

# TRAFFIC INFRACTIONS IN Washington State

*Speeding Tickets, Driving While Suspended,  
Stop Sign / Red Light Tickets Can Be Fought*



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**By Dennis J. Twichel**  
**SRL Attorneys At Law**

**TRAFFIC TICKET  
IN  
WASHINGTON STATE?**

**SPEEDING, RED LIGHT, DRIVING  
WHILE SUSPENDED, & DUI CASES CAN  
BE WON**

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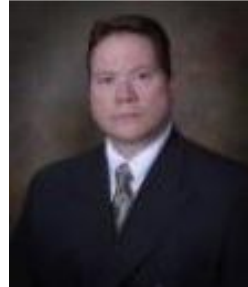
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# ATTORNEY INTRODUCTION

Dennis: My name is Dennis Twichel, I've been an attorney for 22 years. I focus on defending people charged with traffic infractions such as driving on a suspended license, speeding, red light tickets, running a stop sign, DUI and more. My offices are located right outside of Tacoma and Fife, Washington, off I-5 (easy access in the Trans-Pacific Trade Center building).



Q: What are some of the major cities that your clients come from, and how far are they the furthest reaches that clients come to you?

Dennis: Because my practice focuses primarily on driving offenses, from DUIs to all kinds of traffic citations, (because people drive everywhere) I end up covering much of Washington State.

I have represented people as far south as Vancouver, Washington, and as far north as Bellingham and Blaine, Washington. I've also represented clients as far east as Spokane, Douglas, Grand County. I will travel where need be, depending on my client's jurisdiction of arrest or citation.

Q: This is a resource for people that want and need to know about traffic tickets and infractions. The whole idea of traffic tickets, brings to mind meter maids, throwing my tickets in the back seat and ignoring them and not taking them seriously.



# **WHAT KINDS OF TRAFFIC TICKETS / INFRACTIONS DO YOU HANDLE & WHAT'S THE CONSEQUENCE OF 1 OR MORE TICKETS?**

Dennis: Any type of moving citation, or traffic offense. Anything you can do driving a motor vehicle, including motorcycles and commercial semi-trucks and trucks, and people with commercial driver's licenses (CDLs). From routine speeding tickets, all the way through a negligent driving to reckless driving, where you could be looking at lengthy suspension periods of your driver's license and very heavy fines.

People who just have a personal driver's license obviously want to keep their insurance rates as low as possible. Some insurance companies, even with one speeding ticket, will dramatically raise the

rates. By the time that the ticket drops off after three years, that person may have spent an extra couple thousand dollars for insurance when they wouldn't have had to have the ticket been dismissed and never gone on the person's record to begin with. Getting back to your original question, basically, it's any type of traffic ticket, no matter how minor or how serious is what I help people with and represent them in.



Q: This can include running a stop sign, running a red light, right on red, speeding, driving on a suspended license, reckless speeding, criminal speeding. Anything else? Driving with no tags, or expired tags. . .

Dennis: Yes. Even cell phone violations with the new cell phone laws that are going into effect, or have gone into effect.

Failure to wear seatbelts, I represent people on

those. The one thing I can do if I'm really urged to do it, but I generally don't represent people on photo infractions. In Washington now, it's becoming more and more common for local jurisdictions to have cameras at stop signs or red lights, or even cameras that measure speed. If you're driving your vehicle and it's measured to be exceeding the speed limit, or the camera catches you going through a red light or a stop sign, they'll photograph the car, send you a ticket or the infraction in the mail, and request that you pay it.

You do have a right to contest the ticket or the photo infraction, but generally in Washington, the fine's going to be \$124. Typically on an infraction, my standard fee is \$200, and quite frankly, the photo tickets, at least at this point, do not go on a person's record. I really don't think it's ethical to charge somebody more than the fine of the photo infraction when it's not going to be going on the person's driving record anyway.

Now, should the law change and those start going on a person's record sometime down in the future, then of course I would certainly urge people to hire an attorney to fight those.

## WHAT'S AT STAKE FOR CDL (COMMERCIAL DRIVER'S LICENSE) HOLDERS?

Commercial drivers, (people holding CDLs), have got to be very careful defending any type of moving violation, because



even 1 fairly serious or 2 less serious infractions or tickets can result in mandatory suspension periods of their CDL, (which wouldn't necessarily result in suspension of their personal driver's license). If a professional driver loses their CDL for 60+ days,

that oftentimes means the end of their career as a commercial driver. Those matters have to be taken seriously.

