
SENATE BILL 6490

State of Washington 61st Legislature 2010 Regular Session

By Senators Kline, Regala, and Hargrove

Read first time 01/15/10. Referred to Committee on Judiciary.

1 AN ACT Relating to driver's and vehicle licenses; amending RCW
2 46.20.270, 46.20.291, 46.20.311, 46.20.342, 46.20.391, 46.63.110, and
3 46.16.216; creating a new section; repealing RCW 46.20.289; and
4 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.

13 **Sec. 2.** RCW 46.20.270 and 2009 c 181 s 1 are each amended to read
14 as follows:

15 (1) Whenever any person is convicted of any offense for which this
16 title makes mandatory the withholding of the driving privilege of such
17 person by the department, the court in which such conviction is had
18 shall forthwith mark the person's Washington state driver's license or

1 permit to drive, if any, in a manner authorized by the department. A
2 valid driver's license or permit to drive marked under this subsection
3 shall remain in effect until the person's driving privilege is withheld
4 by the department pursuant to notice given under RCW 46.20.245, unless
5 the license or permit expires or otherwise becomes invalid prior to the
6 effective date of this action. Perfection of notice of appeal shall
7 stay the execution of sentence including the withholding of the driving
8 privilege.

9 (2) Every court having jurisdiction over offenses committed under
10 this chapter, or any other act of this state or municipal ordinance
11 adopted by a local authority regulating the operation of motor vehicles
12 on highways, or any federal authority having jurisdiction over offenses
13 substantially the same as those set forth in this title (~~46~~ RCW))
14 which occur on federal installations within this state, shall
15 immediately forward to the department a forfeiture of bail or
16 collateral deposited to secure the defendant's appearance in court, a
17 payment of a fine, penalty, or court cost, a plea of guilty or nolo
18 contendere or a finding of guilt, or a finding that any person has
19 committed a traffic infraction an abstract of the court record in the
20 form prescribed by rule of the supreme court, showing the conviction of
21 any person or the finding that any person has committed a traffic
22 infraction in said court for a violation of any said laws other than
23 regulations governing standing, stopping, parking, and pedestrian
24 offenses. The abstract for any infractions involving violations of RCW
25 46.30.020 shall include the vehicle license number for the vehicle that
26 was being driven at the time of the infraction.

27 (3) Every state agency or municipality having jurisdiction over
28 offenses committed under this chapter, or under any other act of this
29 state or municipal ordinance adopted by a state or local authority
30 regulating the operation of motor vehicles on highways, may forward to
31 the department within ten days of failure to respond, failure to pay a
32 penalty, failure to appear at a hearing to contest the determination
33 that a violation of any statute, ordinance, or regulation relating to
34 standing, stopping, parking, or other infraction issued under RCW
35 46.63.030(1)(d) has been committed, or failure to appear at a hearing
36 to explain mitigating circumstances, an abstract of the citation record
37 in the form prescribed by rule of the department, showing the finding
38 by such municipality that two or more violations of laws governing

1 standing, stopping, and parking or one or more other infractions issued
2 under RCW 46.63.030(1)(d) have been committed and indicating the nature
3 of the defendant's failure to act. Such violations or infractions may
4 not have occurred while the vehicle is stolen from the registered owner
5 or is leased or rented under a bona fide commercial vehicle lease or
6 rental agreement between a lessor engaged in the business of leasing
7 vehicles and a lessee who is not the vehicle's registered owner. The
8 department may enter into agreements of reciprocity with the duly
9 authorized representatives of the states for reporting to each other
10 violations of laws governing standing, stopping, and parking.

11 (4) For the purposes of this title and except as defined in RCW
12 46.25.010, "conviction" means a final conviction in a state or
13 municipal court or by any federal authority having jurisdiction over
14 offenses substantially the same as those set forth in this title which
15 occur on federal installations in this state, an unvacated forfeiture
16 of bail or collateral deposited to secure a defendant's appearance in
17 court, the payment of a fine or court cost, a plea of guilty or nolo
18 contendere, or a finding of guilt on a traffic law violation charge,
19 regardless of whether the imposition of sentence or sanctions are
20 deferred or the penalty is suspended, but not including entry into a
21 deferred prosecution agreement under chapter 10.05 RCW.

22 (5) For the purposes of this title, "finding that a traffic
23 infraction has been committed" means a failure to respond to a notice
24 of infraction or a determination made by a court pursuant to this
25 chapter. Payment of a monetary penalty made pursuant to RCW
26 46.63.070(2) is deemed equivalent to such a finding.

