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HOUSE BILL 2712

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State of Washington

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By Representatives Lisk, Jones, Chandler, Orr, P. Johnson, Schmidt, Wood, R. Johnson, Horn, Brough, Betrozoff, Wilson, Mitchell, Riley, Rayburn, Paris, Wynne and McLean

Read first time 01/24/92. Referred to Committee on Transportation.

1 AN ACT Relating to the method of response to size, weight, or load  
2 infraction notices; and amending RCW 46.63.070.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 46.63.070 and 1984 c 224 s 3 are each amended to read  
5 as follows:

6 (1) Any person who receives a notice of traffic infraction shall  
7 respond to such notice as provided in this section within fifteen days  
8 of the date of the notice.

9 (2) If the person determined to have committed the infraction does  
10 not contest the determination the person shall respond by completing  
11 the appropriate portion of the notice of infraction and submitting it,  
12 either by mail or in person, to the court specified on the notice. A  
13 check or money order in the amount of the penalty prescribed for the  
14 infraction must be submitted with the response. When a response which

1 does not contest the determination is received, an appropriate order  
2 shall be entered in the court's records, and a record of the response  
3 and order shall be furnished to the department in accordance with RCW  
4 46.20.270.

5 (3) If the person determined to have committed the infraction  
6 wishes to contest the determination the person shall respond by  
7 completing the portion of the notice of infraction requesting a hearing  
8 and submitting it, either by mail or in person, to the court specified  
9 on the notice. The court shall notify the person in writing of the  
10 time, place, and date of the hearing, and that date shall not be sooner  
11 than seven days from the date of the notice, except by agreement. A  
12 person issued a notice of traffic infraction for a size, weight, or  
13 load violation listed in RCW 46.44.105(1) need not appear in person at  
14 a hearing requested under this subsection, but may respond by a written  
15 submission sent to the court by certified mail.

16 (4) If the person determined to have committed the infraction does  
17 not contest the determination but wishes to explain mitigating  
18 circumstances surrounding the infraction the person shall respond by  
19 completing the portion of the notice of infraction requesting a hearing  
20 for that purpose and submitting it, either by mail or in person, to the  
21 court specified on the notice. The court shall notify the person in  
22 writing of the time, place, and date of the hearing.

23 (5)(a) If any person issued a notice of traffic infraction:

24 (i) Fails to respond to the notice of traffic infraction as  
25 provided in subsection (2) of this section; or

26 (ii) Fails to appear or respond at a hearing requested pursuant to  
27 subsection (3) or (4) of this section;

28 the court shall enter an appropriate order assessing the monetary  
29 penalty prescribed for the traffic infraction and any other penalty  
30 authorized by this chapter and shall notify the department in

1 accordance with RCW 46.20.270, of the failure to respond to the notice  
2 of infraction or to appear or respond at a requested hearing.

3 (b) The department may not renew the driver's license, or in the  
4 case of a standing, stopping, or parking violation the vehicle license,  
5 of any person for whom the court has entered an order pursuant to (a)  
6 of this subsection until any penalties imposed pursuant to this chapter  
7 have been satisfied. For purposes of driver's license nonrenewal only,  
8 the lessee of a vehicle shall be considered to be the person to whom a  
9 notice of a standing, stopping, or parking violation has been issued  
10 for such violations of the vehicle incurred while the vehicle was  
11 leased or rented under a bona fide commercial lease or rental agreement  
12 between a lessor engaged in the business of leasing vehicles and a  
13 lessee who is not the vehicle's registered owner, if the lease  
14 agreement contains a provision prohibiting anyone other than the lessee  
15 from operating the vehicle. Such a lessor shall, upon the request of  
16 the municipality issuing the notice of infraction, supply the  
17 municipality with the name and driver's license number of the person  
18 leasing the vehicle at the time of the infraction.