## **HOW DO “POINTS ON YOUR LICENSE” WORK AND HOW MANY WILL LOSE YOU YOUR LICENSE?**

Q: I'm sure everyone has misconceptions about points, how many points each infraction is, and how many points it takes to lose your license. Can you talk how licenses work in Washington state, including the point system?



Dennis: In Washington State the point system is divided into 2 categories: There's the point system for what I would call regular traffic infractions or violations. As you noted earlier,

going through a red light, failure to signal, exceeding the speed limit, those types of infractions, these tickets usually count as 1 point each.

Once you accumulate **20 points**, the Department of Licensing will revoke your driver's license.

Before that happens, they'll start sending letters saying, "Hey, you're starting to accumulate a lot of points here. You better watch it, and watch your driving. Otherwise, we will suspend your license."

The other point system that can get someone's license suspended or revoked in Washington is **if they commit a criminal traffic violation, and those are the most serious traffic violations.**

There are approximately 7 criminal traffic violations in the state of Washington, including DUI, reckless driving, hit and run intended, trying to elude a police officer, vehicular homicide, vehicular assault, and driving on a suspended license in the 2<sup>nd</sup> degree.

There are special exceptions for vehicular homicide and vehicular assault, or driving on a suspended on a second degree. If you commit a combination of 3 or more of those within a five year period, the Department of Licensing will revoke your license, put you in a habitual traffic center status, and you won't be able to drive.

They'll revoke your license for five years.

So again, three or more of the serious traffic violations within a 7 year period, means



you're going to become classified as a ***habitual traffic offender***. You don't need 20 points of these types of violations to lose your license, only a combination of three of those within that period of time, to be automatically revoked in the first degree.

# LEVELS OF LICENSE REVOCAATION

Dennis: In Washington State, you can be revoked in three degrees. **First degrees are the worst.** That's a person who has accumulated three or more of those offenses. **Second degree** is for, typically, mandatory suspensions related to DUIs, and for the person who has driven during a period of time they're not supposed to be driving.



**Third degree,** which is the least serious of the driving while license is in suspension charges, is for people who have driven on a suspended license, and who have failed to paid tickets and had their license suspended because of that reason. Or maybe failed to appear in court for a hearing and the Department



of Licensing will suspend the license in the third degree until the person gets the failure to appear cleared up.

The other classification are **serious traffic matters which are actually criminal violations**. Of course, when it goes from a civil matter to a criminal matter, the main distinction is you could be looking at jail time. If you commit a criminal traffic infraction, not only are you going to be fined, you may very well be looking at jail time, and there may be mandatory suspension periods of your license.

# MAIN TYPES OF TRAFFIC VIOLATIONS

Q: How about Parking Tickets... Are they in a class of their own?

Dennis: Yes, so to speak because they're non-moving violations. In some ways, they're similar



to the photo tickets that we talked about earlier. Those do not go on a person's record. Essentially, you can request a contested hearing to fight it, but even if it's found to have been committed, you're just going to be paying a fine and there won't be any other sanctions. I don't represent people in parking tickets, unless it's a very, very expensive parking ticket, and they figure if they hire me I can get it dismissed and they'll save money that way.

Q: What are the levels of traffic infractions and moving violations?

Dennis: In Washington, over 25 years ago, they decriminalized moving violations such as speeding tickets, failure to signal, running a red light, crossing or passing when you shouldn't. These violations are

are all under chapter 46, which are now considered of the Revised Code of Washington, for



lack of a better term, civil traffic infractions. These infractions essentially count as 1 point on your record, if you are found to have committed one of them.

The criminal traffic violations are DUI, reckless driving, which is operating a motor vehicle with willful or wanton disregard for the safety of

persons or property. Let's say you're racing another vehicle, that's a form of reckless driving. If you try to outrun or elude a police officer, or drive while your license is suspended in the second degree, that's a criminal traffic violation.

DUI (driving under the influence of drugs or alcohol) is probably the most common. There's also vehicular homicide and vehicular assault, which are very serious penalties where you could be looking at substantial jail time and license revocation.

