

SENATE BILL REPORT

SB 5301

As Passed Senate, March 13, 1999

Title: An act relating to the processing of traffic offenses by district and municipal courts.

Brief Description: Modernizing traffic offense processing.

Sponsors: Senator Heavey.

Brief History:

Committee Activity: Judiciary: 2/8/99, 2/12/99 [DP].
Passed Senate, 3/13/99, 44-0.

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Staff: Lidia Mori (786-7755)

Background: In 1979 a number of criminal traffic offenses (such as speeding and vehicle equipment violations) were decriminalized and made into traffic infractions. Not all of the laws related to the processing of traffic offenses were updated to coincide with the decriminalization effort.

Current law requires the judge or court commissioner who adjudicates a traffic ticket to sign every traffic ticket before forwarding it to the Department of Licensing. The judicial officer is subject to removal from the bench if he or she fails to comply with this signature requirement. The signature requirement prevents the court from electronically transferring such information to the department. It is believed that the judge and staff time needed to prepare, sign, and mail the paper copies of the tickets to the department could be saved, as well as the time it takes the department to manually re-enter the information from the tickets into the department's computer system.

RCW 46.61.475 requires a person accused of speeding to be informed of his or her alleged speed and the maximum legal speed where the violation occurred. The statute requires this information to be recorded on the complaint and summons/notice. Because complaints and summons/notice of appearance forms are only used in criminal matters, not traffic infractions, the courts have struggled to interpret this statute. Most courts have interpreted this statute to mean that the speed and speed zone information must be recorded on both the traffic ticket form (now called the Notice of Infraction) and on any hearing notices sent to the defendant. Because the defendant receives a copy of his or her ticket at roadside with the alleged speed and speed zone information on it, the courts believe it is redundant and wasteful to print this information again on the hearing notice.

Current law requires the court to wait 15 days or more prior to issuing a "failure to appear" notice to the Department of Licensing when an individual violates his or her written promise to appear in court in a traffic offense case; however, no such requirement exists for the issuance of a warrant in the same case. A failure to appear notice will prompt the department to send a driver's license suspension notice to the defendant which will remain in effect until the defendant appears in court. Courts issue the failure to appear notices and the warrants of arrest at the same time, but the statutes require the courts to hold on to the failure to appear notices for 15 days before sending them to the department. This holding period requires courts to individually track the dates the notices were issued to prevent them from accidentally mailing the notice before the 15 days. Concern exists that manually tracking the date the notice was issued is very cumbersome and labor intensive.

Summary of Bill: Courts are allowed to electronically transfer traffic offense disposition information to the Department of Licensing. The requirement that speed and speed zone information be recorded and printed on hearing notice forms is removed. Courts can simultaneously generate and issue the failure to appear notice with the warrant of arrest whenever the person violates his or her written promise to appear in court.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This bill will promote court efficiency.

Testimony Against: None.

Testified: Judge Robert McBeth (pro).