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**SUBSTITUTE HOUSE BILL 2776**

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**State of Washington**

**56th Legislature**

**2000 Regular Session**

**By** House Committee on Judiciary (originally sponsored by Representatives Constantine, Carrell, Lantz and Hurst)

Read first time 02/03/2000. Referred to Committee on .

1 AN ACT Relating to deferred findings and collection of an  
2 administrative fee in an infraction case; and amending RCW 46.63.070.

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

4 **Sec. 1.** RCW 46.63.070 and 1993 c 501 s 10 are each amended to read  
5 as follows:

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

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

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

8 (4) If the person determined to have committed the infraction does  
9 not contest the determination but wishes to explain mitigating  
10 circumstances surrounding the infraction the person shall respond by  
11 completing the portion of the notice of infraction requesting a hearing  
12 for that purpose and submitting it, either by mail or in person, to the  
13 court specified on the notice. The court shall notify the person in  
14 writing of the time, place, and date of the hearing.

15 (5)(a) In hearings conducted pursuant to subsections (3) and (4) of  
16 this section, the court may defer findings, or in a hearing to explain  
17 mitigating circumstances may defer entry of its order, for up to one  
18 year and impose conditions upon the defendant the court deems  
19 appropriate. Upon deferring findings, the court may assess costs as  
20 the court deems appropriate for administrative processing. If at the  
21 end of the deferral period the defendant has met all conditions, the  
22 court may dismiss the infraction.

23 (b) A person may not receive more than one deferral within a seven-  
24 year period for traffic infractions for moving violations and more than  
25 one deferral within a seven-year period for traffic infractions for  
26 nonmoving violations.

27 (6) If any person issued a notice of traffic infraction:

28 (a) Fails to respond to the notice of traffic infraction as  
29 provided in subsection (2) of this section; or

30 (b) Fails to appear at a hearing requested pursuant to subsection  
31 (3) or (4) of this section;

32 the court shall enter an appropriate order assessing the monetary  
33 penalty prescribed for the traffic infraction and any other penalty  
34 authorized by this chapter and shall notify the department in  
35 accordance with RCW 46.20.270, of the failure to respond to the notice  
36 of infraction or to appear at a requested hearing.

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