
HOUSE BILL 1650

State of Washington

59th Legislature

2005 Regular Session

By Representatives O'Brien, Newhouse, Lovick and Rodne; by request of Integrated Justice Information Board

Read first time 02/01/2005. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to citations and infractions; amending RCW
2 46.61.021, 46.63.060, 46.64.015, 46.64.025, 7.80.070, 7.80.160,
3 7.84.050, 18.27.240, 18.106.190, 20.01.482, 43.63B.140, and 81.112.230;
4 repealing RCW 18.27.280; and prescribing penalties.

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

6 **Sec. 1.** RCW 46.61.021 and 1997 1st sp.s. c 1 s 1 are each amended
7 to read as follows:

8 (1) Any person requested or signaled to stop by a law enforcement
9 officer for a traffic infraction has a duty to stop.

10 (2) Whenever any person is stopped for a traffic infraction, the
11 officer may detain that person for a reasonable period of time
12 necessary to identify the person, check for outstanding warrants, check
13 the status of the person's license, insurance identification card, and
14 the vehicle's registration, and complete and issue a notice of traffic
15 infraction.

16 (3) Any person requested to identify himself or herself to a law
17 enforcement officer pursuant to an investigation of a traffic
18 infraction has a duty to identify himself or herself((~~τ~~)) and give his

1 or her current address(~~(, and sign an acknowledgement of receipt of the~~
2 ~~notice of infraction)~~)).

3 **Sec. 2.** RCW 46.63.060 and 1993 c 501 s 9 are each amended to read
4 as follows:

5 (1) A notice of traffic infraction represents a determination that
6 an infraction has been committed. The determination will be final
7 unless contested as provided in this chapter.

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

11 (a) A statement that the notice represents a determination that a
12 traffic infraction has been committed by the person named in the notice
13 and that the determination shall be final unless contested as provided
14 in this chapter;

15 (b) A statement that a traffic infraction is a noncriminal offense
16 for which imprisonment may not be imposed as a sanction; that the
17 penalty for a traffic infraction may include sanctions against the
18 person's driver's license including suspension, revocation, or denial;
19 that the penalty for a traffic infraction related to standing,
20 stopping, or parking may include nonrenewal of the vehicle license;

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

23 (d) A statement of the monetary penalty established for the traffic
24 infraction;

25 (e) A statement of the options provided in this chapter for
26 responding to the notice and the procedures necessary to exercise these
27 options;

28 (f) A statement that at any hearing to contest the determination
29 the state has the burden of proving, by a preponderance of the
30 evidence, that the infraction was committed; and that the person may
31 subpoena witnesses including the officer who issued the notice of
32 infraction;

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

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

5 (i) A statement that failure to appear at a hearing requested for
6 the purpose of contesting the determination or for the purpose of
7 explaining mitigating circumstances will result in the suspension of
8 the person's driver's license or driving privilege, or in the case of
9 a standing, stopping, or parking violation, refusal of the department
10 to renew the vehicle license, until any penalties imposed pursuant to
11 this chapter have been satisfied((+

12 ~~(j) A statement, which the person shall sign, that the person~~
13 ~~promises to respond to the notice of infraction in one of the ways~~
14 ~~provided in this chapter)).~~

15 **Sec. 3.** RCW 46.64.015 and 2004 c 43 s 5 are each amended to read
16 as follows:

17 Whenever any person is arrested for any violation of the traffic
18 laws or regulations which is punishable as a misdemeanor or by
19 imposition of a fine, the arresting officer may serve upon him or her
20 a traffic citation and notice to appear in court. Such citation and
21 notice shall conform to the requirements of RCW 46.64.010, and in
22 addition, shall include spaces for the name and address of the person
23 arrested, the license number of the vehicle involved, the driver's
24 license number of such person, if any, the offense or violation
25 charged, and the time and place where such person shall appear in
26 court(~~, and a place where the person arrested may sign~~). Such spaces
27 shall be filled with the appropriate information by the arresting
28 officer. (~~The arrested person, in order to secure release, and when~~
29 ~~permitted by the arresting officer, must give his or her written~~
30 ~~promise to appear in court as required by the citation and notice by~~
31 ~~signing in the appropriate place the written or electronic citation and~~
32 ~~notice served by the arresting officer, and if the arrested person is~~
33 ~~a nonresident of the state, shall also post a bond, cash security, or~~
34 ~~bail as required under RCW 46.64.035.)) An officer may not serve or
35 issue any traffic citation or notice for any offense or violation
36 except either when the offense or violation is committed in his or her
37 presence or when a person may be arrested pursuant to RCW 10.31.100, as~~

