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**SUBSTITUTE SENATE BILL 6490**

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**State of Washington**

**61st Legislature**

**2010 Regular Session**

**By** Senate Judiciary (originally sponsored by Senators Kline, Regala, and Hargrove)

READ FIRST TIME 02/05/10.

1       AN ACT Relating to driver's and vehicle licenses; amending RCW  
2 46.20.031, 46.20.291, 46.20.311, 46.20.342, 46.20.391, 46.52.101,  
3 46.63.110, and 46.16.216; creating a new section; repealing RCW  
4 46.20.289; and providing an effective date.

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

6       NEW SECTION.   **Sec. 1.** On September 1, 2010, the department shall  
7 reinstate the driving privileges of a person whose driving privileges  
8 were suspended pursuant to RCW 46.20.289 due solely to a notice of  
9 failure to: Respond to a notice of traffic infraction, appear at a  
10 requested hearing, comply with a written promise to appear in court, or  
11 comply with the terms of a notice of traffic infraction or citation;  
12 provided such infraction was committed prior to September 1, 2010, and  
13 the notice of infraction was issued in Washington state.

14       **Sec. 2.** RCW 46.20.031 and 2002 c 279 s 3 are each amended to read  
15 as follows:

16       The department shall not issue a driver's license to a person:

17       (1) Who is under the age of sixteen years;

1 (2) Whose driving privilege has been withheld unless and until the  
2 department may authorize the driving privilege under RCW 46.20.311;

3 (3) Who is the subject of a notification from the court to the  
4 department as provided in RCW 46.63.110(6) (a) or (b) until such time  
5 as the department receives notification from the court that the  
6 conditions set forth in RCW 46.63.110(6) (a) or (b) have been met;

7 (4) Who has been classified as an alcoholic, drug addict, alcohol  
8 abuser, or drug abuser by a program approved by the department of  
9 social and health services. The department may, however, issue a  
10 license if the person:

11 (a) Has been granted a deferred prosecution under chapter 10.05  
12 RCW; or

13 (b) Is satisfactorily participating in or has successfully  
14 completed an alcohol or drug abuse treatment program approved by the  
15 department of social and health services and has established control of  
16 his or her alcohol or drug abuse problem;

17 (~~(+4)~~) (5) Who has previously been adjudged to be mentally ill or  
18 insane, or to be incompetent due to a mental disability or disease.  
19 The department shall, however, issue a license to the person if he or  
20 she otherwise qualifies and:

21 (a) Has been restored to competency by the methods provided by law;  
22 or

23 (b) The superior court finds the person able to operate a motor  
24 vehicle with safety upon the highways during such incompetency;

25 (~~(+5)~~) (6) Who has not passed the driver's licensing examination  
26 required by RCW 46.20.120 and 46.20.305, if applicable;

27 (~~(+6)~~) (7) Who is required under the laws of this state to deposit  
28 proof of financial responsibility and who has not deposited such proof;

29 (~~(+7)~~) (8) Who is unable to safely operate a motor vehicle upon  
30 the highways due to a physical or mental disability. The department's  
31 conclusion that a person is barred from licensing under this subsection  
32 must be reasonable and be based upon good and substantial evidence.  
33 This determination is subject to review by a court of competent  
34 jurisdiction.

35 **Sec. 3.** RCW 46.20.291 and 2007 c 393 s 2 are each amended to read  
36 as follows:

1 The department is authorized to suspend the license of a driver  
2 upon a showing by its records or other sufficient evidence that the  
3 licensee:

4 (1) Has committed an offense for which mandatory revocation or  
5 suspension of license is provided by law;

6 (2) Has, by reckless or unlawful operation of a motor vehicle,  
7 caused or contributed to an accident resulting in death or injury to  
8 any person or serious property damage;

9 (3) Has been convicted of offenses against traffic regulations  
10 governing the movement of vehicles, or found to have committed traffic  
11 infractions, with such frequency as to indicate a disrespect for  
12 traffic laws or a disregard for the safety of other persons on the  
13 highways;

14 (4) Is incompetent to drive a motor vehicle under RCW 46.20.031(3);

