**IRLJ 2.5**

**FAILURE TO RESPOND**

**(a)** **Notice of Infraction.** If the defendant fails to respond to a notice of traffic infraction, the court shall enter an order finding that the defendant has committed the infraction and shall assess any monetary penalties provided for by law. ~~and, in the case of a traffic infraction, shall notify the Department of the defendant’s failure to respond in accordance with RCW 46.20.270~~.

**(b) Notice of Traffic Infraction.** If the defendant fails to respond to a notice of infraction, the court shall enter an order and Notice of Default finding that the defendant has committed the infraction and is in default. The order shall provide notice that unless the defendant appears or responds within thirty (30) days, the court will enter an Order and Judgment finding that the infraction was committed. The order shall clearly explain how a defendant may appear or respond so that they may come into compliance. The order shall state that upon finding that the infraction was committed, the defendant will be required to pay $10.00 a month until the total judgment and fines have been paid. The order shall state that the defendant is permitted to make higher payments if they wish. The order shall clearly show an itemized assessment explaining the total amount owed to date, a breakdown of the amount owed, and a description or reason for each amount. The order shall explain that the collection of the amount may be transferred to a third party collection agency who may also assess fees against the defendant, and that upon the defendant’s request, those agencies must provide a written, dated, itemized statement to the defendant showing how those fees are assessed. The order shall also explain that, after a finding that the traffic infraction was committed, the court shall notify the Department of the defendant’s failure to respond in accordance with RCW 46.20.270.