
ENGROSSED SUBSTITUTE HOUSE BILL 2464

State of Washington

61st Legislature

2010 Regular Session

By House Transportation (originally sponsored by Representatives Liiias, Johnson, O'Brien, Morrell, Maxwell, Sullivan, Simpson, Van De Wege, Kenney, Ericks, and Sells; by request of Washington State Patrol)

READ FIRST TIME 01/19/10.

1 AN ACT Relating to approaching certain emergency, roadside
2 assistance, or police vehicles in emergency zones; amending RCW
3 46.61.212, 46.63.020, 46.20.342, and 46.63.110; creating a new section;
4 prescribing penalties; providing an effective date; and providing an
5 expiration date.

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

7 **Sec. 1.** RCW 46.61.212 and 2007 c 83 s 1 are each amended to read
8 as follows:

9 (1) The driver of any motor vehicle, upon approaching an emergency
10 zone, which is defined as the adjacent lanes of the roadway two hundred
11 feet before and after (a) a stationary authorized emergency vehicle
12 that is making use of audible and/or visual signals meeting the
13 requirements of RCW 46.37.190, (b) a tow truck that is making use of
14 visual red lights meeting the requirements of RCW 46.37.196, (c) other
15 vehicles providing roadside assistance that are making use of warning
16 lights with three hundred sixty degree visibility, or (d) a police
17 vehicle properly and lawfully displaying a flashing, blinking, or
18 alternating emergency light or lights, shall:

1 ~~((1))~~ (i) On a highway having four or more lanes, at least two of
2 which are intended for traffic proceeding in the same direction as the
3 approaching vehicle, proceed with caution and, if reasonable, with due
4 regard for safety and traffic conditions, yield the right-of-way by
5 making a lane change or moving away from the lane or shoulder occupied
6 by the stationary authorized emergency vehicle or police vehicle;

7 ~~((2))~~ (ii) On a highway having less than four lanes, proceed with
8 caution, reduce the speed of the vehicle, and, if reasonable, with due
9 regard for safety and traffic conditions, and under the rules of this
10 chapter, yield the right-of-way by passing to the left at a safe
11 distance and simultaneously yield the right-of-way to all vehicles
12 traveling in the proper direction upon the highway; or

13 ~~((3))~~ (iii) If changing lanes or moving away would be
14 unreasonable or unsafe, proceed with due caution and reduce the speed
15 of the vehicle.

16 (2) A person may not drive a vehicle in an emergency zone at a
17 speed greater than the posted speed limit.

18 (3) A person found to be in violation of this section, or any
19 infraction relating to speed restrictions in an emergency zone, must be
20 assessed a monetary penalty equal to twice the penalty assessed under
21 RCW 46.63.110. This penalty may not be waived, reduced, or suspended.

22 (4) A person who drives a vehicle in an emergency zone in such a
23 manner as to endanger or be likely to endanger any emergency zone
24 worker or property is guilty of reckless endangerment of emergency zone
25 workers. A violation of this subsection is a gross misdemeanor
26 punishable under chapter 9A.20 RCW.

27 (5) The department shall suspend for sixty days the driver's
28 license, permit to drive, or nonresident driving privilege of a person
29 convicted of reckless endangerment of emergency zone workers.

30 NEW SECTION. Sec. 2. (1) The state patrol and the department of
31 transportation shall conduct education and outreach efforts regarding
32 emergency zones, including drivers' obligations in emergency zones and
33 the penalties for violating these obligations, for at least ninety days
34 after the effective date of this act. The education and outreach
35 efforts must include the use of department of transportation variable
36 message signs.

37 (2) This section expires June 30, 2011.