15 (5) Has failed to (~~respond to a notice of traffic infraction,~~  
16 ~~failed to appear at a requested hearing, violated a written promise to~~  
17 ~~appear in court, or has failed to comply with the terms of a notice of~~  
18 ~~traffic infraction or citation, as provided in RCW 46.20.289~~) comply  
19 with the terms of a traffic citation issued by another jurisdiction  
20 that is a party to the nonresident violator compact, chapter 46.23 RCW,  
21 or a jurisdiction with which Washington state has entered into an  
22 agreement pursuant to RCW 46.23.020;

23 (6) Is subject to suspension under RCW 46.20.305 or 9A.56.078;

24 (7) Has committed one of the prohibited practices relating to  
25 drivers' licenses defined in RCW 46.20.0921; or

26 (8) Has been certified by the department of social and health  
27 services as a person who is not in compliance with a child support  
28 order or a residential or visitation order as provided in RCW  
29 74.20A.320.

30 **Sec. 4.** RCW 46.20.311 and 2006 c 73 s 15 are each amended to read  
31 as follows:

32 (1)(a) The department shall not suspend a driver's license or  
33 privilege to drive a motor vehicle on the public highways for a fixed  
34 period of more than one year, except as specifically permitted under  
35 RCW 46.20.267, 46.20.342, or other provision of law.

36 (b) Except for a suspension under RCW 46.20.267, (~~46.20.289,~~)  
37 46.20.291(5), 46.61.740, or 74.20A.320, whenever the license or driving

1 privilege of any person is suspended by reason of a conviction, a  
2 finding that a traffic infraction has been committed, pursuant to  
3 chapter 46.29 RCW, or pursuant to RCW 46.20.291 or 46.20.308, the  
4 suspension shall remain in effect until the person gives and thereafter  
5 maintains proof of financial responsibility for the future as provided  
6 in chapter 46.29 RCW.

7 (c) If the suspension is the result of a nonfelony violation of RCW  
8 46.61.502 or 46.61.504, the department shall determine the person's  
9 eligibility for licensing based upon the reports provided by the  
10 alcoholism agency or probation department designated under RCW  
11 46.61.5056 and shall deny reinstatement until enrollment and  
12 participation in an approved program has been established and the  
13 person is otherwise qualified. If the suspension is the result of a  
14 violation of RCW 46.61.502(6) or 46.61.504(6), the department shall  
15 determine the person's eligibility for licensing based upon the reports  
16 provided by the alcohol or drug dependency agency required under RCW  
17 46.61.524 and shall deny reinstatement until satisfactory progress in  
18 an approved program has been established and the person is otherwise  
19 qualified. If the suspension is the result of a violation of RCW  
20 46.61.502 or 46.61.504, and the person is required pursuant to RCW  
21 46.20.720 to drive only a motor vehicle equipped with a functioning  
22 ignition interlock, the department shall determine the person's  
23 eligibility for licensing based upon written verification by a company  
24 doing business in the state that it has installed the required device  
25 on a vehicle owned or operated by the person seeking reinstatement.  
26 If, based upon notification from the interlock provider or otherwise,  
27 the department determines that an interlock required under RCW  
28 46.20.720 is no longer installed or functioning as required, the  
29 department shall suspend the person's license or privilege to drive.  
30 Whenever the license or driving privilege of any person is suspended or  
31 revoked as a result of noncompliance with an ignition interlock  
32 requirement, the suspension shall remain in effect until the person  
33 provides notice issued by a company doing business in the state that a  
34 vehicle owned or operated by the person is equipped with a functioning  
35 ignition interlock device.

36 (d) Whenever the license or driving privilege of any person is  
37 suspended as a result of certification of noncompliance with a child  
38 support order under chapter 74.20A RCW or a residential or visitation

1 order, the suspension shall remain in effect until the person provides  
2 a release issued by the department of social and health services  
3 stating that the person is in compliance with the order.

4 (e)(i) The department shall not issue to the person a new,  
5 duplicate, or renewal license until the person pays a reissue fee of  
6 seventy-five dollars.

7 (ii) If the suspension is the result of a violation of RCW  
8 46.61.502 or 46.61.504, or is the result of administrative action under  
9 RCW 46.20.308, the reissue fee shall be one hundred fifty dollars.