## **WHAT COURTS HANDLE WHICH TYPE OF VIOLATIONS?**

**Q:** For civil traffic infractions vs. criminal ones, which court do each of these tickets go to?

**Dennis:** It depends on two factors. Where you're arrested or where you're cited for the infraction, and the type of officer that gave you the ticket. If you are driving in a local town or city, and you're

arrested by that city or town's law enforcement, (such as if you're in Tacoma), being stopped for speeding within the city limits of Tacoma by a Tacoma police officer, and you request to contest the hearing, you're going to be going to Tacoma Municipal Court.

However, if you were within Tacoma but you were stopped by a sheriff's deputy, or a state patrolman, that's going to be filed with the county court, and that's what is called district court. Even though you may have been in Tacoma, if you were



cited by a sheriff's deputy or a state patrolman, those cases are going to be filed in Pierce County District Court. Remember, it depends where you're arrested and the type of officer who arrests you or cites you for the infraction.

Q: Is it different if you commit a civil offense versus a criminal one? Do you have to go to the same court?

Dennis: No, unless you commit a felony driving offense, such as vehicular homicide or vehicular assault, and with all felony cases, they get filed in the superior court of the county. The superior court is the highest court within that county. Below that you have the district court, and then below that you may have the local jurisdictions or the municipal courts.

## **WHEN I GET A TICKET, WILL I KNOW WHAT COURT I HAVE TO APPEAR IN?**

Dennis: If it's a criminal traffic violation, such as DUI, you won't be given the option to send your ticket in to ask for a contested hearing. Law enforcement will instead be sending you or informing you of a date where it's a mandatory

appearance, where you're going to have to go to court for your arraignment and plead guilty or not guilty.

If you get a traffic ticket, it will show the court that you have to respond to. There will be boxes checked. For

example, if you want to contest this

hearing, you need to check the box that says, "Check this box and send it to Tacoma

Municipal Court within 15 days," or,

"Pierce Court District Court within 15 days."



When you get a civil traffic infraction, such as speeding, failure to signal, running a stop sign, one of the non-criminal traffic offenses, you will essentially have three choices. There will be three boxes on that ticket, you can respond to. The first box will essentially say, "I committed this. I agree that I did, and here's my money," and you just send

it in. You don't have to go to court. They take your money, and then it goes on your driving record.

You can also ask for a mitigation hearing. Now, a mitigation hearing gives you the opportunity to go in, tell your side of the story to the judge, and then see if you can request for the judge to essentially lower the amount of the fine. The judge has the authority, in their jurisdiction, to lower the amount of the ticket. But by mitigating it, although you may save money on the ticket, it still goes on your record. If you're going to just try to get the ticket mitigated and the fine reduced, there would be no real reason to hire an attorney, because you can go in and do that yourself.

I represent people who want to contest the traffic infraction or the ticket, and ask for contested hearings, and I go in and I move to get it dismissed so it does not go on that person's record. Generally, I can waive my client's appearance, so they don't have to take time off of work or some other obligation.



I can go to court without them, in order to get it dismissed so they do not have to pay a fine, and it will not go on their record or raise their insurance rates.

Q: That's a good benefit.

## **WHICH TRAFFIC INFRACTIONS ARE WORTH HIRING AN ATTORNEY FOR?**

Dennis: Generally, photo tickets and parking tickets are really not worth hiring an attorney, because both do not go on your record. They're not going to cause your insurance rates to go up. Any other moving violation, it's definitely worth hiring an attorney.

By no means am I a perfect driver, myself. I've received traffic tickets, and I fight every one of them, because you never know with insurance companies, and especially these days, I'm under

the impression that they will try to find any reasons to raise your rates, and raise them dramatically.

Spending the \$200 to fight a traffic ticket in order to get it off your record may save you thousands of dollars down the road in insurance rates. If you're

not a very good driver, or a cautious driver and you do get a lot of traffic tickets, obviously, you want to keep those off your record so you're not accumulating too



many points. You don't want to end up in a suspended status.

Q: For some that's facing a Criminal traffic Offense, or people that have a commercial driver's license, those people should definitely get an attorney involved, right?

