
SUBSTITUTE SENATE BILL 5627

State of Washington

59th Legislature

2005 Regular Session

By Senate Committee on Judiciary (originally sponsored by Senators Kline, Johnson and Delvin; by request of Integrated Justice Information Board)

READ FIRST TIME 03/02/05.

1 AN ACT Relating to citations and infractions; amending RCW
2 46.61.021, 46.63.060, 46.64.025, 7.80.070, 7.80.160, 7.84.050,
3 18.27.240, 18.106.190, 20.01.482, 43.63B.140, and 81.112.230; and
4 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, give his or her
19 current address, and sign an acknowledgement of receipt of the notice

1 of infraction. The requirement for a signature does not apply when the
2 person is served with a notice of infraction that is created by
3 electronic means or served by mail.

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

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

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

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

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

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

24 (d) A statement of the monetary penalty established for the traffic
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 will be deemed to have committed the infraction
37 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;

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; and

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. The requirement for a signature does not
15 apply when the person is served with a notice of infraction that is
16 created by electronic means or served by mail.

17 **Sec. 3.** RCW 46.64.025 and 1999 c 86 s 7 are each amended to read
18 as follows:

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

27 **Sec. 4.** RCW 7.80.070 and 1987 c 456 s 15 are each amended to read
28 as follows:

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

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

34 (a) A statement that the notice represents a determination that a
35 civil infraction has been committed by the person named in the notice

1 and that the determination is final unless contested as provided in
2 this chapter;

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

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

7 (d) A statement of the monetary penalty established for the civil
8 infraction;

9 (e) A statement of the options provided in this chapter for
10 responding to the notice and the procedures necessary to exercise these
11 options;

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

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

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

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

29 (j) A statement, which the person shall sign, that the person
30 promises to respond to the notice of civil infraction in one of the
31 ways provided in this chapter. The requirement for a signature does
32 not apply when the person is served with a notice of civil infraction
33 that is created by electronic means or served by mail; and

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

1 **Sec. 5.** RCW 7.80.160 and 2002 c 175 s 2 are each amended to read
2 as follows:

3 (1) A person who fails to sign a notice of civil infraction is
4 guilty of a misdemeanor. The requirement for a signature does not
5 apply when the person is served with a notice of civil infraction that
6 is created by electronic means or served by mail.

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

10 a misdemeanor regardless of the disposition of the notice of civil

11 infraction. A (~~written promise to appear in court or a written~~
12 ~~promise to respond to a~~) notice of civil infraction may be complied

13 with by an appearance by counsel.

14 (3) A person who willfully fails to pay a monetary penalty or to
15 perform community restitution as required by a court under this chapter
16 may be found in contempt of court as provided in chapter 7.21 RCW.

17 **Sec. 6.** RCW 7.84.050 and 1987 c 380 s 5 are each amended to read
18 as follows:

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

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

24 (a) A statement that the notice represents a determination that an
25 infraction has been committed by the person named in the notice and
26 that the determination shall be final unless contested as provided in
27 this chapter;

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

30 (c) A statement of the specific infraction for which the notice was
31 issued;

32 (d) A statement of the monetary penalty established for the
33 infraction;

34 (e) A statement of the options provided in this chapter for
35 responding to the notice and the procedures necessary to exercise these
36 options;

1 (f) A statement that at any hearing to contest the determination,
2 the state has the burden of proving, by a preponderance of the
3 evidence, that the infraction was committed; and that the person may
4 subpoena witnesses including the officer who issued the notice of
5 infraction;

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

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

13 (i) A statement that failure to appear at a hearing requested for
14 the purpose of contesting the determination or for the purpose of
15 explaining mitigating circumstances is a misdemeanor and may be
16 punished by fine or imprisonment; and

17 (j) A statement, which the person shall sign, that the person
18 promises to respond to the notice of infraction in one of the ways
19 provided in this chapter. The requirement for a signature does not
20 apply when the person is served with a notice of infraction that is
21 created by electronic means or served by mail.