10 (2)(a) Any person whose license or privilege to drive a motor  
11 vehicle on the public highways has been revoked, unless the revocation  
12 was for a cause which has been removed, is not entitled to have the  
13 license or privilege renewed or restored until: (i) After the  
14 expiration of one year from the date the license or privilege to drive  
15 was revoked; (ii) after the expiration of the applicable revocation  
16 period provided by RCW 46.20.3101 or 46.61.5055; (iii) after the  
17 expiration of two years for persons convicted of vehicular homicide; or  
18 (iv) after the expiration of the applicable revocation period provided  
19 by RCW 46.20.265.

20 (b)(i) After the expiration of the appropriate period, the person  
21 may make application for a new license as provided by law together with  
22 a reissue fee in the amount of seventy-five dollars.

23 (ii) If the revocation is the result of a violation of RCW  
24 46.20.308, 46.61.502, or 46.61.504, the reissue fee shall be one  
25 hundred fifty dollars. If the revocation is the result of a nonfelony  
26 violation of RCW 46.61.502 or 46.61.504, the department shall determine  
27 the person's eligibility for licensing based upon the reports provided  
28 by the alcoholism agency or probation department designated under RCW  
29 46.61.5056 and shall deny reissuance of a license, permit, or privilege  
30 to drive until enrollment and participation in an approved program has  
31 been established and the person is otherwise qualified. If the  
32 suspension is the result of a violation of RCW 46.61.502(6) or  
33 46.61.504(6), the department shall determine the person's eligibility  
34 for licensing based upon the reports provided by the alcohol or drug  
35 dependency agency required under RCW 46.61.524 and shall deny  
36 reinstatement until satisfactory progress in an approved program has  
37 been established and the person is otherwise qualified. If the  
38 revocation is the result of a violation of RCW 46.61.502 or 46.61.504,

1 and the person is required pursuant to RCW 46.20.720 to drive only a  
2 motor vehicle equipped with a functioning ignition interlock or other  
3 biological or technical device, the department shall determine the  
4 person's eligibility for licensing based upon written verification by  
5 a company doing business in the state that it has installed the  
6 required device on a vehicle owned or operated by the person applying  
7 for a new license. If, following issuance of a new license, the  
8 department determines, based upon notification from the interlock  
9 provider or otherwise, that an interlock required under RCW 46.20.720  
10 is no longer functioning, the department shall suspend the person's  
11 license or privilege to drive until the department has received written  
12 verification from an interlock provider that a functioning interlock is  
13 installed.

14 (c) Except for a revocation under RCW 46.20.265, the department  
15 shall not then issue a new license unless it is satisfied after  
16 investigation of the driving ability of the person that it will be safe  
17 to grant the privilege of driving a motor vehicle on the public  
18 highways, and until the person gives and thereafter maintains proof of  
19 financial responsibility for the future as provided in chapter 46.29  
20 RCW. For a revocation under RCW 46.20.265, the department shall not  
21 issue a new license unless it is satisfied after investigation of the  
22 driving ability of the person that it will be safe to grant that person  
23 the privilege of driving a motor vehicle on the public highways.

24 (3)(a) Whenever the driver's license of any person is suspended  
25 pursuant to Article IV of the nonresident violators compact or RCW  
26 46.23.020 (~~or 46.20.289~~) or 46.20.291(5), the department shall not  
27 issue to the person any new or renewal license until the person pays a  
28 reissue fee of seventy-five dollars.

29 (b) If the suspension is the result of a violation of the laws of  
30 this or any other state, province, or other jurisdiction involving (i)  
31 the operation or physical control of a motor vehicle upon the public  
32 highways while under the influence of intoxicating liquor or drugs, or  
33 (ii) the refusal to submit to a chemical test of the driver's blood  
34 alcohol content, the reissue fee shall be one hundred fifty dollars.

35 **Sec. 5.** RCW 46.20.342 and 2008 c 282 s 4 are each amended to read  
36 as follows:

37 (1) It is unlawful for any person to drive a motor vehicle in this

1 state while that person is in a suspended or revoked status or when his  
2 or her privilege to drive is suspended or revoked in this or any other  
3 state. Any person who has a valid Washington driver's license is not  
4 guilty of a violation of this section.

