

ESHB 1033 - S AMD 351
By Senator Kline

ADOPTED 04/11/2003

1 On page 4, after line 12, insert the following:

2 "Sec. 2. RCW 46.63.110 and 2002 c 279 s 15 and 2002 c 175 s 36 are
3 each reenacted and amended to read as follows:

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

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

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

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

27 (5) Monetary penalties provided for in chapter 46.70 RCW which are
28 civil in nature and penalties which may be assessed for violations of
29 chapter 46.44 RCW relating to size, weight, and load of motor vehicles
30 are not subject to the limitation on the amount of monetary penalties
31 which may be imposed pursuant to this chapter.

1 (6) Whenever a monetary penalty is imposed by a court under this
2 chapter it is immediately payable. ~~If ((the person is unable to pay at~~
3 ~~that time the court may, in its discretion, grant an extension of the~~
4 ~~period in which the penalty may be paid. If the penalty is not paid on~~
5 ~~or before the time established for payment)) a person is not able to~~
6 pay a monetary penalty in full, the court shall enter into a payment
7 plan with the person. "Payment plan," as used in this section, means
8 a plan that requires a person to pay an initial payment of not less
9 than five percent of the total owed, followed by reasonable payments in
10 an amount established by the court. No required payment may exceed ten
11 percent of the original amount owed; however, the person may
12 voluntarily pay any amount at any time in addition to these payments.

13 (a) If a payment required to be made under the payment plan is
14 delinquent by thirty days, the court shall notify the department of the
15 failure to pay the penalty, and the department shall suspend the
16 person's driver's license or driving privilege until the penalty has
17 been paid ((and)), including the penalty provided in subsection (4) of
18 this section ((has been paid)).

19 (b) If a person has not entered into a payment plan with the court
20 and has not paid the penalty in full on or before the time established
21 for payment, the court shall notify the department of the delinquency,
22 and the department shall suspend the person's driver's license or
23 driving privilege until the penalty has been paid, including the
24 penalty provided in subsection (3) of this section, or until the person
25 has entered into a payment plan under this section and has paid the
26 initial payment.

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

34 (8)(a) In addition to any other penalties imposed under this
35 section and not subject to the limitation of subsection (1) of this
36 section, a person found to have committed a traffic infraction other
37 than of RCW 46.61.527 shall be assessed an additional penalty of ten

1 dollars. The court may not reduce, waive, or suspend the additional
2 penalty unless the court finds the offender to be indigent. If a
3 community restitution program for offenders is available in the
4 jurisdiction, the court shall allow offenders to offset all or a part
5 of the penalty due under this subsection (8) by participation in the
6 community restitution program.

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

15 **Sec. 3.** RCW 46.64.025 and 1999 c 86 s 7 are each amended to read
16 as follows:

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

25 (2) Where compliance with the terms of a misdemeanor citation is
26 limited to the payment of a monetary penalty, and a person is not able
27 to pay the monetary penalty in full, the court shall enter into a
28 payment plan with the person. "Payment plan," as used in this section,
29 means a plan that requires a person to pay an initial payment of not
30 less than five percent of the total owed, followed by reasonable
31 payments in an amount established by the court. No required payment
32 may exceed ten percent of the original amount owed. The person may
33 voluntarily pay any amount at any time in addition to these payments.
34 If a person has entered into a payment plan under this subsection, the
35 court shall not notify the department of licensing that the person has

1 failed to comply with the terms of a citation as it applies to payment
2 of the monetary penalty unless a payment required to be made under the
3 payment plan is delinquent by thirty days."

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4 On page 1, line 1 of the title, after "Relating to" strike the
5 remainder of the title and insert "driver's licenses; amending RCW
6 46.64.025; and reenacting and amending RCW 46.20.391 and 46.63.110."

EFFECT: If a person is not able to pay the monetary penalty imposed by a court for a traffic infraction or traffic law violation, he or she must be allowed to enter into a payment plan with the court. "Payment plan" is defined. If a person does not enter into a payment plan with the court or does not pay the penalty off by the time established for payment, DOL will suspend the person's driver's license until the penalty has been paid or until the person enters into a payment plan and makes the initial payment.

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