
HOUSE BILL 2183

State of Washington 59th Legislature 2005 Regular Session

By Representatives Hunter, McCoy and Morrell

Read first time 02/22/2005. Referred to Committee on Judiciary.

1 AN ACT Relating to the application of Article II, section 16 of the
2 Washington state Constitution with respect to traffic violations;
3 amending RCW 46.64.010; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** It is the intent of this act to clarify the
6 application of Article II, section 16 of the Washington state
7 Constitution with respect to traffic violations committed by state
8 legislators.

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

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

1 and each citation contained therein and every such electronic device
2 issued to individual members of the traffic enforcement agency and
3 shall require and retain a receipt for every book and electronic device
4 so issued.

5 (2) Every traffic enforcement officer upon issuing a traffic
6 citation to an alleged violator of any provision of the motor vehicle
7 laws of this state or of any traffic ordinance of any city or town
8 shall deposit the original or a printed or electronic copy of such
9 traffic citation with a court having competent jurisdiction over the
10 alleged offense or with its traffic violations bureau. Upon the
11 deposit of the original or a copy of such traffic citation with a court
12 having competent jurisdiction over the alleged offense or with its
13 traffic violations bureau as aforesaid, the original or copy of such
14 traffic citation may be disposed of only by trial in the court or other
15 official action by a judge of the court, including forfeiture of the
16 bail or by the deposit of sufficient bail with or payment of a fine to
17 the traffic violations bureau by the person to whom such traffic
18 citation has been issued by the traffic enforcement officer. The
19 issuance of a traffic citation to a legislator is not civil process
20 under Article II, section 16 of the Washington state Constitution,
21 however, court appearances, or any other hearings related to the
22 disposition of a traffic citation, shall not be scheduled during a
23 legislative session. For the purposes of this subsection, "legislative
24 session" means the regular session and 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) The chief administrative officer of every traffic enforcement
30 agency shall require the return to him or her of a printed or
31 electronic copy of every traffic citation issued by an officer under
32 his or her supervision to an alleged violator of any traffic law or
33 ordinance and of all copies of every traffic citation which has been
34 spoiled or upon which any entry has been made and not issued to an
35 alleged violator. Such chief administrative officer shall also
36 maintain or cause to be maintained in connection with every traffic
37 citation issued by an officer under his or her supervision a record of

1 the disposition of the charge by the court or its traffic violations
2 bureau in which the original or copy of the traffic citation was
3 deposited.

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

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

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