5 (a) A person found to be an habitual offender under chapter 46.65  
6 RCW, who violates this section while an order of revocation issued  
7 under chapter 46.65 RCW prohibiting such operation is in effect, is  
8 guilty of driving while license suspended or revoked in the first  
9 degree, a gross misdemeanor. Upon the first such conviction, the  
10 person shall be punished by imprisonment for not less than ten days.  
11 Upon the second conviction, the person shall be punished by  
12 imprisonment for not less than ninety days. Upon the third or  
13 subsequent conviction, the person shall be punished by imprisonment for  
14 not less than one hundred eighty days. If the person is also convicted  
15 of the offense defined in RCW 46.61.502 or 46.61.504, when both  
16 convictions arise from the same event, the minimum sentence of  
17 confinement shall be not less than ninety days. The minimum sentence  
18 of confinement required shall not be suspended or deferred. A  
19 conviction under this subsection does not prevent a person from  
20 petitioning for reinstatement as provided by RCW 46.65.080.

21 (b) A person who violates this section while an order of suspension  
22 or revocation prohibiting such operation is in effect and while the  
23 person is not eligible to reinstate his or her driver's license or  
24 driving privilege, other than for a suspension for the reasons  
25 described in (c) of this subsection, is guilty of driving while license  
26 suspended or revoked in the second degree, a gross misdemeanor. This  
27 subsection applies when a person's driver's license or driving  
28 privilege has been suspended or revoked by reason of:

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

31 (ii) A previous conviction under this section;

32 (iii) A notice received by the department from a court or diversion  
33 unit as provided by RCW 46.20.265, relating to a minor who has  
34 committed, or who has entered a diversion unit concerning an offense  
35 relating to alcohol, legend drugs, controlled substances, or imitation  
36 controlled substances;

37 (iv) A conviction of RCW 46.20.410, relating to the violation of

1 restrictions of an occupational driver's license, a temporary  
2 restricted driver's license, or an ignition interlock driver's license;

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

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

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

9 (viii) A conviction of RCW 46.61.500, relating to reckless driving;

10 (ix) A conviction of RCW 46.61.502 or 46.61.504, relating to a  
11 person under the influence of intoxicating liquor or drugs;

12 (x) A conviction of RCW 46.61.520, relating to vehicular homicide;

13 (xi) A conviction of RCW 46.61.522, relating to vehicular assault;

14 (xii) A conviction of RCW 46.61.527(4), relating to reckless  
15 endangerment of roadway workers;

16 (xiii) A conviction of RCW 46.61.530, relating to racing of  
17 vehicles on highways;

18 (xiv) A conviction of RCW 46.61.685, relating to leaving children  
19 in an unattended vehicle with motor running;

20 (xv) A conviction of RCW 46.61.740, relating to theft of motor  
21 vehicle fuel;

22 (xvi) A conviction of RCW 46.64.048, relating to attempting,  
23 aiding, abetting, coercing, and committing crimes;

24 (xvii) An administrative action taken by the department under  
25 chapter 46.20 RCW; or

26 (xviii) A conviction of a local law, ordinance, regulation, or  
27 resolution of a political subdivision of this state, the federal  
28 government, or any other state, of an offense substantially similar to  
29 a violation included in this subsection.

30 (c) A person who violates this section when his or her driver's  
31 license or driving privilege is, at the time of the violation,  
32 suspended or revoked solely because (i) the person must furnish proof  
33 of satisfactory progress in a required alcoholism or drug treatment  
34 program, (ii) the person must furnish proof of financial responsibility  
35 for the future as provided by chapter 46.29 RCW, (iii) the person has  
36 failed to comply with the provisions of chapter 46.29 RCW relating to  
37 uninsured accidents, (iv) the person has failed to (~~respond to a~~  
38 ~~notice of traffic infraction, failed to appear at a requested hearing,~~



