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5 On page 4, after line 16, insert the following:

6 "NEW SECTION. **Sec. 4.** A new section is added to chapter 46.20 RCW
7 to read as follows:

8 (1) The department, upon determining from a driver's record that
9 the driver has been found to have committed traffic infractions or has
10 been convicted of offenses against traffic regulations other than for
11 nonmoving violations, with such frequency as to indicate a disrespect
12 for traffic laws or a disregard for the safety of other persons on the
13 highways, may require the driver to attend a driver awareness class.

14 (2) Upon a driver's completion of a driver awareness class under
15 subsection (1) of this section, the department shall place the driver
16 on probation under such terms and conditions as provided by rule
17 adopted by the department. The driver's license or driving privilege
18 of a person who fails to attend a driver awareness class required under
19 this section may be suspended by the department as provided under RCW
20 46.20.291(3).

21 (3) The department may authorize a person, including an agency of
22 this state, a private driver training facility or other private
23 institution, or department, agency, or instrumentality of local
24 government, to administer the driver awareness class specified under
25 this section under the following conditions:

26 (a) The driver awareness class meets the minimum curriculum
27 criteria established by the department;

28 (b) The third party has entered into an agreement to comply with
29 any requirements established by the department; and

30 (c) The director has adopted rules as to the third party driver
31 awareness program and the development and justification for fees
32 charged by a third party.

33 (4) The director shall approve, maintain, and publish a list of
34 traffic safety courses eligible for the driver awareness class
35 described in this section. The director shall not approve a course
36 unless the course curriculum has been proven through research reports

1 to show positive results in reducing collisions and traffic violation
2 recidivism. The course must include a minimum of six hours of
3 classroom instruction.

4 (5) The director shall collect a fee from each approved traffic
5 safety school in the amount of not more than two dollars for each
6 person attending a traffic safety course. The funds shall be deposited
7 in the highway safety fund and used for the purposes of this section.

8 NEW SECTION. **Sec. 5.** A new section is added to chapter 46.63 RCW
9 to read as follows:

10 A district or municipal court may adopt rules for a procedure to
11 allow for dismissal of a judicial determination that an infraction was
12 committed. The procedure is subject to the following limitations and
13 standards:

14 (1) The procedure must allow a person receiving a notice of
15 infraction to attend, at the person's own expense, a driver awareness
16 class meeting the minimum curriculum criteria established by the
17 department of licensing. The court shall dismiss the notice of
18 infraction upon the person's satisfactory completion of the driver
19 awareness class. The court shall determine and order that an
20 infraction was committed upon failure by the person to complete the
21 driver awareness class, and the court shall furnish its determination
22 and order to the department in accordance with RCW 46.20.270.

23 (2) The dismissal procedure under this section is available only to
24 a person who received a notice of traffic infraction and does not
25 contest the determination represented by the notice. The procedure is
26 available to a person responding to the notice under RCW 46.63.070 (2)
27 or (4).

28 (3) The procedure must require a signed acknowledgement by the
29 person receiving the notice of infraction that the determination by the
30 notice is not contested.

31 (4) No person is eligible for a dismissal if the case record of
32 convictions and infractions maintained under RCW 46.52.120 shows that
33 the person has any convictions or has more than two infractions.

34 (5) A person is not eligible for a dismissal more than once within
35 this state in a three-year period. A person applying for a dismissal
36 shall sign a statement under penalty of perjury that he or she was not
37 granted a dismissal under this section within three years of receipt of
38 the notice of infraction that is the basis for the application. If a

1 dismissal is granted, the court shall send the department a record of
2 the notice of infraction and the dismissal. The department shall
3 maintain the record for at least three years for the purpose of
4 allowing a court to determine whether a person is eligible to receive
5 a dismissal. If within three years after receiving a dismissal a
6 person is determined to have committed an infraction, or is convicted
7 of a crime, for which notification of the department is required under
8 RCW 46.20.270(2), the department upon receipt of the notification shall
9 include the infraction for which the dismissal was granted as part of
10 the person's driving record for the purposes of RCW 46.52.130.

11 (6) The court may assess a fee to cover the cost to the court of
12 processing an application for a dismissal. The fee is subject to RCW
13 3.62.020.

14 (7) Satisfactory completion of a driver awareness class as part of
15 a dismissal granted under this section does not qualify as successful
16 completion of a motor vehicle accident prevention course or driver
17 awareness class for the purposes of insurance premium reductions
18 required under RCW 48.19.460.

19 (8) A dismissal may not be granted under this section for an
20 infraction committed while operating a motor vehicle under
21 circumstances that require a commercial driver's license under chapter
22 46.25 RCW.

23 (9) The director shall approve, maintain, and publish for the court
24 a list of traffic safety courses eligible for the dismissal program
25 described in this section. The director shall not approve a course
26 unless the course curriculum has been proven through research reports
27 to show positive results in reducing collisions and traffic violation
28 recidivism. The course must include a minimum of six hours of
29 classroom instruction.