1 **Sec. 3.** RCW 46.63.020 and 2009 c 485 s 6 are each amended to read
2 as follows:

3 Failure to perform any act required or the performance of any act
4 prohibited by this title or an equivalent administrative regulation or
5 local law, ordinance, regulation, or resolution relating to traffic
6 including parking, standing, stopping, and pedestrian offenses, is
7 designated as a traffic infraction and may not be classified as a
8 criminal offense, except for an offense contained in the following
9 provisions of this title or a violation of an equivalent administrative
10 regulation or local law, ordinance, regulation, or resolution:

11 (1) RCW 46.09.120(2) relating to the operation of a nonhighway
12 vehicle while under the influence of intoxicating liquor or a
13 controlled substance;

14 (2) RCW 46.09.130 relating to operation of nonhighway vehicles;

15 (3) RCW 46.10.090(2) relating to the operation of a snowmobile
16 while under the influence of intoxicating liquor or narcotics or habit-
17 forming drugs or in a manner endangering the person of another;

18 (4) RCW 46.10.130 relating to the operation of snowmobiles;

19 (5) Chapter 46.12 RCW relating to certificates of ownership and
20 registration and markings indicating that a vehicle has been destroyed
21 or declared a total loss;

22 (6) RCW 46.16.010 relating to the nonpayment of taxes and fees by
23 failure to register a vehicle and falsifying residency when registering
24 a motor vehicle;

25 (7) RCW 46.16.011 relating to permitting unauthorized persons to
26 drive;

27 (8) RCW 46.16.160 relating to vehicle trip permits;

28 (9) RCW 46.16.381(2) relating to knowingly providing false
29 information in conjunction with an application for a special placard or
30 license plate for disabled persons' parking;

31 (10) RCW 46.20.005 relating to driving without a valid driver's
32 license;

33 (11) RCW 46.20.091 relating to false statements regarding a
34 driver's license or instruction permit;

35 (12) RCW 46.20.0921 relating to the unlawful possession and use of
36 a driver's license;

37 (13) RCW 46.20.342 relating to driving with a suspended or revoked
38 license or status;

- 1 (14) RCW 46.20.345 relating to the operation of a motor vehicle
2 with a suspended or revoked license;
- 3 (15) RCW 46.20.410 relating to the violation of restrictions of an
4 occupational driver's license, temporary restricted driver's license,
5 or ignition interlock driver's license;
- 6 (16) RCW 46.20.740 relating to operation of a motor vehicle without
7 an ignition interlock device in violation of a license notation that
8 the device is required;
- 9 (17) RCW 46.20.750 relating to circumventing an ignition interlock
10 device;
- 11 (18) RCW 46.25.170 relating to commercial driver's licenses;
- 12 (19) Chapter 46.29 RCW relating to financial responsibility;
- 13 (20) RCW 46.30.040 relating to providing false evidence of
14 financial responsibility;
- 15 (21) RCW 46.37.435 relating to wrongful installation of
16 sunscreening material;
- 17 (22) RCW 46.37.650 relating to the sale, resale, distribution, or
18 installation of a previously deployed air bag;
- 19 (23) RCW 46.37.671 through 46.37.675 relating to signal preemption
20 devices;
- 21 (24) RCW 46.44.180 relating to operation of mobile home pilot
22 vehicles;
- 23 (25) RCW 46.48.175 relating to the transportation of dangerous
24 articles;
- 25 (26) RCW 46.52.010 relating to duty on striking an unattended car
26 or other property;
- 27 (27) RCW 46.52.020 relating to duty in case of injury to or death
28 of a person or damage to an attended vehicle;
- 29 (28) RCW 46.52.090 relating to reports by repairmen, storagemen,
30 and appraisers;
- 31 (29) RCW 46.52.130 relating to confidentiality of the driving
32 record to be furnished to an insurance company, an employer, and an
33 alcohol/drug assessment or treatment agency;
- 34 (30) RCW 46.55.020 relating to engaging in the activities of a
35 registered tow truck operator without a registration certificate;
- 36 (31) RCW 46.55.035 relating to prohibited practices by tow truck
37 operators;
- 38 (32) RCW 46.55.300 relating to vehicle immobilization;

