
SENATE BILL 5301

State of Washington

56th Legislature

1999 Regular Session

By Senator Heavey

Read first time 01/19/1999. Referred to Committee on Judiciary.

1 AN ACT Relating to the processing of traffic offenses by district
2 and municipal courts; amending RCW 7.68.035, 46.01.260, 46.20.293,
3 46.55.105, 46.63.020, and 46.64.025; adding a new section to chapter
4 46.52 RCW; and repealing RCW 46.52.100 and 46.61.475.

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

6 **Sec. 1.** RCW 7.68.035 and 1997 c 66 s 9 are each amended to read as
7 follows:

8 (1)(a) Whenever any person is found guilty in any superior court of
9 having committed a crime, except as provided in subsection (2) of this
10 section, there shall be imposed by the court upon such convicted person
11 a penalty assessment. The assessment shall be in addition to any other
12 penalty or fine imposed by law and shall be five hundred dollars for
13 each case or cause of action that includes one or more convictions of
14 a felony or gross misdemeanor and two hundred fifty dollars for any
15 case or cause of action that includes convictions of only one or more
16 misdemeanors.

17 (b) Whenever any juvenile is adjudicated of any offense in any
18 juvenile offense disposition under Title 13 RCW, except as provided in
19 subsection (2) of this section, there shall be imposed upon the

1 juvenile offender a penalty assessment. The assessment shall be in
2 addition to any other penalty or fine imposed by law and shall be one
3 hundred dollars for each case or cause of action that includes one or
4 more adjudications for a felony or gross misdemeanor and seventy-five
5 dollars for each case or cause of action that includes adjudications of
6 only one or more misdemeanors.

7 (2) The assessment imposed by subsection (1) of this section shall
8 not apply to motor vehicle crimes defined in Title 46 RCW except those
9 defined in the following sections: RCW 46.61.520, 46.61.522,
10 46.61.024, 46.52.090, 46.70.140, 46.61.502, 46.61.504, (~~46.52.100~~)
11 section 4 of this act, 46.20.410, 46.52.020, 46.10.130, 46.09.130,
12 46.61.5249, 46.61.525, 46.61.685, 46.61.530, 46.61.500, 46.61.015,
13 46.52.010, 46.44.180, 46.10.090(2), and 46.09.120(2).

14 (3) Whenever any person accused of having committed a crime posts
15 bail in superior court pursuant to the provisions of chapter 10.19 RCW
16 and such bail is forfeited, there shall be deducted from the proceeds
17 of such forfeited bail a penalty assessment, in addition to any other
18 penalty or fine imposed by law, equal to the assessment which would be
19 applicable under subsection (1) of this section if the person had been
20 convicted of the crime.

21 (4) Such penalty assessments shall be paid by the clerk of the
22 superior court to the county treasurer who shall monthly transmit the
23 money as provided in RCW 10.82.070. Each county shall deposit fifty
24 percent of the money it receives per case or cause of action under
25 subsection (1) of this section and retains under RCW 10.82.070, not
26 less than one and seventy-five one-hundredths percent of the remaining
27 money it retains under RCW 10.82.070 and the money it retains under
28 chapter 3.62 RCW, and all money it receives under subsection (7) of
29 this section into a fund maintained exclusively for the support of
30 comprehensive programs to encourage and facilitate testimony by the
31 victims of crimes and witnesses to crimes. A program shall be
32 considered "comprehensive" only after approval of the department upon
33 application by the county prosecuting attorney. The department shall
34 approve as comprehensive only programs which:

35 (a) Provide comprehensive services to victims and witnesses of all
36 types of crime with particular emphasis on serious crimes against
37 persons and property. It is the intent of the legislature to make
38 funds available only to programs which do not restrict services to

1 victims or witnesses of a particular type or types of crime and that
2 such funds supplement, not supplant, existing local funding levels;

3 (b) Are administered by the county prosecuting attorney either
4 directly through the prosecuting attorney's office or by contract
5 between the county and agencies providing services to victims of crime;

6 (c) Make a reasonable effort to inform the known victim or his
7 surviving dependents of the existence of this chapter and the procedure
8 for making application for benefits;

9 (d) Assist victims in the restitution and adjudication process; and

10 (e) Assist victims of violent crimes in the preparation and
11 presentation of their claims to the department of labor and industries
12 under this chapter.

13 Before a program in any county west of the Cascade mountains is
14 submitted to the department for approval, it shall be submitted for
15 review and comment to each city within the county with a population of
16 more than one hundred fifty thousand. The department will consider if
17 the county's proposed comprehensive plan meets the needs of crime
18 victims in cases adjudicated in municipal, district or superior courts
19 and of crime victims located within the city and county.

