

HOUSE BILL REPORT

SB 6140

*As Passed House
March 3, 1992*

Title: An act relating to nonappearance by a traffic violator after a written promise to appear.

Brief Description: Recodifying the penalty for failure to comply with a written promise to appear after a traffic infraction.

Sponsor(s): Senators Nelson, A. Smith, Erwin and Madsen.

Brief History:

Reported by House Committee on:
Judiciary, February 21, 1992, DP;
Passed House, March 3, 1992, 96-0.

**HOUSE COMMITTEE ON
JUDICIARY**

Majority Report: *Do pass.* Signed by 13 members:
Representatives Appelwick, Chair; Ludwig, Vice Chair;
Padden, Ranking Minority Member; Paris, Assistant Ranking
Minority Member; Belcher; Broback; Forner; H. Myers; Riley;
Scott; D. Sommers; Tate; and Vance.

Staff: Bill Perry (786-7123).

Background: Several years ago, the Legislature "decriminalized" many traffic law violations. These noncriminal violations are now called "infractions." A person cited for an infraction is given a notice to respond to the citation. The person may respond by paying a fine or by appearing in court to contest the citation or to explain mitigating circumstances.

A subsection of a statute (RCW 46.64.020 (2)) makes it a crime to fail to respond to a notice of a traffic infraction. "Failure to respond" is a misdemeanor. Another subsection of the same statute (RCW 46.64.020(3)) makes it a crime to drive with two or more outstanding notices of failure to respond. This crime is called "failure to comply" and is a gross misdemeanor.

Because these two related but different crimes are in the same section of a law, it is sometimes confusing when a

person is cited under this section. It may be unclear to the court and the parties whether the person is being charged with the misdemeanor "failure to respond" or the gross misdemeanor "failure to comply."

Summary of Bill: The statutory subsection that creates a gross misdemeanor crime for driving with two or more outstanding notices of failure to respond is reenacted into a separate RCW section.

There are no substantive changes made to the crimes of failure to respond or failure to comply.

Fiscal Note: Not requested.

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

Testimony For: None.

Testimony Against: None.

Witnesses: None.