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HOUSE BILL 2890

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State of Washington                      52nd Legislature                      1992 Regular Session

By Representatives Prentice, R. Fisher and Horn

Read first time 01/31/92. Referred to Committee on Transportation.

1            AN ACT Relating to driver and vehicle license renewal; and amending  
2 RCW 46.16.216, 46.20.270, 46.63.060, and 46.63.070.

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

4            **Sec. 1.** RCW 46.16.216 and 1990 2nd ex.s. c 1 s 401 are each  
5 amended to read as follows:

6            (1) To renew a vehicle license, an applicant shall satisfy all  
7 listed (~~standing, stopping, and parking violations for~~) traffic  
8 infractions, as defined by RCW 46.63.020, which involved the vehicle  
9 and which were incurred while the vehicle was registered in the  
10 applicant's name and forwarded to the department pursuant to RCW  
11 46.20.270(3). For the purposes of this section, "listed" (~~standing,~~  
12 ~~stopping, and parking violations~~) traffic infractions include only  
13 those violations for which notice has been received from local agencies  
14 by the department one hundred twenty days or more before the date the

1 vehicle license expires and that are placed on the records of the  
2 department. Notice of such violations received by the department later  
3 than one hundred twenty days before that date that are not satisfied  
4 shall be considered by the department in connection with any  
5 applications for license renewal in any subsequent license year. The  
6 renewal application may be processed by the department or its agents  
7 only if the applicant:

8 (a) Presents a preprinted renewal application showing no listed  
9 (~~standing, stopping, and parking violations~~) traffic infractions, or  
10 in the absence of such presentation, the agent verifies the information  
11 that would be contained on the preprinted renewal application; or

12 (b) If listed (~~standing, stopping, and parking violations~~)  
13 traffic infractions exist, presents proof of payment and pays a fifteen  
14 dollar surcharge.

15 (2) The surcharge shall be allocated as follows:

16 (a) Ten dollars shall be deposited in the motor vehicle fund to be  
17 used exclusively for the administrative costs of the department of  
18 licensing; and

19 (b) Five dollars shall be retained by the agent handling the  
20 renewal application to be used by the agent for the administration of  
21 this section.

22 (3) If there is a change in the registered owner of the vehicle,  
23 the department shall forward the information regarding the change to  
24 the local charging jurisdiction and release any hold on the renewal of  
25 the vehicle license resulting from (~~parking violations~~) traffic  
26 infractions incurred while the certificate of license registration was  
27 in a previous registered owner's name.

28 (4) The department shall send to all registered owners of vehicles  
29 who have been reported to have outstanding listed (~~parking~~  
30 ~~violations~~) traffic infractions, at the time of renewal, a statement

1 ~~setting out the dates and jurisdictions in which the violations~~  
2 ~~occurred as well as the amounts of unpaid fines and penalties relating~~  
3 ~~to them and the surcharge to be collected.~~

4 **Sec. 2.** ~~RCW 46.20.270 and 1990 2nd ex.s. c 1 s 402 are each~~  
5 ~~amended to read as follows:~~

6 (1) ~~Whenever any person is convicted of any offense for which this~~  
7 ~~title makes mandatory the suspension or revocation of the driver's~~  
8 ~~license of such person by the department, the privilege of the person~~  
9 ~~to operate a vehicle is suspended until the department takes the action~~  
10 ~~required by this chapter, and the court in which such conviction is had~~  
11 ~~shall forthwith secure the immediate forfeiture of the driver's license~~  
12 ~~of such convicted person and immediately forward such driver's license~~  
13 ~~to the department, and on failure of such convicted person to deliver~~  
14 ~~such driver's license the judge shall cause such person to be confined~~  
15 ~~for the period of such suspension or revocation or until such driver's~~  
16 ~~license is delivered to such judge: PROVIDED, That if the convicted~~  
17 ~~person testifies that he or she does not and at the time of the offense~~  
18 ~~did not have a current and valid vehicle driver's license, the judge~~  
19 ~~shall cause such person to be charged with the operation of a motor~~  
20 ~~vehicle without a current and valid driver's license and on conviction~~  
21 ~~punished as by law provided, and the department may not issue a~~  
22 ~~driver's license to such persons during the period of suspension or~~  
23 ~~revocation: PROVIDED, ALSO, That if the driver's license of such~~  
24 ~~convicted person has been lost or destroyed and such convicted person~~  
25 ~~makes an affidavit to that effect, sworn to before the judge, the~~  
26 ~~convicted person may not be so confined, but the department may not~~  
27 ~~issue or reissue a driver's license for such convicted person during~~  
28 ~~the period of such suspension or revocation: PROVIDED, That perfection~~

1 of notice of appeal shall stay the execution of sentence including the  
2 suspension and/or revocation of the driver's license.