1 (33) RCW 46.61.015 relating to obedience to police officers,
2 flaggers, or firefighters;
3 (34) RCW 46.61.020 relating to refusal to give information to or
4 cooperate with an officer;
5 (35) RCW 46.61.022 relating to failure to stop and give
6 identification to an officer;
7 (36) RCW 46.61.024 relating to attempting to elude pursuing police
8 vehicles;
9 (37) RCW 46.61.212(4) relating to reckless endangerment of
10 emergency zone workers;
11 (38) RCW 46.61.500 relating to reckless driving;
12 ~~((38))~~ (39) RCW 46.61.502 and 46.61.504 relating to persons under
13 the influence of intoxicating liquor or drugs;
14 ~~((39))~~ (40) RCW 46.61.503 relating to a person under age twenty-
15 one driving a motor vehicle after consuming alcohol;
16 ~~((40))~~ (41) RCW 46.61.520 relating to vehicular homicide by motor
17 vehicle;
18 ~~((41))~~ (42) RCW 46.61.522 relating to vehicular assault;
19 ~~((42))~~ (43) RCW 46.61.5249 relating to first degree negligent
20 driving;
21 ~~((43))~~ (44) RCW 46.61.527(4) relating to reckless endangerment of
22 roadway workers;
23 ~~((44))~~ (45) RCW 46.61.530 relating to racing of vehicles on
24 highways;
25 ~~((45))~~ (46) RCW 46.61.655(7) (a) and (b) relating to failure to
26 secure a load;
27 ~~((46))~~ (47) RCW 46.61.685 relating to leaving children in an
28 unattended vehicle with the motor running;
29 ~~((47))~~ (48) RCW 46.61.740 relating to theft of motor vehicle
30 fuel;
31 ~~((48))~~ (49) RCW 46.64.010 relating to unlawful cancellation of or
32 attempt to cancel a traffic citation;
33 ~~((49))~~ (50) RCW 46.64.048 relating to attempting, aiding,
34 abetting, coercing, and committing crimes;
35 ~~((50))~~ (51) Chapter 46.65 RCW relating to habitual traffic
36 offenders;
37 ~~((51))~~ (52) RCW 46.68.010 relating to false statements made to
38 obtain a refund;

1 (~~(+52+)~~) (53) RCW 46.35.030 relating to recording device
2 information;
3 (~~(+53+)~~) (54) Chapter 46.70 RCW relating to unfair motor vehicle
4 business practices, except where that chapter provides for the
5 assessment of monetary penalties of a civil nature;
6 (~~(+54+)~~) (55) Chapter 46.72 RCW relating to the transportation of
7 passengers in for hire vehicles;
8 (~~(+55+)~~) (56) RCW 46.72A.060 relating to limousine carrier
9 insurance;
10 (~~(+56+)~~) (57) RCW 46.72A.070 relating to operation of a limousine
11 without a vehicle certificate;
12 (~~(+57+)~~) (58) RCW 46.72A.080 relating to false advertising by a
13 limousine carrier;
14 (~~(+58+)~~) (59) Chapter 46.80 RCW relating to motor vehicle wreckers;
15 (~~(+59+)~~) (60) Chapter 46.82 RCW relating to driver's training
16 schools;
17 (~~(+60+)~~) (61) RCW 46.87.260 relating to alteration or forgery of a
18 cab card, letter of authority, or other temporary authority issued
19 under chapter 46.87 RCW;
20 (~~(+61+)~~) (62) RCW 46.87.290 relating to operation of an
21 unregistered or unlicensed vehicle under chapter 46.87 RCW.

22 **Sec. 4.** RCW 46.20.342 and 2008 c 282 s 4 are each amended to read
23 as follows:

24 (1) It is unlawful for any person to drive a motor vehicle in this
25 state while that person is in a suspended or revoked status or when his
26 or her privilege to drive is suspended or revoked in this or any other
27 state. Any person who has a valid Washington driver's license is not
28 guilty of a violation of this section.

29 (a) A person found to be an habitual offender under chapter 46.65
30 RCW, who violates this section while an order of revocation issued
31 under chapter 46.65 RCW prohibiting such operation is in effect, is
32 guilty of driving while license suspended or revoked in the first
33 degree, a gross misdemeanor. Upon the first such conviction, the
34 person shall be punished by imprisonment for not less than ten days.
35 Upon the second conviction, the person shall be punished by
36 imprisonment for not less than ninety days. Upon the third or
37 subsequent conviction, the person shall be punished by imprisonment for

1 not less than one hundred eighty days. If the person is also convicted
2 of the offense defined in RCW 46.61.502 or 46.61.504, when both
3 convictions arise from the same event, the minimum sentence of
4 confinement shall be not less than ninety days. The minimum sentence
5 of confinement required shall not be suspended or deferred. A
6 conviction under this subsection does not prevent a person from
7 petitioning for reinstatement as provided by RCW 46.65.080.

