

# SENATE BILL REPORT

## SHB 1650

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As Reported By Senate Committee On:  
Judiciary, February 23, 2006

**Title:** An act relating to citations and infractions.

**Brief Description:** Decriminalizing refusal to sign citations and notices of infractions issued electronically or by mail.

**Sponsors:** House Committee on Criminal Justice & Corrections (originally sponsored by Representatives O'Brien, Newhouse, Lovick and Rodne; by request of Integrated Justice Information Board).

**Brief History:** Passed House: 2/09/06, 98-0.

**Committee Activity:** Judiciary: 2/22/06, 2/23/06 [DP].

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### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass.

Signed by Senators Kline, Chair; Weinstein, Vice Chair; Johnson, Ranking Minority Member; Carrell, Esser, Hargrove, McCaslin, Rasmussen and Thibaudeau.

**Staff:** Lidia Mori (786-7755)

**Background:** When a person is issued a traffic infraction, he or she must sign the ticket in acknowledgment of receipt of the notice of infraction and as a promise to respond as directed in the notice. A notice of traffic infraction represents a determination that an infraction has been committed. Signing the notice of infraction is not a waiver of the right to contest this determination. A traffic infraction is a non-criminal offense. Failure to sign a notice of infraction acknowledging receipt of the notice is a gross misdemeanor. If a law enforcement officer serves a traffic citation and notice to appear on a person who has been arrested for any violation of the traffic laws or regulations punishable as a misdemeanor, the person must give his or her written promise to appear in court by signing the citation as a condition precedent to his or her release. Signing the citation is not an admission of guilt. A civil infraction is a non-criminal offense for which imprisonment may not be imposed. Civil infraction notices are required by statute to include a statement which the cited person must sign, stating that he or she promises to respond to the notice of civil infraction in one of the ways allowed by statute. The notices are also required to state that failure to respond to a notice of civil infraction as promised or to appear at a requested hearing is a misdemeanor.

**Summary of Bill:** The refusal to sign a notice of infraction or citation if the notice is issued electronically or by mail is decriminalized. Law enforcement officers that issue notices of infraction or citation on a paper ticket continue to be allowed to require the cited person to sign the notice. If a person refuses to sign the paper notice of infraction or citation, he or she is guilty of a misdemeanor.

**Bill Compared to Original Bill:** In the amended bill, the requirement that a cited person must sign a notice of traffic infraction or a citation is removed. The requirement that a person, arrested for a violation of the traffic laws punishable as a misdemeanor, must give his or her written promise to appear in court by signing the notice is removed. For other non-traffic civil infractions, the requirement that a person must sign the notice of civil infractions statement is removed. The failure or refusal to sign an infraction or citation is decriminalized. However, a person who fails to exercise one of the options for responding to a notice of civil infraction is guilty of a misdemeanor. The person must have received a statement of the options. The substitute bill decriminalized a refusal to sign a notice of infraction or citation if the notice was issued electronically or by mail.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

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

**Testimony For:** The striking amendment before the Committee is the same as a bill that this Committee passed last year. It removes the signature requirement for citations and infractions. The concerns of all interested parties have been addressed. The law enforcement officer must sign under penalty of perjury that he served the citation on the person being cited. This bill will save a lot of money and time. Countless hours in data entry will be saved and many mistakes will be avoided. Citations now are written on the side of the road and are often hard to read. Twenty-two to 24 states are now doing what this bill envisions. A court rule has been approved that resolves the identity concerns that were raised earlier.

**Testimony Against:** None.

**Who Testified:** PRO: James McMahan, Washington Association of Sheriffs and Police Chiefs; Don Pierce, Washington Association of Sheriffs and Police Chiefs; Jeff Hall, Board for Judicial Administration; Jeff DeVere, Washington State Patrol.