

2ESSB 6508 - H COMM AMD

By Committee on Ways & Means

ADOPTED AND ENGROSSED 3/4/10

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 4.20.020 and 2007 c 156 s 29 are each amended to read
4 as follows:

5 (1) Every ((such)) action under RCW 4.20.010 shall be for the
6 benefit of the ((wife, husband)) spouse, state registered domestic
7 partner, ((child)) or children, including stepchildren, of the person
8 whose death shall have been so caused. If there ((be)) is no ((wife,
9 husband)) spouse, state registered domestic partner, or ((such)) child
10 ((or children, such)), the action may be maintained for the benefit of:

11 (a) The parents((, sisters, or brothers, who may be dependent upon
12 the deceased person for support, and who are resident within the United
13 States at the time of his death)) of a deceased adult child if the
14 parents are financially dependent upon the adult child for support or
15 if the parents have had significant involvement in the adult child's
16 life; or

17 (b) Sisters or brothers who are financially dependent upon the
18 decedent for support if there is no spouse, state registered domestic
19 partner, child, or parent.

20 In every such action the jury may ((give such)) award economic and
21 noneconomic damages as((τ)) under all circumstances of the case((τ))
22 may to them seem just. In an action under RCW 4.20.010 that is based
23 on a parent's significant involvement in an adult child's life,
24 economic damages include any student loan balance that the parent may
25 be obligated to repay as a result of acting as a cosigner or guarantor
26 on the decedent's student loans, except for student loan balances that,
27 under the terms of the loan, are eligible for a complete discharge upon
28 the death of the borrower.

29 (2) For the purposes of this section:

1 (a) "Financially dependent for support" means substantial
2 dependence based on the receipt of services that have an economic or
3 monetary value, or substantial dependence based on actual monetary
4 payments or contributions; and

5 (b) "Significant involvement" means demonstrated support of an
6 emotional, psychological, or financial nature within the relationship,
7 at or reasonably near the time of death, or at or reasonably near the
8 time of the incident causing death. When determining if the parents
9 have had significant involvement in the adult child's life, the court
10 shall consider, but not be limited to, objective evidence of personal,
11 verbal, written, or electronic contact with the adult child, and in-
12 person interaction with the adult child during holidays, birthdays, and
13 other events.

14 **Sec. 2.** RCW 4.20.046 and 2008 c 6 s 409 are each amended to read
15 as follows:

16 (1) All causes of action by a person or persons against another
17 person or persons shall survive to the personal representatives of the
18 former and against the personal representatives of the latter, whether
19 ~~((such))~~ the actions arise on contract or otherwise, and whether or not
20 ~~((such))~~ the actions would have survived at the common law or prior to
21 the date of enactment of this section(~~(:—PROVIDED, HOWEVER, That)~~).
22

23 (2) In addition to recovering economic losses for the estate, the
24 personal representative (~~(shall only be)~~) is entitled to recover on
25 behalf of those beneficiaries identified under RCW 4.20.060 any
26 noneconomic damages for pain and suffering, anxiety, emotional
27 distress, or humiliation personal to and suffered by ((a)) the deceased
28 (~~(on behalf of those beneficiaries enumerated in RCW 4.20.020, and)~~) in
29 such amounts as determined by a jury to be just under all the
30 circumstances of the case. Damages under this section are recoverable
31 regardless of whether or not the death was occasioned by the injury
32 that is the basis for the action.

33 (3) The liability of property of spouses or domestic partners held
34 by them as community property and subject to execution in satisfaction
35 of a claim enforceable against such property so held shall not be
36 affected by the death of either or both spouses or either or both
domestic partners; and a cause of action shall remain an asset as

1 though both claiming spouses or both claiming domestic partners
2 continued to live despite the death of either or both claiming spouses
3 or both claiming domestic partners.

4 ~~((+2))~~ (4) Where death or an injury to person or property,
5 resulting from a wrongful act, neglect or default, occurs
6 simultaneously with or after the death of a person who would have been
7 liable therefor if his or her death had not occurred simultaneously
8 with such death or injury or had not intervened between the wrongful
9 act, neglect or default and the resulting death or injury, an action to
10 recover damages for such death or injury may be maintained against the
11 personal representative of such person.