20 (5) Upon submission to the department of a letter of intent to
21 adopt a comprehensive program, the prosecuting attorney shall retain
22 the money deposited by the county under subsection (4) of this section
23 until such time as the county prosecuting attorney has obtained
24 approval of a program from the department. Approval of the
25 comprehensive plan by the department must be obtained within one year
26 of the date of the letter of intent to adopt a comprehensive program.
27 The county prosecuting attorney shall not make any expenditures from
28 the money deposited under subsection (4) of this section until approval
29 of a comprehensive plan by the department. If a county prosecuting
30 attorney has failed to obtain approval of a program from the department
31 under subsection (4) of this section or failed to obtain approval of a
32 comprehensive program within one year after submission of a letter of
33 intent under this section, the county treasurer shall monthly transmit
34 one hundred percent of the money deposited by the county under
35 subsection (4) of this section to the state treasurer for deposit in
36 the public safety and education account established under RCW
37 43.08.250.

1 (6) County prosecuting attorneys are responsible to make every
2 reasonable effort to insure that the penalty assessments of this
3 chapter are imposed and collected.

4 (7) Every city and town shall transmit monthly one and seventy-five
5 one-hundredths percent of all money, other than money received for
6 parking infractions, retained under RCW 3.46.120, 3.50.100, and
7 35.20.220 to the county treasurer for deposit as provided in subsection
8 (4) of this section.

9 **Sec. 2.** RCW 46.01.260 and 1998 c 207 s 3 are each amended to read
10 as follows:

11 (1) Except as provided in subsection (2) of this section, the
12 director, in his or her discretion, may destroy applications for
13 vehicle licenses, copies of vehicle licenses issued, applications for
14 drivers' licenses, copies of issued drivers' licenses, certificates of
15 title and registration or other documents, records or supporting papers
16 on file in his or her office which have been microfilmed or
17 photographed or are more than five years old. If the applications for
18 vehicle licenses are renewal applications, the director may destroy
19 such applications when the computer record thereof has been updated.

20 (2)(a) The director shall not destroy records of convictions or
21 adjudications of RCW 46.61.520 and 46.61.522 or records of deferred
22 prosecutions granted under RCW 10.05.120 and shall maintain such
23 records permanently on file.

24 (b) The director shall not, within fifteen years from the date of
25 conviction or adjudication, destroy records of the following:

26 (i) Convictions or adjudications of the following offenses: RCW
27 46.61.502 or 46.61.504; or

28 (ii) If the offense was originally charged as one of the offenses
29 designated in (a) or (b)(i) of this subsection, convictions or
30 adjudications of the following offenses: RCW 46.61.500 or 46.61.5249
31 or any other violation that was originally charged as one of the
32 offenses designated in (a) or (b)(i) of this subsection.

33 (c) For purposes of section 4 of this act and RCW (~~46.52.100 and~~)
34 46.52.130, offenses subject to this subsection shall be considered
35 "alcohol-related" offenses.

36 **Sec. 3.** RCW 46.20.293 and 1990 c 250 s 44 are each amended to read
37 as follows:

1 The department is authorized to provide juvenile courts with the
2 department's record of traffic charges compiled under section 4 of this
3 act and RCW ((~~46.52.100 and~~)) 13.50.200, against any minor upon the
4 request of any state juvenile court or duly authorized officer of any
5 juvenile court of this state. Further, the department is authorized to
6 provide any juvenile court with any requested service which the
7 department can reasonably perform which is not inconsistent with its
8 legal authority which substantially aids juvenile courts in handling
9 traffic cases and which promotes highway safety.

10 The department is authorized to furnish to the parent, parents, or
11 guardian of any person under eighteen years of age who is not
12 emancipated from such parent, parents, or guardian, the department
13 records of traffic charges compiled against the person and shall
14 collect for the copy a fee of four dollars and fifty cents to be
15 deposited in the highway safety fund.

16 NEW SECTION. Sec. 4. A new section is added to chapter 46.52 RCW
17 to read as follows:

18 (1) Every district court, municipal court, and clerk of a superior
19 court shall keep or cause to be kept a record of every traffic
20 complaint, traffic citation, notice of infraction, or other legal form
21 of traffic charge deposited with or presented to the court or a traffic
22 violations bureau, and shall keep a record of every official action by
23 the court or its traffic violations bureau regarding the charge,
24 including but not limited to a record of every conviction, forfeiture
25 of bail, judgment of acquittal, finding that a traffic infraction has
26 been committed, dismissal of a notice of infraction, and the amount of
27 fine, forfeiture, or penalty resulting from every traffic charge
28 deposited with or presented to the court or traffic violations bureau.
29 In the case of a record of a conviction for a violation of RCW
30 46.61.502 or 46.61.504, and notwithstanding any other provision of law,
31 the court shall maintain the record permanently.

