

2ESSB 6508 - H COMM AMD
By Committee on Ways & Means

ADOPTED AS AMENDED 03/04/2010

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.

23 (2) For the purposes of this section:

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

28 (b) "Significant involvement" means demonstrated support of an
29 emotional, psychological, or financial nature within the relationship,

1 at or reasonably near the time of death, or at or reasonably near the
2 time of the incident causing death.

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

5 (1) All causes of action by a person or persons against another
6 person or persons shall survive to the personal representatives of the
7 former and against the personal representatives of the latter, whether
8 ~~((such))~~ the actions arise on contract or otherwise, and whether or not
9 ~~((such))~~ the actions would have survived at the common law or prior to
10 the date of enactment of this section(~~(:—PROVIDED, HOWEVER, That)~~).

11 (2) In addition to recovering economic losses for the estate, the
12 personal representative ~~((shall only be))~~ is entitled to recover on
13 behalf of those beneficiaries identified under RCW 4.20.060 any
14 noneconomic damages for pain and suffering, anxiety, emotional
15 distress, or humiliation personal to and suffered by ~~((a))~~ the deceased
16 ~~((on behalf of those beneficiaries enumerated in RCW 4.20.020, and))~~ in
17 such amounts as determined by a jury to be just under all the
18 circumstances of the case. Damages under this section are recoverable
19 regardless of whether or not the death was occasioned by the injury
20 that is the basis for the action.

21 (3) The liability of property of spouses or domestic partners held
22 by them as community property and subject to execution in satisfaction
23 of a claim enforceable against such property so held shall not be
24 affected by the death of either or both spouses or either or both
25 domestic partners; and a cause of action shall remain an asset as
26 though both claiming spouses or both claiming domestic partners
27 continued to live despite the death of either or both claiming spouses
28 or both claiming domestic partners.

29 ~~((+2))~~ (4) Where death or an injury to person or property,
30 resulting from a wrongful act, neglect or default, occurs
31 simultaneously with or after the death of a person who would have been
32 liable therefor if his or her death had not occurred simultaneously
33 with such death or injury or had not intervened between the wrongful
34 act, neglect or default and the resulting death or injury, an action to
35 recover damages for such death or injury may be maintained against the
36 personal representative of such person.

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

3 (1) No action for a personal injury to any person occasioning death
4 shall abate, nor shall ((such)) the right of action ((determine))
5 terminate, by reason of ((such)) the death((τ)) if ((such)) the person
6 has a surviving ((spouse, state registered domestic partner, or child
7 living, including stepchildren, or leaving no surviving spouse, state
8 registered domestic partner, or such children, if there is dependent
9 upon the deceased for support and resident within the United States at
10 the time of decedent's death, parents, sisters, or brothers; but such
11 action may be prosecuted, or commenced and prosecuted, by the executor
12 or administrator)) beneficiary in whose favor the action may be brought
13 under subsection (2) of this section.

14 (2) An action under this section shall be brought by the personal
15 representative of the deceased((τ)) in favor of ((such)) the surviving
16 spouse or state registered domestic partner((τ, or in favor of the
17 surviving spouse or state registered domestic partner)) and ((such))
18 children((τ, or if)). If there is no surviving spouse ((or)), state
19 registered domestic partner, ((in favor of such child)) or children,
20 ((or if no surviving spouse, state registered domestic partner, or such
21 child or children, then)) the action shall be brought in favor of the
22 decedent's:

23 (a) Parents((τ, sisters, or brothers who may be dependent upon such
24 person for support, and resident in the United States at the time of
25 decedent's death)) if the parents are financially dependent upon the
26 decedent for support or if the parents have had significant involvement
27 in the decedent's life; or

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

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

38 (4) 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.

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

11 (1) A ((~~mother or father, or both,~~) parent who has regularly
12 contributed to the support of his or her minor child, ((~~and the mother~~
13 ~~or father, or both, of a child on whom either, or both, are)) or a~~
14 parent who is financially dependent on a minor child for support or who
15 has had significant involvement in the minor child's life, may maintain
16 or join ((~~as a party~~)) an action as plaintiff for the injury or death
17 of the child.

