

SSB 6023 - S AMD 353

By Senators Rossi, Hargrove

ADOPTED 04/14/2003

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

3 "Sec. 1. RCW 3.62.090 and 2001 c 289 s 1 are each amended to read  
4 as follows:

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

12 (2) There shall be assessed and collected in addition to any fines,  
13 forfeitures, or penalties assessed, other than for parking infractions  
14 and for fines levied under RCW 46.61.5055, and in addition to the  
15 public safety and education assessment required under subsection (1) of  
16 this section, by all courts organized under Title 3 or 35 RCW, an  
17 additional public safety and education assessment equal to fifty  
18 percent of the public safety and education assessment required under  
19 subsection (1) of this section, which shall be remitted to the state  
20 treasurer and deposited as provided in RCW 43.08.250. The additional  
21 assessment required by this subsection shall not be suspended or waived  
22 by the court.

23 (3) This section does not apply to the fee imposed under RCW  
24 46.63.110(~~(+6)~~) (7) or the penalty imposed under RCW 46.63.110(~~(+7)~~)  
25 (8).

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

28 (1) A person found to have committed a traffic infraction shall be

1 assessed a monetary penalty. No penalty may exceed two hundred and  
2 fifty dollars for each offense unless authorized by this chapter or  
3 title.

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

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

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

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

28 (6) Whenever a monetary penalty is imposed by a court under this  
29 chapter it is immediately payable. If the person is unable to pay at  
30 that time the court may, in its discretion, grant an extension of the  
31 period in which the penalty may be paid. If the penalty is not paid on  
32 or before the time established for payment the court shall notify the  
33 department of the failure to pay the penalty, and the department shall  
34 suspend the person's driver's license or driving privilege until the  
35 penalty has been paid and the penalty provided in subsection (4) of  
36 this section has been paid.

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

8 (8)(a) In addition to any other penalties imposed under this  
9 section and not subject to the limitation of subsection (1) of this  
10 section, a person found to have committed a traffic infraction other  
11 than of RCW 46.61.527 shall be assessed an additional penalty of  
12 ~~((ten))~~ twenty dollars. The court may not reduce, waive, or suspend  
13 the additional penalty unless the court finds the offender to be  
14 indigent. If a community restitution program for offenders is  
15 available in the jurisdiction, the court shall allow offenders to  
16 offset all or a part of the penalty due under this subsection (8) by  
17 participation in the community restitution program.

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

**SSB 6023** - S AMD 353  
By Senators Rossi, Hargrove

**ADOPTED 04/14/2003**

28 On page 1, line 2 of the title, after "courts;" strike the  
29 remainder of the title and insert "amending RCW 3.62.090; reenacting  
30 and amending RCW 46.63.110; and prescribing penalties."

EFFECT: Corrects the distribution of the additional PSEA penalty such that \$16 million in revenue goes to the state, and \$3 million in net revenue goes to local governments. (The \$3 million is net of expenses local courts will have due to processing the additional tickets/hearings.)

--- END ---