22 **Sec. 7.** RCW 18.27.240 and 1986 c 197 s 4 are each amended to read
23 as follows:

24 The form of the notice of infraction issued under this chapter
25 shall include the following:

26 (1) A statement that the notice represents a determination that the
27 infraction has been committed by the contractor named in the notice and
28 that the determination shall be final unless contested as provided in
29 this chapter;

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

32 (3) A statement of the specific violation which necessitated
33 issuance of the infraction;

34 (4) A statement of penalty involved if the infraction is
35 established;

36 (5) A statement of the options provided in this chapter for

1 responding to the notice and the procedures necessary to exercise these
2 options;

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

8 (7) A statement, which the person who has been served with the
9 notice of infraction shall sign, that the contractor (~~(promises to)~~)
10 must respond to the notice of infraction in one of the ways provided in
11 this chapter. The requirement for a signature does not apply when the
12 person is served with a notice of infraction that is created by
13 electronic means or served by mail;

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

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

20 The requirement for a signature does not apply when the person is
21 served with a notice of infraction that is created by electronic means
22 or served by mail.

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

25 The form of the notice of infraction issued under this chapter
26 shall include the following:

27 (1) A statement that the notice represents a determination that the
28 infraction has been committed by the person named in the notice and
29 that the determination shall be final unless contested as provided in
30 this chapter;

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

33 (3) A statement of the specific infraction for which the notice was
34 issued;

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

1 (5) A statement of the options provided in this chapter for
2 responding to the notice and the procedures necessary to exercise these
3 options;

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

9 (7) A statement, which the person shall sign, that the person
10 promises to respond to the notice of infraction in one of the ways
11 provided in this chapter;

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

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

17 The requirement for a signature does not apply when the person is
18 served with a notice of infraction that is created by electronic means
19 or served by mail.

20 **Sec. 9.** RCW 20.01.482 and 2004 c 43 s 3 are each amended to read
21 as follows:

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

26 (2) It is a misdemeanor for any person to refuse to properly
27 identify himself or herself for the purpose of issuance of a notice of
28 infraction (~~(or to refuse to sign the written or electronic promise to~~
29 ~~appear or respond to a notice of infraction)~~).

30 (3) Any person willfully (~~(violating a written or electronic and~~
31 ~~signed promise)~~) failing to respond to a notice of infraction is guilty
32 of a misdemeanor regardless of the disposition of the notice of
33 infraction.

34 **Sec. 10.** RCW 43.63B.140 and 1994 c 284 s 26 are each amended to
35 read as follows:

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

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

4 (a) A statement that the notice represents a determination that the
5 infraction has been committed by the person named in the notice and
6 that the determination is final unless contested as provided in this
7 chapter;

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

10 (c) A statement of the specific infraction for which the notice was
11 issued;

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

14 (e) A statement of the options provided in this chapter for
15 responding to the notice and the procedures necessary to exercise these
16 options;

17 (f) A statement that, at a hearing to contest the determination,
18 the state has the burden of proving, by a preponderance of the
19 evidence, that the infraction was committed, and that the person may
20 subpoena witnesses including the authorized representative who issued
21 and served the notice of the infraction;

22 (g) A statement, that the person shall sign, that the person
23 promises to respond to the notice of infraction in one of the ways
24 provided in this chapter;

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

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

30 The requirement for a signature does not apply when the person is
31 served with a notice of infraction that is created by electronic means
32 or served by mail.

33 **Sec. 11.** RCW 81.112.230 and 1999 c 20 s 5 are each amended to read
34 as follows:

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

- 1 (1) Fails to pay the required fare on more than one occasion within
2 a twelve-month period;
- 3 (2) Fails to (~~sign~~) respond to a notice of civil infraction; or
- 4 (3) Fails to depart the train, including but not limited to
5 commuter trains and light rail trains, when requested to do so by a
6 person designated to monitor fare payment.

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