Dennis: Anybody who gets even a simple traffic infraction such as a speeding ticket, they should fight those. Remember, you don't have to accumulate 20 points to have your insurance go up. You can have your insurance go up even after 1 ticket. Always fight a traffic ticket. Certainly, if you're charged with a criminal traffic violation of law, you're going to be going to court anyway because it's mandatory, and you're going to have to fight.

# ARE THERE ANY CRIMINAL TRAFFIC INFRACTIONS WHERE YOU COULD LOSE YOUR DRIVER'S LICENSE DUE TO SUSPENSION OR REVOCATION, EVEN IF IT'S YOUR FIRST OFFENSE?

Dennis: For 1<sup>st</sup> time DUI, even if you've never had any other ticket in your life, it's a criminal traffic



offense. You're going to lose your license probably for at least 90 days. Reckless driving as well, even if it's not alcohol related. Say you and your buddy are racing each other down the road and you're caught, you're going to be cited for reckless driving, and if found guilty, you're going to lose your license through suspension for 30 days.

Vehicular homicide and vehicular assault require mandatory revocation. Eluding a police officer.

The major criminal traffic violations do require revocation of a driver's license. Driving while a license is suspended in first or the second degree will result in further revocation of your driver's license.

If you're a commercial driver holding a commercial driver's license, two traffic tickets may get you revoked or suspended for 60 days or longer. Commercial drivers should know this. By reading this information they're not learning anything new, because they know how zealously they must safeguard their CDL.

For example, I had a client who was charged with obstructing a railroad crossing. He never had a traffic ticket before in his life, was a CDL holder. Had he been convicted of that one traffic offense, he would have had his CDL suspended, which would have resulted in him losing his job.

His employer who he worked for over 30 years would have had to fire him, because their insurance company would not have allowed them to retain a commercial driver who has had their CDL suspended for any amount of time. In that case, that one traffic ticket could have been disastrous if it was found to have been committed in that circumstance.

## **WHAT'S THE TOTAL, OR TRUE COST OF A TRAFFIC TICKET?**

Q: Let's talk about the total cost of a ticket. You talked about insurance going up for a number of years, and substantially so. Let's put some ballpark numbers to it. I think a lot of people believe that if they get a speeding ticket, and the fine is \$200 for instance, they think, "Oh, it's just \$200." What's the actual cost of a lot of moving violations? Is it the ticket itself, the insurance increase, is there anything else I'm missing?

Dennis: It really depends on your driving record and your insurance company. Some insurance companies say they won't raise your rates until you get two tickets. In my experience, I've had people complain that their insurance has gone up even after one ticket. It just depends who you're insured with and how good of a driver you are.

Certainly, **if you're a commercial driver, you cannot afford to have any tickets on your record,** because



with the mandatory suspension periods that you could face even after two tickets, you don't want to lose your career. Those would certainly be an additional cost to a commercial driver, or somebody who holds a CDL. I would say, primarily, it's for just people with regular driver's licenses or personal driver's licenses. They want to keep their insurance rates as low as possible.

Q: Even if someone's insurance goes up \$50 a month for three years (36 months), that can easily push the total cost to almost \$2,000 for a speeding ticket, for instance.

Dennis: Right, and something you have to keep in mind is, somebody might think, "Well, OK, I got this speeding ticket, but I'm a prudent driver. This is the 1st ticket I've gotten in ten years, and I've checked my insurance agent, and they told me it won't increase my rates. I'm just going to pay the \$124, or the \$159, whatever it may be, it's not worth hiring Mr. Twitchel and paying him \$200 to fight it."

What you've got to keep in mind is, you never know what's going to happen in the future. 2-3 days after you pay the ticket, something unexpected may happen and you get another speeding ticket, or another traffic ticket. Well now, if that one's found to be committed, it's going to raise your insurance rates for sure.



Dennis: For people who get traffic tickets, especially speeding tickets in school zones. or construction zones. The legislature has seen fit over the years to increase the punishment or the sanctions for people who commit traffic infractions within a school zone or a construction zone. For example, for somebody, say the speed limit is 25, and they're going 35, and they're cited, they may only get a \$124 ticket, but if that same speeding infraction occurs within a school zone, then the fine goes up. It's the same thing in a construction zone.