32 (2) Within fourteen days after the conviction, forfeiture of bail,
33 or finding that a traffic infraction was committed for a violation of
34 any provisions of this chapter or other law regulating the operating of
35 vehicles on highways, the clerk of the court in which the conviction
36 was had, bail was forfeited, or the finding of commission was made
37 shall prepare and immediately forward to the director of licensing at
38 Olympia an abstract of the court record covering the case. Report need

1 not be made of a finding involving the illegal parking or standing of
2 a vehicle.

3 (3) The abstract must be made upon a form or forms furnished by the
4 director and must include the name and address of the party charged,
5 the number, if any, of the party's driver's or chauffeur's license, the
6 registration number of the vehicle involved if required by the
7 director, the nature of the offense, the date of hearing, the plea, the
8 judgment, whether the offense was an alcohol-related offense as defined
9 in RCW 46.01.260(2), whether the incident that gave rise to the offense
10 charged resulted in a fatality, whether bail was forfeited, whether the
11 determination that a traffic infraction was committed was contested,
12 and the amount of the fine, forfeiture, or penalty, as the case may be.

13 (4) In courts where the judicial information system or other secure
14 method of electronic transfer of information has been implemented
15 between the court and the department of licensing, the court may
16 electronically provide the information required in subsections (2),
17 (3), and (5) of this section.

18 (5) The superior court clerk shall also forward a like report to
19 the director upon the conviction of a person of a felony in the
20 commission of which a vehicle was used.

21 (6) The director shall keep all abstracts received under this
22 section at the director's office in Olympia. The abstracts must be
23 open to public inspection during reasonable business hours.

24 (7) The officer, prosecuting attorney, or city attorney signing the
25 charge or information in a case involving a charge of driving under the
26 influence of intoxicating liquor or any drug shall immediately request
27 from the director an abstract of convictions and forfeitures. The
28 director shall furnish the requested abstract.

29 **Sec. 5.** RCW 46.55.105 and 1998 c 203 s 2 are each amended to read
30 as follows:

31 (1) The abandonment of any vehicle creates a prima facie
32 presumption that the last registered owner of record is responsible for
33 the abandonment and is liable for costs incurred in removing, storing,
34 and disposing of the abandoned vehicle, less amounts realized at
35 auction.

36 (2) If an unauthorized vehicle is found abandoned under subsection
37 (1) of this section and removed at the direction of law enforcement,
38 the last registered owner of record is guilty of a traffic infraction,

1 unless the vehicle is redeemed as provided in RCW 46.55.120. In
2 addition to any other monetary penalty payable under chapter 46.63 RCW,
3 the court shall not consider all monetary penalties as having been paid
4 until the court is satisfied that the person found to have committed
5 the infraction has made restitution in the amount of the deficiency
6 remaining after disposal of the vehicle under RCW 46.55.140.

7 (3) A vehicle theft report filed with a law enforcement agency
8 relieves the last registered owner of liability under subsection (2) of
9 this section for failure to redeem the vehicle. However, the last
10 registered owner remains liable for the costs incurred in removing,
11 storing, and disposing of the abandoned vehicle under subsection (1) of
12 this section. Nothing in this section limits in any way the registered
13 owner's rights in a civil action or as restitution in a criminal action
14 against a person responsible for the theft of the vehicle.

15 (4) Properly filing a report of sale or transfer regarding the
16 vehicle involved in accordance with RCW 46.12.101(1) relieves the last
17 registered owner of liability under subsections (1) and (2) of this
18 section. If the date of sale as indicated on the report of sale is on
19 or before the date of impoundment, the buyer identified on the latest
20 properly filed report of sale with the department is assumed liable for
21 the costs incurred in removing, storing, and disposing of the abandoned
22 vehicle, less amounts realized at auction. If the date of sale is
23 after the date of impoundment, the previous registered owner is assumed
24 to be liable for such costs. A licensed vehicle dealer is not liable
25 under subsections (1) and (2) of this section if the dealer, as
26 transferee or assignee of the last registered owner of the vehicle
27 involved, has complied with the requirements of RCW 46.70.122 upon
28 selling or otherwise disposing of the vehicle, or if the dealer has
29 timely filed a transitional ownership record or report of sale under
30 RCW 46.12.103. In that case the person to whom the licensed vehicle
31 dealer has sold or transferred the vehicle is assumed liable for the
32 costs incurred in removing, storing, and disposing of the abandoned
33 vehicle, less amounts realized at auction.

