

SHB 1650 - S AMD 348

By Senators Kline, Johnson

ADOPTED 03/03/2006

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 46.61.021 and 1997 1st sp.s. c 1 s 1 are each amended
4 to read as follows:

5 (1) Any person requested or signaled to stop by a law enforcement
6 officer for a traffic infraction has a duty to stop.

7 (2) Whenever any person is stopped for a traffic infraction, the
8 officer may detain that person for a reasonable period of time
9 necessary to identify the person, check for outstanding warrants, check
10 the status of the person's license, insurance identification card, and
11 the vehicle's registration, and complete and issue a notice of traffic
12 infraction.

13 (3) Any person requested to identify himself or herself to a law
14 enforcement officer pursuant to an investigation of a traffic
15 infraction has a duty to identify himself or herself((~~τ~~)) and give his
16 or her current address(~~(, and sign an acknowledgement of receipt of the~~
17 ~~notice of infraction))~~).

18 **Sec. 2.** RCW 46.63.060 and 1993 c 501 s 9 are each amended to read
19 as follows:

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

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

26 (a) A statement that the notice represents a determination that a
27 traffic infraction has been committed by the person named in the notice
28 and that the determination shall be final unless contested as provided
29 in this chapter;

1 (b) A statement that a traffic infraction is a noncriminal offense
2 for which imprisonment may not be imposed as a sanction; that the
3 penalty for a traffic infraction may include sanctions against the
4 person's driver's license including suspension, revocation, or denial;
5 that the penalty for a traffic infraction related to standing,
6 stopping, or parking may include nonrenewal of the vehicle license;

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

9 (d) A statement of the monetary penalty established for the traffic
10 infraction;

11 (e) A statement of the options provided in this chapter for
12 responding to the notice and the procedures necessary to exercise these
13 options;

14 (f) A statement that at any hearing to contest the determination
15 the state has the burden of proving, by a preponderance of the
16 evidence, that the infraction was committed; and that the person may
17 subpoena witnesses including the officer who issued the notice of
18 infraction;

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

23 (h) A statement that the person must respond to the notice as
24 provided in this chapter within fifteen days or the person's driver's
25 license or driving privilege will be suspended by the department until
26 any penalties imposed pursuant to this chapter have been satisfied; and

27 (i) A statement that failure to appear at a hearing requested for
28 the purpose of contesting the determination or for the purpose of
29 explaining mitigating circumstances will result in the suspension of
30 the person's driver's license or driving privilege, or in the case of
31 a standing, stopping, or parking violation, refusal of the department
32 to renew the vehicle license, until any penalties imposed pursuant to
33 this chapter have been satisfied((÷

34 ~~(j) A statement, which the person shall sign, that the person~~
35 ~~promises to respond to the notice of infraction in one of the ways~~
36 ~~provided in this chapter)).~~

1 **Sec. 3.** RCW 46.64.015 and 2004 c 43 s 5 are each amended to read
2 as follows:

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

29 (1) (~~(Where the arrested person refuses to sign a written promise
30 to appear in court as required by the citation and notice provisions of
31 this section;~~

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

35 (~~(3))~~) (2) When the arrested person is a nonresident and is being
36 detained for a hearing under RCW 46.64.035.

1 **Sec. 4.** RCW 46.64.025 and 1999 c 86 s 7 are each amended to read
2 as follows:

3 Whenever any person (~~violates his or her written promise to appear~~
4 ~~in court, or~~) served with a traffic citation willfully fails to appear
5 for a scheduled court hearing, the court in which the defendant failed
6 to appear shall promptly give notice of such fact to the department of
7 licensing. Whenever thereafter the case in which the defendant failed
8 to appear is adjudicated, the court hearing the case shall promptly
9 file with the department a certificate showing that the case has been
10 adjudicated.

11 **Sec. 5.** RCW 7.80.070 and 1987 c 456 s 15 are each amended to read
12 as follows:

13 (1) A notice of civil infraction represents a determination that a
14 civil infraction has been committed. The determination is final unless
15 contested as provided in this chapter.

16 (2) The form for the notice of civil infraction shall be prescribed
17 by rule of the supreme court and shall include the following:

18 (a) A statement that the notice represents a determination that a
19 civil infraction has been committed by the person named in the notice
20 and that the determination is final unless contested as provided in
21 this chapter;

22 (b) A statement that a civil infraction is a noncriminal offense
23 for which imprisonment may not be imposed as a sanction;

24 (c) A statement of the specific civil infraction for which the
25 notice was issued;

26 (d) A statement of the monetary penalty established for the civil
27 infraction;

28 (e) A statement of the options provided in this chapter for
29 responding to the notice and the procedures necessary to exercise these
30 options;

31 (f) A statement that at any hearing to contest the determination
32 the state has the burden of proving, by a preponderance of the
33 evidence, that the civil infraction was committed and that the person
34 may subpoena witnesses including the enforcement officer who issued the
35 notice of civil infraction;

36 (g) A statement that at any hearing requested for the purpose of

1 explaining mitigating circumstances surrounding the commission of the
2 civil infraction, the person will be deemed to have committed the civil
3 infraction and may not subpoena witnesses;

4 (h) A statement that the person must respond to the notice as
5 provided in this chapter within fifteen days;

6 (i) A statement that failure to respond to the notice or a failure
7 to appear at a hearing requested for the purpose of contesting the
8 determination or for the purpose of explaining mitigating circumstances
9 will result in a default judgment against the person in the amount of
10 the penalty and that this failure may be referred to the prosecuting
11 attorney for criminal prosecution for failure to respond or appear;

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

15 ~~(k))~~ A statement that failure to respond to a notice of civil
16 infraction ~~((as promised))~~ or to appear at a requested hearing is a
17 misdemeanor and may be punished by a fine or imprisonment in jail.

