

eTickets and Signatures

Frequently Asked Questions

1. What is a signature?

For purposes of Washington's criminal code, [RCW 9A.04.110](#) (24) defines "signature" as "any memorandum, mark or sign made with the intent to authenticate any instrument or writing, or the subscription of any person thereto..."

2. Is an offender required to sign a citation or notice of infraction?

No. [Chapter 270, Laws 2006](#) removed statutory requirements that offenders sign citations and repealed the crime of refusing to sign a citation. [RCW 46.63.060](#) (notice of traffic infraction – form), [RCW 46.61.021](#) (Duty to obey law enforcement officer. The 2006 legislation deleted the duty for a person to sign an acknowledgement of receipt of a notice of infraction.)

Other citations no longer requiring a signature include, but are not limited to: [RCW 7.80.050](#) (notice of natural resource infraction form) [RCW 7.80.160](#) (failure to exercise notice options for civil infraction = misdemeanor); [RCW 18.27.240](#) (notice content – contractor registration infractions); [RCW 18.106.190](#) (notice – contents civil infraction re: plumbers); [RCW 20.01.482](#) (Agricultural infractions – notice – misdemeanor for failure to respond); [RCW 46.64.015](#) (traffic citation and notice requirements); [RCW 46.64.025](#) (Failure to appear – notice to DOL).

3. Is there a sanction for a person who fails to respond to a notice of infraction?

Yes. If a person fails to respond or to appear at a requested hearing in a traffic infraction case, the court is directed to enter an order assessing the monetary penalty and to notify the Department of Licensing. [RCW 46.63.070\(6\)](#). The traffic infraction form must include a statement that the person must respond to the notice as provided in this chapter within fifteen days or the person's driver's license or driving privilege will be suspended by the department until any penalties imposed pursuant to this chapter have been satisfied; and a statement that failure to appear at a hearing requested for the purpose of contesting the determination or for the purpose of explaining mitigating circumstances will result in the suspension of the person's driver's license or driving privilege, or in the case of a standing, stopping, or parking violation, refusal of the department to renew the vehicle license, until any penalties imposed pursuant to this chapter have been satisfied. [RCW 46.63.060\(2\)](#).

A person who fails to respond to a civil infraction in a timely manner is guilty of a misdemeanor regardless of the disposition of the notice of civil infraction. [RCW](#)

[7.80.160](#). A notice of civil infraction may be complied with by an appearance by counsel. [RCW 7.80.160](#). [RCW 7.84.050](#) (notice of natural resource infraction form); [RCW 7.84.060](#) (failure to respond or appear - penalty).

See also [RCW 18.27.240\(9\)](#) (notice contents - contractor registration infraction); [18.106.190](#) (plumbers); [20.01.482](#) (agricultural); [RCW 43.22A.170](#); (previously 43.63B.140 mobile and manufactured home installation citations), and [81.112.230](#) (failure to pay the required fare or depart facility - re: failure to timely select an option to respond to notice of civil infraction).

4. Is there a sanction for a person who fails to appear or respond to a criminal traffic citation?

The court may order a bench warrant for the defendant's failure to appear if it is satisfied that the defendant was served with the citation and notice to appear, or that the defendant signed a written promise to appear. [CrRLJ 2.5](#). In addition, the court must promptly give notice of a willful failure to appear to the department of licensing. See, [RCW 46.64.025](#).

5. What about court rule signature requirements?

For infractions, the court rules also do not require signatures. The rules do require that the notice of infraction include a statement that the defendant must respond to the notice of infraction within 15 days of issuance and the statements required by [RCW 46.63.060\(2\)](#) previously set forth in #3 above. Infraction Rules for Courts of Limited Jurisdiction [IRLJ 2.1](#). If the defendant fails to respond to a notice of infraction, the court shall enter an order finding that the defendant has committed the infraction, 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](#). [IRLJ 2.5](#).

6. Are offenders required to sign a promise to appear if they request a hearing?

See # 4 above.

7. What can the court do in the event that an offender who has requested a hearing fails to appear?

For criminal citations, [CrRLJ 2.5](#) provides that the court can issue an arrest warrant. In addition, whenever any person served with a traffic citation willfully fails to appear for a scheduled court hearing, the court in which the defendant failed to appear shall promptly give notice of such fact to the department of licensing. Whenever thereafter the case in which the defendant failed to appear is adjudicated, the court hearing the case shall promptly file with the department a certificate showing that the case has been adjudicated. [RCW 46.64.025](#).