8 (b) A person who violates this section while an order of suspension
9 or revocation prohibiting such operation is in effect and while the
10 person is not eligible to reinstate his or her driver's license or
11 driving privilege, other than for a suspension for the reasons
12 described in (c) of this subsection, is guilty of driving while license
13 suspended or revoked in the second degree, a gross misdemeanor. This
14 subsection applies when a person's driver's license or driving
15 privilege has been suspended or revoked by reason of:

16 (i) A conviction of a felony in the commission of which a motor
17 vehicle was used;

18 (ii) A previous conviction under this section;

19 (iii) A notice received by the department from a court or diversion
20 unit as provided by RCW 46.20.265, relating to a minor who has
21 committed, or who has entered a diversion unit concerning an offense
22 relating to alcohol, legend drugs, controlled substances, or imitation
23 controlled substances;

24 (iv) A conviction of RCW 46.20.410, relating to the violation of
25 restrictions of an occupational driver's license, a temporary
26 restricted driver's license, or an ignition interlock driver's license;

27 (v) A conviction of RCW 46.20.345, relating to the operation of a
28 motor vehicle with a suspended or revoked license;

29 (vi) A conviction of RCW 46.52.020, relating to duty in case of
30 injury to or death of a person or damage to an attended vehicle;

31 (vii) A conviction of RCW 46.61.024, relating to attempting to
32 elude pursuing police vehicles;

33 (viii) A conviction of RCW 46.61.212(4), relating to reckless
34 endangerment of emergency zone workers;

35 (ix) A conviction of RCW 46.61.500, relating to reckless driving;

36 ~~((+ix+))~~ (x) A conviction of RCW 46.61.502 or 46.61.504, relating
37 to a person under the influence of intoxicating liquor or drugs;

1 ~~((x))~~ (xi) A conviction of RCW 46.61.520, relating to vehicular
2 homicide;

3 ~~((xi))~~ (xii) A conviction of RCW 46.61.522, relating to vehicular
4 assault;

5 ~~((xii))~~ (xiii) A conviction of RCW 46.61.527(4), relating to
6 reckless endangerment of roadway workers;

7 ~~((xiii))~~ (xiv) A conviction of RCW 46.61.530, relating to racing
8 of vehicles on highways;

9 ~~((xiv))~~ (xv) A conviction of RCW 46.61.685, relating to leaving
10 children in an unattended vehicle with motor running;

11 ~~((xv))~~ (xvi) A conviction of RCW 46.61.740, relating to theft of
12 motor vehicle fuel;

13 ~~((xvi))~~ (xvii) A conviction of RCW 46.64.048, relating to
14 attempting, aiding, abetting, coercing, and committing crimes;

15 ~~((xvii))~~ (xviii) An administrative action taken by the department
16 under chapter 46.20 RCW; or

17 ~~((xviii))~~ (xix) A conviction of a local law, ordinance,
18 regulation, or resolution of a political subdivision of this state, the
19 federal government, or any other state, of an offense substantially
20 similar to a violation included in this subsection.

21 (c) A person who violates this section when his or her driver's
22 license or driving privilege is, at the time of the violation,
23 suspended or revoked solely because (i) the person must furnish proof
24 of satisfactory progress in a required alcoholism or drug treatment
25 program, (ii) the person must furnish proof of financial responsibility
26 for the future as provided by chapter 46.29 RCW, (iii) the person has
27 failed to comply with the provisions of chapter 46.29 RCW relating to
28 uninsured accidents, (iv) the person has failed to respond to a notice
29 of traffic infraction, failed to appear at a requested hearing,
30 violated a written promise to appear in court, or has failed to comply
31 with the terms of a notice of traffic infraction or citation, as
32 provided in RCW 46.20.289, (v) the person has committed an offense in
33 another state that, if committed in this state, would not be grounds
34 for the suspension or revocation of the person's driver's license, (vi)
35 the person has been suspended or revoked by reason of one or more of
36 the items listed in (b) of this subsection, but was eligible to
37 reinstate his or her driver's license or driving privilege at the time
38 of the violation, or (vii) the person has received traffic citations or