1 now or hereafter amended. The detention arising from an arrest under
2 this section may not be for a period of time longer than is reasonably
3 necessary to issue and serve a citation and notice, except that the
4 time limitation does not apply under any of the following
5 circumstances:

6 ~~(1) ((Where the arrested person refuses to sign a written promise
7 to appear in court as required by the citation and notice provisions of
8 this section;~~

9 ~~(2))~~ Where the arresting officer has probable cause to believe
10 that the arrested person has committed any of the offenses enumerated
11 in RCW 10.31.100(3)~~((, as now or hereafter amended))~~;

12 ~~((3))~~ (2) When the arrested person is a nonresident and is being
13 detained for a hearing under RCW 46.64.035.

14 **Sec. 4.** RCW 46.64.025 and 1999 c 86 s 7 are each amended to read
15 as follows:

16 Whenever any person ~~((violates his or her written promise to appear
17 in court, or))~~ served with a traffic citation fails to appear for a
18 scheduled court hearing, the court in which the defendant failed to
19 appear shall promptly give notice of such fact to the department of
20 licensing. Whenever thereafter the case in which the defendant failed
21 to appear is adjudicated, the court hearing the case shall promptly
22 file with the department a certificate showing that the case has been
23 adjudicated.

24 **Sec. 5.** RCW 7.80.070 and 1987 c 456 s 15 are each amended to read
25 as follows:

26 (1) A notice of civil infraction represents a determination that a
27 civil infraction has been committed. The determination is final unless
28 contested as provided in this chapter.

29 (2) The form for the notice of civil infraction shall be prescribed
30 by rule of the supreme court and shall include the following:

31 (a) A statement that the notice represents a determination that a
32 civil infraction has been committed by the person named in the notice
33 and that the determination is final unless contested as provided in
34 this chapter;

35 (b) A statement that a civil infraction is a noncriminal offense
36 for which imprisonment may not be imposed as a sanction;

1 (c) A statement of the specific civil infraction for which the
2 notice was issued;

3 (d) A statement of the monetary penalty established for the civil
4 infraction;

5 (e) A statement of the options provided in this chapter for
6 responding to the notice and the procedures necessary to exercise these
7 options;

8 (f) A statement that at any hearing to contest the determination
9 the state has the burden of proving, by a preponderance of the
10 evidence, that the civil infraction was committed and that the person
11 may subpoena witnesses including the enforcement officer who issued the
12 notice of civil infraction;

13 (g) A statement that at any hearing requested for the purpose of
14 explaining mitigating circumstances surrounding the commission of the
15 civil infraction, the person will be deemed to have committed the civil
16 infraction and may not subpoena witnesses;

17 (h) A statement that the person must respond to the notice as
18 provided in this chapter within fifteen days;

19 (i) A statement that failure to respond to the notice or a failure
20 to appear at a hearing requested for the purpose of contesting the
21 determination or for the purpose of explaining mitigating circumstances
22 will result in a default judgment against the person in the amount of
23 the penalty and that this failure may be referred to the prosecuting
24 attorney for criminal prosecution for failure to respond or appear; and

25 ~~(j) ((A statement, which the person shall sign, that the person
26 promises to respond to the notice of civil infraction in one of the
27 ways provided in this chapter;~~

28 ~~(k))~~) A statement that failure to respond to a notice of civil
29 infraction ~~((as promised))~~ or to appear at a requested hearing is a
30 misdemeanor and may be punished by a fine or imprisonment in jail.

31 **Sec. 6.** RCW 7.80.160 and 2002 c 175 s 2 are each amended to read
32 as follows:

33 ~~(1) ((A person who fails to sign a notice of civil infraction is
34 guilty of a misdemeanor.~~

35 ~~(2))~~) Any person who willfully ~~((violating his or her written and
36 signed promise to appear in court or his or her written and signed
37 promise))~~ fails to respond to a notice of civil infraction is guilty of

1 a misdemeanor regardless of the disposition of the notice of civil
2 infraction. A (~~written promise to appear in court or a written~~
3 ~~promise to respond to a~~) notice of civil infraction may be complied
4 with by an appearance by counsel.