12 **Sec. 3.** RCW 4.20.060 and 2007 c 156 s 30 are each amended to read
13 as follows:

14 (1) No action for a personal injury to any person occasioning death
15 shall abate, nor shall ~~((such))~~ the right of action ~~((determine))~~
16 terminate, by reason of ~~((such))~~ the death~~((r))~~ if ~~((such))~~ the person
17 has a surviving ~~((spouse, state registered domestic partner, or child~~
18 ~~living, including stepchildren, or leaving no surviving spouse, state~~
19 ~~registered domestic partner, or such children, if there is dependent~~
20 ~~upon the deceased for support and resident within the United States at~~
21 ~~the time of decedent's death, parents, sisters, or brothers; but such~~
22 ~~action may be prosecuted, or commenced and prosecuted, by the executor~~
23 ~~or administrator))~~ beneficiary in whose favor the action may be brought
24 under subsection (2) of this section.

25 (2) An action under this section shall be brought by the personal
26 representative of the deceased~~((r))~~ in favor of ~~((such))~~ the surviving
27 spouse or state registered domestic partner~~((, or in favor of the~~
28 ~~surviving spouse or state registered domestic partner))~~ and ~~((such))~~
29 children~~((, or if))~~. If there is no surviving spouse ~~((or))~~, state
30 registered domestic partner, ~~((in favor of such child))~~ or children,
31 ~~((or if no surviving spouse, state registered domestic partner, or such~~
32 ~~child or children, then))~~ the action shall be brought in favor of the
33 decedent's:

34 (a) Parents~~((, sisters, or brothers who may be dependent upon such~~
35 ~~person for support, and resident in the United States at the time of~~
36 ~~decedent's death))~~ if the parents are financially dependent upon the

1 decedent for support or if the parents have had significant involvement
2 in the decedent's life; or

3 (b) Sisters or brothers who are financially dependent upon the
4 decedent for support if there is no spouse, state registered domestic
5 partner, child, or parent.

6 (3) In addition to recovering economic losses, the persons
7 identified in subsection (2) of this section are entitled to recover
8 any noneconomic damages personal to and suffered by the decedent
9 including, but not limited to, damages for the decedent's pain and
10 suffering, anxiety, emotional distress, or humiliation, in such amounts
11 as determined by a jury to be just under all the circumstances of the
12 case.

13 (4) For the purposes of this section:

14 (a) "Financially dependent for support" means substantial
15 dependence based on the receipt of services that have an economic or
16 monetary value, or substantial dependence based on actual monetary
17 payments or contributions; and

18 (b) "Significant involvement" means demonstrated support of an
19 emotional, psychological, or financial nature within the relationship,
20 at or reasonably near the time of death, or at or reasonably near the
21 time of the incident causing death. When determining if the parents
22 have had significant involvement in the child's life, the court shall
23 consider, but not be limited to, objective evidence of personal,
24 verbal, written, or electronic contact with the child, and in-person
25 interaction with the child during holidays, birthdays, and other
26 events.

27 **Sec. 4.** RCW 4.24.010 and 1998 c 237 s 2 are each amended to read
28 as follows:

29 (1) A (~~mother or father, or both,~~) parent who has regularly
30 contributed to the support of his or her minor child, (~~and the mother~~
31 ~~or father, or both, of a child on whom either, or both, are~~) or a
32 parent who is financially dependent on a minor child for support or who
33 has had significant involvement in the minor child's life, may maintain
34 or join (~~as a party~~) an action as plaintiff for the injury or death
35 of the child.

36 (2) Each parent, separately from the other parent, is entitled to
37 recover for his or her own loss regardless of marital status, even

1 ~~though this section creates only one cause of action((, but if the~~
2 ~~parents of the child are not married, are separated, or not married to~~
3 ~~each other damages may be awarded to each plaintiff separately, as the~~
4 ~~trier of fact finds just and equitable))~~.

5 (3) If one parent brings an action under this section and the other
6 parent is not named as a plaintiff, notice of the institution of the
7 suit, together with a copy of the complaint, shall be served upon the
8 other parent: PROVIDED, That notice shall be required only if
9 parentage has been duly established.

10 Such notice shall be in compliance with the statutory requirements
11 for a summons. Such notice shall state that the other parent must join
12 as a party to the suit within twenty days or the right to recover
13 damages under this section shall be barred. Failure of the other
14 parent to timely appear shall bar such parent's action to recover any
15 part of an award made to the party instituting the suit.

16 (4) In ((such)) an action under this section, in addition to
17 damages for medical, hospital, medication expenses, and loss of
18 services and support, damages may be recovered for the loss of love and
19 companionship of the child and for injury to or destruction of the
20 parent-child relationship in such amount as, under all the
21 circumstances of the case, may be just.

