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ENGROSSED SUBSTITUTE SENATE BILL 6023

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State of Washington

58th Legislature

2003 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senators Hargrove, Rossi, Fairley and Kohl-Welles)

READ FIRST TIME 03/10/03.

1 AN ACT Relating to increasing certain assessments and penalties  
2 imposed by courts; amending RCW 3.62.090; 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 3.62.090 and 2001 c 289 s 1 are each amended to read  
6 as follows:

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

14 (2) There shall be assessed and collected in addition to any fines,  
15 forfeitures, or penalties assessed, other than for parking infractions  
16 and for fines levied under RCW 46.61.5055, and in addition to the  
17 public safety and education assessment required under subsection (1) of  
18 this section, by all courts organized under Title 3 or 35 RCW, an  
19 additional public safety and education assessment equal to fifty

1 percent of the public safety and education assessment required under  
2 subsection (1) of this section, which shall be remitted to the state  
3 treasurer and deposited as provided in RCW 43.08.250. The additional  
4 assessment required by this subsection shall not be suspended or waived  
5 by the court.

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

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

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

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

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

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

34 (5) Monetary penalties provided for in chapter 46.70 RCW which are  
35 civil in nature and penalties which may be assessed for violations of  
36 chapter 46.44 RCW relating to size, weight, and load of motor vehicles

1 are not subject to the limitation on the amount of monetary penalties  
2 which may be imposed pursuant to this chapter.

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

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

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

29 (b) Eight dollars and fifty cents of the additional penalty under  
30 (a) of this subsection shall be remitted to the state treasurer. The  
31 remaining revenue from the additional penalty must be remitted under  
32 chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted  
33 under this subsection to the state treasurer must be deposited as  
34 provided in RCW 43.08.250. The balance of the revenue received by the  
35 county or city treasurer under this subsection must be deposited into  
36 the county or city current expense fund. Moneys retained by the city

1 or county under this subsection shall constitute reimbursement for any  
2 liabilities under RCW 43.135.060.

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