5 ((~~3~~)) (2) A person who willfully fails to pay a monetary penalty
6 or to perform community restitution as required by a court under this
7 chapter may be found in contempt of court as provided in chapter 7.21
8 RCW.

9 **Sec. 7.** RCW 7.84.050 and 1987 c 380 s 5 are each amended to read
10 as follows:

11 (1) A notice of infraction represents a determination that an
12 infraction has been committed. The determination shall be final unless
13 contested as provided in this chapter.

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

16 (a) A statement that the notice represents a determination that an
17 infraction has been committed by the person named in the notice and
18 that the determination shall be final unless contested as provided in
19 this chapter;

20 (b) A statement that an infraction is a noncriminal offense for
21 which imprisonment will not be imposed as a sanction;

22 (c) A statement of the specific infraction for which the notice was
23 issued;

24 (d) A statement of the monetary penalty established for the
25 infraction;

26 (e) A statement of the options provided in this chapter for
27 responding to the notice and the procedures necessary to exercise these
28 options;

29 (f) A statement that at any hearing to contest the determination,
30 the state has the burden of proving, by a preponderance of the
31 evidence, that the infraction was committed; and that the person may
32 subpoena witnesses including the officer who issued the notice of
33 infraction;

34 (g) A statement that at any hearing requested for the purpose of
35 explaining mitigating circumstances surrounding the commission of the
36 infraction the person shall be deemed to have committed the infraction
37 and shall not subpoena witnesses;

1 (h) A statement that failure to respond to a notice of infraction
2 within fifteen days is a misdemeanor and may be punished by fine or
3 imprisonment; and

4 (i) A statement that failure to appear at a hearing requested for
5 the purpose of contesting the determination or for the purpose of
6 explaining mitigating circumstances is a misdemeanor and may be
7 punished by fine or imprisonment(~~(; and~~

8 ~~(j) A statement, which the person shall sign, that the person~~
9 ~~promises to respond to the notice of infraction in one of the ways~~
10 ~~provided in this chapter)).~~

11 **Sec. 8.** RCW 18.27.240 and 1986 c 197 s 4 are each amended to read
12 as follows:

13 The form of the notice of infraction issued under this chapter
14 shall include the following:

15 (1) A statement that the notice represents a determination that the
16 infraction has been committed by the contractor named in the notice and
17 that the determination shall be final unless contested as provided in
18 this chapter;

19 (2) A statement that the infraction is a noncriminal offense for
20 which imprisonment shall not be imposed as a sanction;

21 (3) A statement of the specific violation which necessitated
22 issuance of the infraction;

23 (4) A statement of penalty involved if the infraction is
24 established;

25 (5) A statement of the options provided in this chapter for
26 responding to the notice and the procedures necessary to exercise these
27 options;

28 (6) A statement that at any hearing to contest the notice of
29 infraction the state has the burden of proving, by a preponderance of
30 the evidence, that the infraction was committed; and that the
31 contractor may subpoena witnesses, including the compliance inspector
32 of the department who issued and served the notice of infraction;

33 (7) A statement(~~(, which the person who has been served with the~~
34 ~~notice of infraction shall sign,~~) that the contractor (~~(promises to)~~
35 must respond to the notice of infraction in one of the ways provided in
36 this chapter; and

1 (8) (~~A statement that refusal to sign the infraction as directed~~
2 ~~in subsection (7) of this section is a misdemeanor and may be punished~~
3 ~~by a fine or imprisonment in jail; and~~

4 (9)) A statement that a contractor's willful failure to respond to
5 a notice of infraction (~~as promised~~) is a misdemeanor and may be
6 punished by a fine or imprisonment in jail.

