

CERTIFICATION OF ENROLLMENT  
**ENGROSSED SUBSTITUTE HOUSE BILL 2464**

61st Legislature  
2010 Regular Session

Passed by the House March 6, 2010  
Yeas 94 Nays 0

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**Speaker of the House of Representatives**

Passed by the Senate February 27, 2010  
Yeas 32 Nays 8

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**President of the Senate**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 2464** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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ENGROSSED SUBSTITUTE HOUSE BILL 2464

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AS AMENDED BY THE SENATE

Passed Legislature - 2010 Regular Session

State of Washington                      61st Legislature                      2010 Regular Session

By House Transportation (originally sponsored by Representatives Lias, 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) Within existing resources, the state  
31 patrol and the department of transportation shall conduct education and  
32 outreach efforts regarding emergency zones, including drivers'  
33 obligations in emergency zones and the penalties for violating these  
34 obligations, for at least ninety days after the effective date of this  
35 act. The education and outreach efforts must include the use of  
36 department of transportation variable 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.

--- END ---