
Public Safety Committee

HB 1580

Brief Description: Allowing courts to assess additional costs to defendants if they are successful in setting aside a committed finding after failing to respond to an infraction or failing to appear for a hearing.

Sponsors: Representatives Rodne, Goodman and Nealey.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• A court may assess additional costs of up to \$25 against a defendant who is successful in setting aside a committed finding after failing to respond to an infraction or failing to appear for a hearing.
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Hearing Date: 2/13/13

Staff: Sarah Koster (786-7303).

Background:

A person who receives a notice of a civil traffic infraction must respond within 15 days by paying the monetary penalty or requesting a hearing. If the person fails to pay the infraction or fails to appear at the requested hearing, the court will enter an order assessing the monetary penalty for the traffic infraction, as well as any other authorized penalty, and, if the violation is a moving violation, notify the Department of Licensing.

There is a monetary penalty of \$25 for a failure to respond to a notice of traffic infraction, except if the infraction relates to parking or failure to pay a monetary penalty. Local legislative bodies have authority to set a monetary penalty for failure to respond to a notice of traffic infraction relating to parking, in an amount not to exceed \$25.

Each party to a traffic infraction case is responsible for their own costs. No costs nor attorney fees may be awarded to either party in a traffic infraction case, except that if a person receives an infraction for failing to provide proof of motor vehicle insurance when asked to do so by a law

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enforcement officer and later provides written evidence that he or she was insured, he or she will be assessed court administrative costs of \$25.

Summary of Bill:

Each party to a traffic infraction case is responsible for their own costs. No costs nor attorney fees may be awarded to either party in a traffic infraction case, except:

1. if a person receives an infraction for failing to provide proof of motor vehicle insurance when asked to do so by a law enforcement officer and later provides written evidence that he or she was insured, he or she will be assessed court administrative costs of \$25; or
2. if a person fails to respond to an infraction or fails to appear for a requested hearing and later is successful in setting aside a committed finding, a court may impose costs of up to \$25 against the person.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.