
SUBSTITUTE SENATE BILL 5309

State of Washington

57th Legislature

2001 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senators Constantine, Sheahan, Hewitt, Costa, Parlette, Carlson, Regala, T. Sheldon, Swecker, Jacobsen, B. Sheldon, Kastama, Gardner and Oke)

READ FIRST TIME 03/08/01.

1 AN ACT Relating to funding for local government criminal
2 justice; amending RCW 3.62.090 and 46.63.110; adding a new section
3 to chapter 46.64 RCW; and prescribing penalties.

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

5 **Sec. 1.** RCW 3.62.090 and 1997 c 331 s 4 are each amended to read
6 as follows:

7 (1) There shall be assessed and collected in addition to any
8 fines, forfeitures, or penalties assessed, other than for parking
9 infractions, by all courts organized under Title 3 or 35 RCW a
10 public safety and education assessment equal to sixty percent of
11 such fines, forfeitures, or penalties, which shall be remitted as
12 provided in chapters 3.46, 3.50, 3.62, and 35.20 RCW. The
13 assessment required by this section shall not be suspended or
14 waived by the court.

15 (2) There shall be assessed and collected in addition to any
16 fines, forfeitures, or penalties assessed, other than for parking
17 infractions and for fines levied under RCW 46.61.5055, and in
18 addition to the public safety and education assessment required

1 under subsection (1) of this section, by all courts organized
2 under Title 3 or 35 RCW, an additional public safety and education
3 assessment equal to fifty percent of the public safety and
4 education assessment required under subsection (1) of this
5 section, which shall be remitted to the state treasurer and
6 deposited as provided in RCW 43.08.250. The additional assessment
7 required by this subsection shall not be suspended or waived by
8 the court.

9 (3) This section does not apply to the fee imposed under RCW
10 (~~(43.63.110(6))~~) 46.63.110(6) or the penalty imposed under RCW
11 46.63.110(7).

12 **Sec. 2.** RCW 46.63.110 and 1997 c 331 s 3 are each amended to read
13 as follows:

14 (1) A person found to have committed a traffic infraction shall
15 be assessed a monetary penalty. No penalty may exceed two hundred
16 and fifty dollars for each offense unless authorized by this
17 chapter or title.

18 (2) The supreme court shall prescribe by rule a schedule of
19 monetary penalties for designated traffic infractions. This rule
20 shall also specify the conditions under which local courts may
21 exercise discretion in assessing fines and penalties for traffic
22 infractions. The legislature respectfully requests the supreme
23 court to adjust this schedule every two years for inflation.

24 (3) There shall be a penalty of twenty-five dollars for failure
25 to respond to a notice of traffic infraction except where the
26 infraction relates to parking as defined by local law, ordinance,
27 regulation, or resolution or failure to pay a monetary penalty
28 imposed pursuant to this chapter. A local legislative body may set
29 a monetary penalty not to exceed twenty-five dollars for failure
30 to respond to a notice of traffic infraction relating to parking
31 as defined by local law, ordinance, regulation, or resolution. The
32 local court, whether a municipal, police, or district court, shall
33 impose the monetary penalty set by the local legislative body.

34 (4) Monetary penalties provided for in chapter 46.70 RCW which
35 are civil in nature and penalties which may be assessed for
36 violations of chapter 46.44 RCW relating to size, weight, and load

1 of motor vehicles are not subject to the limitation on the amount
2 of monetary penalties which may be imposed pursuant to this
3 chapter.

4 (5) Whenever a monetary penalty is imposed by a court under
5 this chapter it is immediately payable. If the person is unable to
6 pay at that time the court may, in its discretion, grant an
7 extension of the period in which the penalty may be paid. If the
8 penalty is not paid on or before the time established for payment
9 the court shall notify the department of the failure to pay the
10 penalty, and the department shall suspend the person's driver's
11 license or driving privilege until the penalty has been paid and
12 the penalty provided in subsection (3) of this section has been
13 paid.

14 (6) In addition to any other penalties imposed under this
15 section and not subject to the limitation of subsection (1) of
16 this section, a person found to have committed a traffic
17 infraction shall be assessed a fee of five dollars per
18 infraction. Under no circumstances shall this fee be reduced or
19 waived. Revenue from this fee shall be forwarded to the state
20 treasurer for deposit in the emergency medical services and trauma
21 care system trust account under RCW 70.168.040.

22 (7)(a) In addition to any other penalties imposed under this
23 section and not subject to the limitation of subsection (1) of
24 this section, a person found to have committed a traffic
25 infraction other than of RCW 46.61.527 shall be assessed an
26 additional penalty of ten dollars. The court may not reduce, waive,
27 or suspend the additional penalty unless the court finds the
28 offender to be indigent. If a community service program for
29 offenders is available in the jurisdiction, the court shall allow
30 offenders to offset all or a part of the penalty due under this
31 subsection (7) by participation in the community service program.

32 (b) Revenue from the additional penalty must be remitted under
33 chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money
34 remitted under this subsection to the state treasurer must be
35 deposited as provided in RCW 43.08.250. The balance of the revenue
36 received by the county or city treasurer under this subsection
37 must be deposited into the county or city current expense

1 fund. Moneys retained by the city or county under this subsection
2 shall constitute reimbursement for any liabilities under RCW
3 43.135.060.

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

6 (1) In addition to any other penalties imposed for conviction
7 of a violation of this title that is a misdemeanor, gross
8 misdemeanor, or felony, the court shall impose an additional
9 penalty of fifty dollars. The court may not reduce, waive, or
10 suspend the additional penalty unless the court finds the offender
11 to be indigent. If a community service program for offenders is
12 available in the jurisdiction, the court shall allow offenders to
13 offset all or a part of the penalty due under this section by
14 participation in the community service program.

15 (2) Revenue from the additional penalty must be remitted under
16 chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money
17 remitted under this section to the state treasurer must be
18 deposited as provided in RCW 43.08.250. The balance of the revenue
19 received by the county or city treasurer under this section must
20 be deposited into the county or city current expense fund. Moneys
21 retained by the city or county under this subsection shall
22 constitute reimbursement for any liabilities under RCW 43.135.060.

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