22 (5) For the purposes of this section:

23 (a) "Financially dependent for support" means substantial
24 dependence based on the receipt of services that have an economic or
25 monetary value, or substantial dependence based on actual monetary
26 payments or contributions; and

27 (b) "Significant involvement" means demonstrated support of an
28 emotional, psychological, or financial nature within the relationship,
29 at or reasonably near the time of death, or at or reasonably near the
30 time of the incident causing death. When determining if the parents
31 have had significant involvement in the child's life, the court shall
32 consider, but not be limited to, objective evidence of personal,
33 verbal, written, or electronic contact with the child, and in-person
34 interaction with the child during holidays, birthdays, and other
35 events.

36 **Sec. 5.** RCW 4.92.006 and 2002 c 332 s 10 are each amended to read
37 as follows:

1 As used in this chapter:

2 (1) "Office" means the office of financial management.

3 (2) "Director" means the director of financial management.

4 (3) "Risk management division" means the division of the office of
5 financial management that carries out the powers and duties under this
6 chapter relating to claim filing, claims administration, and claims
7 payment.

8 (4) "Risk manager" means the person supervising the risk management
9 division.

10 (5) "Local government" means every unit of local government, both
11 general purpose and special purpose, and includes, but is not limited
12 to, counties, cities, towns, port districts, public utility districts,
13 irrigation districts, metropolitan municipal corporations, conservation
14 districts, and other political subdivisions, governmental subdivisions,
15 municipal corporations, and quasimunicipal corporations.

16 NEW SECTION. Sec. 6. A new section is added to chapter 4.92 RCW
17 to read as follows:

18 (1) The local government liability reimbursement account is created
19 as a nonappropriated account in the custody of the state treasurer.
20 Only the state director of risk management or the director's designee
21 may authorize expenditures from the account. Expenditures from the
22 account may be used only to reimburse local governments for judgments,
23 settlements, and reasonable defense costs that are incurred by local
24 governments as a result of this act.

25 (2) The state director of risk management may authorize
26 expenditures from the local government liability reimbursement account
27 when (a) the head or governing body of a local government certifies to
28 the risk management division that a claim has been settled against a
29 local government under this act; or (b) the clerk of the court has made
30 and forwarded a certified copy of a final judgment in a court of
31 competent jurisdiction and the director of risk management determines
32 that the judgment was entered against a local government in a claim
33 based on this act. Payment of a judgment shall be made to the clerk of
34 the court for the benefit of the judgment creditors. Upon receipt of
35 payment, the clerk shall satisfy the judgment against the local
36 government.

1 **Sec. 7.** RCW 4.96.020 and 2009 c 433 s 1 are each amended to read
2 as follows:

3 (1) The provisions of this section apply to claims for damages
4 against all local governmental entities and their officers, employees,
5 or volunteers, acting in such capacity, except that claims involving
6 injuries from health care are governed solely by the procedures set
7 forth in chapter 7.70 RCW and are exempt from this chapter.

8 (2) The governing body of each local governmental entity shall
9 appoint an agent to receive any claim for damages made under this
10 chapter. The identity of the agent and the address where he or she may
11 be reached during the normal business hours of the local governmental
12 entity are public records and shall be recorded with the auditor of the
13 county in which the entity is located. All claims for damages against
14 a local governmental entity, or against any local governmental entity's
15 officers, employees, or volunteers, acting in such capacity, shall be
16 presented to the agent within the applicable period of limitations
17 within which an action must be commenced. A claim is deemed presented
18 when the claim form is delivered in person or is received by the agent
19 by regular mail, registered mail, or certified mail, with return
20 receipt requested, to the agent or other person designated to accept
21 delivery at the agent's office. The failure of a local governmental
22 entity to comply with the requirements of this section precludes that
23 local governmental entity from raising a defense under this chapter.

24 (3) For claims for damages presented after July 26, 2009, all
25 claims for damages must be presented on the standard tort claim form
26 that is maintained by the risk management division of the office of
27 financial management, except as allowed under (c) of this subsection.
28 The standard tort claim form must be posted on the office of financial
29 management's web site.

30 (a) The standard tort claim form must, at a minimum, require the
31 following information:

32 (i) The claimant's name, date of birth, and contact information;

33 (ii) A description of the conduct and the circumstances that
34 brought about the injury or damage;

35 (iii) A description of the injury or damage;

36 (iv) A statement of the time and place that the injury or damage
37 occurred;

1 (v) A listing of the names of all persons involved and contact
2 information, if known;

3 (vi) A statement of the amount of damages claimed; and

4 (vii) A statement of the actual residence of the claimant at the
5 time of presenting the claim and at the time the claim arose.

