

SENATE BILL REPORT

SHB 2035

As of February 15, 2018

Title: An act relating to information on civil traffic infractions.

Brief Description: Concerning information on civil traffic infractions.

Sponsors: House Committee on Judiciary (originally sponsored by Representatives Harmsworth, Hayes, Shea and Young).

Brief History: Passed House: 2/07/18, 98-0.

Committee Activity: Law & Justice: 2/15/18.

Brief Summary of Bill

- Requires the Administrative Office of the Courts (AOC) to remove identifying information about parking infraction cases from publicly accessible websites maintained by the AOC.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Shani Bauer (786-7468)

Background: A failure to follow the rules of the road, and equivalent local laws, is generally a traffic infraction and not classified as a criminal offense. An infraction case is initiated by the issuance, service, and filing of a notice of infraction. When a notice of infraction has been issued, the notice is filed with a court having jurisdiction over the infraction or with a violations bureau subject to a court's supervision. A notice of traffic infraction represents a determination that an infraction has been committed; this determination is final unless it is contested by the violator.

When an infraction is issued for a parking violation, there is a prima facie presumption that the registered owner of the vehicle was the person who parked the vehicle at the point where the violation occurred. This presumption may be overcome only if the registered owner states, under oath, in a written statement to the court or in testimony that the vehicle was stolen or in the control of some person other than the registered owner. Civil penalties are issued to the registered owner, but do not become part of the owner's driving record.

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.

Infractions issued as a result of an automated traffic safety camera or photo toll system are processed in a similar manner.

The AOC maintains web-based court case management systems that allow the public to access case information from district, municipal, and superior courts.

Summary of Bill: The AOC is required to remove personally identifying information assigned to parking infractions from its publicly accessible websites.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony: PRO: If someone is driving your car and drives through a red light camera, you get an infraction. You have the right to contest the fact that you were not driving the car at the time of the infraction. Regardless, as the registered owner, your name will be on the AOC website associated with the cause.

CON: The Constitution states that all justice shall be administered openly in Washington State. To remove a class of civil penalties from that policy violates a long held practice. Excluding only those cases where the infraction is dismissed is an interesting concept. There is nothing onerous about what is listed on the website and it is not particularly embarrassing to have your name associated with a cause number. This bill pokes holes in a series of cases that are historically open to the public.

OTHER: AOC has an online portal on the web which shows cases in the system listed by name. Upon initiating a search, a parking infraction would show up without a lot of detail. If you bring up the cause number, it will tell you the disposition, but not technically whether the cause was dismissed.

Persons Testifying: PRO: Representative Mark Harmsworth, Prime Sponsor.

CON: Rowland Thompson, Allied Daily Newspapers of Washington.

OTHER: Brady Horenstein, Administrative Office of the Courts.

Persons Signed In To Testify But Not Testifying: No one.