In Washington, any person who's cited with a traffic infraction, or a traffic ticket, can enter into what's called a deferred prosecution. It's essentially a process you can use on 1 ticket once every seven years. You essentially go to court and say, "Your Honor, I admit it. I was speeding. I really don't have any defenses, but I would like to use my deferral." The judge will say, "OK." Essentially, you pay the face price of the ticket, whether it's \$124, sometimes it's more. You agree to not to get any more traffic infractions, typically for the next

year, and as long as you do that, the ticket will be dismissed and it won't go on your record.

**Note:** The legislature says that people who get tickets in construction or school zones are not allowed to use a deferral. The judges typically won't let you use a deferral in those circumstances, and of course the only option is to fight it and to get it dismissed entirely.

Again, it's not going to save you any money, but it's not going to go on your record, so your insurance rates aren't going to go up. You can do that once every seven years, one time. Now, again, getting back to the person who rarely gets traffic tickets, and they get one speeding ticket, for example, and they think, "Well, I don't get tickets very much. I'm just going to go and use my deferral, and keep it off my record that way."

That's fine, but you've just got to make sure, and you can't always predict the future, that you're not going to get another ticket within that deferral period. Otherwise, you automatically lose your

deferral, it automatically goes on your record, and then you're still fighting the second ticket and you cannot use your deferral on the second one.

If I'm representing somebody, I'm representing them because they do want to use their deferral, it's their last option in the world and they don't want to use it unless it's absolutely necessary.

## **HOW DO YOU DEFEND CLIENTS ON SPEEDING TICKETS & OTHER TRAFFIC INFRACTIONS?**

Dennis: For example, let's talk about speeding tickets. There's a wide array of defenses and avenues we can take in order to attack the traffic ticket to get it thrown out, or to get it dismissed. Those can be anything from the officers simply not filing the ticket with the court within the required period of time, up to being able to show that the speed measuring device, such as the laser gun or the radar gun, or finding the speed measuring

device wasn't properly certified or calibrated at the time you received your speeding ticket. There are probably at least 100 different ways that might get a speeding ticket thrown out.

Getting back to my previous example where someone gets a ticket and says to themselves "Well, I'm not going to get another. I'm just going to pay it." That

ticket may have had a bunch of problems, where the radar gun wasn't properly



calibrated or certified, the officer didn't fill his report out correctly, he/she may not have even filed a report.

You're basically just surrendering, throwing in the towel and not fighting, so it's for sure going to go on your record. Then you get that second ticket unexpectedly, which will raise your insurance, and

let's say, unfortunately, on the second ticket, it's a case where the officer did everything by the book. He dotted all the i's and crossed all of his t's. He did every test known and required on the speed measuring device. He filed his report in time. He wrote a two, three page report, it's very clear that what you did was wrong. Now you're out of luck and facing a substantial insurance rate increase.

Some tickets, especially speeding tickets, are a lot easier to get dismissed or thrown out than other ones. That's why *you need to fight every one*, because each one builds on the next one. And unless you fight, you don't know what will happen. If you hadn't fought the first one, then you get the second one which is a good ticket that can't be dismissed, then you're really putting yourself between a rock and a hard place with your insurance company.

# **IF YOU FIGHT A TICKET, WILL THE COURT PUNISH YOU MORE IF YOU DON'T WIN, OR PUNISH YOU JUST FOR FIGHTING THE TICKET?**

Dennis: No. I've been doing traffic defense and representing people on traffic tickets for over 20 years, and rarely, if ever, does the fine or the punishment increase just because a person wanted their day in

court. The fine's going to remain the same whether you pay it the day after you



get the ticket, or six seconds after the contested hearing, which, unfortunately, if you lose, you have to pay.

The punishment does not increase, however. The judge is not going to say, "You're wasting our time," or, "Your attorney's wasting my time. I'm going to make you pay more now." That doesn't happen.

Q: I wondered if some people would be afraid of that.

Dennis: Some people may think that, but that's not the case. You can't be punished for asking to have your day in court, or your case to be heard in court by a judge.

# WHAT ARE THE COMMON MISCONCEPTIONS PEOPLE HAVE ABOUT TRAFFIC TICKETS?

Q: What are the top few misconceptions that people come to you with about these kind of infractions that you have to clear up when you talk to them?

