

HOUSE BILL REPORT

SB 5301

As Reported By House Committee On:
Judiciary

Title: An act relating to the processing of traffic offenses by district and municipal courts.

Brief Description: Modernizing traffic offense processing.

Sponsors: Senator Heavey.

Brief History:

Committee Activity:

Judiciary: 4/1/99 [DP].

Brief Summary of Bill

- Allows a court to electronically transfer information regarding traffic infractions and traffic citations to the Department of Licensing.
- Makes other changes to the statute governing the disposition of traffic infractions, including extending the time period in which the court must forward an abstract to the Department of Licensing, and removing provisions regarding venue and a court's noncompliance with procedures.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 12 members: Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Staff: Trudes Hutcheson (786-7384).

Background:

A law enforcement officer issues a notice of traffic infraction for traffic offenses that are not criminal, such as speeding. A person receiving a notice of infraction must

respond to the notice within 15 days by either paying the monetary penalty or contesting the infraction. District courts and municipal courts have jurisdiction over traffic infractions.

When a person is arrested for any traffic violation that is a crime, the law enforcement officer serves the person with a traffic citation and notice to appear in court. The arrested person must give his or her written promise to appear in court. When a person has, for a period of 15 days or more, failed to appear in court as promised, the court must notify the Department of Licensing.

There are certain procedures courts must comply with regarding traffic citations and notices of traffic infractions. The district court, municipal court, or superior court must keep a record of every traffic complaint, traffic citation, and notice of infraction, filed with the court, including the disposition of those complaints, citations, and notices of infractions. On the Monday following the conviction, forfeiture of bail, or finding that a traffic infraction was committed, the court must forward an abstract of the court record to the Department of Licensing. The abstract must contain certain specific information regarding the driver and vehicle, and must be certified by the person preparing the abstract. The failure of a judicial officer to comply with the statutory requirements constitutes misconduct in the office and is grounds for removal.

The department may suspend a person's license if the person has failed to respond to a notice of traffic infraction, failed to appear at a requested hearing, violated a written promise to appear in court, or has failed to comply with the terms of a notice of traffic infraction or citation.

Venue for traffic infractions may be before one of the two nearest district court judges in incorporated cities and towns nearest to the point the violation allegedly occurred. However, in counties with populations of 125,000 or more, traffic cases may be tried in the county seat at the request of the defendant.

A statute, passed in 1965, requires that when a person is accused of speeding, "the complaint" and "summons or notice to appear" must specify the speed at which the person was traveling and the maximum speed limit. Complaints and notices of appearance are used in criminal cases and not traffic infractions. Currently, the law enforcement officer issuing the traffic ticket (now called the notice of infraction) writes the alleged speed and the speed limit on the ticket.

Summary of Bill:

Changes are made to the statutes governing notices of traffic infractions and traffic citations. Courts may electronically transfer traffic disposition information to the

Department of Licensing. The time period in which the court must forward an abstract to the department is expanded. The court must forward an abstract of the court record to the department within 14 days of the conviction, forfeiture of bail, or finding that a traffic infraction was committed. The failure of a judicial officer to comply with requirements regarding filing information with the department is no longer grounds for removal. The venue provision is removed.

The 1965 statute referencing a summons and complaint for speeding is removed.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Allowing courts to file traffic infraction information electronically will assist courts in handling traffic infractions and speed up the entire process. The Department of Licensing endorses the idea of electronic filing. This bill would not have any adverse effects on smaller courts in smaller counties.

Testimony Against: None.

Testified: Brett Buckley, District and Municipal Court Judges Association.