

SENATE BILL REPORT

SHB 2776

As Reported By Senate Committee On:
Judiciary, February 25, 2000

Title: An act relating to deferred findings and collection of an administrative fee in an infraction case.

Brief Description: Providing for deferred findings and collection of an administrative fee in an infraction case.

Sponsors: House Committee on Judiciary (originally sponsored by Representatives Constantine, Carrell, Lantz and Hurst).

Brief History:

Committee Activity: Judiciary: 2/21/2000, 2/25/2000 [DP].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Haugen, McCaslin and Thibaudeau.

Staff: Lidia Mori (786-7755)

Background: When a person is issued a notice of traffic infraction, the notice represents a determination that the infraction occurred. The person may either: (a) pay the fine through the mail; (b) set up a hearing to contest the notice of infraction; or (c) not contest the infraction, but set up a hearing to explain mitigating circumstances.

In a hearing to contest the infraction, the court may consider any written report submitted by the officer and statements from any witnesses. If the court makes a finding that a traffic infraction was committed, the court must forward an abstract regarding the finding to the Department of Licensing. In a hearing to explain mitigating circumstances, a court enters an order that the infraction occurred, but it can reduce the fine based on the circumstances.

The department may, upon request, provide a certified abstract of a person's driving record to: (a) the individual named in the abstract; (b) an employer or prospective employer; (c) the insurance carrier of the individual; (d) an alcohol/drug assessment or treatment agency if the individual has applied or been assigned for evaluation or treatment; or (e) city or county prosecuting attorneys.

Summary of Bill: A court may defer findings regarding traffic infractions, or in a hearing to explain mitigating circumstances may defer entry of its order, for up to one year and impose conditions on the person who allegedly committed the infraction.

The court may impose on the person any costs appropriate for the administrative processing. After the end of the deferral period, the court may dismiss the infraction if the person has met all the conditions of deferral.

A person may not receive more than one deferral within a seven-year period for traffic infractions for moving violations and not more than one deferral within a seven-year period for traffic infractions for nonmoving violations.

Appropriation: None.

Fiscal Note: Requested on February 16, 2000.

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

Testimony For: The traffic infraction cases that are heard in municipal court involve drivers with a wide variety of experience. This bill allows a judge to defer a finding for up to one year and impose conditions tailored to that particular case. At that time, the court may also assess costs for administering processing. If the defendant meets all the conditions, the court may dismiss the infraction. This allows courts to change behavior rather than just collect fees.

Testimony Against: Insurance companies must do underwriting and they need access to information in order to determine driving behavior. Speeding tickets give them information. If a traffic infraction ends up being dismissed, the insurance company will not know of that violation.

Testified: Judge Peter Lukevich, District and Municipal Court Judges Assn. (pro); Jean Leonard, State Farm Insurance, WA Insurers, Alliance of American Insurers (con); Deanne Kopkas, National Association of Independent Insurers (con).