Dennis: People have a lot of misconceptions about speeding tickets. They're caught going 35 in a 25 zone. Their speedometer says that they were going 35. They think that they



were going 35. Their attitude is, "Well, the officer's got me dead to rights. I was speeding, I'm guilty, I might as well just pay the fine."



Although you may have thought you committed the offense, with scientific devices such as speedometers, and radar guns, and LIDAR devices (i.e. laser devices), machines can make mistakes. If the officer cites you for a speeding ticket, he's got to do his job, and he's got to make sure his report is filed timely and correctly, and he's got to have done the preliminary and prerequisite tests on the speed measuring device.

So even though you may think, "I was speeding and I'm guilty of it," speeding tickets are worth fighting. Fortunately in the state of Washington, most of the courts require the officer to adhere to the law, to adhere to protocol required in order to establish the basis for a valid traffic citation. If the officer doesn't do that, the ticket will be thrown out and it will be dismissed. Always fight any and all traffic tickets you get, because the majority of them can be dismissed. In my experience in representing clients, it's well worth spending a couple hundred bucks in order to do so.

Q: Any other urban legends or myths that people have about traffic infractions?

Dennis: Maybe it's not so much a myth or an urban legend, but a lot of people mark the box on the infraction saying that they want to mitigate the hearing. They don't understand that, yes, they can do that, and they don't need an attorney, and most times the judge may lower the fine, but *it's still going to go on your record.*

Mitigation is not going to save you any money in the long run because of insurance consequences.

# SHOULD YOU DOCUMENT WHAT HAPPENED BEFORE, DURING, & AFTER YOUR TRAFFIC STOP?

Q: Is it important for a person to document what happened to them when they were pulled over for any of these infractions? I know in DUI that's very important, or any of the criminal infractions, but if they have a speeding ticket, a stop sign, things like that, is it important for someone to journal about what happened to them, about why they were pulled over, and what they were doing, and all of that?



Dennis: Yes, they should, because the officer who has issued you the citation is going to do the same thing. After he writes you your ticket, he's required to write a police report. It's usually only a couple of paragraphs long, but he's got to record what

happened, what gave him the justification to cite you for speeding, or whatever.

When you contest the infraction, the judge is going to, (more times than not), see that report. Generally, from the time a person receives a citation to when the actual contested hearing date happens is months apart. As with any event, in the passage of time your memory starts to fade.

The same day you receive a citation, and especially if you intend to contest it and fight it, you should write a couple of paragraphs down just to note your side of the story. Especially if you want a lawyer to represent you, because most people don't want to take the time out to go to court, and when I go to court without that person, I like having their side of the story while it was still fresh in their mind in writing it. A lot of times, I can find things in their statement that I can use in order to get the ticket dismissed, not only within the officer's report. It's good to do that in every case.

# WHAT ARE THE MOST COMMON TYPES OF TRAFFIC INFRACTIONS THAT YOU SEE?

Dennis: Speeding tickets, then sign violations, such as going through a stop sign, failure to yield, and people running red lights, but the vast majority are speeding tickets. The moving

infractions

people want to keep off their record.

Q: What are the most common mistakes people

make there out in the road to get tickets, besides speeding to get a speeding ticket?



Dennis: Not paying attention. A lot of times you just may be going the flow of traffic. I'm sure everybody can relate, you're just in a bunch of cars

maybe going north or south on I-5 from Seattle to Tacoma, or vice-versa, and along the roadside hidden behind a bush or turn is a motorcycle policeman with his radar gun, and he just chooses you out of the pack and obtains a reading that he believes is above the posted speed limit, and pulls you over, and gives you a ticket.

You can think it's not fair, because everybody else wasn't going the speed limit. Oftentimes you hear officers say, "Well, we can't stop everybody." It's somewhat luck of the draw in those cases. People obviously know a lot of times it's inadvertent mistakes when you're not paying attention that get you pulled over.

In other cases, we know we're in a hurry, and maybe we do deserve to be stopped. Again, everybody has their legal rights, and your right is to fight any infraction, and the officer has to do his job, and make sure he does the paperwork properly, and the device that he uses has to meet scientific muster and be working properly.

Otherwise, the ticket's not going to hold up in court.

