

FINAL BILL REPORT

SHB 2776

C 110 L 00

Synopsis as Enacted

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

Sponsors: By House Committee on Judiciary (originally sponsored by Representatives Constantine, Carrell, Lantz and Hurst).

House Committee on Judiciary
Senate Committee on Judiciary

Background:

When a person is issued a notice of traffic infraction, the notice represents a determination that the infraction occurred. The person may either: (1) pay the fine through the mail; (2) set up a hearing to contest the notice of infraction; or (3) 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 of the finding to the Department of Licensing (DOL). In a hearing to explain mitigating circumstances, the court enters an order that the infraction occurred, but it may reduce the fine based on the circumstances.

The DOL may, upon request, provide a certified abstract of a person's driving record to: (1) the individual named in the abstract; (2) an employer or prospective employer; (3) the insurance carrier of the individual; (4) an alcohol/drug assessment or treatment agency if the individual has applied or been assigned for evaluation or treatment; or (5) city or county prosecuting attorneys.

Summary of 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 and the person has not committed another traffic infraction during the deferral period.

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

Votes on Final Passage:

House 97 0

Senate 39 8 (Senate Amended)

House 98 0 (House Concurred)

Effective: June 8, 2000