
SENATE BILL 6564

State of Washington

58th Legislature

2004 Regular Session

By Senators Kline, Esser, Franklin, Roach, Berkey, Shin, Kastama, Prentice, Brandland, Regala, Johnson, Keiser, Thibaudeau and Winsley

Read first time 01/23/2004. Referred to Committee on Judiciary.

1 AN ACT Relating to driver's licenses; amending RCW 46.63.110 and
2 46.64.025; and reenacting and amending RCW 46.20.391.

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

4 **Sec. 1.** RCW 46.20.391 and 1999 c 274 s 4 and 1999 c 272 s 1 are
5 each reenacted and amended to read as follows:

6 (1) Any person licensed under this chapter who is convicted of an
7 offense relating to motor vehicles for which suspension or revocation
8 of the driver's license is mandatory, other than vehicular homicide or
9 vehicular assault, or who has had his or her license suspended under
10 RCW 46.20.3101 (2)(a) or (3)(a), may submit to the department an
11 application for an occupational driver's license. The department, upon
12 receipt of the prescribed fee and upon determining that the petitioner
13 is engaged in an occupation or trade that makes it essential that the
14 petitioner operate a motor vehicle, may issue an occupational driver's
15 license and may set definite restrictions as provided in RCW 46.20.394.
16 No person may petition for, and the department shall not issue, an
17 occupational driver's license that is effective during the first thirty
18 days of any suspension or revocation imposed either for a violation of
19 RCW 46.61.502 or 46.61.504 or under RCW 46.20.3101 (2)(a) or (3)(a), or

1 for both a violation of RCW 46.61.502 or 46.61.504 and under RCW
2 46.20.3101 (2)(a) or (3)(a) where the action arises from the same
3 incident. A person aggrieved by the decision of the department on the
4 application for an occupational driver's license may request a hearing
5 as provided by rule of the department.

6 (2)(a) A person licensed under this chapter whose driver's license
7 is suspended administratively due to failure to appear or pay a traffic
8 ticket under RCW 46.20.289; a violation of the financial responsibility
9 laws under chapter 46.29 RCW; or for multiple violations within a
10 specified period of time under RCW 46.20.291, may apply to the
11 department for an occupational driver's license if the applicant
12 demonstrates to the satisfaction of the department that one of the
13 following additional conditions are met:

14 (i) The applicant is in an apprenticeship program or (~~an on-the-~~
15 ~~job training program for which~~) is gainfully employed and a driver's
16 license is required;

17 (ii) The applicant presents evidence that he or she has applied for
18 a position in an apprenticeship or on-the-job training program and the
19 program has certified that a driver's license is required to begin the
20 program, provided that a license granted under this provision shall be
21 in effect no longer than fourteen days;

22 (iii) The applicant is in a program that assists persons who are
23 enrolled in a WorkFirst program pursuant to chapter 74.08A RCW to
24 become gainfully employed and the program requires a driver's license;
25 or

26 (iv) The applicant is undergoing substance abuse treatment or is
27 participating in meetings of a twelve-step group such as alcoholics
28 anonymous.

29 (b) If the suspension is for failure to respond, pay, or comply
30 with a notice of traffic infraction or conviction, the applicant must
31 enter into a payment plan with the court unless such a plan is not
32 available.

33 (c) An occupational driver's license issued to an applicant
34 described in (a) of this subsection shall be valid for the period of
35 the suspension or revocation but not more than two years. The
36 suspension or revocation of the regular driver's license shall not be
37 affected by the issuance of an occupational license.

1 (d) Upon receipt of evidence that a holder of an occupational
2 driver's license granted under this subsection is no longer enrolled in
3 an apprenticeship or on-the-job training program, or is no longer
4 gainfully employed, the director shall give written notice by first
5 class mail to the driver that the occupational driver's license shall
6 be canceled. The effective date of cancellation shall be fifteen days
7 from the date of mailing the notice. If at any time before the
8 cancellation goes into effect the driver submits evidence of continued
9 enrollment in the program or continued employment, the cancellation
10 shall be stayed. If the cancellation becomes effective, the driver may
11 obtain, at no additional charge, a new occupational driver's license
12 upon submittal of evidence of enrollment in another program or gainful
13 employment that meets the criteria set forth in this subsection.

14 (e) The department shall not issue an occupational driver's license
15 under (a)(iv) of this subsection if the applicant is able to receive
16 transit services sufficient to allow for the applicant's participation
17 in the programs referenced under (a)(iv) of this subsection.