6 (b) The standard tort claim form must be signed either:

7 (i) By the claimant, verifying the claim;

8 (ii) Pursuant to a written power of attorney, by the attorney in
9 fact for the claimant;

10 (iii) By an attorney admitted to practice in Washington state on
11 the claimant's behalf; or

12 (iv) By a court-approved guardian or guardian ad litem on behalf of
13 the claimant.

14 (c) Local governmental entities shall make available the standard
15 tort claim form described in this section with instructions on how the
16 form is to be presented and the name, address, and business hours of
17 the agent of the local governmental entity. If a local governmental
18 entity chooses to also make available its own tort claim form in lieu
19 of the standard tort claim form, the form:

20 (i) May require additional information beyond what is specified
21 under this section, but the local governmental entity may not deny a
22 claim because of the claimant's failure to provide that additional
23 information;

24 (ii) Must not require the claimant's social security number; and

25 (iii) Must include instructions on how the form is to be presented
26 and the name, address, and business hours of the agent of the local
27 governmental entity appointed to receive the claim.

28 (d) If any claim form provided by the local governmental entity
29 fails to require the information specified in this section, or
30 incorrectly lists the agent with whom the claim is to be filed, the
31 local governmental entity is deemed to have waived any defense related
32 to the failure to provide that specific information or to present the
33 claim to the proper designated agent.

34 (e) Presenting either the standard tort claim form or the local
35 government tort claim form satisfies the requirements of this chapter.

36 (f) The amount of damages stated on the claim form is not
37 admissible at trial.

1 (4) No action subject to the claim filing requirements of this
2 section shall be commenced against any local governmental entity, or
3 against any local governmental entity's officers, employees, or
4 volunteers, acting in such capacity, for damages arising out of
5 tortious conduct until sixty calendar days have elapsed after the claim
6 has first been presented to the agent of the governing body thereof.
7 The applicable period of limitations within which an action must be
8 commenced shall be tolled during the sixty calendar day period. For
9 the purposes of the applicable period of limitations, an action
10 commenced within five court days after the sixty calendar day period
11 has elapsed is deemed to have been presented on the first day after the
12 sixty calendar day period elapsed.

13 (5) With respect to the content of claims under this section and
14 all procedural requirements in this section, this section must be
15 liberally construed so that substantial compliance will be deemed
16 satisfactory.

17 (6) When any claim for damages is filed against a local
18 governmental entity based on this act, within ten days of the filing
19 the local governmental entity must notify the state risk manager of the
20 claim.

21 **Sec. 8.** RCW 36.18.020 and 2009 c 572 s 4, 2009 c 479 s 21, and
22 2009 c 417 s 3 are each reenacted and amended to read as follows:

23 (1) Revenue collected under this section is subject to division
24 with the state under RCW 36.18.025 and with the county or regional law
25 library fund under RCW 27.24.070, except as provided in subsections (5)
26 and (6) of this section.

27 (2) Clerks of superior courts shall collect the following fees for
28 their official services:

29 (a) In addition to any other fee required by law, the party filing
30 the first or initial document in any civil action, including, but not
31 limited to an action for restitution, adoption, or change of name, and
32 any party filing a counterclaim, cross-claim, or third-party claim in
33 any such civil action, shall pay, at the time the document is filed, a
34 fee of two hundred dollars except, in an unlawful detainer action under
35 chapter 59.18 or 59.20 RCW for which the plaintiff shall pay a case
36 initiating filing fee of forty-five dollars, or in proceedings filed
37 under RCW 28A.225.030 alleging a violation of the compulsory attendance

1 laws where the petitioner shall not pay a filing fee. The forty-five
2 dollar filing fee under this subsection for an unlawful detainer action
3 shall not include an order to show cause or any other order or judgment
4 except a default order or default judgment in an unlawful detainer
5 action.

6 (b) Any party, except a defendant in a criminal case, filing the
7 first or initial document on an appeal from a court of limited
8 jurisdiction or any party on any civil appeal, shall pay, when the
9 document is filed, a fee of two hundred dollars.

10 (c) For filing of a petition for judicial review as required under
11 RCW 34.05.514 a filing fee of two hundred dollars.

12 (d) For filing of a petition for unlawful harassment under RCW
13 10.14.040 a filing fee of fifty-three dollars.

14 (e) For filing the notice of debt due for the compensation of a
15 crime victim under RCW 7.68.120(2)(a) a fee of two hundred dollars.