34 (5) For the purposes of reporting notices of traffic infraction to
35 the department under RCW 46.20.270 and (~~46.52.100~~) section 4 of this
36 act, and for purposes of reporting notices of failure to appear,
37 respond, or comply regarding a notice of traffic infraction to the
38 department under RCW 46.63.070(5), a traffic infraction under

1 subsection (2) of this section is not considered to be a standing,
2 stopping, or parking violation.

3 (6) A notice of infraction for a violation of this section may be
4 filed with a court of limited jurisdiction organized under Title 3, 35,
5 or 35A RCW, or with a violations bureau subject to the court's
6 jurisdiction.

7 **Sec. 6.** RCW 46.63.020 and 1998 c 294 s 3 are each amended to read
8 as follows:

9 Failure to perform any act required or the performance of any act
10 prohibited by this title or an equivalent administrative regulation or
11 local law, ordinance, regulation, or resolution relating to traffic
12 including parking, standing, stopping, and pedestrian offenses, is
13 designated as a traffic infraction and may not be classified as a
14 criminal offense, except for an offense contained in the following
15 provisions of this title or a violation of an equivalent administrative
16 regulation or local law, ordinance, regulation, or resolution:

17 (1) RCW 46.09.120(2) relating to the operation of a nonhighway
18 vehicle while under the influence of intoxicating liquor or a
19 controlled substance;

20 (2) RCW 46.09.130 relating to operation of nonhighway vehicles;

21 (3) RCW 46.10.090(2) relating to the operation of a snowmobile
22 while under the influence of intoxicating liquor or narcotics or
23 habit-forming drugs or in a manner endangering the person of another;

24 (4) RCW 46.10.130 relating to the operation of snowmobiles;

25 (5) Chapter 46.12 RCW relating to certificates of ownership and
26 registration and markings indicating that a vehicle has been destroyed
27 or declared a total loss;

28 (6) RCW 46.16.010 relating to initial registration of motor
29 vehicles;

30 (7) RCW 46.16.011 relating to permitting unauthorized persons to
31 drive;

32 (8) RCW 46.16.160 relating to vehicle trip permits;

33 (9) RCW 46.16.381(2) relating to knowingly providing false
34 information in conjunction with an application for a special placard or
35 license plate for disabled persons' parking;

36 (10) RCW 46.20.005 relating to driving without a valid driver's
37 license;

1 (11) RCW 46.20.091 relating to false statements regarding a
2 driver's license or instruction permit;
3 (12) RCW 46.20.336 relating to the unlawful possession and use of
4 a driver's license;
5 (13) RCW 46.20.342 relating to driving with a suspended or revoked
6 license or status;
7 (14) RCW 46.20.410 relating to the violation of restrictions of an
8 occupational driver's license;
9 (15) RCW 46.20.420 relating to the operation of a motor vehicle
10 with a suspended or revoked license;
11 (16) RCW 46.20.740 relating to operation of a motor vehicle without
12 an ignition interlock device in violation of a license notation that
13 the device is required;
14 (17) RCW 46.20.750 relating to assisting another person to start a
15 vehicle equipped with an ignition interlock device;
16 (18) RCW 46.25.170 relating to commercial driver's licenses;
17 (19) Chapter 46.29 RCW relating to financial responsibility;
18 (20) RCW 46.30.040 relating to providing false evidence of
19 financial responsibility;
20 (21) RCW 46.37.435 relating to wrongful installation of
21 sunscreening material;
22 (22) RCW 46.44.180 relating to operation of mobile home pilot
23 vehicles;
24 (23) RCW 46.48.175 relating to the transportation of dangerous
25 articles;
26 (24) RCW 46.52.010 relating to duty on striking an unattended car
27 or other property;
28 (25) RCW 46.52.020 relating to duty in case of injury to or death
29 of a person or damage to an attended vehicle;
30 (26) RCW 46.52.090 relating to reports by repairmen, storagemen,
31 and appraisers;
32 (27) (~~RCW 46.52.100 relating to driving under the influence of~~
33 ~~liquor or drugs;~~
34 ~~(28)~~) RCW 46.52.130 relating to confidentiality of the driving
35 record to be furnished to an insurance company, an employer, and an
36 alcohol/drug assessment or treatment agency;
37 (~~(29)~~) (28) RCW 46.55.020 relating to engaging in the activities
38 of a registered tow truck operator without a registration certificate;