30 (10) The director shall collect a fee from each approved traffic
31 safety school in the amount of not more than two dollars for each
32 person attending a traffic safety course for the purpose of receiving
33 a dismissal. The funds shall be deposited in the highway safety fund
34 and used for the purposes of this section.

35 **Sec. 6.** RCW 46.63.060 and 1993 c 501 s 9 are each amended to read
36 as follows:

37 (1) A notice of traffic infraction represents a determination that
38 an infraction has been committed. The determination will be final

1 unless contested or dismissed as provided in this chapter.

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

5 (a) A statement that the notice represents a determination that a
6 traffic infraction has been committed by the person named in the notice
7 and that the determination shall be final unless contested or dismissed
8 as provided in this chapter;

9 (b) A statement that a traffic infraction is a noncriminal offense
10 for which imprisonment may not be imposed as a sanction; that the
11 penalty for a traffic infraction may include sanctions against the
12 person's driver's license including suspension, revocation, or denial;
13 that the penalty for a traffic infraction related to standing,
14 stopping, or parking may include nonrenewal of the vehicle license;

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

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

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

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

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

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

35 (i) A statement that failure to appear at a hearing requested for
36 the purpose of contesting the determination or for the purpose of
37 explaining mitigating circumstances will result in the suspension of
38 the person's driver's license or driving privilege, or in the case of
39 a standing, stopping, or parking violation, refusal of the department

1 to renew the vehicle license, until any penalties imposed pursuant to
2 this chapter have been satisfied;

3 (j) A statement, which the person shall sign, that the person
4 promises to respond to the notice of infraction in one of the ways
5 provided in this chapter.

6 **Sec. 7.** RCW 46.63.070 and 1993 c 501 s 10 are each amended to read
7 as follows:

8 (1) Any person who receives a notice of traffic infraction shall
9 respond to such notice as provided in this section within fifteen days
10 of the date of the notice.

11 (2) If the person determined to have committed the infraction does
12 not contest the determination the person shall respond by completing
13 the appropriate portion of the notice of infraction and submitting it,
14 either by mail or in person, to the court specified on the notice.
15 Also, the person may request a dismissal in accordance with section 5
16 of this act. A check or money order in the amount of the penalty
17 prescribed for the infraction must be submitted with the response.
18 When a response which does not contest the determination is received,
19 an appropriate order shall be entered in the court's records, and,
20 except for a dismissal granted under section 5 of this act, a record of
21 the response and order shall be furnished to the department in
22 accordance with RCW 46.20.270.

23 (3) If the person determined to have committed the infraction
24 wishes to contest the determination the person shall respond by
25 completing the portion of the notice of infraction requesting a hearing
26 and submitting it, either by mail or in person, to the court specified
27 on the notice. The court shall notify the person in writing of the
28 time, place, and date of the hearing, and that date shall not be sooner
29 than seven days from the date of the notice, except by agreement.

30 (4) If the person determined to have committed the infraction does
31 not contest the determination but wishes to explain mitigating
32 circumstances surrounding the infraction the person shall respond by
33 completing the portion of the notice of infraction requesting a hearing
34 for that purpose and submitting it, either by mail or in person, to the
35 court specified on the notice. The court shall notify the person in
36 writing of the time, place, and date of the hearing.

37 (5) If any person issued a notice of traffic infraction:

38 (a) Fails to respond to the notice of traffic infraction as

1 provided in subsection (2) of this section; or
2 (b) Fails to appear at a hearing requested pursuant to subsection
3 (3) or (4) of this section;
4 the court shall enter an appropriate order assessing the monetary
5 penalty prescribed for the traffic infraction and any other penalty
6 authorized by this chapter and shall notify the department in
7 accordance with RCW 46.20.270, of the failure to respond to the notice
8 of infraction or to appear at a requested hearing.

9 **Sec. 8.** RCW 46.63.100 and 1979 ex.s. c 136 s 12 are each amended
10 to read as follows:

11 (1) A hearing held for the purpose of allowing a person to explain
12 mitigating circumstances surrounding the commission of an infraction
13 shall be an informal proceeding. The person may not subpoena
14 witnesses. The determination that an infraction has been committed may
15 not be contested at a hearing held for the purpose of explaining
16 mitigating circumstances.

17 (2) After the court has heard the explanation of the circumstances
18 surrounding the commission of the infraction an appropriate order shall
19 be entered in the court's records. Except for a dismissal granted
20 under section 5 of this act, a record of the court's determination and
21 order shall be furnished to the department in accordance with RCW
22 46.20.270 as now or hereafter amended.

23 (3) There may be no appeal from the court's determination or
24 order."

25 **SHB 1736** - H AMD
26 By Representative Benton

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28 On page 1, beginning on line 1 of the title, after "instructors;"
29 strike the remainder of the title and insert "amending RCW 46.63.060,
30 46.63.070, and 46.63.100; adding a new section to chapter 43.20A RCW;
31 adding a new section to chapter 46.20 RCW; and adding a new section to
32 chapter 46.63 RCW."

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