

the application of the provision to other persons or circumstances is not affected.

Passed the Senate April 21, 1987.

Passed the House April 17, 1987.

Approved by the Governor May 13, 1987.

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CHAPTER 345

[Substitute Senate Bill No. 5061]

TRAFFIC INFRACTIONS—FAILURE TO COMPLY WITH TRAFFIC LAWS— NONRESIDENTS MAY BE REQUIRED TO POST BONDS

AN ACT Relating to failure to comply with traffic infraction laws; amending RCW 46.64.020 and 46.64.015; adding a new section to chapter 46.64 RCW; and prescribing penalties.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 46.64.020, chapter 12, Laws of 1961 as last amended by section 1, chapter 213, Laws of 1986 and RCW 46.64.020 are each amended to read as follows:

(1) Any person wilfully violating his or her written and signed promise to appear in court or his or her written and signed promise to respond to a notice of traffic infraction, as provided in this title, is guilty of a misdemeanor regardless of the disposition of the charge upon which he or she was originally arrested or the disposition of the notice of infraction: PROVIDED, That a written promise to appear in court or a written promise to respond to a notice of traffic infraction may be complied with by an appearance by counsel: PROVIDED FURTHER, That a person charged under RCW 46.20.021 with driving with an expired driver's license may respond by mailing to the court within fifteen days of the violation, a copy of the person's currently valid driver's license. Any person who has been issued a notice of infraction pursuant to RCW 46.63.030(3) and who wilfully fails to respond as provided in this title is guilty of a misdemeanor regardless of the disposition of the notice of infraction.

(2) Any person who accumulates two or more charges of failure to appear on his or her driving record in any four-year period as a result of non-compliance with the traffic infraction laws shall be guilty of failure to comply, a gross misdemeanor.

The arresting officer may determine probable cause for arrest under this subsection by verification of the person's driving record obtained from the department of licensing.

Sec. 2. Section 46.64.015, chapter 12, Laws of 1961 as last amended by section 11, chapter 303, Laws of 1985 and RCW 46.64.015 are each amended to read as follows:

Whenever any person is arrested for any violation of the traffic laws or regulations which is punishable as a misdemeanor or by imposition of a fine, the arresting officer may serve upon him or her a traffic citation and notice to appear in court. Such citation and notice shall conform to the requirements of RCW 46.64.010, and in addition, shall include spaces for the name and address of the person arrested, the license number of the vehicle involved, the driver's license number of such person, if any, the offense or violation charged, the time and place where such person shall appear in court, and a place where the person arrested may sign. Such spaces shall be filled with the appropriate information by the arresting officer. The arrested person, in order to secure release, and when permitted by the arresting officer, must give his or her written promise to appear in court as required by the citation and notice by signing in the appropriate place the written citation and notice served by the arresting officer, and if the arrested person is a nonresident of the state, shall also post a bond, cash security, or bail as required under section 3 of this 1987 act. An officer may not serve or issue any traffic citation or notice for any offense or violation except either when the offense or violation is committed in his or her presence or when a person may be arrested pursuant to RCW 10.31.100, as now or hereafter amended. The detention arising from an arrest under this section may not be for a period of time longer than is reasonably necessary to issue and serve a citation and notice, except that the time limitation does not apply under any of the following circumstances:

(1) Where the arrested person refuses to sign a written promise to appear in court as required by the citation and notice provisions of this section;

(2) Where the arresting officer has probable cause to believe that the arrested person has committed any of the offenses enumerated in RCW 10.31.100(3), as now or hereafter amended;

(3) When the arrested person is a nonresident and is being detained for a hearing under section 3 of this 1987 act.

NEW SECTION. Sec. 3. A new section is added to chapter 46.64 RCW to read as follows:

Any nonresident of the state of Washington who is issued a notice of infraction or a citation for a traffic offense may be required to post either a bond or cash security in the amount of the infraction penalty or to post bail. The court shall by January 1, 1990, accept, in lieu of bond or cash security, valid major credit cards issued by a bank or other financial institution or automobile club card guaranteed by an insurance company licensed to conduct business in the state. If payment is made by credit card the court is authorized to impose, in addition to any penalty or fine, an amount equal to the charge to the court for accepting such cards. If the person cannot post the bond, cash security, or bail, he or she shall be taken to a magistrate or judge for a hearing at the first possible working time of the court. If the

person refuses to comply with this section, he or she shall be guilty of a misdemeanor. This section does not apply to residents of states that have entered into a reciprocal agreement as outlined in RCW 46.23.020.

Passed the Senate April 23, 1987.

Passed the House April 21, 1987.

Approved by the Governor May 13, 1987.

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CHAPTER 346

[Substitute House Bill No. 614]

ABSENTEE VOTING

AN ACT Relating to absentee voting; amending RCW 29.36.010, 29.36.013, 29.36.030, 29.36.050, 29.36.060, 29.36.070, 29.36.075, 29.36.097, 29.36.100, 29.36.150, 29.36.160, and 29.62.020; adding new sections to chapter 29.01 RCW; adding a new section to chapter 29.36 RCW; creating new sections; repealing RCW 29.36.020, 29.36.040, 29.36.065, 29.36.077, 29.36.095, 29.36.110, 29.39.010, 29.39.020, 29.39.030, 29.39.040, 29.39.050, 29.39.060, 29.39.070, 29.39.080, 29.39.090, 29.39.100, 29.39.110, 29.39.120, 29.39.130, 29.39.140, 29.39.150, 29.39.160, 29.39.170, 29.39.180, 29.39.190, 29.39.200, 29.39.210, and 29.39.900; prescribing penalties; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. By this act the legislature intends to combine and unify the laws and procedures governing absentee voting. These amendments are intended: (1) To clarify and incorporate into a single chapter of the Revised Code of Washington the preexisting statutes under which electors of this state qualify for absentee ballots under state law, federal law, or a combination of both state and federal law, and (2) to insure uniformity in the application, issuance, receipt, and canvassing of these absentee ballots. Nothing in this act is intended to impose any new requirement on the ability of the registered voters or electors of this state to qualify for, receive, or cast absentee ballots in any primary or election.

NEW SECTION. Sec. 2. "ELECTOR" DEFINED. "Elector" means any person who possesses all of the qualifications to vote under Article VI of the state Constitution.

NEW SECTION. Sec. 3. "DATE OF MAILING" DEFINED. For registered voters voting by absentee or voting by mail, "date of mailing" means the date of the postal cancellation on the envelope in which the ballot is returned to the election official by whom it was issued. For all other absentee voters, "date of mailing" means the date stated by the voter on the envelope in which the ballot is returned to the election official by whom it was issued.

NEW SECTION. Sec. 4. "DISABLED VOTER" DEFINED. "Disabled voter" means any registered voter who qualifies for special parking privileges under RCW 46.16.381, or who is defined as blind under RCW