[IRLJ 2.5](#) provides that the court shall enter a committed finding, assess monetary penalties and notify the Department of Licensing. See #4 above.

8. Is an officer's signature required for issuance of a citation?

Yes, however, the signature may be electronic. [CrRLJ 2.1\(b\) \(5\)](#) Provides that: "when signed by the citing officer and filed with a court of competent jurisdiction, the citation and notice shall be deemed a lawful complaint for the purpose of initiating prosecution of the offense charged therein. An electronic document filed in accordance with [GR 30](#) binds the signer and functions as the signer's signature for any purpose, including [CR 11](#). It shall be deemed the equivalent of an original signed document if the filer has complied with GR 30. All electronic documents signed under penalty of perjury must conform to the oath language requirements set forth in [RCW 9A.72.085](#) and [GR 13](#)."

9. Is an officer signature required for a certificate of probable cause?

Yes. [CrRLJ 2.1\(b\)\(4\)](#) provides that: the citation and notice shall contain a form of certificate by the citing official that he or she certifies, under penalties of perjury, as provided by RCW [9A.72.085](#), and any law amendatory thereto, that he or she has probable cause to believe the person committed the offense charged contrary to law. The certificate need not be made before a magistrate or any other person. The "signature" need not be handwritten and may be electronic.

10. How does an officer "sign" an electronically issued citation or notice of infraction?

[GR 30](#) (d)(2)(D) provides that: "a citation or notice of infraction initiated by an arresting or citing officer as defined in [IRLJ 1.2\(j\)](#) and in accordance with [CrRLJ 2.1](#) or [IRLJ 2.1](#) and [2.2](#) is presumed to have been signed when the arresting or citing officer uses his or her user id and password to electronically file the citation or notice of infraction." [GR 30\(d\)\(2\)\(D\)](#). This is what occurs when an officer uses the SECTOR electronic ticketing application to file an infraction or criminal citation.

The officer may also produce an electronic document with an electronic signature by using electronic signature pad equipment that has been authorized and facilitated by the court. [GR 30\(d\)\(2\)\(F\)](#). This document may be electronically filed as long as the electronic document contains the electronic captured signature.

11. Is the "password and personal identification number" process sufficient for a "certificate" as required by CrRLJ 2.1?

Yes. [CrRLJ 2.1\(b\) \(5\)](#) provides that: “when signed by the citing officer and filed with a court of competent jurisdiction, the citation and notice shall be deemed a lawful complaint for the purpose of initiating prosecution of the offense charged therein. The signature may be electronic. An electronic document filed in accordance with [GR 30](#) binds the signer and functions as the signer’s signature for any purpose, including [CR 11](#). It shall be deemed the equivalent of an original signed document if the filer has complied with GR 30. All electronic documents signed under penalty of perjury must conform to the oath language requirements set forth in [RCW 9A.72.085](#) and [GR 13](#).”

12. Does electronic authentication have the same legal effect as a signature on a paper citation?

Yes. [GR 30](#) (d)(3) provides that:

“[a]n electronic document filed in accordance with this rule shall bind the signer and function as the signer’s signature for any purpose, including [CR 11](#). An electronic document shall be deemed the equivalent of an original signed document if the filer and the affiant/declarant have complied with this rule. All electronic documents signed under penalty of perjury must conform to the oath language requirements set forth in [RCW 9A.72.085](#) and [GR 13](#).”

13. Would a digital signature satisfy the requirements of GR 30?

Yes. However, it is not necessary to meet the digital signature requirements in order for an electronic signature to satisfy the court rule and statutory requirements for electronic citations and notices of infraction. GR 30 governs the authentication of court documents, including electronic citations and notices of infraction.

14. If an officer files documents electronically that are specifically referenced in the “eTicket” citation or infraction, are those documents considered to be authenticated (signed by the officer) as required under GR 30(d)?

An electronic citation or infraction filed by an arresting or citing officer is presumed to have been signed when the officer uses his or her user id and password to file it electronically. [GR 30\(d\)\(2\)\(D\)](#). The court rule does not specifically provide the same presumption for other documents filed by an arresting or citing officer along with the citation or notice of infraction.

