

CERTIFICATION OF ENROLLMENT

HOUSE BILL 2583

Chapter 43, Laws of 2004

58th Legislature
2004 Regular Session

INFRACTIONS--ELECTRONIC ISSUANCE

EFFECTIVE DATE: 7/1/04

Passed by the House February 11, 2004
Yeas 94 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate March 4, 2004
Yeas 48 Nays 0

BRAD OWEN

President of the Senate

Approved March 22, 2004.

GARY F. LOCKE

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 2583** as passed by the House of Representatives and the Senate on the dates hereon set forth.

RICHARD NAFZIGER

Chief Clerk

FILED

March 22, 2004 - 4:29 p.m.

**Secretary of State
State of Washington**

HOUSE BILL 2583

Passed Legislature - 2004 Regular Session

State of Washington 58th Legislature 2004 Regular Session

By Representatives Lovick and Delvin; by request of Administrative Office of the Courts

Read first time 01/16/2004. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to issuance of infractions and citations; amending
2 RCW 7.80.150, 7.84.030, 20.01.482, 46.64.010, and 46.64.015; and
3 providing an effective date.

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

5 **Sec. 1.** RCW 7.80.150 and 1987 c 456 s 23 are each amended to read
6 as follows:

7 (1) Every law enforcement agency in this state or other agency
8 authorized to issue notices of civil infractions shall provide in
9 appropriate form notices of civil infractions which shall be issued in
10 books with notices in quadruplicate and meeting the requirements of
11 this section, or issued by an electronic device capable of producing a
12 printed copy and electronic copies of the citations.

13 The chief administrative officer of every such agency shall be
14 responsible for the issuance of such books or electronic devices and
15 shall maintain a record of every such book or electronic device and
16 each notice contained therein issued to individual members or employees
17 of the agency and shall require and retain a receipt for every book or
18 electronic device so issued.

1 (2) Every law enforcement officer or other person upon issuing a
2 notice of civil infraction to an alleged perpetrator of a civil
3 infraction under the laws of this state or of any ordinance of any city
4 or town shall deposit the original or a printed or electronic copy of
5 such notice of civil infraction with a court having competent
6 jurisdiction over the civil infraction, as provided in RCW 7.80.050.

7 Upon the deposit of the original or a printed or electronic copy of
8 such notice of civil infraction with a court having competent
9 jurisdiction over the civil infraction, the original or copy may be
10 disposed of only as provided in this chapter.

11 (3) It is unlawful and is official misconduct for any law
12 enforcement officer or other officer or public employee to dispose of
13 a notice of civil infraction or copies thereof or of the record of the
14 issuance of the same in a manner other than as required in this
15 section.

16 (4) The chief administrative officer of every law enforcement
17 agency or other agency authorized to issue notices of civil infractions
18 shall require the return to him or her of a copy of every notice issued
19 by a person under his or her supervision to an alleged perpetrator of
20 a civil infraction under any law or ordinance and of all copies of
21 every notice which has been spoiled or upon which any entry has been
22 made and not issued to an alleged perpetrator.

23 Such chief administrative officer shall also maintain or cause to
24 be maintained in connection with every notice issued by a person under
25 his or her supervision a record of the disposition of the charge by the
26 court in which the original or copy of the notice was deposited.

27 (5) Any person who cancels or solicits the cancellation of any
28 notice of civil infraction, in any manner other than as provided in
29 this section, is guilty of a misdemeanor.

30 (6) Every record of notices required in this section shall be
31 audited monthly by the appropriate fiscal officer of the government
32 agency to which the law enforcement agency or other agency authorized
33 to issue notices of civil infractions is responsible.

34 **Sec. 2.** RCW 7.84.030 and 1987 c 380 s 3 are each amended to read
35 as follows:

36 (1) An infraction proceeding is initiated by the issuance(~~(7)~~) and

1 service((τ)) of a printed notice of infraction and filing of a printed
2 or electronic copy of the notice of infraction.

3 (2) A notice of infraction may be issued by a person authorized to
4 enforce the provisions of the title or chapter in which the infraction
5 is established when the infraction occurs in that person's presence.

6 (3) A court may issue a notice of infraction if a person authorized
7 to enforce the provisions of the title or chapter in which the
8 infraction is established files with the court a written statement that
9 the infraction was committed in that person's presence or that the
10 officer has reason to believe an infraction was committed.

11 (4) Service of a notice of infraction issued under subsection (2)
12 or (3) of this section shall be as provided by court rule.

13 (5) A notice of infraction shall be filed with a court having
14 jurisdiction within five days of issuance, excluding Saturdays,
15 Sundays, and holidays.

16 (6) Failure to sign an infraction notice shall constitute a
17 misdemeanor under chapter 9A.20 RCW.

18 **Sec. 3.** RCW 20.01.482 and 2003 c 53 s 161 are each amended to read
19 as follows:

20 (1) The director shall have the authority to issue a notice of
21 civil infraction if an infraction is committed in his or her presence
22 or, if after investigation, the director has reasonable cause to
23 believe an infraction has been committed.

24 (2) It is a misdemeanor for any person to refuse to properly
25 identify himself or herself for the purpose of issuance of a notice of
26 infraction or to refuse to sign the written or electronic promise to
27 appear or respond to a notice of infraction.