1 ~~violated a written promise to appear in court, or has failed to comply~~  
2 ~~with the terms of a notice of traffic infraction or citation, as~~  
3 ~~provided in RCW 46.20.289))~~ comply with the terms of a traffic citation  
4 issued by another jurisdiction that is a party to the nonresident  
5 violator compact, chapter 46.23 RCW, or a jurisdiction with which  
6 Washington state has entered into an agreement pursuant to RCW  
7 46.23.020, (v) the person has committed an offense in another state  
8 that, if committed in this state, would not be grounds for the  
9 suspension or revocation of the person's driver's license, (vi) the  
10 person has been suspended or revoked by reason of one or more of the  
11 items listed in (b) of this subsection, but was eligible to reinstate  
12 his or her driver's license or driving privilege at the time of the  
13 violation, or (vii) the person has received traffic citations or  
14 notices of traffic infraction that have resulted in a suspension under  
15 RCW 46.20.267 relating to intermediate drivers' licenses, or any  
16 combination of (i) through (vii), is guilty of driving while license  
17 suspended or revoked in the third degree, a misdemeanor.

18 (2) Upon receiving a record of conviction of any person or upon  
19 receiving an order by any juvenile court or any duly authorized court  
20 officer of the conviction of any juvenile under this section, the  
21 department shall:

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

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

34 (c) Not extend the period of suspension or revocation if the  
35 conviction was under subsection (1)(c) of this section. If the  
36 conviction was under subsection (1)(a) or (b) of this section and the  
37 court recommends against the extension and the convicted person has

1 obtained a valid driver's license, the period of suspension or  
2 revocation shall not be extended.

3 **Sec. 6.** RCW 46.20.391 and 2008 c 282 s 6 are each amended to read  
4 as follows:

5 (1) Any person licensed under this chapter who is convicted of an  
6 offense relating to motor vehicles for which suspension or revocation  
7 of the driver's license is mandatory, other than vehicular homicide,  
8 vehicular assault, driving while under the influence of intoxicating  
9 liquor or any drug, or being in actual physical control of a motor  
10 vehicle while under the influence of intoxicating liquor or any drug,  
11 may submit to the department an application for a temporary restricted  
12 driver's license. The department, upon receipt of the prescribed fee  
13 and upon determining that the petitioner is eligible to receive the  
14 license, may issue a temporary restricted driver's license and may set  
15 definite restrictions as provided in RCW 46.20.394.

16 (2)(a) A person licensed under this chapter whose driver's license  
17 is suspended administratively due to (~~failure to appear or pay a~~  
18 ~~traffic ticket under RCW 46.20.289~~) a violation of the financial  
19 responsibility laws under chapter 46.29 RCW(~~+~~) or for multiple  
20 violations within a specified period of time under RCW 46.20.291, may  
21 apply to the department for an occupational driver's license.

22 (b) (~~If the suspension is for failure to respond, pay, or comply~~  
23 ~~with a notice of traffic infraction or conviction, the applicant must~~  
24 ~~enter into a payment plan with the court.~~

25 (~~e~~) An occupational driver's license issued to an applicant  
26 described in (a) of this subsection shall be valid for the period of  
27 the suspension or revocation.

28 (3) An applicant for an occupational or temporary restricted  
29 driver's license who qualifies under subsection (1) or (2) of this  
30 section is eligible to receive such license only if:

31 (a) Within seven years immediately preceding the date of the  
32 offense that gave rise to the present conviction or incident, the  
33 applicant has not committed vehicular homicide under RCW 46.61.520 or  
34 vehicular assault under RCW 46.61.522; and

35 (b) The applicant demonstrates that it is necessary for him or her  
36 to operate a motor vehicle because he or she:

1 (i) Is engaged in an occupation or trade that makes it essential  
2 that he or she operate a motor vehicle;

3 (ii) Is undergoing continuing health care or providing continuing  
4 care to another who is dependent upon the applicant;

5 (iii) Is enrolled in an educational institution and pursuing a  
6 course of study leading to a diploma, degree, or other certification of  
7 successful educational completion;

8 (iv) Is undergoing substance abuse treatment or is participating in  
9 meetings of a twelve-step group such as Alcoholics Anonymous that  
10 requires the petitioner to drive to or from the treatment or meetings;

11 (v) Is fulfilling court-ordered community service responsibilities;

12 (vi) Is in a program that assists persons who are enrolled in a  
13 WorkFirst program pursuant to chapter 74.08A RCW to become gainfully  
14 employed and the program requires a driver's license;

15 (vii) Is in an apprenticeship, on-the-job training, or welfare-to-  
16 work program; or

