
HOUSE BILL 2044

State of Washington

59th Legislature

2005 Regular Session

By Representatives Hunter, O'Brien, Tom, Linville, Jarrett, Grant and Morrell

Read first time 02/15/2005. Referred to Committee on Judiciary.

1 AN ACT Relating to the equitable enforcement of traffic laws;
2 amending RCW 46.64.010; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** It is the intent of the legislature that law
5 enforcement apply the traffic laws to all motorists equitably without
6 preferential treatment as to a person's career, stature, or political
7 affiliation. It is also the intent of the legislature to not apply
8 Article II, section 16 of the state Constitution, which exempts members
9 of the legislature from being subject to any civil process during the
10 legislative session, to traffic infractions.

11 **Sec. 2.** RCW 46.64.010 and 2004 c 43 s 4 are each amended to read
12 as follows:

13 (1) Every traffic enforcement agency in this state shall provide in
14 appropriate form traffic citations containing notices to appear which
15 shall be issued in books with citations in quadruplicate and meeting
16 the requirements of this section, or issued by an electronic device
17 capable of producing a printed copy and electronic copies of the
18 citations. The chief administrative officer of every such traffic

1 enforcement agency shall be responsible for the issuance of such books
2 or electronic devices and shall maintain a record of every such book
3 and each citation contained therein and every such electronic device
4 issued to individual members of the traffic enforcement agency and
5 shall require and retain a receipt for every book and electronic device
6 so issued.

7 (2) Every traffic enforcement officer upon issuing a traffic
8 citation to an alleged violator of any provision of the motor vehicle
9 laws of this state or of any traffic ordinance of any city or town
10 shall deposit the original or a printed or electronic copy of such
11 traffic citation with a court having competent jurisdiction over the
12 alleged offense or with its traffic violations bureau. Upon the
13 deposit of the original or a copy of such traffic citation with a court
14 having competent jurisdiction over the alleged offense or with its
15 traffic violations bureau as aforesaid, the original or copy of such
16 traffic citation may be disposed of only by trial in the court or other
17 official action by a judge of the court, including forfeiture of the
18 bail or by the deposit of sufficient bail with or payment of a fine to
19 the traffic violations bureau by the person to whom such traffic
20 citation has been issued by the traffic enforcement officer. Court
21 appearances for legislative members shall be scheduled by the courts
22 sixty days after the end of legislative session. For the purposes of
23 this subsection, "legislative session" means the regular session and
24 any special sessions.

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

29 (4) It shall be unlawful and official misconduct for any traffic
30 enforcement officer or other officer to give preferential treatment to
31 a motorist because of the person's career, stature, or political
32 affiliation. Article II, section 16 of the state Constitution which
33 exempts members of the legislature from being subject to any civil
34 process during the legislative session does not cover traffic
35 infractions.

36 (5) The chief administrative officer of every traffic enforcement
37 agency shall require the return to him or her of a printed or
38 electronic copy of every traffic citation issued by an officer under

1 his or her supervision to an alleged violator of any traffic law or
2 ordinance and of all copies of every traffic citation which has been
3 spoiled or upon which any entry has been made and not issued to an
4 alleged violator. Such chief administrative officer shall also
5 maintain or cause to be maintained in connection with every traffic
6 citation issued by an officer under his or her supervision a record of
7 the disposition of the charge by the court or its traffic violations
8 bureau in which the original or copy of the traffic citation was
9 deposited.

10 ~~((+5))~~ (6) Any person who cancels or solicits the cancellation of
11 any traffic citation, in any manner other than as provided in this
12 section, is guilty of a misdemeanor.

13 ~~((+6))~~ (7) Every record of traffic citations required in this
14 section shall be audited monthly by the appropriate fiscal officer of
15 the government agency to which the traffic enforcement agency is
16 responsible.

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