

**SSB 5723 - H AMD 525**

By Representative Young

OUT OF ORDER 04/09/2019

1 On page 2, line 23, after "indigent" insert "or the penalty is  
2 waived under RCW 46.63.070(7)"

3 On page 3, line 21, after "indigent" insert "or the penalty is  
4 waived under RCW 46.63.070(7)"

5 On page 4, line 20, after "indigent" insert "or the penalty is  
6 waived under RCW 46.63.070(7)"

7 On page 5, line 17, after "indigent" insert "or the penalty is  
8 waived under RCW 46.63.070(7)"

9 On page 6, line 1, after "indigent" insert "or the penalty is  
10 waived under RCW 46.63.070(7)"

11 On page 7, line 9, after "indigent" insert "or the penalty is  
12 waived under RCW 46.63.070(7)"

13 On page 7, line 28, after "indigent" insert "or the penalty is  
14 waived under RCW 46.63.070(7)"

15 On page 10, after line 31, insert the following:

16 "**Sec. 12.** RCW 46.63.070 and 2011 c 372 s 3 are each amended to  
17 read as follows:

18 (1) Any person who receives a notice of traffic infraction shall  
19 respond to such notice as provided in this section within fifteen  
20 days of the date of the notice.

21 (2) If the person determined to have committed the infraction  
22 does not contest the determination the person shall respond by  
23 completing the appropriate portion of the notice of infraction and  
24 submitting it, either by mail or in person, to the court specified on  
25 the notice. A check or money order in the amount of the penalty  
26 prescribed for the infraction must be submitted with the response.  
27 When a response which does not contest the determination is received,  
28 an appropriate order shall be entered in the court's records, and a

1 record of the response and order shall be furnished to the department  
2 in accordance with RCW 46.20.270.

3 (3) If the person determined to have committed the infraction  
4 wishes to contest the determination the person shall respond by  
5 completing the portion of the notice of infraction requesting a  
6 hearing and submitting it, either by mail or in person, to the court  
7 specified on the notice. The court shall notify the person in writing  
8 of the time, place, and date of the hearing, and that date shall not  
9 be sooner than seven days from the date of the notice, except by  
10 agreement.

11 (4) If the person determined to have committed the infraction  
12 does not contest the determination but wishes to explain mitigating  
13 circumstances surrounding the infraction the person shall respond by  
14 completing the portion of the notice of infraction requesting a  
15 hearing for that purpose and submitting it, either by mail or in  
16 person, to the court specified on the notice. The court shall notify  
17 the person in writing of the time, place, and date of the hearing.

18 (5)(a) Except as provided in (b), (c), and (d) of this  
19 subsection, in hearings conducted pursuant to subsections (3) and (4)  
20 of this section, the court may defer findings, or in a hearing to  
21 explain mitigating circumstances may defer entry of its order, for up  
22 to one year and impose conditions upon the defendant the court deems  
23 appropriate. Upon deferring findings, the court may assess costs as  
24 the court deems appropriate for administrative processing. If at the  
25 end of the deferral period the defendant has met all conditions and  
26 has not been determined to have committed another traffic infraction,  
27 the court may dismiss the infraction.

28 (b) A person may not receive more than one deferral within a  
29 seven-year period for traffic infractions for moving violations and  
30 more than one deferral within a seven-year period for traffic  
31 infractions for nonmoving violations.

32 (c) A person who is the holder of a commercial driver's license  
33 or who was operating a commercial motor vehicle at the time of the  
34 violation may not receive a deferral under this section.

35 (d) A person who commits negligent driving in the second degree  
36 with a vulnerable user victim may not receive a deferral for this  
37 infraction under this section.

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

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

1 (b) Fails to appear at a hearing requested pursuant to subsection  
2 (3) or (4) of this section;  
3 the court shall enter an appropriate order assessing the monetary  
4 penalty prescribed for the traffic infraction and any other penalty  
5 authorized by this chapter and shall notify the department in  
6 accordance with RCW 46.20.270, of the failure to respond to the  
7 notice of infraction or to appear at a requested hearing.

8 (7) If the person determined to have committed the infraction  
9 wishes to explain mitigating circumstances in accordance with the  
10 requirements of subsection (4) of this section and one of the  
11 mitigating circumstances is that this infraction is the first  
12 infraction committed within the court's jurisdiction for which the  
13 person received the additional penalty under RCW 46.61.145,  
14 46.61.180, 46.61.185, 46.61.190, or 46.61.205, the court shall waive  
15 the additional penalty in hearings conducted under subsections (3)  
16 and (4) of this section."

17 Renumber the remaining sections consecutively, correct any  
18 internal references accordingly, and correct the title.

EFFECT: Mandates that a judge waive the additional fine for improper overtaking and passing, following too closely, and failure to stop or yield traffic infractions at a hearing requested by the person determined to have committed the infraction when the person presents as a mitigating circumstance that the infraction is the first infraction the person committed within the court's jurisdiction for which he or she received the additional penalty.

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