

SSB 5723 - H AMD TO TR COMM AMD (H-2751.1/19) **522**
By Representative Young

NOT ADOPTED 04/09/2019

1 On page 2, line 15, after "indigent" insert "or the penalty is
2 waived under RCW 46.63.070(7)"

3 On page 3, line 14, after "indigent" insert "or the penalty is
4 waived under RCW 46.63.070(7)"

5 On page 4, line 12, after "indigent" insert "or the penalty is
6 waived under RCW 46.63.070(7)"

7 On page 5, line 11, after "indigent" insert "or the penalty is
8 waived under RCW 46.63.070(7)"

9 On page 5, line 33, after "indigent" insert "or the penalty is
10 waived under RCW 46.63.070(7)"

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

13 On page 7, line 22, after "indigent" insert "or the penalty is
14 waived under RCW 46.63.070(7)"

15 On page 10, after line 26, insert the following:

16 "**Sec. 13.** 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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