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

29 The department is authorized to suspend the license of a driver
30 upon a showing by its records or other sufficient evidence that the
31 licensee:

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

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

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

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

7 ~~(5) ((Has failed to respond to a notice of traffic infraction,~~
8 ~~failed to appear at a requested hearing, violated a written promise to~~
9 ~~appear in court, or has failed to comply with the terms of a notice of~~
10 ~~traffic infraction or citation, as provided in RCW 46.20.289;~~

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

12 ~~((7))~~ (6) Has committed one of the prohibited practices relating
13 to drivers' licenses defined in RCW 46.20.0921; or

14 ~~((8))~~ (7) Has been certified by the department of social and
15 health services as a person who is not in compliance with a child
16 support order or a residential or visitation order as provided in RCW
17 74.20A.320.

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

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

24 (b) Except for a suspension under RCW 46.20.267, ~~((46.20.289,))~~
25 46.20.291(5), 46.61.740, or 74.20A.320, whenever the license or driving
26 privilege of any person is suspended by reason of a conviction, a
27 finding that a traffic infraction has been committed, pursuant to
28 chapter 46.29 RCW, or pursuant to RCW 46.20.291 or 46.20.308, the
29 suspension shall remain in effect until the person gives and thereafter
30 maintains proof of financial responsibility for the future as provided
31 in chapter 46.29 RCW.

32 (c) If the suspension is the result of a nonfelony violation of RCW
33 46.61.502 or 46.61.504, the department shall determine the person's
34 eligibility for licensing based upon the reports provided by the
35 alcoholism agency or probation department designated under RCW
36 46.61.5056 and shall deny reinstatement until enrollment and
37 participation in an approved program has been established and the

1 person is otherwise qualified. If the suspension is the result of a
2 violation of RCW 46.61.502(6) or 46.61.504(6), the department shall
3 determine the person's eligibility for licensing based upon the reports
4 provided by the alcohol or drug dependency agency required under RCW
5 46.61.524 and shall deny reinstatement until satisfactory progress in
6 an approved program has been established and the person is otherwise
7 qualified. If the suspension is the result of a violation of RCW
8 46.61.502 or 46.61.504, and the person is required pursuant to RCW
9 46.20.720 to drive only a motor vehicle equipped with a functioning
10 ignition interlock, the department shall determine the person's
11 eligibility for licensing based upon written verification by a company
12 doing business in the state that it has installed the required device
13 on a vehicle owned or operated by the person seeking reinstatement.
14 If, based upon notification from the interlock provider or otherwise,
15 the department determines that an interlock required under RCW
16 46.20.720 is no longer installed or functioning as required, the
17 department shall suspend the person's license or privilege to drive.
18 Whenever the license or driving privilege of any person is suspended or
19 revoked as a result of noncompliance with an ignition interlock
20 requirement, the suspension shall remain in effect until the person
21 provides notice issued by a company doing business in the state that a
22 vehicle owned or operated by the person is equipped with a functioning
23 ignition interlock device.

24 (d) Whenever the license or driving privilege of any person is
25 suspended as a result of certification of noncompliance with a child
26 support order under chapter 74.20A RCW or a residential or visitation
27 order, the suspension shall remain in effect until the person provides
28 a release issued by the department of social and health services
29 stating that the person is in compliance with the order.

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

33 (ii) If the suspension is the result of a violation of RCW
34 46.61.502 or 46.61.504, or is the result of administrative action under
35 RCW 46.20.308, the reissue fee shall be one hundred fifty dollars.

36 (2)(a) Any person whose license or privilege to drive a motor
37 vehicle on the public highways has been revoked, unless the revocation
38 was for a cause which has been removed, is not entitled to have the

1 license or privilege renewed or restored until: (i) After the
2 expiration of one year from the date the license or privilege to drive
3 was revoked; (ii) after the expiration of the applicable revocation
4 period provided by RCW 46.20.3101 or 46.61.5055; (iii) after the
5 expiration of two years for persons convicted of vehicular homicide; or
6 (iv) after the expiration of the applicable revocation period provided
7 by RCW 46.20.265.