28 (3) Any person willfully violating a written or electronic and
29 signed promise to respond to a notice of infraction is guilty of a
30 misdemeanor regardless of the disposition of the notice of infraction.

31 **Sec. 4.** RCW 46.64.010 and 2003 c 53 s 247 are each amended to read
32 as follows:

33 (1) Every traffic enforcement agency in this state shall provide in
34 appropriate form traffic citations containing notices to appear which
35 shall be issued in books with citations in quadruplicate and meeting
36 the requirements of this section, or issued by an electronic device

1 capable of producing a printed copy and electronic copies of the
2 citations. The chief administrative officer of every such traffic
3 enforcement agency shall be responsible for the issuance of such books
4 or electronic devices and shall maintain a record of every such book
5 and each citation contained therein and every such electronic device
6 issued to individual members of the traffic enforcement agency and
7 shall require and retain a receipt for every book and electronic device
8 so issued.

9 (2) Every traffic enforcement officer upon issuing a traffic
10 citation to an alleged violator of any provision of the motor vehicle
11 laws of this state or of any traffic ordinance of any city or town
12 shall deposit the original or a printed or electronic copy of such
13 traffic citation with a court having competent jurisdiction over the
14 alleged offense or with its traffic violations bureau. Upon the
15 deposit of the original or a copy of such traffic citation with a court
16 having competent jurisdiction over the alleged offense or with its
17 traffic violations bureau as aforesaid, the original or copy of such
18 traffic citation may be disposed of only by trial in the court or other
19 official action by a judge of the court, including forfeiture of the
20 bail or by the deposit of sufficient bail with or payment of a fine to
21 the traffic violations bureau by the person to whom such traffic
22 citation has been issued by the traffic enforcement officer.

23 (3) It shall be unlawful and official misconduct for any traffic
24 enforcement officer or other officer or public employee to dispose of
25 a traffic citation or copies thereof or of the record of the issuance
26 of the same in a manner other than as required in this section.

27 (4) The chief administrative officer of every traffic enforcement
28 agency shall require the return to him or her of a printed or
29 electronic copy of every traffic citation issued by an officer under
30 his or her supervision to an alleged violator of any traffic law or
31 ordinance and of all copies of every traffic citation which has been
32 spoiled or upon which any entry has been made and not issued to an
33 alleged violator. Such chief administrative officer shall also
34 maintain or cause to be maintained in connection with every traffic
35 citation issued by an officer under his or her supervision a record of
36 the disposition of the charge by the court or its traffic violations
37 bureau in which the original or copy of the traffic citation was
38 deposited.

1 (5) Any person who cancels or solicits the cancellation of any
2 traffic citation, in any manner other than as provided in this section,
3 is guilty of a misdemeanor.

4 (6) Every record of traffic citations required in this section
5 shall be audited monthly by the appropriate fiscal officer of the
6 government agency to which the traffic enforcement agency is
7 responsible.

8 **Sec. 5.** RCW 46.64.015 and 1987 c 345 s 2 are each amended to read
9 as follows:

10 Whenever any person is arrested for any violation of the traffic
11 laws or regulations which is punishable as a misdemeanor or by
12 imposition of a fine, the arresting officer may serve upon him or her
13 a traffic citation and notice to appear in court. Such citation and
14 notice shall conform to the requirements of RCW 46.64.010, and in
15 addition, shall include spaces for the name and address of the person
16 arrested, the license number of the vehicle involved, the driver's
17 license number of such person, if any, the offense or violation
18 charged, the time and place where such person shall appear in court,
19 and a place where the person arrested may sign. Such spaces shall be
20 filled with the appropriate information by the arresting officer. The
21 arrested person, in order to secure release, and when permitted by the
22 arresting officer, must give his or her written promise to appear in
23 court as required by the citation and notice by signing in the
24 appropriate place the written or electronic citation and notice served
25 by the arresting officer, and if the arrested person is a nonresident
26 of the state, shall also post a bond, cash security, or bail as
27 required under RCW 46.64.035. An officer may not serve or issue any
28 traffic citation or notice for any offense or violation except either
29 when the offense or violation is committed in his or her presence or
30 when a person may be arrested pursuant to RCW 10.31.100, as now or
31 hereafter amended. The detention arising from an arrest under this
32 section may not be for a period of time longer than is reasonably
33 necessary to issue and serve a citation and notice, except that the
34 time limitation does not apply under any of the following
35 circumstances:

36 (1) Where the arrested person refuses to sign a written promise to

1 appear in court as required by the citation and notice provisions of
2 this section;

3 (2) Where the arresting officer has probable cause to believe that
4 the arrested person has committed any of the offenses enumerated in RCW
5 10.31.100(3), as now or hereafter amended;

6 (3) When the arrested person is a nonresident and is being detained
7 for a hearing under RCW 46.64.035.

8 NEW SECTION. **Sec. 6.** This act takes effect July 1, 2004.

Passed by the House February 11, 2004.

Passed by the Senate March 4, 2004.

Approved by the Governor March 22, 2004.

Filed in Office of Secretary of State March 22, 2004.