16 (f) In probate proceedings, the party instituting such proceedings,
17 shall pay at the time of filing the first document therein, a fee of
18 two hundred dollars.

19 (g) For filing any petition to contest a will admitted to probate
20 or a petition to admit a will which has been rejected, or a petition
21 objecting to a written agreement or memorandum as provided in RCW
22 11.96A.220, there shall be paid a fee of two hundred dollars.

23 (h) Upon conviction or plea of guilty, upon failure to prosecute an
24 appeal from a court of limited jurisdiction as provided by law, or upon
25 affirmance of a conviction by a court of limited jurisdiction, a
26 defendant in a criminal case shall be liable for a fee of two hundred
27 dollars.

28 (i) With the exception of demands for jury hereafter made and
29 garnishments hereafter issued, civil actions and probate proceedings
30 filed prior to midnight, July 1, 1972, shall be completed and governed
31 by the fee schedule in effect as of January 1, 1972: PROVIDED, That no
32 fee shall be assessed if an order of dismissal on the clerk's record be
33 filed as provided by rule of the supreme court.

34 (3) No fee shall be collected when a petition for relinquishment of
35 parental rights is filed pursuant to RCW 26.33.080 or for forms and
36 instructional brochures provided under RCW 26.50.030.

37 (4) No fee shall be collected when an abstract of judgment is filed

1 by the county clerk of another county for the purposes of collection of
2 legal financial obligations.

3 (5) Until July 1, 2011, in addition to the fees required by this
4 section, clerks of superior courts shall collect the surcharges
5 required by this subsection, which shall be remitted to the state
6 treasurer for deposit in the judicial stabilization trust account:

7 (a) On filing fees under subsection (2)(b) of this section, a
8 surcharge of twenty dollars; and

9 (b) On all other filing fees required by this section except for
10 filing fees in subsection (2)(d) and (h) of this section, a surcharge
11 of thirty dollars.

12 (6) In addition to other fees required by this section, until July
13 1, 2015, clerks of superior courts shall collect an additional
14 surcharge of ten dollars on filing fees under subsection (2)(a) of this
15 section, which shall be remitted to the state treasurer for deposit in
16 the local government liability reimbursement account created in section
17 6 of this act.

18 **Sec. 9.** RCW 46.63.110 and 2009 c 479 s 39 are each amended to read
19 as follows:

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

24 (2) The monetary penalty for a violation of (a) RCW 46.55.105(2) is
25 two hundred fifty dollars for each offense; (b) RCW 46.61.210(1) is
26 five hundred dollars for each offense. No penalty assessed under this
27 subsection (2) may be reduced.

28 (3) The supreme court shall prescribe by rule a schedule of
29 monetary penalties for designated traffic infractions. This rule shall
30 also specify the conditions under which local courts may exercise
31 discretion in assessing fines and penalties for traffic infractions.
32 The legislature respectfully requests the supreme court to adjust this
33 schedule every two years for inflation.

34 (4) There shall be a penalty of twenty-five dollars for failure to
35 respond to a notice of traffic infraction except where the infraction
36 relates to parking as defined by local law, ordinance, regulation, or
37 resolution or failure to pay a monetary penalty imposed pursuant to

1 this chapter. A local legislative body may set a monetary penalty not
2 to exceed twenty-five dollars for failure to respond to a notice of
3 traffic infraction relating to parking as defined by local law,
4 ordinance, regulation, or resolution. The local court, whether a
5 municipal, police, or district court, shall impose the monetary penalty
6 set by the local legislative body.

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

12 (6) Whenever a monetary penalty, fee, cost, assessment, or other
13 monetary obligation is imposed by a court under this chapter it is
14 immediately payable. If the court determines, in its discretion, that
15 a person is not able to pay a monetary obligation in full, and not more
16 than one year has passed since the later of July 1, 2005, or the date
17 the monetary obligation initially became due and payable, the court
18 shall enter into a payment plan with the person, unless the person has
19 previously been granted a payment plan with respect to the same
20 monetary obligation, or unless the person is in noncompliance of any
21 existing or prior payment plan, in which case the court may, at its
22 discretion, implement a payment plan. If the court has notified the
23 department that the person has failed to pay or comply and the person
24 has subsequently entered into a payment plan and made an initial
25 payment, the court shall notify the department that the infraction has
26 been adjudicated, and the department shall rescind any suspension of
27 the person's driver's license or driver's privilege based on failure to
28 respond to that infraction. "Payment plan," as used in this section,
29 means a plan that requires reasonable payments based on the financial
30 ability of the person to pay. The person may voluntarily pay an amount
31 at any time in addition to the payments required under the payment
32 plan.