1 notices of traffic infraction that have resulted in a suspension under
2 RCW 46.20.267 relating to intermediate drivers' licenses, or any
3 combination of (c)(i) through (vii) of this subsection, is guilty of
4 driving while license suspended or revoked in the third degree, a
5 misdemeanor.

6 (2) Upon receiving a record of conviction of any person or upon
7 receiving an order by any juvenile court or any duly authorized court
8 officer of the conviction of any juvenile under this section, the
9 department shall:

10 (a) For a conviction of driving while suspended or revoked in the
11 first degree, as provided by subsection (1)(a) of this section, extend
12 the period of administrative revocation imposed under chapter 46.65 RCW
13 for an additional period of one year from and after the date the person
14 would otherwise have been entitled to apply for a new license or have
15 his or her driving privilege restored; or

16 (b) For a conviction of driving while suspended or revoked in the
17 second degree, as provided by subsection (1)(b) of this section, not
18 issue a new license or restore the driving privilege for an additional
19 period of one year from and after the date the person would otherwise
20 have been entitled to apply for a new license or have his or her
21 driving privilege restored; or

22 (c) Not extend the period of suspension or revocation if the
23 conviction was under subsection (1)(c) of this section. If the
24 conviction was under subsection (1)(a) or (b) of this section and the
25 court recommends against the extension and the convicted person has
26 obtained a valid driver's license, the period of suspension or
27 revocation shall not be extended.

28 **Sec. 5.** RCW 46.63.110 and 2009 c 479 s 39 are each amended to read
29 as follows:

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

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

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

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

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

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

1 means a plan that requires reasonable payments based on the financial
2 ability of the person to pay. The person may voluntarily pay an amount
3 at any time in addition to the payments required under the payment
4 plan.

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

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

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

30 (d) Nothing in this section precludes a court from contracting with
31 outside entities to administer its payment plan system. When outside
32 entities are used for the administration of a payment plan, the court
33 may assess the person a reasonable fee for such administrative
34 services, which fee may be calculated on a periodic, percentage, or
35 other basis.

36 (e) If a court authorized community restitution program for
37 offenders is available in the jurisdiction, the court may allow

1 conversion of all or part of the monetary obligations due under this
2 section to court authorized community restitution in lieu of time
3 payments if the person is unable to make reasonable time payments.

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

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

18 (8)(a) In addition to any other penalties imposed under this
19 section and not subject to the limitation of subsection (1) of this
20 section, a person found to have committed a traffic infraction other
21 than of RCW 46.61.527 or 46.61.212 shall be assessed an additional
22 penalty of twenty dollars. The court may not reduce, waive, or suspend
23 the additional penalty unless the court finds the offender to be
24 indigent. If a court authorized community restitution program for
25 offenders is available in the jurisdiction, the court shall allow
26 offenders to offset all or a part of the penalty due under this
27 subsection (8) by participation in the court authorized community
28 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 in the
34 state general fund. The balance of the revenue received by the county
35 or city treasurer under this subsection must be deposited into the
36 county or city current expense fund. Moneys retained by the city or
37 county under this subsection shall constitute reimbursement for any
38 liabilities under RCW 43.135.060.

1 (9) If a legal proceeding, such as garnishment, has commenced to
2 collect any delinquent amount owed by the person for any penalty
3 imposed by the court under this section, the court may, at its
4 discretion, enter into a payment plan.

5 (10) The monetary penalty for violating RCW 46.37.395 is: (a) Two
6 hundred fifty dollars for the first violation; (b) five hundred dollars
7 for the second violation; and (c) seven hundred fifty dollars for each
8 violation thereafter.

9 NEW SECTION. **Sec. 6.** This act takes effect January 1, 2011.

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