

SENATE BILL REPORT

ESHB 1552

AS REPORTED BY COMMITTEE ON LAW & JUSTICE, FEBRUARY 25, 1992

Brief Description: Allowing for deferral of a judicial determination that a traffic violation was committed.

SPONSORS: House Committee on Judiciary (originally sponsored by Representatives Padden, Appelwick, D. Sommers and R. Meyers).

HOUSE COMMITTEE ON JUDICIARY

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass as amended and be referred to Committee on Ways & Means.

Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, M. Kreidler, Newhouse, and Rasmussen.

Staff: Susan Carlson (786-7418)

Hearing Dates: March 26, 1991; February 19, 1992; February 25, 1992

BACKGROUND:

In 1979, many of the less serious traffic violations were decriminalized and renamed civil infractions. A person who is cited for an infraction may either pay the fine established for that violation, demand a hearing to contest the citation, or request a hearing to explain mitigating circumstances surrounding the infraction. The penalty for an infraction is a monetary fine established by state Supreme Court rule. Frequent commission of infractions may result in an administration suspension of the person's driver's license by the Department of Licensing.

A record of an infraction is required to be sent to the Department of Licensing whenever a person is determined to have committed the violation. This driving record information is available to insurance companies and can result in increased insurance premiums or loss of coverage.

Some local courts allow qualified persons to obtain dismissal of an infraction upon completion of a traffic safety course. Since there is no specific authorization for these programs in the traffic infraction laws, it is suggested that guidelines for the operation of such programs should be provided by statute.

SUMMARY:

District or municipal courts that have computer connections to the Department of Licensing (DOL) may provide by rule for a procedure for deferral of a finding that a traffic infraction has been committed. Any program for deferral created under this authorization must contain the following elements:

- * The driver must pay for and successfully complete a traffic safety course approved by the court;
- * Deferrals must be limited to drivers who do not contest their traffic infraction citation; and
- * No person may be eligible for a deferral more than once in any three-year period.

Upon successful completion of the traffic safety course, the court will dismiss the notice of infraction. Failure to complete the course results in a court determination that the infraction was committed.

If a deferral is granted, the court must send a record of the notice of infraction and the deferral to DOL. The department is required to maintain these records for at least three years to allow other courts to determine a person's eligibility for deferral. If the person commits another traffic offense within three years, the infraction for which the deferral was granted becomes part of the person's driving record.

Deferral does not prevent the court's imposition of monetary penalties for the infraction. The court may also assess a fee to cover the cost of processing a deferral application.

The deferral program is not available for offenses involving a commercial driver's license.

Appropriation: none

Revenue: none

Fiscal Note: available

SUMMARY OF PROPOSED SENATE AMENDMENT:

The striking amendment is the same as the original bill except: Approval of traffic safety courses by the Director of the Traffic Safety Commission instead of the courts is provided. The commission is required to publish a list of approved courses for use by the court. A course may not be approved unless the course curriculum has been proven to show positive results in reducing collisions and traffic violation recidivism. The commission collects a fee from each approved traffic safety school in the amount of \$2 per person attending the school.

Proof of satisfactory completion of the course is required to be provided to the court within 120 days.

The procedure contemplated by the bill is clarified. Upon proof of completion of an approved course, the infraction is deferred for three years. If the conditions required in the bill are met, the infraction is dismissed at the end of the three years.

An effective date of July 1, 1993 is added.

TESTIMONY FOR:

The bill allows local courts the option of developing a traffic infraction deferral program. These programs can be cost effective for courts while improving the driving habits of citizens.

TESTIMONY AGAINST:

The bill will allow masking of infractions on driving records. This information is considered by the insurance industry to be among the best objective measures available for setting insurance premiums.

TESTIFIED: PRO: Representative Mike Padden, prime sponsor; Judge Paul Beighle, Seattle Municipal Court; Charles Foster, Seattle Municipal Court; Steve Lindstrom, National Traffic Safety Institute; Judge Thomas Wynn, District and Municipal Court Judges Association; Steve Lind, Washington Traffic Safety Commission; Jean Nelson, Washington Safety Council; CON: Jean Leonard, State Farm Insurance