

HOUSE BILL REPORT

HB 2776

As Reported By House Committee On:
Judiciary

Title: An act relating to deferred findings and collection of an administrative fee in an infraction case.

Brief Description: Providing for deferred findings and collection of an administrative fee in an infraction case.

Sponsors: Representatives Constantine, Carrell, Lantz and Hurst.

Brief History:

Committee Activity:

Judiciary: 2/3/00 [DPS].

Brief Summary of Substitute Bill

- Allows a court hearing a traffic infraction to defer findings for up to one year and impose conditions and costs upon the person.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 12 members: Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Staff: Trudes Hutcheson (786-7384).

Background:

When a person is issued a notice of traffic infraction, the notice represents a determination that the infraction occurred. The person may either: (a) pay the fine through the mail; (b) set up a hearing to contest the notice of infraction; or (c) not contest the infraction, but set up a hearing to explain mitigating circumstances.

In a hearing to contest the infraction, the court may consider any written report submitted by the officer and statements from any witnesses. If the court makes a finding that a traffic infraction was committed, the court must forward an abstract regarding the finding to the Department of Licensing. In a hearing to explain mitigating circumstances, a court enters an order that the infraction occurred, but it can reduce the fine based on the circumstances.

The department may, upon request, provide a certified abstract of a person's driving record to: (a) the individual named in the abstract; (b) an employer or prospective employer; (c) the insurance carrier of the individual; (d) an alcohol/drug assessment or treatment agency if the individual has applied or been assigned for evaluation or treatment; or (e) city or county prosecuting attorneys.

Summary of Substitute Bill:

A court may defer findings regarding traffic infractions, or in a hearing to explain mitigating circumstances may defer entry of its order, for up to one year and impose conditions on the person who allegedly committed the infraction.

The court may impose on the person any costs appropriate for the administrative processing. After the end of the deferral period, the court may dismiss the infraction if the person has met all the conditions of deferral.

A person may not receive more than one deferral within a seven-year period for traffic infractions for moving violations and not more than one deferral within a seven-year period for traffic infractions for nonmoving violations.

Substitute Bill Compared to Original Bill: Under the substitute bill, the deferral option is available in hearings to explain mitigating circumstances. The substitute bill limits a person to one deferral of a traffic infraction for a moving violation and one deferral of a traffic infraction for a nonmoving violation within a seven-year period.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: Deferrals are efficient deterrents. Imposing conditions, such as teen courts and community service, on young drivers will have a more beneficial result.

Testimony Against: None.

Testified: Judge Peter Lukevich, District and Municipal Court Judges Association.