3       ~~(2) Every court having jurisdiction over offenses committed under  
4 this chapter, or any other act of this state or municipal ordinance  
5 adopted by a local authority regulating the operation of motor vehicles  
6 on highways, or any federal authority having jurisdiction over offenses  
7 substantially the same as those set forth in Title 46 RCW which occur  
8 on federal installations within this state, shall forward to the  
9 department within ten days of a forfeiture of bail or collateral  
10 deposited to secure the defendant's appearance in court, a payment of  
11 a fine or penalty, a plea of guilty or a finding of guilt, or a finding  
12 that any person has committed a traffic infraction an abstract of the  
13 court record in the form prescribed by rule of the supreme court,  
14 showing the conviction of any person or the finding that any person has  
15 committed a traffic infraction in said court for a violation of any  
16 said laws other than regulations governing standing, stopping, parking,  
17 and pedestrian offenses.~~

18       ~~(3) Every municipality having jurisdiction over offenses committed  
19 under this chapter, or under any other act of this state or municipal  
20 ordinance adopted by a local authority regulating the operation of  
21 motor vehicles on highways, may forward to the department within ten  
22 days of failure to respond, failure to pay a penalty, failure to appear  
23 at a hearing to contest the determination that a ((violation of any  
24 statute, ordinance, or regulation relating to standing, stopping, or  
25 parking)) traffic infraction has been committed, or failure to appear  
26 at a hearing to explain mitigating circumstances, an abstract of the  
27 citation record in the form prescribed by rule of the department,  
28 showing the finding by such municipality that two or more ((violations  
29 of laws governing standing, stopping, and parking)) traffic infractions  
30 have been committed and indicating the nature of the defendant's~~

1 failure to act. Such violations may not have occurred while the  
2 vehicle is stolen from the registered owner or is leased or rented  
3 under a bona fide commercial vehicle lease or rental agreement between  
4 a lessor engaged in the business of leasing vehicles and a lessee who  
5 is not the vehicle's registered owner. The department may enter into  
6 agreements of reciprocity with the duly authorized representatives of  
7 the states for reporting to each other violations of laws governing  
8 standing, stopping, and parking.

9 (4) For the purposes of Title 46 RCW the term "conviction" means a  
10 final conviction in a state or municipal court or by any federal  
11 authority having jurisdiction over offenses substantially the same as  
12 those set forth in Title 46 RCW which occur on federal installations in  
13 this state, an unvacated forfeiture of bail or collateral deposited to  
14 secure a defendant's appearance in court, the payment of a fine, a plea  
15 of guilty, or a finding of guilt on a traffic law violation charge,  
16 regardless of whether the imposition of sentence or sanctions are  
17 deferred or the penalty is suspended, but not including entry into a  
18 deferred prosecution agreement under chapter 10.05 RCW.

19 (5) For the purposes of Title 46 RCW the term "finding that a  
20 traffic infraction has been committed" means a failure to respond to a  
21 notice of infraction or a determination made by a court pursuant to  
22 this chapter. Payment of a monetary penalty made pursuant to RCW  
23 46.63.070(2) is deemed equivalent to such a finding.

24 **Sec. 3.** RCW 46.63.060 and 1984 c 224 s 2 are each amended to read  
25 as follows:

26 (1) A notice of traffic infraction represents a determination that  
27 an infraction has been committed. The determination will be final  
28 unless contested as provided in this chapter.