1 (~~(30)~~) (29) RCW 46.55.035 relating to prohibited practices by tow
2 truck operators;
3 (~~(31)~~) (30) RCW 46.61.015 relating to obedience to police
4 officers, flagmen, or fire fighters;
5 (~~(32)~~) (31) RCW 46.61.020 relating to refusal to give information
6 to or cooperate with an officer;
7 (~~(33)~~) (32) RCW 46.61.022 relating to failure to stop and give
8 identification to an officer;
9 (~~(34)~~) (33) RCW 46.61.024 relating to attempting to elude
10 pursuing police vehicles;
11 (~~(35)~~) (34) RCW 46.61.500 relating to reckless driving;
12 (~~(36)~~) (35) RCW 46.61.502 and 46.61.504 relating to persons under
13 the influence of intoxicating liquor or drugs;
14 (~~(37)~~) (36) RCW 46.61.503 relating to a person under age twenty-
15 one driving a motor vehicle after consuming alcohol;
16 (~~(38)~~) (37) RCW 46.61.520 relating to vehicular homicide by motor
17 vehicle;
18 (~~(39)~~) (38) RCW 46.61.522 relating to vehicular assault;
19 (~~(40)~~) (39) RCW 46.61.5249 relating to first degree negligent
20 driving;
21 (~~(41)~~) (40) RCW 46.61.527(4) relating to reckless endangerment of
22 roadway workers;
23 (~~(42)~~) (41) RCW 46.61.530 relating to racing of vehicles on
24 highways;
25 (~~(43)~~) (42) RCW 46.61.685 relating to leaving children in an
26 unattended vehicle with the motor running;
27 (~~(44)~~) (43) RCW 46.64.010 relating to unlawful cancellation of or
28 attempt to cancel a traffic citation;
29 (~~(45)~~) (44) RCW 46.64.048 relating to attempting, aiding,
30 abetting, coercing, and committing crimes;
31 (~~(46)~~) (45) Chapter 46.65 RCW relating to habitual traffic
32 offenders;
33 (~~(47)~~) (46) RCW 46.68.010 relating to false statements made to
34 obtain a refund;
35 (~~(48)~~) (47) Chapter 46.70 RCW relating to unfair motor vehicle
36 business practices, except where that chapter provides for the
37 assessment of monetary penalties of a civil nature;
38 (~~(49)~~) (48) Chapter 46.72 RCW relating to the transportation of
39 passengers in for hire vehicles;

1 (~~(50)~~) (49) RCW 46.72A.060 relating to limousine carrier
2 insurance;

3 (~~(51)~~) (50) RCW 46.72A.070 relating to operation of a limousine
4 without a vehicle certificate;

5 (~~(52)~~) (51) RCW 46.72A.080 relating to false advertising by a
6 limousine carrier;

7 (~~(53)~~) (52) Chapter 46.80 RCW relating to motor vehicle wreckers;

8 (~~(54)~~) (53) Chapter 46.82 RCW relating to driver's training
9 schools;

10 (~~(55)~~) (54) RCW 46.87.260 relating to alteration or forgery of a
11 cab card, letter of authority, or other temporary authority issued
12 under chapter 46.87 RCW;

13 (~~(56)~~) (55) RCW 46.87.290 relating to operation of an
14 unregistered or unlicensed vehicle under chapter 46.87 RCW.

15 **Sec. 7.** RCW 46.64.025 and 1979 c 158 s 175 are each amended to
16 read as follows:

17 Whenever any person (~~has for a period of fifteen or more days~~
18 ~~violated~~) violates his or her written promise to appear in court, or
19 fails to appear for a scheduled court hearing, the court in which the
20 defendant (~~so promised~~) failed to appear shall (~~forthwith~~) promptly
21 give notice of such fact to the department of licensing. Whenever
22 thereafter the case in which (~~such promise was given~~) the defendant
23 failed to appear is adjudicated, the court hearing the case shall
24 promptly file with the department a certificate showing that the case
25 has been adjudicated.

26 NEW SECTION. **Sec. 8.** The following acts or parts of acts are each
27 repealed:

28 (1) RCW 46.52.100 and 1998 c 204 s 1, 1998 c 165 s 9, 1995 c 219 s
29 3, 1994 c 275 s 15, 1991 c 363 s 123, 1987 c 3 s 18, 1985 c 302 s 6, &
30 1983 c 2 s 12; and

31 (2) RCW 46.61.475 and 1965 ex.s. c 155 s 58.

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