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SENATE BILL 6109

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State of Washington

63rd Legislature

2014 Regular Session

By Senators Hobbs, King, and Eide

Read first time 01/15/14. Referred to Committee on Transportation.

1 AN ACT Relating to processing certain motor vehicle-related  
2 violations applicable to rental cars; and amending RCW 46.20.270 and  
3 46.63.073.

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

5 **Sec. 1.** RCW 46.20.270 and 2013 2nd sp.s. c 35 s 17 are each  
6 amended to read as follows:

7 (1) Every court having jurisdiction over offenses committed under  
8 this chapter, or any other act of this state or municipal ordinance  
9 adopted by a local authority regulating the operation of motor vehicles  
10 on highways, or any federal authority having jurisdiction over offenses  
11 substantially the same as those set forth in this title which occur on  
12 federal installations within this state, shall immediately forward to  
13 the department a forfeiture of bail or collateral deposited to secure  
14 the defendant's appearance in court, a payment of a fine, penalty, or  
15 court cost, a plea of guilty or nolo contendere or a finding of guilt,  
16 or a finding that any person has committed a traffic infraction an  
17 abstract of the court record in the form prescribed by rule of the  
18 supreme court, showing the conviction of any person or the finding that

1 any person has committed a traffic infraction in said court for a  
2 violation of any said laws other than regulations governing standing,  
3 stopping, parking, and pedestrian offenses.

4 (2) Every state agency or municipality having jurisdiction over  
5 offenses committed under this chapter, or under any other act of this  
6 state or municipal ordinance adopted by a state or local authority  
7 regulating the operation of motor vehicles on highways, may forward to  
8 the department within ten days of failure to respond, failure to pay a  
9 penalty, failure to appear at a hearing to contest the determination  
10 that a violation of any statute, ordinance, or regulation relating to  
11 standing, stopping, parking, or civil penalties issued under RCW  
12 46.63.160 has been committed, or failure to appear at a hearing to  
13 explain mitigating circumstances, an abstract of the citation record in  
14 the form prescribed by rule of the department, showing the finding by  
15 such municipality that two or more violations of laws governing  
16 standing, stopping, and parking or one or more civil penalties issued  
17 under RCW 46.63.160 have been committed and indicating the nature of  
18 the defendant's failure to act. Such violations or infractions may not  
19 have occurred while the vehicle is stolen from the registered owner  
20 (~~(or is leased or rented under a bona fide commercial vehicle lease or~~  
21 ~~rental agreement between a lessor engaged in the business of leasing~~  
22 ~~vehicles and a lessee who is not the vehicle's registered owner)). The~~  
23 department may enter into agreements of reciprocity with the duly  
24 authorized representatives of the states for reporting to each other  
25 violations of laws governing standing, stopping, and parking.

26 (3) For the purposes of this title and except as defined in RCW  
27 46.25.010, "conviction" means a final conviction in a state or  
28 municipal court or by any federal authority having jurisdiction over  
29 offenses substantially the same as those set forth in this title which  
30 occur on federal installations in this state, an unvacated forfeiture  
31 of bail or collateral deposited to secure a defendant's appearance in  
32 court, the payment of a fine or court cost, a plea of guilty or nolo  
33 contendere, or a finding of guilt on a traffic law violation charge,  
34 regardless of whether the imposition of sentence or sanctions are  
35 deferred or the penalty is suspended, but not including entry into a  
36 deferred prosecution agreement under chapter 10.05 RCW.

37 (4) Perfection of a notice of appeal shall stay the execution of  
38 the sentence pertaining to the withholding of the driving privilege.

1 (5) For the purposes of this title, "finding that a traffic  
2 infraction has been committed" means a failure to respond to a notice  
3 of infraction or a determination made by a court pursuant to this  
4 chapter. Payment of a monetary penalty made pursuant to RCW  
5 46.63.070(2) is deemed equivalent to such a finding.

6 **Sec. 2.** RCW 46.63.073 and 2007 c 372 s 1 are each amended to read  
7 as follows:

8 (1) In the event a traffic infraction is based on a vehicle's  
9 identification, and the registered owner of the vehicle is a rental car  
10 business, the law enforcement agency shall, before a notice of  
11 infraction may be issued, provide a written notice to the rental car  
12 business that a notice of infraction may be issued to the rental car  
13 business if the rental car business does not, within thirty days of  
14 receiving the written notice, provide to the issuing agency by return  
15 mail:

16 (a) A statement under oath stating the name and known mailing  
17 address of the individual driving or renting the vehicle when the  
18 infraction occurred; or

19 (b) A statement under oath that the business is unable to determine  
20 who was driving or renting the vehicle at the time the infraction  
21 occurred because the vehicle was stolen at the time of the infraction.  
22 A statement provided under this subsection must be accompanied by a  
23 copy of a filed police report regarding the vehicle theft.

24 Timely mailing of this statement to the issuing law enforcement  
25 agency relieves a rental car business of any liability under this  
26 chapter for the notice of infraction. In lieu of identifying the  
27 vehicle operator, the rental car business may pay the applicable  
28 penalty. If appropriate under the circumstances, a renter identified  
29 under (a) of this subsection is responsible for an infraction. For the  
30 purpose of this subsection, a "traffic infraction based on a vehicle's  
31 identification" includes, but is not limited to, parking infractions(~~(~~  
32 ~~high occupancy toll lane violations, and violations recorded by~~  
33 ~~automated traffic safety cameras)~~)).

34 (2) In the event a parking infraction is issued by a private  
35 parking facility and is based on a vehicle's identification, and the  
36 registered owner of the vehicle is a rental car business, the parking  
37 facility shall, before a notice of infraction may be issued, provide a

1 written notice to the rental car business that a notice of infraction  
2 may be issued to the rental car business if the rental car business  
3 does not, within thirty days of receiving the written notice, provide  
4 to the parking facility by return mail:

5 (a) A statement under oath stating the name and known mailing  
6 address of the individual driving or renting the vehicle when the  
7 infraction occurred; or

8 (b) A statement under oath that the business is unable to determine  
9 who was driving or renting the vehicle at the time the infraction  
10 occurred because the vehicle was stolen at the time of the infraction.  
11 A statement provided under this subsection must be accompanied by a  
12 copy of a filed police report regarding the vehicle theft.

13 Timely mailing of this statement to the parking facility relieves  
14 a rental car business of any liability under this chapter for the  
15 notice of infraction. In lieu of identifying the vehicle operator, the  
16 rental car business may pay the applicable penalty. For the purpose of  
17 this subsection, a "parking infraction based on a vehicle's  
18 identification" is limited to parking infractions occurring on a  
19 private parking facility's premises.

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