7 **Sec. 9.** RCW 18.106.190 and 1994 c 174 s 4 are each amended to read
8 as follows:

9 The form of the notice of infraction issued under this chapter
10 shall include the following:

11 (1) A statement that the notice represents a determination that the
12 infraction has been committed by the person named in the notice and
13 that the determination shall be final unless contested as provided in
14 this chapter;

15 (2) A statement that the infraction is a noncriminal offense for
16 which imprisonment shall not be imposed as a sanction;

17 (3) A statement of the specific infraction for which the notice was
18 issued;

19 (4) A statement of the monetary penalty that has been established
20 for the infraction;

21 (5) A statement of the options provided in this chapter for
22 responding to the notice and the procedures necessary to exercise these
23 options;

24 (6) A statement that at any hearing to contest the determination
25 the state has the burden of proving, by a preponderance of the
26 evidence, that the infraction was committed; and that the person may
27 subpoena witnesses, including the authorized representative of the
28 department who issued and served the notice of infraction; and

29 (7) (~~A statement, which the person shall sign, that the person~~
30 ~~promises to respond to the notice of infraction in one of the ways~~
31 ~~provided in this chapter;~~

32 (8) ~~A statement that refusal to sign the infraction as directed in~~
33 ~~subsection (7) of this section is a misdemeanor; and~~

34 (9)) A statement that willful failure to respond to a notice of
35 infraction as promised is a misdemeanor and may be punished by a fine
36 or imprisonment in jail.

1 **Sec. 10.** RCW 20.01.482 and 2004 c 43 s 3 are each amended to read
2 as follows:

3 (1) The director shall have the authority to issue a notice of
4 civil infraction if an infraction is committed in his or her presence
5 or, if after investigation, the director has reasonable cause to
6 believe an infraction has been committed.

7 (2) It is a misdemeanor for any person to refuse to properly
8 identify himself or herself for the purpose of issuance of a notice of
9 infraction (~~(or to refuse to sign the written or electronic promise to~~
10 ~~appear or respond to a notice of infraction)~~).

11 (3) Any person willfully (~~(violating a written or electronic and~~
12 ~~signed promise)~~) failing to respond to a notice of infraction is guilty
13 of a misdemeanor regardless of the disposition of the notice of
14 infraction.

15 **Sec. 11.** RCW 43.63B.140 and 1994 c 284 s 26 are each amended to
16 read as follows:

17 (1) The department shall prescribe the form of the notice of
18 infraction issued under this chapter.

19 (2) The notice of infraction shall include the following:

20 (a) A statement that the notice represents a determination that the
21 infraction has been committed by the person named in the notice and
22 that the determination is final unless contested as provided in this
23 chapter;

24 (b) A statement that the infraction is a noncriminal offense for
25 which imprisonment may not be imposed as a sanction;

26 (c) A statement of the specific infraction for which the notice was
27 issued;

28 (d) A statement of a monetary penalty that has been established for
29 the infraction;

30 (e) A statement of the options provided in this chapter for
31 responding to the notice and the procedures necessary to exercise these
32 options;

33 (f) A statement that, at a hearing to contest the determination,
34 the state has the burden of proving, by a preponderance of the
35 evidence, that the infraction was committed, and that the person may
36 subpoena witnesses including the authorized representative who issued
37 and served the notice of the infraction; and

1 (g) (~~A statement, that the person shall sign, that the person~~
2 ~~promises to respond to the notice of infraction in one of the ways~~
3 ~~provided in this chapter;~~

4 ~~(h) A statement that refusal to sign the infraction as directed in~~
5 ~~(g) of this subsection is a misdemeanor; and~~

6 ~~(i))~~ A statement that willful failure to respond to a notice of
7 infraction as promised is a misdemeanor and may be punished by a fine
8 or imprisonment in jail.

9 **Sec. 12.** RCW 81.112.230 and 1999 c 20 s 5 are each amended to read
10 as follows:

11 Nothing in RCW 81.112.020 and 81.112.210 through 81.112.230 shall
12 be deemed to prevent law enforcement authorities from prosecuting for
13 theft, trespass, or other charges by any individual who:

14 (1) Fails to pay the required fare on more than one occasion within
15 a twelve-month period;

16 (2) Fails to (~~sign~~) respond to a notice of civil infraction; or

17 (3) Fails to depart the train, including but not limited to
18 commuter trains and light rail trains, when requested to do so by a
19 person designated to monitor fare payment.

20 NEW SECTION. **Sec. 13.** RCW 18.27.280 (Notice--Penalty for person
21 refusing to promise to respond) and 1983 1st ex.s. c 2 s 10 are each
22 repealed.

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