18 (2) Each parent, separately from the other parent, is entitled to
19 recover for his or her own loss regardless of marital status, even
20 though this section creates only one cause of action((~~, but if the~~
21 ~~parents of the child are not married, are separated, or not married to~~
22 ~~each other damages may be awarded to each plaintiff separately, as the~~
23 ~~trier of fact finds just and equitable))).~~

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

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

35 (4) In ((~~such~~)) an action under this section, in addition to
36 damages for medical, hospital, medication expenses, and loss of
37 services and support, damages may be recovered for the loss of love and

1 companionship of the child and for injury to or destruction of the
2 parent-child relationship in such amount as, under all the
3 circumstances of the case, may be just.

4 (5) For the purposes of this section:

5 (a) "Financially dependent for support" means substantial
6 dependence based on the receipt of services that have an economic or
7 monetary value, or substantial dependence based on actual monetary
8 payments or contributions; and

9 (b) "Significant involvement" means demonstrated support of an
10 emotional, psychological, or financial nature within the relationship,
11 at or reasonably near the time of death, or at or reasonably near the
12 time of the incident causing death.

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

15 As used in this chapter:

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

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

18 (3) "Risk management division" means the division of the office of
19 financial management that carries out the powers and duties under this
20 chapter relating to claim filing, claims administration, and claims
21 payment.

22 (4) "Risk manager" means the person supervising the risk management
23 division.

24 (5) "Local government" means every unit of local government, both
25 general purpose and special purpose, and includes, but is not limited
26 to, counties, cities, towns, port districts, public utility districts,
27 irrigation districts, metropolitan municipal corporations, conservation
28 districts, and other political subdivisions, governmental subdivisions,
29 municipal corporations, and quasimunicipal corporations.

30 NEW SECTION. **Sec. 6.** A new section is added to chapter 4.92 RCW
31 to read as follows:

32 (1) The local government liability reimbursement account is created
33 as a nonappropriated account in the custody of the state treasurer.
34 Only the state director of risk management or the director's designee
35 may authorize expenditures from the account. Expenditures from the

1 account may be used only to reimburse local governments for judgments,
2 settlements, and reasonable defense costs that are incurred by local
3 governments as a result of this act.

4 (2) The state director of risk management may authorize
5 expenditures from the local government liability reimbursement account
6 when (a) the head or governing body of a local government certifies to
7 the risk management division that a claim has been settled against a
8 local government under this act; or (b) the clerk of the court has made
9 and forwarded a certified copy of a final judgment in a court of
10 competent jurisdiction and the director of risk management determines
11 that the judgment was entered against a local government in a claim
12 based on this act. Payment of a judgment shall be made to the clerk of
13 the court for the benefit of the judgment creditors. Upon receipt of
14 payment, the clerk shall satisfy the judgment against the local
15 government.

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

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

23 (2) The governing body of each local governmental entity shall
24 appoint an agent to receive any claim for damages made under this
25 chapter. The identity of the agent and the address where he or she may
26 be reached during the normal business hours of the local governmental
27 entity are public records and shall be recorded with the auditor of the
28 county in which the entity is located. All claims for damages against
29 a local governmental entity, or against any local governmental entity's
30 officers, employees, or volunteers, acting in such capacity, shall be
31 presented to the agent within the applicable period of limitations
32 within which an action must be commenced. A claim is deemed presented
33 when the claim form is delivered in person or is received by the agent
34 by regular mail, registered mail, or certified mail, with return
35 receipt requested, to the agent or other person designated to accept
36 delivery at the agent's office. The failure of a local governmental

1 entity to comply with the requirements of this section precludes that
2 local governmental entity from raising a defense under this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 (c) Local governmental entities shall make available the standard
31 tort claim form described in this section with instructions on how the
32 form is to be presented and the name, address, and business hours of
33 the agent of the local governmental entity. If a local governmental
34 entity chooses to also make available its own tort claim form in lieu
35 of the standard tort claim form, the form:

36 (i) May require additional information beyond what is specified
37 under this section, but the local governmental entity may not deny a

1 claim because of the claimant's failure to provide that additional
2 information;

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

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

7 (d) If any claim form provided by the local governmental entity
8 fails to require the information specified in this section, or
9 incorrectly lists the agent with whom the claim is to be filed, the
10 local governmental entity is deemed to have waived any defense related
11 to the failure to provide that specific information or to present the
12 claim to the proper designated agent.