1 (2) The form for the notice of traffic infraction shall be  
2 prescribed by rule of the supreme court and shall include the  
3 following:

4 (a) A statement that the notice represents a determination that a  
5 traffic infraction has been committed by the person named in the notice  
6 and that the determination shall be final unless contested as provided  
7 in this chapter;

8 (b) A statement that a traffic infraction is a noncriminal offense  
9 for which imprisonment may not be imposed as a sanction; that the  
10 penalty for a traffic infraction may include sanctions against the  
11 person's driver's license including suspension, revocation, or denial;  
12 that the penalty for a traffic infraction (~~related to standing,~~  
13 ~~stopping, or parking~~) may include nonrenewal of the (~~vehicle~~)  
14 involved vehicle's license;

15 (c) A statement of the specific traffic infraction for which the  
16 notice was issued;

17 (d) A statement of the monetary penalty established for the traffic  
18 infraction;

19 (e) A statement of the options provided in this chapter for  
20 responding to the notice and the procedures necessary to exercise these  
21 options;

22 (f) A statement that at any hearing to contest the determination  
23 the state has the burden of proving, by a preponderance of the  
24 evidence, that the infraction was committed; and that the person may  
25 subpoena witnesses including the officer who issued the notice of  
26 infraction;

27 (g) A statement that at any hearing requested for the purpose of  
28 explaining mitigating circumstances surrounding the commission of the  
29 infraction the person will be deemed to have committed the infraction  
30 and may not subpoena witnesses;

1 (h) A statement that the person must respond to the notice as  
2 provided in this chapter within fifteen days or the person's driver's  
3 license will not be renewed by the department until any penalties  
4 imposed pursuant to this chapter have been satisfied;

5 (i) A statement that failure to appear at a hearing requested for  
6 the purpose of contesting the determination or for the purpose of  
7 explaining mitigating circumstances will result in the refusal of the  
8 department to renew the person's driver's license, or in the case of a  
9 standing, stopping, or parking violation the vehicle license, until any  
10 penalties imposed pursuant to this chapter have been satisfied;

11 (j) A statement, which the person shall sign, that the person  
12 promises to respond to the notice of infraction in one of the ways  
13 provided in this chapter;

14 (k) A statement that failure to respond to a notice of infraction  
15 as promised is a misdemeanor and may be punished by a fine or  
16 imprisonment in jail.

17 **Sec. 4.** RCW 46.63.070 and 1984 c 224 s 3 are each amended to read  
18 as follows:

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

22 (2) If the person determined to have committed the infraction does  
23 not contest the determination the person shall respond by completing  
24 the appropriate portion of the notice of infraction and submitting it,  
25 either by mail or in person, to the court specified on the notice. A  
26 check or money order in the amount of the penalty prescribed for the  
27 infraction must be submitted with the response. When a response which  
28 does not contest the determination is received, an appropriate order  
29 shall be entered in the court's records, and a record of the response

1 and order shall be furnished to the department in accordance with RCW  
2 46.20.270.

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

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

17 (5) (a) If any person issued a notice of traffic infraction:

18 (i) Fails to respond to the notice of traffic infraction as  
19 provided in subsection (2) of this section; or

20 (ii) Fails to appear at a hearing requested pursuant to subsection  
21 (3) or (4) of this section;

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

27 (b) The department may not renew the driver's license(~~(, or in the~~  
28 ~~case of a standing, stopping, or parking violation))~~ of any person or  
29 the vehicle license(, of any person for whom) of any vehicle involved  
30 in a traffic infraction where the court has entered an order pursuant



1 to (a) of this subsection until any penalties imposed pursuant to this  
2 chapter have been satisfied. For purposes of driver's license  
3 nonrenewal only, the lessee of a vehicle shall be considered to be the  
4 person to whom a notice of a standing, stopping, or parking violation  
5 has been issued for such violations of the vehicle incurred while the  
6 vehicle was leased or rented under a bona fide commercial lease or  
7 rental agreement between a lessor engaged in the business of leasing  
8 vehicles and a lessee who is not the vehicle's registered owner, if the  
9 lease agreement contains a provision prohibiting anyone other than the  
10 lessee from operating the vehicle. Such a lessor shall, upon the  
11 request of the municipality issuing the notice of infraction, supply  
12 the municipality with the name and driver's license number of the  
13 person leasing the vehicle at the time of the infraction.

14 For purposes of vehicle license renewal, this section shall not  
15 apply to infractions which occurred while the vehicle is stolen from  
16 the registered owner, or is leased or rented under a bona fide  
17 commercial vehicle lease or rental agreement between a lessor engaged  
18 in the business of leasing vehicles and a lessee who is not the  
19 vehicle's registered owner.