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HOUSE BILL 2248

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State of Washington

56th Legislature

1999 Regular Session

By Representatives Gombosky, Lovick, O'Brien, Wood, Santos, Edmonds, Ruderman and Kenney

Read first time 02/26/1999. Referred to Committee on Transportation.

1 AN ACT Relating to processing traffic citations issued outside an  
2 officer's primary territorial jurisdiction; amending RCW 46.64.010;  
3 adding a new section to chapter 46.63 RCW; and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature recognizes that under RCW  
6 10.93.070, general authority Washington peace officers may enforce the  
7 traffic laws of this state throughout the territorial bounds of this  
8 state under certain enumerated circumstances. The legislature  
9 recognizes that currently there does not exist established procedures  
10 for the disposition of traffic citations issued outside an officer's  
11 primary territorial jurisdiction. It is the purpose of section 2 of  
12 this act to establish procedures for the disposition of such citations.

13 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.63 RCW  
14 to read as follows:

15 (1)(a) When a law enforcement officer issues a traffic citation  
16 outside the officer's primary territorial jurisdiction for a violation  
17 of the state traffic laws, as authorized under RCW 10.93.070, the  
18 officer shall deposit the original or a copy of the traffic citation

1 with the court of limited jurisdiction in which the officer would  
2 normally deposit traffic citations if the officer were in his or her  
3 primary territorial jurisdiction. The court of limited jurisdiction in  
4 which the officer deposits the original or a copy of the traffic  
5 citation has jurisdiction over the infraction as if the infraction were  
6 issued within the officer's primary territorial jurisdiction.

7 (b) For the purposes of this section, "primary territorial  
8 jurisdiction" means the city, town, or unincorporated areas within the  
9 county boundaries in which the officer is responsible for police  
10 activity.

11 (2)(a) Within ten business days from the date the citation was  
12 issued, the person determined to have committed the infraction may  
13 request that jurisdiction over the traffic infraction be transferred to  
14 the court having jurisdiction over traffic infractions issued where the  
15 alleged violation occurred. The request must be in writing and  
16 submitted to the court where the citation was deposited. Upon such a  
17 request, the court where the citation was deposited must transfer  
18 jurisdiction over the matter to the appropriate court.

19 (b) Except as provided for in subsection (3) of this section, all  
20 procedures applicable to traffic infractions under this chapter apply  
21 in the same manner to traffic infractions that have been transferred  
22 under this section. A transfer of jurisdiction over the infraction  
23 does not limit or preclude hearings, rights, or remedies available  
24 under this chapter to the person determined to have committed the  
25 infraction. When a person requests a transfer under this section, the  
26 time period in which a person has to respond to a notice of traffic  
27 infraction will be calculated from the date the traffic infraction is  
28 transferred.

29 (3) If the person determined to have committed the infraction  
30 requests a hearing to contest the infraction, the person may subpoena  
31 witnesses, including the officer, and may present evidence and examine  
32 witnesses present in court. If the person subpoenas the officer and  
33 the court finds that the infraction was committed, the person must pay  
34 all reasonable travel costs associated with the officer's appearance.  
35 If both the prosecutor and the person determined to have committed the  
36 infraction subpoena the officer and the court finds that the infraction  
37 was committed, the person determined to have committed the infraction  
38 must pay all reasonable travel costs associated with the officer's  
39 appearance.

1 (4) The procedures provided in this section do not apply to traffic  
2 citations issued by any Washington state patrol officer.

3 **Sec. 3.** RCW 46.64.010 and 1961 c 12 s 46.64.010 are each amended  
4 to read as follows:

5 Every traffic enforcement agency in this state shall provide in  
6 appropriate form traffic citations containing notices to appear which  
7 shall be issued in books with citations in quadruplicate and meeting  
8 the requirements of this section.

9 The chief administrative officer of every such traffic enforcement  
10 agency shall be responsible for the issuance of such books and shall  
11 maintain a record of every such book and each citation contained  
12 therein issued to individual members of the traffic enforcement agency  
13 and shall require and retain a receipt for every book so issued.

14 Every traffic enforcement officer upon issuing a traffic citation  
15 to an alleged violator of any provision of the motor vehicle laws of  
16 this state or of any traffic ordinance of any city or town shall  
17 deposit the original or a copy of such traffic citation with a court  
18 having competent jurisdiction over the alleged offense or with its  
19 traffic violations bureau.

20 Upon the deposit of the original or a copy of such traffic  
21 citation, or transfer of the traffic citation as provided for under  
22 section 2 of this act, with a court having competent jurisdiction over  
23 the alleged offense or with its traffic violations bureau as aforesaid,  
24 said original or copy of such traffic citation may be disposed of only  
25 by trial in said court or other official action by a judge of said  
26 court, including forfeiture of the bail or by the deposit of sufficient  
27 bail with or payment of a fine to said traffic violations bureau by the  
28 person to whom such traffic citation has been issued by the traffic  
29 enforcement officer.

30 It shall be unlawful and official misconduct for any traffic  
31 enforcement officer or other officer or public employee to dispose of  
32 a traffic citation or copies thereof or of the record of the issuance  
33 of the same in a manner other than as required herein.

34 The chief administrative officer of every traffic enforcement  
35 agency shall require the return to him of a copy of every traffic  
36 citation issued by an officer under his supervision to an alleged  
37 violator of any traffic law or ordinance and of all copies of every

1 traffic citation which has been spoiled or upon which any entry has  
2 been made and not issued to an alleged violator.

3 Such chief administrative officer shall also maintain or cause to  
4 be maintained in connection with every traffic citation issued by an  
5 officer under his supervision a record of the disposition of the charge  
6 by the court or its traffic violations bureau in which the original or  
7 copy of the traffic citation was deposited.

8 Any person who cancels or solicits the cancellation of any traffic  
9 citation, in any manner other than as provided in this section, shall  
10 be guilty of a misdemeanor.

11 Every record of traffic citations required in this section shall be  
12 audited monthly by the appropriate fiscal officer of the government  
13 agency to which the traffic enforcement agency is responsible.

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