33 (a) If a payment required to be made under the payment plan is
34 delinquent or the person fails to complete a community restitution
35 program on or before the time established under the payment plan,
36 unless the court determines good cause therefor and adjusts the payment
37 plan or the community restitution plan accordingly, the court shall
38 notify the department of the person's failure to meet the conditions of

1 the plan, and the department shall suspend the person's driver's
2 license or driving privilege until all monetary obligations, including
3 those imposed under subsections (3) and (4) of this section, have been
4 paid, and court authorized community restitution has been completed, or
5 until the department has been notified that the court has entered into
6 a new time payment or community restitution agreement with the person.

7 (b) If a person has not entered into a payment plan with the court
8 and has not paid the monetary obligation in full on or before the time
9 established for payment, the court shall notify the department of the
10 delinquency. The department shall suspend the person's driver's
11 license or driving privilege until all monetary obligations have been
12 paid, including those imposed under subsections (3) and (4) of this
13 section, or until the person has entered into a payment plan under this
14 section.

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

20 (d) Nothing in this section precludes a court from contracting with
21 outside entities to administer its payment plan system. When outside
22 entities are used for the administration of a payment plan, the court
23 may assess the person a reasonable fee for such administrative
24 services, which fee may be calculated on a periodic, percentage, or
25 other basis.

26 (e) If a court authorized community restitution program for
27 offenders is available in the jurisdiction, the court may allow
28 conversion of all or part of the monetary obligations due under this
29 section to court authorized community restitution in lieu of time
30 payments if the person is unable to make reasonable time payments.

31 (7) In addition to any other penalties imposed under this section
32 and not subject to the limitation of subsection (1) of this section, a
33 person found to have committed a traffic infraction shall be assessed:

34 (a) A fee of five dollars per infraction. Under no circumstances
35 shall this fee be reduced or waived. Revenue from this fee shall be
36 forwarded to the state treasurer for deposit in the emergency medical
37 services and trauma care system trust account under RCW 70.168.040;

1 (b) A fee of ten dollars per infraction. Under no circumstances
2 shall this fee be reduced or waived. Revenue from this fee shall be
3 forwarded to the state treasurer for deposit in the Washington auto
4 theft prevention authority account; and

5 (c) A fee of two dollars per infraction. Revenue from this fee
6 shall be forwarded to the state treasurer for deposit in the traumatic
7 brain injury account established in RCW 74.31.060.

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

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

28 (9) Until July 1, 2015, in addition to any other penalties imposed
29 under this section, and not subject to the limitation of subsection (1)
30 of this section, a person found to have committed a traffic infraction
31 shall be assessed an additional penalty of five dollars. Revenue from
32 this penalty shall be remitted to the state treasurer for deposit in
33 the local government liability reimbursement account created in section
34 6 of this act.

35 (10) If a legal proceeding, such as garnishment, has commenced to
36 collect any delinquent amount owed by the person for any penalty
37 imposed by the court under this section, the court may, at its
38 discretion, enter into a payment plan.

1 (~~(10)~~) (11) The monetary penalty for violating RCW 46.37.395 is:
2 (a) Two hundred fifty dollars for the first violation; (b) five hundred
3 dollars for the second violation; and (c) seven hundred fifty dollars
4 for each violation thereafter.

5 NEW SECTION. **Sec. 10.** This act applies to all causes of action
6 that are based on deaths occurring on or after the effective date of
7 this act.

8 NEW SECTION. **Sec. 11.** (1) On December 1, 2011, and every December
9 1st thereafter, the risk management division within the office of
10 financial management shall report to the house of representatives ways
11 and means committee, the house of representatives judiciary committee,
12 the senate ways and means committee, and the senate government
13 operations and elections committee, or successor committees, on the
14 incidents covered by this act that involve state agencies.

15 (2) On December 1, 2011, and every December 1st thereafter, each
16 local government risk pool or local government risk management
17 division, or the equivalent in local governments, shall report to the
18 legislative body of the local government on the incidents covered by
19 this act that involve the local government.

20 (3) This section expires December 2, 2016.

21 NEW SECTION. **Sec. 12.** If any provision of this act or its
22 application to any person or circumstance is held invalid, the
23 remainder of the act or the application of the provision to other
24 persons or circumstances is not affected."

25 Correct the title.

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