contested hearing and now have a pre-hearing settlement conference. What is a pre-hearing settlement conference?

If you ask for a contested hearing, the court may make you have a pre-hearing settlement conference first. Don't miss this conference. You may be able to settle the ticket there. Then you won't need a hearing. If you don't 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.

How do I get ready for the hearing?

Read general tips about how to [get ready for hearing or a trial](#).

Make an outline or notes about what you plan to say at the hearing. You can read from these notes at the hearing.

7. At the hearing

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

You can ask for either option during a contested ticket hearing or a mitigation ticket hearing. Ask the judge for a payment plan or community service when the judge imposes the fine.

The judge may ask you questions. If so, answer them to the best of your ability.

Practice what you'll say from your outline **before** you go to court. It's okay to read from your notes when you speak to the judge.

8. After the hearing

Will the court send my fine to collections?

Yes, under certain circumstances. If:

- 90 days have passed since the day you got the ticket and you haven't started a payment plan
- You did start a payment plan within 90 days but weren't able to make payments on time

- You received community service instead of the fine but didn't complete your community service on time. The court can then send your fine to collections if it decides you didn't have a good reason for not finishing your community service on time.

Should I stay in contact with the court?

Yes. The court is more likely to be lenient with you if you keep them informed of your situation and changes or hardships. You can keep in contact with the court about your payment plan or community service by:

- Filing proof of community service if you don't get credit for community service hours otherwise. You must file your proof by the due date. Check with the court for how to file.
- Calling the court to explain why if you miss a payment or community service due date. If possible, call them before missing the deadline. If you have good reason such as illness, job loss, or something else keeping you from meeting your obligation, the court may work with you by extending the deadline or lowering payments.

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