
SENATE BILL 5936

State of Washington

58th Legislature

2003 Regular Session

By Senator Haugen

Read first time 02/21/2003. Referred to Committee on Highways & Transportation.

1 AN ACT Relating to penalties for improper use of high-occupancy
2 vehicle lanes; amending RCW 46.61.165; reenacting and amending RCW
3 46.63.110; and prescribing penalties.

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

5 **Sec. 1.** RCW 46.61.165 and 1999 c 206 s 1 are each amended to read
6 as follows:

7 The state department of transportation and the local authorities
8 are authorized to reserve all or any portion of any highway under their
9 respective jurisdictions, including any designated lane or ramp, for
10 the exclusive or preferential use of public transportation vehicles or
11 private motor vehicles carrying no fewer than a specified number of
12 passengers when such limitation will increase the efficient utilization
13 of the highway or will aid in the conservation of energy resources.
14 Regulations authorizing such exclusive or preferential use of a highway
15 facility may be declared to be effective at all times or at specified
16 times of day or on specified days. Violation of a restriction of
17 highway usage prescribed by the appropriate authority under this
18 section is a traffic infraction subject to monetary penalty as
19 prescribed by RCW 46.63.110(2)(b).

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

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

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

10 (b) The monetary penalty for a violation of RCW 46.61.165 is one
11 hundred seventy-five dollars for each offense. No penalty assessed
12 under this subsection (2)(b) may be reduced.

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

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

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

34 (6) Whenever a monetary penalty is imposed by a court under this
35 chapter it is immediately payable. If the person is unable to pay at
36 that time the court may, in its discretion, grant an extension of the
37 period in which the penalty may be paid. If the penalty is not paid on
38 or before the time established for payment the court shall notify the

1 department of the failure to pay the penalty, and the department shall
2 suspend the person's driver's license or driving privilege until the
3 penalty has been paid and the penalty provided in subsection (4) of
4 this section has been paid.

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

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

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

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