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**SENATE BILL 5100**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2015 Regular Session

**State of Washington                      64th Legislature                      2015 Regular Session**

**By Senators Hobbs and King**

Read first time 01/14/15. Referred to Committee on Transportation.

1            AN ACT Relating to processing certain motor vehicle-related  
2 violations applicable to rental cars; and amending RCW 46.20.270 and  
3 46.63.073.

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

5            **Sec. 1.** RCW 46.20.270 and 2013 2nd sp.s. c 35 s 17 are each  
6 amended to read as follows:

7            (1) Every court having jurisdiction over offenses committed under  
8 this chapter, or any other act of this state or municipal ordinance  
9 adopted by a local authority regulating the operation of motor  
10 vehicles on highways, or any federal authority having jurisdiction  
11 over offenses substantially the same as those set forth in this title  
12 which occur on federal installations within this state, shall  
13 immediately forward to the department a forfeiture of bail or  
14 collateral deposited to secure the defendant's appearance in court, a  
15 payment of a fine, penalty, or court cost, a plea of guilty or nolo  
16 contendere or a finding of guilt, or a finding that any person has  
17 committed a traffic infraction an abstract of the court record in the  
18 form prescribed by rule of the supreme court, showing the conviction  
19 of any person or the finding that any person has committed a traffic  
20 infraction in said court for a violation of any said laws other than

1 regulations governing standing, stopping, parking, and pedestrian  
2 offenses.

3 (2) Every state agency or municipality having jurisdiction over  
4 offenses committed under this chapter, or under any other act of this  
5 state or municipal ordinance adopted by a state or local authority  
6 regulating the operation of motor vehicles on highways, may forward  
7 to the department within ten days of failure to respond, failure to  
8 pay a penalty, failure to appear at a hearing to contest the  
9 determination that a violation of any statute, ordinance, or  
10 regulation relating to standing, stopping, parking, or civil  
11 penalties issued under RCW 46.63.160 has been committed, or failure  
12 to appear at a hearing to explain mitigating circumstances, an  
13 abstract of the citation record in the form prescribed by rule of the  
14 department, showing the finding by such municipality that two or more  
15 violations of laws governing standing, stopping, and parking or one  
16 or more civil penalties issued under RCW 46.63.160 have been  
17 committed and indicating the nature of the defendant's failure to  
18 act. Such violations or infractions may not have occurred while the  
19 vehicle is stolen from the registered owner (~~or is leased or rented~~  
20 ~~under a bona fide commercial vehicle lease or rental agreement~~  
21 ~~between a lessor engaged in the business of leasing vehicles and a~~  
22 ~~lessee who is not the vehicle's registered owner)). The department  
23 may enter into agreements of reciprocity with the duly authorized  
24 representatives of the states for reporting to each other violations  
25 of laws governing standing, stopping, and parking.~~

26 (3) For the purposes of this title and except as defined in RCW  
27 46.25.010, "conviction" means a final conviction in a state or  
28 municipal court or by any federal authority having jurisdiction over  
29 offenses substantially the same as those set forth in this title  
30 which occur on federal installations in this state, an unvacated  
31 forfeiture of bail or collateral deposited to secure a defendant's  
32 appearance in court, the payment of a fine or court cost, a plea of  
33 guilty or nolo contendere, or a finding of guilt on a traffic law  
34 violation charge, regardless of whether the imposition of sentence or  
35 sanctions are deferred or the penalty is suspended, but not including  
36 entry into a deferred prosecution agreement under chapter 10.05 RCW.

37 (4) Perfection of a notice of appeal shall stay the execution of  
38 the sentence pertaining to the withholding of the driving privilege.

39 (5) For the purposes of this title, "finding that a traffic  
40 infraction has been committed" means a failure to respond to a notice

1 of infraction or a determination made by a court pursuant to this  
2 chapter. Payment of a monetary penalty made pursuant to RCW  
3 46.63.070(2) is deemed equivalent to such a finding.

4 **Sec. 2.** RCW 46.63.073 and 2007 c 372 s 1 are each amended to  
5 read as follows:

6 (1) In the event a traffic infraction is based on a vehicle's  
7 identification, and the registered owner of the vehicle is a rental  
8 car business, the law enforcement agency shall, before a notice of  
9 infraction may be issued, provide a written notice to the rental car  
10 business that a notice of infraction may be issued to the rental car  
11 business if the rental car business does not, within thirty days of  
12 receiving the written notice, provide to the issuing agency by return  
13 mail:

14 (a) A statement under oath stating the name and known mailing  
15 address of the individual driving or renting the vehicle when the  
16 infraction occurred; or

17 (b) A statement under oath that the business is unable to  
18 determine who was driving or renting the vehicle at the time the  
19 infraction occurred because the vehicle was stolen at the time of the  
20 infraction. A statement provided under this subsection must be  
21 accompanied by a copy of a filed police report regarding the vehicle  
22 theft.

23 Timely mailing of this statement to the issuing law enforcement  
24 agency relieves a rental car business of any liability under this  
25 chapter for the notice of infraction. In lieu of identifying the  
26 vehicle operator, the rental car business may pay the applicable  
27 penalty. If appropriate under the circumstances, a renter identified  
28 under (a) of this subsection is responsible for an infraction. For  
29 the purpose of this subsection, a "traffic infraction based on a  
30 vehicle's identification" includes, but is not limited to, parking  
31 infractions, high occupancy toll lane violations, and violations  
32 recorded by automated traffic safety cameras.

33 (2) In the event a parking infraction is issued by a private  
34 parking facility and is based on a vehicle's identification, and the  
35 registered owner of the vehicle is a rental car business, the parking  
36 facility shall, before a notice of infraction may be issued, provide  
37 a written notice to the rental car business that a notice of  
38 infraction may be issued to the rental car business if the rental car

1 business does not, within thirty days of receiving the written  
2 notice, provide to the parking facility by return mail:

3 (a) A statement under oath stating the name and known mailing  
4 address of the individual driving or renting the vehicle when the  
5 infraction occurred; or

6 (b) A statement under oath that the business is unable to  
7 determine who was driving or renting the vehicle at the time the  
8 infraction occurred because the vehicle was stolen at the time of the  
9 infraction. A statement provided under this subsection must be  
10 accompanied by a copy of a filed police report regarding the vehicle  
11 theft.

12 Timely mailing of this statement to the parking facility relieves  
13 a rental car business of any liability under this chapter for the  
14 notice of infraction. In lieu of identifying the vehicle operator,  
15 the rental car business may pay the applicable penalty. For the  
16 purpose of this subsection, a "parking infraction based on a  
17 vehicle's identification" is limited to parking infractions occurring  
18 on a private parking facility's premises.

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