17 (viii) Presents evidence that he or she has applied for a position  
18 in an apprenticeship or on-the-job training program for which a  
19 driver's license is required to begin the program, provided that a  
20 license granted under this provision shall be in effect for no longer  
21 than fourteen days; and

22 (c) The applicant files satisfactory proof of financial  
23 responsibility under chapter 46.29 RCW; and

24 (d) Upon receipt of evidence that a holder of an occupational  
25 driver's license granted under this subsection is no longer enrolled in  
26 an apprenticeship or on-the-job training program, the director shall  
27 give written notice by first-class mail to the driver that the  
28 occupational driver's license shall be canceled. The effective date of  
29 cancellation shall be fifteen days from the date of mailing the notice.  
30 If at any time before the cancellation goes into effect the driver  
31 submits evidence of continued enrollment in the program, the  
32 cancellation shall be stayed. If the cancellation becomes effective,  
33 the driver may obtain, at no additional charge, a new occupational  
34 driver's license upon submittal of evidence of enrollment in another  
35 program that meets the criteria set forth in this subsection; and

36 (e) The department shall not issue an occupational driver's license  
37 under (b)(iv) of this subsection if the applicant is able to receive

1 transit services sufficient to allow for the applicant's participation  
2 in the programs referenced under (b)(iv) of this subsection.

3 (4) A person aggrieved by the decision of the department on the  
4 application for an occupational or temporary restricted driver's  
5 license may request a hearing as provided by rule of the department.

6 (5) The director shall cancel an occupational or temporary  
7 restricted driver's license upon receipt of notice that the holder  
8 thereof has been convicted of operating a motor vehicle in violation of  
9 its restrictions, or of a separate offense that under this chapter  
10 ((~~46.20~~—RCW)) would warrant suspension or revocation of a regular  
11 driver's license. The cancellation is effective as of the date of the  
12 conviction, and continues with the same force and effect as any  
13 suspension or revocation under this title.

14 **Sec. 7.** RCW 46.52.101 and 2006 c 327 s 6 are each amended to read  
15 as follows:

16 (1) Every district court, municipal court, and clerk of a superior  
17 court shall keep or cause to be kept a record of every traffic  
18 complaint, traffic citation, notice of infraction, or other legal form  
19 of traffic charge deposited with or presented to the court or a traffic  
20 violations bureau, and shall keep a record of every official action by  
21 the court or its traffic violations bureau regarding the charge,  
22 including but not limited to a record of every conviction, forfeiture  
23 of bail, judgment of acquittal, finding that a traffic infraction has  
24 been committed, dismissal of a notice of infraction, and the amount of  
25 fine, forfeiture, or penalty resulting from every traffic charge  
26 deposited with or presented to the court or traffic violations bureau.  
27 In the case of a record of a conviction for a violation of RCW  
28 46.61.502 or 46.61.504, and notwithstanding any other provision of law,  
29 the court shall maintain the record permanently.

30 (2) After the conviction, forfeiture of bail, or finding that a  
31 traffic infraction was committed for a violation of any provisions of  
32 this chapter or other law regulating the operating of vehicles on  
33 highways, the clerk of the court in which the conviction was had, bail  
34 was forfeited, or the finding of commission was made shall prepare and  
35 immediately forward to the director of licensing at Olympia an abstract  
36 of the court record covering the case. Report need not be made of a  
37 finding involving the illegal parking or standing of a vehicle.

1 (3) The abstract must be made upon a form or forms furnished by the  
2 director and must include the name and address of the party charged,  
3 the number, if any, of the party's driver's or chauffeur's license, the  
4 registration number of the vehicle involved if required by the  
5 director, the nature of the offense, the date of hearing, the plea, the  
6 judgment, whether the offense was an alcohol-related offense as defined  
7 in RCW 46.01.260(2), whether the incident that gave rise to the offense  
8 charged resulted in a fatality, whether bail was forfeited, whether the  
9 determination that a traffic infraction was committed was contested,  
10 and the amount of the fine, forfeiture, or penalty, as the case may be.

11 The abstract for any infractions involving violations of RCW  
12 46.30.020 shall include the vehicle license number for the vehicle that  
13 was being driven at the time of the infraction.

