

SHB 1031 - S COMM AMD
By Committee on Judiciary

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 46.63.110 and 2003 c 380 s 2 are each amended to read
4 as follows:

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

9 (2) The monetary penalty for a violation of RCW 46.55.105(2) is two
10 hundred fifty dollars for each offense. No penalty assessed under this
11 subsection (2) may be reduced.

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

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

28 (5) Monetary penalties provided for in chapter 46.70 RCW which are
29 civil in nature and penalties which may be assessed for violations of

1 chapter 46.44 RCW relating to size, weight, and load of motor vehicles
2 are not subject to the limitation on the amount of monetary penalties
3 which may be imposed pursuant to this chapter.

4 (6) Whenever a monetary penalty, fee, cost, assessment, or other
5 monetary obligation is imposed by a court under this chapter it is
6 immediately payable. If the ~~((person is unable to pay at that time the~~
7 court may, in its discretion, grant an extension of the period in which
8 the penalty may be paid. If the penalty is not paid on or before the
9 time established for payment the court shall notify the department of
10 the failure to pay the penalty)) court determines, in its discretion
11 that a person is not able to pay a monetary obligation in full, and not
12 more than one year has passed since the effective date of this act or
13 the date the monetary obligation initially became due and payable, the
14 court shall enter into a payment plan with the person, unless the
15 person has previously been granted a payment plan with respect to the
16 same monetary obligation, in which case the court may, at its
17 discretion, implement a payment plan. "Payment plan," as used in this
18 section, means a plan that requires reasonable payments based on the
19 financial ability of the person to pay. The person may voluntarily pay
20 an amount at any time in addition to the payments required under the
21 payment plan:

22 (a) If a payment required to be made under the payment plan is
23 delinquent or the person fails to complete a community restitution
24 program on or before the time established under the payment plan, the
25 court shall notify the department of the person's failure to meet the
26 conditions of the plan, and the department shall suspend the person's
27 driver's license or driving privilege until ~~((the penalty has))~~ all
28 monetary obligations, including those imposed under subsections (3) and
29 (4) of this section, have been paid ~~((and the penalty provided in~~
30 subsection (4) of this section has been paid)), and court authorized
31 community restitution has been completed or until the department has
32 been notified that the court has entered into a new time payment or
33 community restitution agreement with the person.

34 (b) If a person has not entered into a payment plan with the court
35 and has not paid the monetary obligation in full on or before the time
36 established for payment, the court shall notify the department of the
37 delinquency. The department shall suspend the person's driver's

1 license or driving privilege until all monetary obligations have been
2 paid, including those imposed under subsections (3) and (4) of this
3 section, or until the person has entered into a payment plan under this
4 section.

5 (c) If the payment plan is to be administered by the court, the
6 court may assess the person a reasonable administrative fee to be
7 wholly retained by the city or county with jurisdiction. The
8 administrative fee shall not exceed ten dollars per infraction or
9 twenty-five dollars per payment plan, whichever is less.

10 (d) Nothing in this section precludes a court from contracting with
11 outside entities to administer its payment plan system. When outside
12 entities are used for the administration of a payment plan, the court
13 may assess the person a reasonable fee for such administrative
14 services, which fee may be calculated on a periodic, percentage, or
15 other basis. Fees collected under this subsection shall be wholly
16 retained by the city or county with jurisdiction, for payment to its
17 outside entity.

18 (e) If a court authorized community restitution program for
19 offenders is available in the jurisdiction, the court may allow
20 conversion of all or part of the monetary obligations due under this
21 section to court authorized community restitution in lieu of time
22 payments if the person is unable to make reasonable time payments.

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 (8)(a) In addition to any other penalties imposed under this
31 section and not subject to the limitation of subsection (1) of this
32 section, a person found to have committed a traffic infraction other
33 than of RCW 46.61.527 shall be assessed an additional penalty of twenty
34 dollars. The court may not reduce, waive, or suspend the additional
35 penalty unless the court finds the offender to be indigent. If a court
36 authorized community restitution program for offenders is available in

1 the jurisdiction, the court (~~shall~~) may allow offenders to offset all
2 or a part of the penalty due under this subsection (8) by participation
3 in the court authorized community restitution program.

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

14 (9) A person may not enter into a second or subsequent payment plan
15 if the person is in noncompliance with the terms of any existing or
16 prior plan.

17 (10) A person is not eligible to enter into a payment plan if any
18 delinquent amount owed by the person for any penalty imposed by the
19 court under this section has been assigned to a collection agency and
20 legal action has commenced to collect the delinquent amount.

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

23 (1) Whenever any person violates his or her written promise to
24 appear in court, (~~or~~) fails to appear for a scheduled court hearing,
25 or fails to comply with the terms of a citation, the court in which the
26 defendant failed to appear or comply shall promptly give notice of such
27 fact to the department of licensing. Whenever thereafter the case in
28 which the defendant failed to appear or comply is adjudicated, the
29 court hearing the case shall promptly file with the department a
30 certificate showing that the case has been adjudicated.

31 (2)(a) Where compliance with the terms of a misdemeanor citation is
32 limited to the payment of a monetary penalty, fee, cost, assessment, or
33 other monetary obligation, and the court determines, in its discretion,
34 that a person is not able to pay the monetary obligation in full, and
35 not more than one year has passed since the effective date of this act
36 or the date the monetary obligation initially became due and payable,

1 the court shall enter into a payment plan with the person, unless the
2 person has previously been granted a payment plan with respect to the
3 same monetary obligation, in which case the court may, at its
4 discretion, implement a payment plan. "Payment plan," as used in this
5 section, means a plan that requires reasonable payments based on the
6 financial ability of the person to pay. The person may voluntarily pay
7 any amount at any time in addition to these payments. If a person has
8 entered into a payment plan under this subsection, the court shall not
9 notify the department of licensing that the person has failed to comply
10 with the terms of a citation as it applies to payment of the monetary
11 obligation unless a payment required to be made under the payment plan
12 is delinquent.

13 (b) If the payment plan is to be administered by the court, the
14 court may assess the person a reasonable administrative fee to be
15 wholly retained by the city or county with jurisdiction. The
16 administrative fee shall not exceed ten dollars per infraction or
17 twenty-five dollars per payment plan, whichever is less.

18 (c) Nothing in this section precludes a court from contracting with
19 outside entities to administer its payment plan system. When outside
20 entities are used for the administration of a payment plan, the court
21 may assess the person a reasonable fee for such administrative
22 services, which fee may be calculated on a periodic, percentage, or
23 other basis. Fees collected under this subsection shall be wholly
24 retained by the city or county with jurisdiction, for payment to its
25 outside entity.

26 (d) A person may not enter into a second or subsequent payment plan
27 if the person is in noncompliance with the terms of any existing or
28 prior plan.

29 (e) A person is not eligible to enter into a payment plan if any
30 delinquent amount owed by the person for any penalty imposed by the
31 court under this section has been assigned to a collection agency and
32 legal action has commenced to collect the delinquent amount."

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1 On page 1, line 2 of the title, after "penalties;" strike the
2 remainder of the title and insert "and amending RCW 46.63.110 and
3 46.64.025."

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