## **WHAT MIGHT TELL PEOPLE A TRAFFIC ATTORNEY IS THE RIGHT ONE FOR THEM?**

Q: In the traffic world, are there any qualifications that attorneys have specifically in relation to Traffic Offenses that people should look for when they're considering hiring one attorney versus another?

Dennis: Not in Washington, because Washington State prohibits saying you specialize in particular areas, unless it's something like patent law. The same applies for attorneys such as myself who focus on DUI.

It's a good idea to hire an attorney who has a lot of experience handling traffic tickets if that's what you're fighting. Same with DUI. Lots of specific experience means better ability to represent you.

Each court and jurisdiction has different policies and procedures, and different judges have a different protocols, so experience is crucial.

For example, some judges will dismiss a traffic ticket

because the officer may not properly cite the subsection of the law on the face of the traffic



ticket. You can automatically get it dismissed because of that. Another judge in a different court, you may have the exact same issue that the officer may have forgotten, or have neglected, to list the subsection of the speed violation pursuant to the traffic code, and another judge may say, "Well, I don't think that's important, and I'm not going to dismiss it because of that."

Having an attorney who does a lot of infractions, who has a lot of experience being in different courts, and knows, for lack of a better term, "what



works” in the court in possibly get a dismissal as opposed to what doesn't, can be invaluable. Something you probably would want to ask when you're shopping around, inquiring and looking for an attorney to represent you on a traffic ticket.

**"How many of these do you do on a month, and how much experience do you have in my particular court,"** whether it would be a municipal court or a district court where the ticket is being fought.

Q: The attorneys that do traffic tickets, do they advertise themselves as traffic ticket attorneys, or do they fall under the umbrella of criminal attorneys? How do you find them?

Dennis: It depends on how the attorney chooses to represent himself. I do specifically advertise for traffic tickets. I have ads in yellow pages, I have information on the web as well. If you're looking for an attorney to represent you on a traffic ticket or a speeding ticket, for example, you're going to be able to find my name. It's really the attorney's

choice of how they want to tell the public that they can handle traffic offenses.

Some attorneys may only be listed or advertise themselves as a criminal attorney. It's more likely than not that maybe that attorney only is advertising in this way doesn't really do infractions or traffic tickets. They may just do more of what you would think of as felony cases, such as robbery or drug dealing or something like that.

I guess if you were searching, I would look specifically under traffic infractions or traffic tickets in the phone book. If you're doing Google searches, I would start specifically with traffic offenses, or attorneys that represent people on traffic tickets, speeding tickets, something of that nature. The other thing is, traffic tickets are common to anybody who has a driver's license. Most of us end up getting a ticket sometime or another. We all have friends who have had tickets. You can ask around, and oftentimes you'll get, "Hey, so-and-so represented me on this ticket. I

thought he or she did a good job," so you might come across a name that way.

## **WHAT ABOUT DRIVING SCHOOL? CAN THAT “GET YOU OFF” OF A TRAFFIC TICKET?**

Q: Are there classes you can take to get points off your license? I've heard that in some states you can do that, go to a safe driving class.

Dennis: Yes. They're called Defensive Driving School, and yes, those classes that are offered in Washington State. A lot of them can be done online, from your home, BUT...

This is a situation where it's good to have an attorney who knows what's working in your particular court, or your jurisdiction, but in some cases, or jurisdictions, I know if I'm going there to fight a traffic ticket. If my person has a good record, a lot of times I can convince the prosecutor

to dismiss it if my client completes a defensive driving class.

That may be an option, but I would just warn people, if you're going to represent yourself on a traffic ticket, which you certainly have the right to do, don't think, "Well, I'm just going to go take this defensive driving class, and get the certificate of completion. I'm going to walk into court, show the judge it, and get the ticket dismissed." It doesn't work that way.



Those are arrangements that have to be made in advance, typically with a prosecutor in that court who's going to agree to do that, and a number of factors come into play if that's going to be an option or not.

What people may be able to do if they find themselves with a suspended or revoked license, to maybe get it reinstated earlier?

**IF SOMEONE'S LICENSE IS  
ALREADY SUSPENDED, OR  
ALREADY REVOKED, WHAT CAN  
YOU DO TO HELP THEM GET  
THEIR LICENSE REINSTATED, AND  
GIVE THEM BACK THEIR LIFE OR  
LIVELIHOOD?**

Q: Do you have cases where people come to you, and their license is already suspended or revoked, and they want to get it back, whether it's right away, or months, or years later? Are those cases good cases for you?

