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**SUBSTITUTE HOUSE BILL 1265**

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**State of Washington**

**63rd Legislature**

**2013 Regular Session**

**By** House Transportation (originally sponsored by Representatives Freeman, Rodne, Goodman, and Ryu)

READ FIRST TIME 02/22/13.

1 AN ACT Relating to modifying provisions in the forms for traffic  
2 infraction notices; and amending RCW 46.63.060.

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

4 **Sec. 1.** RCW 46.63.060 and 2011 c 233 s 1 are each amended to read  
5 as follows:

6 (1) A notice of traffic infraction represents a determination that  
7 an infraction has been committed. The determination will be final  
8 unless contested as provided in this chapter.

9 (2) The form for the notice of traffic infraction shall be  
10 prescribed by rule of the supreme court and shall include the  
11 following:

12 (a) A statement that the notice represents a determination that a  
13 traffic infraction has been committed by the person named in the notice  
14 and that the determination shall be final unless contested as provided  
15 in this chapter;

16 (b) A statement that a traffic infraction is a noncriminal offense  
17 for which imprisonment may not be imposed as a sanction; that the  
18 penalty for a traffic infraction may include sanctions against the  
19 person's driver's license including suspension, revocation, or denial;

1 that the penalty for a traffic infraction related to standing,  
2 stopping, or parking may include nonrenewal of the vehicle ((~~license~~))  
3 registration;

4 (c) A statement of the specific traffic infraction for which the  
5 notice was issued;

6 (d) A statement of the monetary penalty established for the traffic  
7 infraction;

8 (e) A statement of the options provided in this chapter for  
9 responding to the notice and the procedures necessary to exercise these  
10 options;

11 (f) A statement that at any hearing to contest the determination  
12 the state has the burden of proving, by a preponderance of the  
13 evidence, that the infraction was committed; and that the person may  
14 subpoena witnesses including the officer who issued the notice of  
15 infraction;

16 (g) A statement that at any hearing requested for the purpose of  
17 explaining mitigating circumstances surrounding the commission of the  
18 infraction the person will be deemed to have committed the infraction  
19 and may not subpoena witnesses;

20 (h) A statement that the person must respond to the notice as  
21 provided in this chapter within fifteen days or the person's driver's  
22 license or driving privilege ((~~will~~)) may be suspended by the  
23 department until any penalties imposed pursuant to this chapter have  
24 been satisfied; and

25 (i) A statement that failure to appear at a hearing requested for  
26 the purpose of contesting the determination or for the purpose of  
27 explaining mitigating circumstances ((~~will~~)) may result in the  
28 suspension of the person's driver's license or driving privilege, or in  
29 the case of a standing, stopping, or parking violation, refusal of the  
30 department to renew the vehicle ((~~license~~)) registration, until any  
31 penalties imposed pursuant to this chapter have been satisfied.

32 (3)(a) A form for a notice of traffic infraction printed after July  
33 22, 2011, must include a statement that the person may be able to enter  
34 into a payment plan with the court under RCW 46.63.110.

35 (b) The changes required by this act must be included on any newly  
36 purchased traffic infraction notice forms.

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