18 **Sec. 6.** RCW 7.80.160 and 2002 c 175 s 2 are each amended to read
19 as follows:

20 ~~(1) ((A person who fails to sign a notice of civil infraction is
21 guilty of a misdemeanor.~~

22 ~~(2))~~ Any person ~~((willfully violating his or her written and
23 signed promise to appear in court or his or her written and signed
24 promise to respond to a notice of civil infraction))~~ who, after
25 receiving a statement of the options provided in this chapter for
26 responding to the notice of civil infraction and the procedures
27 necessary to exercise these options, fails to exercise one of the
28 options in a timely manner is guilty of a misdemeanor regardless of the
29 disposition of the notice of civil infraction. A ~~((written promise to
30 appear in court or a written promise to respond to a))~~ notice of civil
31 infraction may be complied with by an appearance by counsel.

32 ~~((3))~~ (2) A person who willfully fails to pay a monetary penalty
33 or to perform community restitution as required by a court under this
34 chapter may be found in contempt of court as provided in chapter 7.21
35 RCW.

1 **Sec. 7.** RCW 7.84.050 and 1987 c 380 s 5 are each amended to read
2 as follows:

3 (1) A notice of infraction represents a determination that an
4 infraction has been committed. The determination shall be final unless
5 contested as provided in this chapter.

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

8 (a) A statement that the notice represents a determination that an
9 infraction has been committed by the person named in the notice and
10 that the determination shall be final unless contested as provided in
11 this chapter;

12 (b) A statement that an infraction is a noncriminal offense for
13 which imprisonment will not be imposed as a sanction;

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

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

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

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

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

30 (h) A statement that failure to respond to a notice of infraction
31 within fifteen days is a misdemeanor and may be punished by fine or
32 imprisonment; and

33 (i) A statement that failure to appear at a hearing requested for
34 the purpose of contesting the determination or for the purpose of
35 explaining mitigating circumstances is a misdemeanor and may be
36 punished by fine or imprisonment(~~;~~ ~~and~~

37 ~~(j) A statement, which the person shall sign, that the person~~

1 ~~promises to respond to the notice of infraction in one of the ways~~
2 ~~provided in this chapter)).~~

3 **Sec. 8.** RCW 18.27.240 and 1986 c 197 s 4 are each amended to read
4 as follows:

5 The form of the notice of infraction issued under this chapter
6 shall include the following:

7 (1) A statement that the notice represents a determination that the
8 infraction has been committed by the contractor named in the notice and
9 that the determination shall be final unless contested as provided in
10 this chapter;

11 (2) A statement that the infraction is a noncriminal offense for
12 which imprisonment shall not be imposed as a sanction;

13 (3) A statement of the specific violation which necessitated
14 issuance of the infraction;

15 (4) A statement of penalty involved if the infraction is
16 established;

17 (5) A statement of the options provided in this chapter for
18 responding to the notice and the procedures necessary to exercise these
19 options;

20 (6) A statement that at any hearing to contest the notice of
21 infraction the state has the burden of proving, by a preponderance of
22 the evidence, that the infraction was committed; and that the
23 contractor may subpoena witnesses, including the compliance inspector
24 of the department who issued and served the notice of infraction;

25 (7) A statement(~~(, which the person who has been served with the~~
26 ~~notice of infraction shall sign,~~) that the contractor (~~(promises to)~~
27 must respond to the notice of infraction in one of the ways provided in
28 this chapter; and

29 (~~(A statement that refusal to sign the infraction as directed~~
30 ~~in subsection (7) of this section is a misdemeanor and may be punished~~
31 ~~by a fine or imprisonment in jail; and~~

32 ~~(9))~~) A statement that a contractor's failure to (~~(respond to a~~
33 ~~notice of infraction as promised)) timely select one of the options for
34 responding to the notice of infraction after receiving a statement of
35 the options provided in this chapter for responding to the notice of
36 infraction and the procedures necessary to exercise these options is~~

1 guilty of a misdemeanor and may be punished by a fine or imprisonment
2 in jail.

