
HOUSE BILL 1031

State of Washington 58th Legislature 2003 Regular Session

By Representatives Lovick, O'Brien, Sullivan and Lantz

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Committee on Judiciary.

1 AN ACT Relating to payment of traffic infraction and misdemeanor
2 penalties; amending RCW 46.64.025; and reenacting and amending RCW
3 46.63.110.

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

5 **Sec. 1.** RCW 46.63.110 and 2002 c 279 s 15 and 2002 c 175 s 36 are
6 each reenacted and amended to read as follows:

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

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

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

1 (4) There shall be a penalty of twenty-five dollars for failure to
2 respond to a notice of traffic infraction except where the infraction
3 relates to parking as defined by local law, ordinance, regulation, or
4 resolution or failure to pay a monetary penalty imposed pursuant to
5 this chapter. A local legislative body may set a monetary penalty not
6 to exceed twenty-five dollars for failure to respond to a notice of
7 traffic infraction relating to parking as defined by local law,
8 ordinance, regulation, or resolution. The local court, whether a
9 municipal, police, or district court, shall impose the monetary penalty
10 set by the local legislative body.

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

16 (6) Whenever a monetary penalty is imposed by a court under this
17 chapter it is immediately payable. ~~If ((the person is unable to pay at
18 that time the court may, in its discretion, grant an extension of the
19 period in which the penalty may be paid. If the penalty is not paid on
20 or before the time established for payment the court shall notify the
21 department of the failure to pay the penalty))~~ a person is not able to
22 pay a monetary penalty in full, the court shall enter into a payment
23 plan with the person, unless the person has previously been granted a
24 payment plan with respect to the same monetary penalty, in which case
25 the court may, at its discretion, implement a payment plan. "Payment
26 plan," as used in this section, means a plan that requires reasonable
27 payments based on the financial ability of the person to pay. The
28 person may voluntarily pay an amount at any time in addition to the
29 payments required under the payment plan:

30 (a) If a payment required to be made under the payment plan is
31 delinquent or the person fails to complete a community restitution
32 program on or before the time established under the payment plan, the
33 court shall notify the department of the person's failure to meet the
34 conditions of the plan, and the department shall suspend the person's
35 driver's license or driving privilege until the penalty has been paid
36 ((and the penalty provided in subsection (4) of this section has been
37 paid)), including penalties imposed under subsection (3) of this
38 section, and community restitution has been completed.

1 (b) If a person has not entered into a payment plan with the court
2 and has not paid the penalty in full on or before the time established
3 for payment, the court shall notify the department of the delinquency.
4 The department shall suspend the person's driver's license or driving
5 privilege until the penalty has been paid, including the penalty in
6 subsection (3) of this section, or until the person has entered into a
7 payment plan under this section.

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

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

19 (e) If a community restitution program for offenders is available
20 in the jurisdiction, the court shall allow conversion of all or part of
21 the monetary penalties due under subsection (5) of this section to
22 community restitution if the person is unable to make reasonable time
23 payments.

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

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

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

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

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

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

22 (2)(a) Where compliance with the terms of a misdemeanor citation is
23 limited to the payment of a monetary penalty, and a person is not able
24 to pay the monetary penalty in full, the court shall enter into a
25 payment plan with the person, unless the person has previously been
26 granted a payment plan with respect to the same monetary penalty, in
27 which case the court may, at its discretion, implement a payment plan.
28 "Payment plan," as used in this section, means a plan that requires
29 reasonable payments based on the financial ability of the person to
30 pay. The person may voluntarily pay any amount at any time in addition
31 to these payments. If a person has entered into a payment plan under
32 this subsection, the court shall not notify the department of licensing
33 that the person has failed to comply with the terms of a citation as it
34 applies to payment of the monetary penalty unless a payment required to
35 be made under the payment plan is delinquent.

36 (b) If the payment plan is to be administered by the court, the
37 court may assess the person a reasonable administrative fee to be

1 wholly retained by the city or county with jurisdiction. The
2 administrative fee shall not exceed ten dollars per infraction or
3 twenty-five dollars per payment plan, whichever is less.

4 (c) Nothing in this section precludes a court from contracting with
5 outside entities to administer its payment plan system. When outside
6 entities are used for the administration of a payment plan, the court
7 may assess the person a reasonable fee for such administrative
8 services. Fees collected under this subsection shall be wholly
9 retained by the city or county with jurisdiction.

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