14 (4) In courts where the judicial information system or other secure  
15 method of electronic transfer of information has been implemented  
16 between the court and the department of licensing, the court may  
17 electronically provide the information required in subsections (2),  
18 (3), and (5) of this section.

19 (5) The superior court clerk shall also forward a like report to  
20 the director upon the conviction of a person of a felony in the  
21 commission of which a vehicle was used.

22 (6) The director shall keep all abstracts received under this  
23 section at the director's office in Olympia. The abstracts must be  
24 open to public inspection during reasonable business hours.

25 (7) The officer, prosecuting attorney, or city attorney signing the  
26 charge or information in a case involving a charge of driving under the  
27 influence of intoxicating liquor or any drug shall immediately request  
28 from the director an abstract of convictions and forfeitures. The  
29 director shall furnish the requested abstract.

30 **Sec. 8.** RCW 46.63.110 and 2009 c 479 s 39 are each amended to read  
31 as follows:

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

36 (2) The monetary penalty for a violation of (a) RCW 46.55.105(2) is

1 two hundred fifty dollars for each offense; (b) RCW 46.61.210(1) is  
2 five hundred dollars for each offense. No penalty assessed under this  
3 subsection (2) may be reduced.

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

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

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

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

1 ~~been adjudicated, and the department shall rescind any suspension of~~  
2 ~~the person's driver's license or driver's privilege based on failure to~~  
3 ~~respond to that infraction.))~~ "Payment plan," as used in this section,  
4 means a plan that requires reasonable payments based on the financial  
5 ability of the person to pay. The person may voluntarily pay an amount  
6 at any time in addition to the payments required under the payment  
7 plan.

8 (a) If a payment required to be made under the payment plan is  
9 delinquent or the person fails to complete a community restitution  
10 program on or before the time established under the payment plan,  
11 unless the court determines good cause therefor and adjusts the payment  
12 plan or the community restitution plan accordingly, the court shall  
13 notify the department of the person's failure to meet the conditions of  
14 the plan, and the department shall (~~suspend the person's driver's~~  
15 ~~license or driving privilege~~) not renew the person's driver's license  
16 or allow a driver's license to be issued to the person until all  
17 monetary obligations, including those imposed under subsections (3) and  
18 (4) of this section, have been paid, and court authorized community  
19 restitution has been completed, or until the department has been  
20 notified that the court has entered into a new time payment or  
21 community restitution agreement with the person.

22 Renewal or issuance of a person's driver's license may be processed  
23 by the department only if the conditions set forth in this subsection  
24 (6)(a) have been satisfied and the person pays an eighty dollar  
25 surcharge to be deposited into the highway safety fund.

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

35 Renewal or issuance of a person's driver's license may be processed  
36 by the department only if the conditions set forth in this subsection  
37 (6)(b) have been satisfied and the person pays an eighty dollar  
38 surcharge to be deposited into the highway safety fund.

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

6 (d) Nothing in this section precludes a court from contracting with  
7 outside entities to administer its payment plan system. When outside  
8 entities are used for the administration of a payment plan, the court  
9 may assess the person a reasonable fee for such administrative  
10 services, which fee may be calculated on a periodic, percentage, or  
11 other basis.

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

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

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

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

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

31 (8)(a) In addition to any other penalties imposed under this  
32 section and not subject to the limitation of subsection (1) of this  
33 section, a person found to have committed a traffic infraction other  
34 than of RCW 46.61.527 shall be assessed an additional penalty of twenty  
35 dollars. The court may not reduce, waive, or suspend the additional  
36 penalty unless the court finds the offender to be indigent. If a court  
37 authorized community restitution program for offenders is available in



1 the jurisdiction, the court shall allow offenders to offset all or a  
2 part of the penalty due under this subsection (8) by participation in  
3 the court authorized community restitution program.

4 (b) Eight dollars and fifty cents of the additional penalty under  
5 (a) of this subsection shall be remitted to the state treasurer. The  
6 remaining revenue from the additional penalty must be remitted under  
7 chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted  
8 under this subsection to the state treasurer must be deposited in the  
9 state general fund. The balance of the revenue received by the county  
10 or city treasurer under this subsection must be deposited into the  
11 county or city current expense fund. Moneys retained by the city or  
12 county under this subsection shall constitute reimbursement for any  
13 liabilities under RCW 43.135.060.

