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SENATE BILL 6343

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State of Washington 57th Legislature

2002 Regular Session

By Senators Kline, Roach, Poulsen, Sheahan, Regala and Hochstatter

Read first time 01/16/2002. Referred to Committee on Judiciary.

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

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,))~~) shall specify a payment  
15 plan or shall grant an extension of the period in which the penalty may  
16 be paid. If the penalty is not paid on or before the time established  
17 for payment the court shall notify the department of the failure to pay  
18 the penalty, and the department shall suspend the person's driver's  
19 license or driving privilege until the penalty has been paid and the  
20 penalty provided in subsection (3) of this section has been paid.

21 (6) Whenever a person is not able to pay a monetary penalty in  
22 full, the court shall enter into a payment plan with the person.

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

30 (~~((7))~~) (8)(a) In addition to any other penalties imposed under  
31 this section and not subject to the limitation of subsection (1) of  
32 this section, a person found to have committed a traffic infraction  
33 other than of RCW 46.61.527 shall be assessed an additional penalty of  
34 ten dollars. The court may not reduce, waive, or suspend the  
35 additional penalty unless the court finds the offender to be indigent.  
36 If a community service program for offenders is available in the  
37 jurisdiction, the court shall allow offenders to offset all or a part  
38 of the penalty due under this subsection (~~((7))~~) (8) by participation  
39 in the community service program.

1 (b) Revenue from the additional penalty must be remitted under  
2 chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted  
3 under this subsection to the state treasurer must be deposited as  
4 provided in RCW 43.08.250. The balance of the revenue received by the  
5 county or city treasurer under this subsection must be deposited into  
6 the county or city current expense fund. Moneys retained by the city  
7 or county under this subsection shall constitute reimbursement for any  
8 liabilities under RCW 43.135.060.

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