

HOUSE BILL REPORT

SHB 1580

As Passed House:
March 12, 2013

Title: An act relating to 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.

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: House Committee on Public Safety (originally sponsored by Representatives Rodne, Goodman and Nealey).

Brief History:

Committee Activity:

Public Safety: 2/13/13, 2/14/13 [DPS].

Floor Activity:

Passed House: 3/12/13, 95-0.

Brief Summary of Substitute Bill

- Allows a court to assess additional costs of up to \$25 against a defendant, except a holder of a commercial driver's license, who is successful in setting aside a committed finding after failing to respond to an infraction or failing to appear for a hearing.

HOUSE COMMITTEE ON PUBLIC SAFETY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Goodman, Chair; Roberts, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton, Holy, Hope, Moscoso, Pettigrew, Ross and Takko.

Staff: Sarah Koster (786-7303).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

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 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 Substitute 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. These costs may not be imposed against a holder of a Commercial Driver's License.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) When someone gets a traffic ticket, they have to respond. If they do not respond or do not show up for their set hearing, this creates court costs and inefficiencies. This bill addresses administrative costs incurred by the courts. This is not an automatic penalty. It may only be imposed in certain circumstances: if someone does not appear or fails to respond. Right now, when a person has a ticket for no valid insurance, then proves that they had insurance, they have to pay a \$25 fee.

(Other) People who have been found to not have committed any offense should not have to pay a fine.

(Opposed) None.

Persons Testifying: (In support) Sam Meyer, District and Municipal Court Judges Association.

(Other) Arthur West.

Persons Signed In To Testify But Not Testifying: None.