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

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

22 **Sec. 9.** RCW 46.16.216 and 2004 c 231 s 4 are each amended to read  
23 as follows:

24 (1) To renew a vehicle license, an applicant shall satisfy all  
25 listed standing, stopping, and parking violations, and other  
26 infractions issued under RCW 46.63.030(1)(d) for the vehicle incurred  
27 while the vehicle was registered in the applicant's name and forwarded  
28 to the department pursuant to RCW 46.20.270(3). For the purposes of  
29 this section, "listed" standing, stopping, and parking violations, and  
30 other infractions issued under RCW 46.63.030(1)(d) include only those  
31 violations for which notice has been received from state or local  
32 agencies or courts by the department one hundred twenty days or more  
33 before the date the vehicle license expires and that are placed on the  
34 records of the department. Notice of such violations received by the  
35 department later than one hundred twenty days before that date that are  
36 not satisfied shall be considered by the department in connection with

1 any applications for license renewal in any subsequent license year.  
2 The renewal application may be processed by the department or its  
3 agents only if the applicant:

4 (a) Presents a preprinted renewal application showing no listed  
5 standing, stopping, or parking violations, or other infractions issued  
6 under RCW 46.63.030(1)(d), or in the absence of such presentation, the  
7 agent verifies the information that would be contained on the  
8 preprinted renewal application; or

9 (b) If listed standing, stopping, or parking violations, or other  
10 infractions issued under RCW 46.63.030(1)(d) exist, presents proof of  
11 payment and pays a fifteen dollar surcharge.

12 (2) To renew a vehicle license for any vehicle that had been driven  
13 by any person in violation of RCW 46.30.020 during the twenty-four  
14 month period prior to the vehicle license renewal, which infraction was  
15 committed while the vehicle was registered in the applicant's name and  
16 forwarded to the department pursuant to RCW 46.20.270(2), regardless of  
17 the identity of the person who actually committed that moving  
18 violation, an applicant shall attest to the vehicle being insured to  
19 the level required by chapter 46.30 RCW and present that proof to the  
20 department or its agents at the time of renewal, and pay a fifteen  
21 dollar surcharge before the renewal application may be processed.

22 (3) The surcharge shall be allocated as follows:

23 (a) Ten dollars shall be deposited in the motor vehicle fund to be  
24 used exclusively for the administrative costs of the department of  
25 licensing; and

26 (b) Five dollars shall be retained by the agent handling the  
27 renewal application to be used by the agent for the administration of  
28 this section.

29 ((+3)) (4) If there is a change in the registered owner of the  
30 vehicle, the department shall forward the information regarding the  
31 change to the state or local charging jurisdiction and release any hold  
32 on the renewal of the vehicle license resulting from parking violations  
33 or other infractions issued under RCW 46.63.030(1)(d) or 46.30.020  
34 incurred while the certificate of license registration was in a  
35 previous registered owner's name.

36 ((+4)) (5) The department shall send to all registered owners of  
37 vehicles who have been reported to have outstanding listed parking  
38 violations or other infractions issued under RCW 46.63.030(1)(d), at

1 the time of renewal, a statement setting out the dates and  
2 jurisdictions in which the violations occurred as well as the amounts  
3 of unpaid fines and penalties relating to them and the surcharge to be  
4 collected.

5 (6) The department shall send to all registered owners of vehicles  
6 that have been reported to have been driven in violation of RCW  
7 46.30.020, at the time of renewal, a statement setting out the dates  
8 and jurisdictions in which the violations occurred as well as a  
9 statement explaining that the renewal cannot be processed until the  
10 applicant provides proof of insurance and payment of the surcharge as  
11 required by this section.

12 NEW SECTION. Sec. 10. RCW 46.20.289 (Suspension for failure to  
13 respond, appear, etc.) and 2005 c 288 s 5, 2002 c 279 s 4, 1999 c 274  
14 s 1, 1995 c 219 s 2, & 1993 c 501 s 1 are each repealed.

15 NEW SECTION. Sec. 11. This act takes effect September 1, 2010.

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