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HOUSE BILL 2776

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State of Washington                      56th Legislature                      2000 Regular Session

By Representatives Constantine, Carrell, Lantz and Hurst

Read first time 01/20/2000. Referred to Committee on Judiciary.

1            AN ACT Relating to deferred findings and collection of an  
2 administrative fee in an infraction case; and amending RCW 46.63.070.

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

4            **Sec. 1.** RCW 46.63.070 and 1993 c 501 s 10 are each amended to read  
5 as follows:

6            (1) Any person who receives a notice of traffic infraction shall  
7 respond to such notice as provided in this section within fifteen days  
8 of the date of the notice.

9            (2) If the person determined to have committed the infraction does  
10 not contest the determination the person shall respond by completing  
11 the appropriate portion of the notice of infraction and submitting it,  
12 either by mail or in person, to the court specified on the notice. A  
13 check or money order in the amount of the penalty prescribed for the  
14 infraction must be submitted with the response. When a response which  
15 does not contest the determination is received, an appropriate order  
16 shall be entered in the court's records, and a record of the response  
17 and order shall be furnished to the department in accordance with RCW  
18 46.20.270.

1 (3) If the person determined to have committed the infraction  
2 wishes to contest the determination the person shall respond by  
3 completing the portion of the notice of infraction requesting a hearing  
4 and submitting it, either by mail or in person, to the court specified  
5 on the notice. The court shall notify the person in writing of the  
6 time, place, and date of the hearing, and that date shall not be sooner  
7 than seven days from the date of the notice, except by agreement.

8 (4) If the person determined to have committed the infraction does  
9 not contest the determination but wishes to explain mitigating  
10 circumstances surrounding the infraction the person shall respond by  
11 completing the portion of the notice of infraction requesting a hearing  
12 for that purpose and submitting it, either by mail or in person, to the  
13 court specified on the notice. The court shall notify the person in  
14 writing of the time, place, and date of the hearing.

15 (5) The court may defer findings for up to one year and impose  
16 conditions upon the defendant the court deems appropriate. Upon  
17 deferring findings, the court may assess costs as the court deems  
18 appropriate for administrative processing. If at the end of the  
19 deferral period the defendant has met all conditions, the court may  
20 dismiss the infraction.

21 (6) If any person issued a notice of traffic infraction:

22 (a) Fails to respond to the notice of traffic infraction as  
23 provided in subsection (2) of this section; or

24 (b) Fails to appear at a hearing requested pursuant to subsection  
25 (3) or (4) of this section;

26 the court shall enter an appropriate order assessing the monetary  
27 penalty prescribed for the traffic infraction and any other penalty  
28 authorized by this chapter and shall notify the department in  
29 accordance with RCW 46.20.270, of the failure to respond to the notice  
30 of infraction or to appear at a requested hearing.

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