

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5038

59th Legislature
2005 Regular Session

Passed by the Senate April 18, 2005
YEAS 46 NAYS 0

President of the Senate

Passed by the House April 6, 2005
YEAS 97 NAYS 1

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5038** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5038

AS AMENDED BY THE HOUSE

Passed Legislature - 2005 Regular Session

State of Washington 59th Legislature 2005 Regular Session

By Senate Committee on Judiciary (originally sponsored by Senators Honeyford, Oke, Kline, Mulliken and Eide)

READ FIRST TIME 02/21/05.

1 AN ACT Relating to the duty to yield to emergency and police
2 vehicles; amending RCW 46.63.110; adding a new section to chapter 46.61
3 RCW; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 46.61 RCW
6 to read as follows:

7 The driver of any motor vehicle, upon approaching a stationary
8 authorized emergency vehicle that is making use of audible and/or
9 visual signals meeting the requirements of RCW 46.37.190 or of a police
10 vehicle properly and lawfully displaying a flashing, blinking, or
11 alternating emergency light or lights, shall:

12 (1) On a highway having at least four lanes, at least two of which
13 are intended for traffic proceeding in the same direction as the
14 approaching vehicle, proceed with caution and, if reasonable, with due
15 regard for safety and traffic conditions, yield the right of way by
16 making a lane change or moving away from the lane or shoulder occupied
17 by the stationary authorized emergency vehicle or police vehicle; or

18 (2) If changing lanes or moving away would be unreasonable or
19 unsafe, proceed with due caution and reduce the speed of the vehicle.

1 **Sec. 2.** RCW 46.63.110 and 2003 c 380 s 2 are each amended to read
2 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) The monetary penalty for a violation of (a) RCW 46.55.105(2) is
8 two hundred fifty dollars for each offense; (b) RCW 46.61.210(1) is
9 five hundred dollars for each offense. No penalty assessed under this
10 subsection (2) may be reduced.

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

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

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

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

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

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

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

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

--- END ---