

OMCLR 3.3

REQUIREMENTS FOR REQUESTING A HEARING AFTER FAILURE TO RESPOND OR APPEAR

(A) If a defendant who has failed to appear or respond to a notice of infraction on not more than one occasion requests that the Court set/reset his/her case for a hearing, the court clerk shall be authorized to set a date for such requested hearing and retrieve/recall FTA's from the Department of Licensing reflecting the failure to respond or appear, if any were sent, on the following conditions:

(1) The defendant within 30 days of the date by which a request for hearing should have been received by the Court, delivers to the Court an envelope containing his/her request for a hearing, with a postmark indicating that the envelope was addressed and mailed to the court within the time frame for requesting a hearing, and with the envelope indicating that it was returned to the defendant, for whatever reason; or,

(2) The court within 30 days of the date by which a request for hearing should have been received by the defendant's request for a hearing, with the envelope showing a postmark indicating that the envelope was mailed to the Court within the time frame for requesting a hearing.

(B) In those cases where a defendant has failed to appear or respond through his/her own neglect, and less than 60 days has elapsed since the court should have received the request for a hearing or the date of the hearing, the defendant may request a hearing and such hearing shall be scheduled upon payment of an administrative fee of \$25.00. If the failure to appear/respond was reported to the Department of Licensing, the Defendant shall pay the appropriate failure to appear/respond fee in addition to the administrative fee to remove the FTA from Department of Licensing records.

(C) In all other cases, the defendant may file a motion in writing requesting that said judgment be set aside with a payment of the applicable failure to respond or appear fee and a \$25.00 administrative fee. Upon receipt of the written request for hearing and payment of the applicable fees, the clerk of the court shall set or reset a hearing for the defendant and shall recall/retrieve FTA's from the Department of Licensing reflecting the failure to respond/appear, if any was sent.

(Adopted effective September 1, 2011)

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