18 (3) An applicant for an occupational driver's license is eligible
19 to receive such license only if:

20 (a) Within one year immediately preceding the date of the offense
21 that gave rise to the present conviction, the applicant has not
22 committed any offense relating to motor vehicles for which suspension
23 or revocation of a driver's license is mandatory; and

24 (b) Within seven years immediately preceding the date of the
25 offense that gave rise to the present conviction or incident, the
26 applicant has not committed any of the following offenses: (i) Driving
27 or being in actual physical control of a motor vehicle while under the
28 influence of intoxicating liquor; (ii) vehicular homicide under RCW
29 46.61.520; or (iii) vehicular assault under RCW 46.61.522; and

30 (c) The applicant is engaged in an occupation or trade that makes
31 it essential that he or she operate a motor vehicle, except as allowed
32 under subsection (2)(a) of this section; and

33 (d) The applicant files satisfactory proof of financial
34 responsibility under chapter 46.29 RCW.

35 (4) The director shall cancel an occupational driver's license upon
36 receipt of notice that the holder thereof has been convicted of
37 operating a motor vehicle in violation of its restrictions, or of a
38 separate offense that under chapter 46.20 RCW would warrant suspension

1 or revocation of a regular driver's license. The cancellation is
2 effective as of the date of the conviction, and continues with the same
3 force and effect as any suspension or revocation under this title.

4 **Sec. 2.** RCW 46.63.110 and 2003 c 380 s 2 are each amended to read
5 as follows:

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

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

1 ~~or before the time established for payment the court shall notify the~~
2 ~~department of the failure to pay the penalty)) a person is not able to~~
3 ~~pay a monetary penalty in full, the court shall enter into a payment~~
4 ~~plan with the person, unless the person has previously been granted a~~
5 ~~payment plan with respect to the same monetary penalty, in which case~~
6 ~~the court may, at its discretion, implement a payment plan. "Payment~~
7 ~~plan," as used in this section, means a plan that requires reasonable~~
8 ~~payments based on the financial ability of the person to pay. The~~
9 ~~person may voluntarily pay an amount at any time in addition to the~~
10 ~~payments required under the payment plan:~~

11 (a) If a payment required to be made under the payment plan is
12 delinquent or the person fails to complete a community restitution
13 program on or before the time established under the payment plan, the
14 court shall notify the department of the person's failure to meet the
15 conditions of the plan, and the department shall suspend the person's
16 driver's license or driving privilege until ((the penalty has)) all
17 penalties, including those imposed under subsection (3) of this
18 section, have been paid ((and the penalty provided in subsection (4) of
19 this section has been paid)), and community restitution has been
20 completed or until the department has been notified that the court has
21 entered into a new time payment or community restitution agreement with
22 the person.

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

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

35 (d) Nothing in this section precludes a court from contracting with
36 outside entities to administer its payment plan system. When outside
37 entities are used for the administration of a payment plan, the court

1 may assess the person a reasonable fee for such administrative
2 services. Fees collected under this subsection shall be wholly
3 retained by the city or county with jurisdiction.

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

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

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

26 (b) Eight dollars and fifty cents of the additional penalty under
27 (a) of this subsection shall be remitted to the state treasurer. The
28 remaining revenue from the additional penalty must be remitted under
29 chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted
30 under this subsection to the state treasurer must be deposited as
31 provided in RCW 43.08.250. The balance of the revenue received by the
32 county or city treasurer under this subsection must be deposited into
33 the county or city current expense fund. Moneys retained by the city
34 or county under this subsection shall constitute reimbursement for any
35 liabilities under RCW 43.135.060.

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

1 (1) Whenever any person violates his or her written promise to
2 appear in court, ((or)) fails to appear for a scheduled court hearing,
3 or fails to comply with the terms of a citation, the court in which the
4 defendant failed to appear or comply shall promptly give notice of such
5 fact to the department of licensing. Whenever thereafter the case in
6 which the defendant failed to appear or comply is adjudicated, the
7 court hearing the case shall promptly file with the department a
8 certificate showing that the case has been adjudicated.

9 (2)(a) Where compliance with the terms of a misdemeanor citation is
10 limited to the payment of a monetary penalty and a person is not able
11 to pay the monetary penalty in full, the court shall enter into a
12 payment plan with the person, unless the person has previously been
13 granted a payment plan with respect to the same monetary penalty, in
14 which case the court may, at its discretion, implement a payment plan.
15 "Payment plan," as used in this section, means a plan that requires
16 reasonable payments based on the financial ability of the person to
17 pay. The person may voluntarily pay any amount at any time in addition
18 to these payments. If a person has entered into a payment plan under
19 this subsection, the court shall not notify the department of licensing
20 that the person has failed to comply with the terms of a citation as it
21 applies to payment of the monetary penalty unless a payment required to
22 be made under the payment plan is delinquent.

23 (b) If the payment plan is to be administered by the court, the
24 court may assess the person a reasonable administrative fee to be
25 wholly retained by the city or county with jurisdiction. The
26 administrative fee shall not exceed ten dollars per infraction or
27 twenty-five dollars per payment plan, whichever is less.

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

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