

---

**SUBSTITUTE SENATE BILL 6343**

---

**State of Washington 57th Legislature**

**2002 Regular Session**

**By** Senate Committee on Judiciary (originally sponsored by Senators Kline, Roach, Poulsen, Sheahan, Regala, Hochstatter and Oke)

READ FIRST TIME 02/08/2002.

1 AN ACT Relating to payment of traffic infraction and misdemeanor  
2 penalties; and amending RCW 46.63.110 and 46.64.025.

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

4 **Sec. 1.** RCW 46.63.110 and 2001 c 289 s 2 are each amended to read  
5 as follows:

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

10 (2) The supreme court shall prescribe by rule a schedule of  
11 monetary penalties for designated traffic infractions. This rule shall  
12 also specify the conditions under which local courts may exercise  
13 discretion in assessing fines and penalties for traffic infractions.  
14 The legislature respectfully requests the supreme court to adjust this  
15 schedule every two years for inflation.

16 (3) There shall be a penalty of twenty-five dollars for failure to  
17 respond to a notice of traffic infraction except where the infraction  
18 relates to parking as defined by local law, ordinance, regulation, or  
19 resolution or failure to pay a monetary penalty imposed pursuant to

1 this chapter. A local legislative body may set a monetary penalty not  
2 to exceed twenty-five dollars for failure to respond to a notice of  
3 traffic infraction relating to parking as defined by local law,  
4 ordinance, regulation, or resolution. The local court, whether a  
5 municipal, police, or district court, shall impose the monetary penalty  
6 set by the local legislative body.

7 (4) Monetary penalties provided for in chapter 46.70 RCW which are  
8 civil in nature and penalties which may be assessed for violations of  
9 chapter 46.44 RCW relating to size, weight, and load of motor vehicles  
10 are not subject to the limitation on the amount of monetary penalties  
11 which may be imposed pursuant to this chapter.

12 (5) Whenever a monetary penalty is imposed by a court under this  
13 chapter it is immediately payable. If ~~((the person is unable to pay at  
14 that time the court may, in its discretion, grant an extension of the  
15 period in which the penalty may be paid. If the penalty is not paid on  
16 or before the time established for payment))~~ a person is not able to  
17 pay a monetary penalty in full, the court shall enter into a payment  
18 plan with the person. "Payment plan," as used in this section, means  
19 a plan that requires a person to pay an initial payment of not less  
20 than five percent of the total owed, followed by reasonable payments in  
21 an amount established by the court. The initial payment amount  
22 required by the court may be no greater than thirty dollars, but the  
23 person may voluntarily pay a higher amount. No required payment may  
24 exceed ten percent of the original amount owed; however, the person may  
25 voluntarily pay any amount at any time in addition to these payments.

26 (a) If a payment required to be made under the payment plan is  
27 delinquent by thirty days, the court shall notify the department of the  
28 failure to pay the penalty, and the department shall suspend the  
29 person's driver's license or driving privilege until the penalty has  
30 been paid ~~((and))~~, including the penalty provided in subsection (3) of  
31 this section ~~((has been paid))~~.

32 (b) If a person has not entered into a payment plan with the court  
33 and has not paid the penalty in full on or before the time established  
34 for payment, the court shall notify the department of the delinquency,  
35 and the department shall suspend the person's driver's license or  
36 driving privilege until the penalty has been paid, including the  
37 penalty provided in subsection (3) of this section, or until the person  
38 has entered into a payment plan under this section and has paid the  
39 initial payment.

1        (c) If a community service program for offenders is available in  
2 the jurisdiction, the court shall offer to convert all or part of the  
3 monetary penalties due under this subsection (5) to community service  
4 if the person is unable to make reasonable time payments.

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

12        (7)(a) In addition to any other penalties imposed under this  
13 section and not subject to the limitation of subsection (1) of this  
14 section, a person found to have committed a traffic infraction other  
15 than of RCW 46.61.527 shall be assessed an additional penalty of ten  
16 dollars. The court may not reduce, waive, or suspend the additional  
17 penalty unless the court finds the offender to be indigent. If a  
18 community service program for offenders is available in the  
19 jurisdiction, the court shall allow offenders to offset all or a part  
20 of the penalty due under this subsection (7) by participation in the  
21 community service program.

22        (b) Revenue from the additional penalty must be remitted under  
23 chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted  
24 under this subsection to the state treasurer must be deposited as  
25 provided in RCW 43.08.250. The balance of the revenue received by the  
26 county or city treasurer under this subsection must be deposited into  
27 the county or city current expense fund. Moneys retained by the city  
28 or county under this subsection shall constitute reimbursement for any  
29 liabilities under RCW 43.135.060.

30        **Sec. 2.** RCW 46.64.025 and 1999 c 86 s 7 are each amended to read  
31 as follows:

32        (1) Whenever any person violates his or her written promise to  
33 appear in court, ((or)) fails to appear for a scheduled court hearing,  
34 or fails to comply with the terms of a citation, the court in which the  
35 defendant failed to appear or comply shall promptly give notice of such  
36 fact to the department of licensing. Whenever thereafter the case in  
37 which the defendant failed to appear or comply is adjudicated, the

1 court hearing the case shall promptly file with the department a  
2 certificate showing that the case has been adjudicated.

3 (2) Where compliance with the terms of a misdemeanor citation is  
4 limited to the payment of a monetary penalty, and a person is not able  
5 to pay the monetary penalty in full, the court shall enter into a  
6 payment plan with the person. "Payment plan," as used in this section,  
7 means a plan that requires a person to pay an initial payment of not  
8 less than five percent of the total owed, followed by reasonable  
9 payments in an amount established by the court. No required payment  
10 may exceed ten percent of the original amount owed. The person may  
11 voluntarily pay any amount at any time in addition to these payments.  
12 If a person has entered into a payment plan under this subsection, the  
13 court shall not notify the department of licensing that the person has  
14 failed to comply with the terms of a citation as it applies to payment  
15 of the monetary penalty unless a payment required to be made under the  
16 payment plan is delinquent by thirty days.

--- END ---