

SENATE BILL REPORT

SHB 1580

As of April 2, 2013

Title: An act relating to allowing courts to assess additional costs to defendants if they are successful in setting aside a committed finding after failing to respond to an infraction or failing to appear for a hearing.

Brief Description: Allowing courts to assess additional costs to defendants if they are successful in setting aside a committed finding after failing to respond to an infraction or failing to appear for a hearing.

Sponsors: House Committee on Public Safety (originally sponsored by Representatives Rodne, Goodman and Nealey).

Brief History: Passed House: 3/12/13, 95-0.

Committee Activity: Law & Justice: 4/01/13.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Jessica Stevenson (786-7465)

Background: A person who receives a notice of a civil traffic infraction must respond within 15 days by paying the monetary penalty or requesting a hearing. If the person fails to respond to the notice or fails to appear at the requested hearing, the court must enter an order assessing the monetary penalty for the traffic infraction and any other authorized penalty, and notify the Department of Licensing.

There is a \$25 penalty for a failure to respond to a notice of traffic infraction, except if the infraction relates to parking or a failure to pay a monetary penalty. Local legislative bodies have authority to set a monetary penalty, not more than \$25, for failure to respond to a notice of traffic infraction relating to parking.

Each party to a traffic infraction case is responsible for their own costs. No costs or attorney fees may be awarded to either party in a traffic infraction case, except a \$25 administrative cost that may be imposed when a person who receives an infraction for failing to provide proof of motor vehicle insurance later provides written evidence that the person was insured.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Bill: A court may assess additional costs up to \$25 against a defendant, except for a holder of a commercial driver's license, who sets aside a committed finding after failing to respond to an infraction or failing to appear for a hearing.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: There seems to be an increase in the number of people who fail to appear for traffic infraction hearings. When a person fails to appear and wants another hearing scheduled, courts incur costs since the clerk must go through the processes a second time. The penalty may also be somewhat of an incentive for the person to appear the first time.

Persons Testifying: PRO: Justice Brett Buckley, Thurston County District Court.