

In the Supreme Court of the State of Idaho

IN RE: AMENDMENT OF IDAHO)
 INFRACTION RULE 8)
 _____)

ORDER

The Court having considered a request to amend Idaho Infraction Rule 8(c) and the DEFAULT JUDGMENT AND NOTICE OF NONCOMPLIANCE form in Rule 8(d), and the Court being fully informed;

NOW, THEREFORE, IT IS HEREBY ORDERED that Idaho Infraction Rule 8, as it appears in the volume published by the Idaho Code Commission, is amended as follows:

Rule 8. Failure to appear – Default judgment – Notice of judgment.

(a) Failure to Appear on Citation.

(c) Notice of Default Judgment. If a default judgment is entered against a defendant for an infraction under this rule, the clerk shall mail a notice of judgment to the defendant at the address stated in the citation advising the defendant that the defendant must pay the judgment by a date certain which shall be not less than 14 days after the date of the notice. The notice shall state that the balance owing may be sent to a collection agency ~~and that the defendant's Idaho State Income Tax Return may be intercepted by the county and applied to the debt.~~

(d) Form of Notice of Default Judgment. The form of the notice of default judgment shall be in substantially the following form:

[Court Heading]

STATE OF IDAHO) Case No. _____
) Citation No. _____
 Plaintiff,) DEFAULT JUDGMENT AND NOTICE OF NONCOMPLIANCE
)
 vs.)
)
 _____)
 Defendant.)

NOTICE IS HEREBY GIVEN to the above defendant that JUDGMENT BY DEFAULT was entered against you on _____, _____, for the infraction of _____ issued on _____, _____, for the penalty of \$ _____.

NOTICE IS FURTHER GIVEN that if you do not pay this penalty by mail or in person by _____ the balance owing may be sent to a **collection agency** and that the collection agency can charge a collection fee up to an **additional 33%** of the balance owed, Idaho Code § 67-2358 1(b), ~~and/or your Idaho State Income Tax return may be intercepted by the county and applied to this debt.~~ Idaho Code § 1-1624(2).

You may pay the penalty in person or by mail at the following address:
Magistrate Division

Or you may pay online at ~~Idaho Court Pay~~ iCourt Portal.

_____ Mailed to the defendant this date.

Dated _____

Clerk of the District Court

By _____

Deputy Clerk

IT IS FURTHER ORDERED this order and these amendments shall be effective immediately.

IT IS FURTHER ORDERED, that the above designation of the striking of words from the Rules by lining through them, and the designation of the addition of new portions of the Rules by underlining such new portion is for the purposes of information only as amended, and NO OTHER AMENDMENTS ARE INTENDED. The lining through and underlining shall not be considered a part of the permanent Idaho Infraction Rules.

IT IS FURTHER ORDERED, that the Clerk of the Court shall cause notice of this Order to be published in one issue of *The Advocate*.

DATED this 8 day of August, 2018.

By Order of the Supreme Court

R. Burdick
Roger S. Burdick, Chief Justice

ATTEST: [Signature]
Clerk

Karel A. Lehman, Clerk of the Supreme Court of Appeals of the State of Idaho, do hereby certify that the above is a true and correct copy of the Order entered in the above entitled cause and now on record in my office. Aug 9, 2018
WITNESS my hand and the Seal of this Court.

KAREL A. LEHRMAN Clerk
By: [Signature] Chief Deputy