If the citation or infraction document includes language to the effect that “the _____ (title of document) dated _____ is referenced and incorporated herein”, it could be considered part of the citation or infraction itself and would not need separate authentication.

Another option is to include the non-attorney signature language set forth in GR 30(d)(2)(B), which requires that a non-attorney electronic signature be shown in the following manner:

s/John Citizen
123 South Fifth Avenue
Seattle, WA 98104
Telephone: (206) 123-4567
Fax: (206) 123-4567
E-mail: John.Citizen@email.com

If a statute requires that the documents that the arresting or citing officer wants to file be signed under penalty of perjury, the same analysis set forth above would apply except that the document would need to be accompanied by the sworn affidavit certification or declaration language set forth in [GR 13](#) or [RCW 9A.72.085](#).

Generally, a non-attorney filer must either:

- (i) Scan and electronically file the entire document, including the signature page with the signature, and maintain the original signed paper document for the duration of the case, including any period of appeal, plus sixty (60) days thereafter; or
- (ii) Ensure the electronic document has the digital signature of the signer.

Arresting or citing officers are exempted from [GR 30\(d\)\(2\)\(C\)](#) set forth above because they fall under the exception noted in (d)(2)(D) of this rule. Therefore the arresting or citing officers could arguably include the certification or penalty of perjury language on their document and file the document under the officer's user ID and password rather than having to scan the document.

Digital signatures are also acceptable, but most officers are not equipped with digital signature apparatus.

15. How does an officer apply for and receive a *User Id and Password* from the *Electronic Service Provider (SECTOR)*, as required by [GR 30\(d\)\(1\)\(A\)](#)?

Officers must have a User ID and Password in order to file electronic citations with the court clerk. [GR 30\(d\)\(1\)\(A\)](#) sets forth the procedure for the authentication of electronic documents:

- d) Authentication of Electronic Documents.
 - (1) Procedures

- (A) A person filing an electronic document must have applied for and received a user ID and password from the applicable electronic filing service provider.

The local Law Enforcement Agency initiates the application for *User ID's and Passwords* on behalf of its officers from the Electronic Service Provider (ESP) by completing a Technical Assessment and User Agreement and submitting this document to the Washington Association of Sheriffs and Police Chiefs (WASPC).

The WASPC then provides SECTOR user training for up to three officers from the requesting Law Enforcement Agency (LEA) regarding the use of the SECTOR application. Training includes how to use the *User ID and Password* for e-filing purposes. An officer who attends this training provides a identifying information when signing the class roster before the *User ID and Password* is issued. The SECTOR trainer sends the roster to the SECTOR administrator as the Electronic Service Provider and the Administrator creates the *User IDs and Passwords* for those on the roster. The trainer then issues the *User IDs and Passwords* to the officers on the roster.

The Electronic Service Provider also provides the LEA Administrator from that LEA with a *User ID and Password* which enables that Administrator to establish *User IDs and Passwords* for additional officers at the LEA.

The SECTOR trainer or responsible agency maintains the roster listing the initial officers applying for *User ID's and Passwords*.

16. How does a court demonstrate that it is willing to “accept for filing an electronic document (eTicket)” per GR 30(b)(1)?

Courts must confirm to AOC their willingness to accept SECTOR eTickets and receive training from AOC before SECTOR will begin routing eTickets for filing in that court. In addition, the court processes a queue of eTickets using a JIS application (Electronic Ticket Processing) and determines whether to accept them for filing.

This acceptance is commonly shown by a JIS case docket entry stating:

“mm dd yyyy Received eTicket nynnnnnnn @ hh:mm AM/PM by designated
computer SYS”

10 05 2009 Received eTicket 9Y0001013 @ 12:14 PM by designated
computer SYS

This docket entry is a system entry that is only made when a case is created by a clerk who accesses the secured Electronic Ticket Processing application to process and thus “accept for filing” the electronic ticket.

17. How is the person filing an e-citation identified?

The issuing/filing officer’s name and badge number are printed on each eTicket.

Caveat. The information contained in this document does not constitute legal advice. It is not intended as, nor should it be construed as, a legal opinion in the nature of an Attorney General’s Opinion. The official legal advisor for individual courts is the county prosecutor or city attorney, not the Administrative Office of the Courts.