Dennis: I do quite a bit of work in that area. I have clients all the time that are coming to me and we're getting them re-licensed, and we're clearing up

issues that are keeping them from becoming relicensed.

As always, it depends on individual circumstance, and why they're suspended. A person can be suspended because simply they have failed to pay traffic tickets in the past. I'm successful a lot of

times. I'm able to go to the courts, get those tickets out of collections in order to get people back on a payment plan, to get those failure to pay or failure to appear removed from their



record, and in order for them to become relicensed and legal to drive in the state of Washington. In serious cases, people who have fallen into habitual traffic offender status, we talked about that earlier. People who get three or more serious traffic offenses within a seven year period. . . Say somebody gets three DUIs, they're going to automatically go into habitual traffic

offender status, excuse me, within five years, and they're going to lose their license for seven years. We can request an early license reinstatement hearing.

Typically, if we can get that person into a treatment program, or file proof that they're in compliance with an alcohol treatment program, show that these offenses were the result of alcoholism or alcohol abuse, and they've taken steps to remedy that problem, I can get an early reinstatement for that individual to get them validly licensed and insurance. Some people may have their license suspended for even one DUI. There are now new laws in place that people can get what is called the ignition interlock license, and be able to drive lawfully during the suspension period if they've got one of those breath testing devices installed in their car.

Again, a person's license can be suspended or revoked for a wide range of issues. Generally, there are things we can do in order to end that suspension, or at least to dramatically cut the

original time that the person was told that they would be suspended or revoked.



**DENNIS, IF I'M NOW CONVINCED  
I SHOULD CALL YOU FOR A FREE  
CONSULTATION, HOW  
SPECIFICALLY CAN I GET IN  
TOUCH WITH YOU?**

If anybody has any type of licensing issues, suspension issue, driving issue, or any type of ticket, anything from a speeding



ticket to a DUI, I welcome phone calls. I always return my phone calls promptly, and I willingly to give free advice over the phone to educate people on what options are available to them.

Call me, Dennis Twichel, at **253-926-1494** anytime,

Visit [www.LevyTwichelAttorneys.com](http://www.LevyTwichelAttorneys.com) or

Make an appointment to come to my office:

3700 Pacific Hwy East #406  
Fife, WA 98424

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# TRAFFIC INFRACTIONS IN Washington State

## *Speeding Tickets, Driving While Suspended, Stop Sign / Red Light Tickets Can Be Fought*

*“Any type of moving citation, or traffic offense. Anything you can do driving a motor vehicle, including motorcycles and commercial semi-trucks and trucks, and people with commercial driver's licenses (CDLs). From routine speeding tickets, all the way through a negligent driving to reckless driving, where you could be looking at lengthy suspension periods of your driver's license and very heavy fines.”*

*“People who just have a personal driver's license obviously want to keep their insurance rates as low as possible. Some insurance companies, even with one speeding ticket, will dramatically raise the rates. By the time that the ticket drops off after three years, that person may have spent an extra couple thousand dollars for insurance when they wouldn't have had to have the ticket been dismissed and never gone on the person's record to begin with. Getting back to your original question, basically, it's any type of traffic ticket, no matter how minor or how serious is what I help people with and represent them in.”*

*“Commercial drivers, (people holding CDLs), have got to be very careful defending any type of moving violation, because even 1 fairly serious or 2 less serious infractions or tickets can result in mandatory suspension periods of their CDL, (which wouldn't necessarily result in suspension of their personal driver's license). If a professional driver loses their CDL for 60+ days, that oftentimes means the end of their career as a commercial driver. Those matters have to be taken seriously.”*

*“There are special exceptions for vehicular homicide and vehicular assault, or driving on a suspended on a second degree. If you commit a combination of 3 or more of those within a five year period, the Department of Licensing will revoke your license, put you in a habitual traffic center status, and you won't be able to drive. They'll revoke your license for five years.”*

*“In Washington State, you can be revoked in three degrees. First degrees are the worst. That's a person who has accumulated three or more of those offenses. Second degree is for, typically, mandatory suspensions related to DUIs, and for the person who has driven during a period of time they're not supposed to be driving.”*