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

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

17 (4) No action subject to the claim filing requirements of this
18 section shall be commenced against any local governmental entity, or
19 against any local governmental entity's officers, employees, or
20 volunteers, acting in such capacity, for damages arising out of
21 tortious conduct until sixty calendar days have elapsed after the claim
22 has first been presented to the agent of the governing body thereof.
23 The applicable period of limitations within which an action must be
24 commenced shall be tolled during the sixty calendar day period. For
25 the purposes of the applicable period of limitations, an action
26 commenced within five court days after the sixty calendar day period
27 has elapsed is deemed to have been presented on the first day after the
28 sixty calendar day period elapsed.

29 (5) With respect to the content of claims under this section and
30 all procedural requirements in this section, this section must be
31 liberally construed so that substantial compliance will be deemed
32 satisfactory.

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

1 **Sec. 8.** RCW 36.18.020 and 2009 c 572 s 4, 2009 c 479 s 21, and
2 2009 c 417 s 3 are each reenacted and amended to read as follows:

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

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

9 (a) In addition to any other fee required by law, the party filing
10 the first or initial document in any civil action, including, but not
11 limited to an action for restitution, adoption, or change of name, and
12 any party filing a counterclaim, cross-claim, or third-party claim in
13 any such civil action, shall pay, at the time the document is filed, a
14 fee of two hundred dollars except, in an unlawful detainer action under
15 chapter 59.18 or 59.20 RCW for which the plaintiff shall pay a case
16 initiating filing fee of forty-five dollars, or in proceedings filed
17 under RCW 28A.225.030 alleging a violation of the compulsory attendance
18 laws where the petitioner shall not pay a filing fee. The forty-five
19 dollar filing fee under this subsection for an unlawful detainer action
20 shall not include an order to show cause or any other order or judgment
21 except a default order or default judgment in an unlawful detainer
22 action.

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

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

29 (d) For filing of a petition for unlawful harassment under RCW
30 10.14.040 a filing fee of fifty-three dollars.

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

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

36 (g) For filing any petition to contest a will admitted to probate
37 or a petition to admit a will which has been rejected, or a petition

1 objecting to a written agreement or memorandum as provided in RCW
2 11.96A.220, there shall be paid a fee of two hundred dollars.

3 (h) Upon conviction or plea of guilty, upon failure to prosecute an
4 appeal from a court of limited jurisdiction as provided by law, or upon
5 affirmance of a conviction by a court of limited jurisdiction, a
6 defendant in a criminal case shall be liable for a fee of two hundred
7 dollars.

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

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

17 (4) No fee shall be collected when an abstract of judgment is filed
18 by the county clerk of another county for the purposes of collection of
19 legal financial obligations.

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

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

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

29 (6) In addition to other fees required by this section, until July
30 1, 2015, clerks of superior courts shall collect an additional
31 surcharge of ten dollars on filing fees under subsection (2)(a) of this
32 section, which 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 **Sec. 9.** RCW 46.63.110 and 2009 c 479 s 39 are each amended to read
36 as follows:

37 (1) A person found to have committed a traffic infraction shall be

1 assessed a monetary penalty. No penalty may exceed two hundred and
2 fifty dollars for each offense unless authorized by this chapter or
3 title.