3 **Sec. 9.** RCW 18.106.190 and 1994 c 174 s 4 are each amended to read
4 as follows:

5 The form of the notice of infraction issued under this chapter
6 shall include the following:

7 (1) A statement that the notice represents a determination that the
8 infraction has been committed by the person named in the notice and
9 that the determination shall be final unless contested as provided in
10 this chapter;

11 (2) A statement that the infraction is a noncriminal offense for
12 which imprisonment shall not be imposed as a sanction;

13 (3) A statement of the specific infraction for which the notice was
14 issued;

15 (4) A statement of the monetary penalty that has been established
16 for the infraction;

17 (5) A statement of the options provided in this chapter for
18 responding to the notice and the procedures necessary to exercise these
19 options;

20 (6) A statement that at any hearing to contest the determination
21 the state has the burden of proving, by a preponderance of the
22 evidence, that the infraction was committed; and that the person may
23 subpoena witnesses, including the authorized representative of the
24 department who issued and served the notice of infraction; and

25 (7) A statement(~~(, which the person shall sign,~~) that the person
26 (~~promises to~~) must respond to the notice of infraction in one of the
27 ways provided in this chapter(~~(+)~~).

28 (~~(8) A statement that refusal to sign the infraction as directed~~
29 ~~in subsection (7) of this section is a misdemeanor; and~~

30 ~~(9))~~) A statement that failure to (~~respond to a notice of~~
31 ~~infraction as promised~~) timely select one of the options for
32 responding to the notice of civil infraction after receiving a
33 statement of the options provided in this chapter for responding to the
34 notice of infraction and the procedures necessary to exercise these
35 options is a misdemeanor and may be punished by a fine or imprisonment
36 in jail.

1 **Sec. 10.** RCW 20.01.482 and 2004 c 43 s 3 are each amended to read
2 as follows:

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

7 (2) It is a misdemeanor for any person to refuse to properly
8 identify himself or herself for the purpose of issuance of a notice of
9 infraction (~~(or to refuse to sign the written or electronic promise to~~
10 ~~appear or respond to a notice of infraction)~~).

11 (3) Any person willfully (~~(violating a written or electronic and~~
12 ~~signed promise)~~) failing to respond to a notice of infraction is guilty
13 of a misdemeanor regardless of the disposition of the notice of
14 infraction.

15 **Sec. 11.** RCW 43.63B.140 and 1994 c 284 s 26 are each amended to
16 read as follows:

17 (1) The department shall prescribe the form of the notice of
18 infraction issued under this chapter.

19 (2) The notice of infraction shall include the following:

20 (a) A statement that the notice represents a determination that the
21 infraction has been committed by the person named in the notice and
22 that the determination is final unless contested as provided in this
23 chapter;

24 (b) A statement that the infraction is a noncriminal offense for
25 which imprisonment may not be imposed as a sanction;

26 (c) A statement of the specific infraction for which the notice was
27 issued;

28 (d) A statement of a monetary penalty that has been established for
29 the infraction;

30 (e) A statement of the options provided in this chapter for
31 responding to the notice and the procedures necessary to exercise these
32 options;

33 (f) A statement that, at a hearing to contest the determination,
34 the state has the burden of proving, by a preponderance of the
35 evidence, that the infraction was committed, and that the person may
36 subpoena witnesses including the authorized representative who issued
37 and served the notice of the infraction; and

1 (g) (~~A statement, that the person shall sign, that the person~~
2 ~~promises to respond to the notice of infraction in one of the ways~~
3 ~~provided in this chapter;~~

4 ~~(h) A statement that refusal to sign the infraction as directed in~~
5 ~~(g) of this subsection is a misdemeanor; and~~

6 ~~(i))~~) A statement that failure to respond to a notice of infraction
7 (~~as promised~~) is a misdemeanor and may be punished by a fine or
8 imprisonment in jail.

9 **Sec. 12.** RCW 81.112.230 and 1999 c 20 s 5 are each amended to read
10 as follows:

11 Nothing in RCW 81.112.020 and 81.112.210 through 81.112.230 shall
12 be deemed to prevent law enforcement authorities from prosecuting for
13 theft, trespass, or other charges by any individual who:

14 (1) Fails to pay the required fare on more than one occasion within
15 a twelve-month period;

16 (2) Fails to (~~sign a notice of civil infraction~~) timely select
17 one of the options for responding to the notice of civil infraction
18 after receiving a statement of the options provided in this chapter for
19 responding to the notice of infraction and the procedures necessary to
20 exercise these options; or

21 (3) Fails to depart the train, including but not limited to
22 commuter trains and light rail trains, when requested to do so by a
23 person designated to monitor fare payment.

24 NEW SECTION. **Sec. 13.** RCW 18.27.280 (Notice--Penalty for person
25 refusing to promise to respond) and 1983 1st ex.s. c 2 s 10 are each
26 repealed."

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By Senators Kline, Johnson

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27 On page 1, line 1 of the title, after "infractions;" strike the
28 remainder of the title and insert "amending RCW 46.61.021, 46.63.060,

1 46.64.015, 46.64.025, 7.80.070, 7.80.160, 7.84.050, 18.27.240,
2 18.106.190, 20.01.482, 43.63B.140, and 81.112.230; repealing RCW
3 18.27.280; and prescribing penalties."

EFFECT: The requirement that a cited person must sign a notice of traffic infraction or 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 in order to secure his or her release is removed. For other nontraffic civil infractions, the requirement that a person must sign the notice of civil infraction statement is deleted.

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.

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