

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 2776**

56th Legislature  
2000 Regular Session

Passed by the House March 6, 2000  
Yeas 98 Nays 0

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**Speaker of the House of Representatives**

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**Speaker of the House of Representatives**

Passed by the Senate March 3, 2000  
Yeas 39 Nays 8

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**President of the Senate**

Approved

\_\_\_\_\_  
Governor of the State of Washington

CERTIFICATE

We, Timothy A. Martin and Cynthia Zehnder, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2776** as passed by the House of Representatives and the Senate on the dates hereon set forth.

\_\_\_\_\_  
**Chief Clerk**

\_\_\_\_\_  
**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE HOUSE BILL 2776**

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Passed Legislature - 2000 Regular Session

AS AMENDED BY THE SENATE

**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 and has  
22 not been determined to have committed another traffic infraction, the  
23 court may dismiss the infraction.

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

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

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

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

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

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