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

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

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

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

29 (6) Whenever a monetary penalty, fee, cost, assessment, or other
30 monetary obligation is imposed by a court under this chapter it is
31 immediately payable. If the court determines, in its discretion, that
32 a person is not able to pay a monetary obligation in full, and not more
33 than one year has passed since the later of July 1, 2005, or the date
34 the monetary obligation initially became due and payable, the court
35 shall enter into a payment plan with the person, unless the person has
36 previously been granted a payment plan with respect to the same
37 monetary obligation, or unless the person is in noncompliance of any
38 existing or prior payment plan, in which case the court may, at its

1 discretion, implement a payment plan. If the court has notified the
2 department that the person has failed to pay or comply and the person
3 has subsequently entered into a payment plan and made an initial
4 payment, the court shall notify the department that the infraction has
5 been adjudicated, and the department shall rescind any suspension of
6 the person's driver's license or driver's privilege based on failure to
7 respond to that infraction. "Payment plan," as used in this section,
8 means a plan that requires reasonable payments based on the financial
9 ability of the person to pay. The person may voluntarily pay an amount
10 at any time in addition to the payments required under the payment
11 plan.

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

24 (b) If a person has not entered into a payment plan with the court
25 and has not paid the monetary obligation in full on or before the time
26 established for payment, the court shall notify the department of the
27 delinquency. The department shall suspend the person's driver's
28 license or driving privilege until all monetary obligations have been
29 paid, including those imposed under subsections (3) and (4) of this
30 section, or until the person has entered into a payment plan under this
31 section.

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

37 (d) Nothing in this section precludes a court from contracting with
38 outside entities to administer its payment plan system. When outside

1 entities are used for the administration of a payment plan, the court
2 may assess the person a reasonable fee for such administrative
3 services, which fee may be calculated on a periodic, percentage, or
4 other basis.

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

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

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

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

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

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

34 (b) Eight dollars and fifty cents of the additional penalty under
35 (a) of this subsection shall be remitted to the state treasurer. The
36 remaining revenue from the additional penalty must be remitted under
37 chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted
38 under this subsection to the state treasurer must be deposited in the

1 state general fund. The balance of the revenue received by the county
2 or city treasurer under this subsection must be deposited into the
3 county or city current expense fund. Moneys retained by the city or
4 county under this subsection shall constitute reimbursement for any
5 liabilities under RCW 43.135.060.

6 (9) Until July 1, 2015, in addition to any other penalties imposed
7 under this section, and not subject to the limitation of subsection (1)
8 of this section, a person found to have committed a traffic infraction
9 shall be assessed an additional penalty of five dollars. Revenue from
10 this penalty shall be remitted to the state treasurer for deposit in
11 the local government liability reimbursement account created in section
12 6 of this act.

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

17 ~~((+10))~~ (11) The monetary penalty for violating RCW 46.37.395 is:
18 (a) Two hundred fifty dollars for the first violation; (b) five hundred
19 dollars for the second violation; and (c) seven hundred fifty dollars
20 for each violation thereafter.

21 NEW SECTION. Sec. 10. On July 1, 2010, the state treasurer shall
22 transfer the sum of five million dollars from the liability account
23 established in RCW 4.92.130 into the local government liability
24 reimbursement account created in section 6 of this act.

25 NEW SECTION. Sec. 11. This act applies to all causes of action
26 filed on or after July 1, 2011.

27 NEW SECTION. Sec. 12. (1) On December 1, 2011, and every December
28 1st thereafter, the risk management division within the office of
29 financial management shall report to the house of representatives ways
30 and means committee, the house of representatives judiciary committee,
31 the senate ways and means committee, and the senate government
32 operations and elections committee, or successor committees, on the
33 incidents covered by this act that involve state agencies.

34 (2) On December 1, 2011, and every December 1st thereafter, each
35 local government risk pool or local government risk management

1 division, or the equivalent in local governments, shall report to the
2 legislative body of the local government on the incidents covered by
3 this act that involve the local government.

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

5 NEW SECTION. **Sec. 13.** If any provision of this act or its
6 application to any person or circumstance is held invalid, the
7 remainder of the act or the application of the provision to other
8 persons or circumstances is not affected."

9 Correct the title.

--- END ---