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

11 (ii) If the revocation is the result of a violation of RCW
12 46.20.308, 46.61.502, or 46.61.504, the reissue fee shall be one
13 hundred fifty dollars. If the revocation is the result of a nonfelony
14 violation of RCW 46.61.502 or 46.61.504, the department shall determine
15 the person's eligibility for licensing based upon the reports provided
16 by the alcoholism agency or probation department designated under RCW
17 46.61.5056 and shall deny reissuance of a license, permit, or privilege
18 to drive until enrollment and participation in an approved program has
19 been established and the person is otherwise qualified. If the
20 suspension is the result of a violation of RCW 46.61.502(6) or
21 46.61.504(6), the department shall determine the person's eligibility
22 for licensing based upon the reports provided by the alcohol or drug
23 dependency agency required under RCW 46.61.524 and shall deny
24 reinstatement until satisfactory progress in an approved program has
25 been established and the person is otherwise qualified. If the
26 revocation is the result of a violation of RCW 46.61.502 or 46.61.504,
27 and the person is required pursuant to RCW 46.20.720 to drive only a
28 motor vehicle equipped with a functioning ignition interlock or other
29 biological or technical device, the department shall determine the
30 person's eligibility for licensing based upon written verification by
31 a company doing business in the state that it has installed the
32 required device on a vehicle owned or operated by the person applying
33 for a new license. If, following issuance of a new license, the
34 department determines, based upon notification from the interlock
35 provider or otherwise, that an interlock required under RCW 46.20.720
36 is no longer functioning, the department shall suspend the person's
37 license or privilege to drive until the department has received written

1 verification from an interlock provider that a functioning interlock is
2 installed.

3 (c) Except for a revocation under RCW 46.20.265, the department
4 shall not then issue a new license unless it is satisfied after
5 investigation of the driving ability of the person that it will be safe
6 to grant the privilege of driving a motor vehicle on the public
7 highways, and until the person gives and thereafter maintains proof of
8 financial responsibility for the future as provided in chapter 46.29
9 RCW. For a revocation under RCW 46.20.265, the department shall not
10 issue a new license unless it is satisfied after investigation of the
11 driving ability of the person that it will be safe to grant that person
12 the privilege of driving a motor vehicle on the public highways.

13 (3)(a) Whenever the driver's license of any person is suspended
14 pursuant to Article IV of the nonresident violators compact or RCW
15 46.23.020 or (~~46.20.289 or~~) 46.20.291(5), the department shall not
16 issue to the person any new or renewal license until the person pays a
17 reissue fee of seventy-five dollars.

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

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

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

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

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

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

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

20 (ii) A previous conviction under this section;

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

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

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

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

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

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

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

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

1 (xi) A conviction of RCW 46.61.522, relating to vehicular assault;
2 (xii) A conviction of RCW 46.61.527(4), relating to reckless
3 endangerment of roadway workers;
4 (xiii) A conviction of RCW 46.61.530, relating to racing of
5 vehicles on highways;
6 (xiv) A conviction of RCW 46.61.685, relating to leaving children
7 in an unattended vehicle with motor running;
8 (xv) A conviction of RCW 46.61.740, relating to theft of motor
9 vehicle fuel;
10 (xvi) A conviction of RCW 46.64.048, relating to attempting,
11 aiding, abetting, coercing, and committing crimes;
12 (xvii) An administrative action taken by the department under
13 chapter 46.20 RCW; or
14 (xviii) A conviction of a local law, ordinance, regulation, or
15 resolution of a political subdivision of this state, the federal
16 government, or any other state, of an offense substantially similar to
17 a violation included in this subsection.
18 (c) A person who violates this section when his or her driver's
19 license or driving privilege is, at the time of the violation,
20 suspended or revoked solely because (i) the person must furnish proof
21 of satisfactory progress in a required alcoholism or drug treatment
22 program, (ii) the person must furnish proof of financial responsibility
23 for the future as provided by chapter 46.29 RCW, (iii) the person has
24 failed to comply with the provisions of chapter 46.29 RCW relating to
25 uninsured accidents, (iv) ~~((the person has failed to respond to a
26 notice of traffic infraction, failed to appear at a requested hearing,
27 violated a written promise to appear in court, or has failed to comply
28 with the terms of a notice of traffic infraction or citation, as
29 provided in RCW 46.20.289, (v))~~) the person has committed an offense in
30 another state that, if committed in this state, would not be grounds
31 for the suspension or revocation of the person's driver's license,
32 ~~((+vi))~~ (v) the person has been suspended or revoked by reason of one
33 or more of the items listed in (b) of this subsection, but was eligible
34 to reinstate his or her driver's license or driving privilege at the
35 time of the violation, or ~~((+vii))~~ (vi) the person has received
36 traffic citations or notices of traffic infraction that have resulted
37 in a suspension under RCW 46.20.267 relating to intermediate drivers'

1 licenses, or any combination of (i) through (~~(vii)~~) (vi), is guilty
2 of driving while license suspended or revoked in the third degree, a
3 misdemeanor.

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

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

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

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

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

28 (1) Any person licensed under this chapter who is convicted of an
29 offense relating to motor vehicles for which suspension or revocation
30 of the driver's license is mandatory, other than vehicular homicide,
31 vehicular assault, driving while under the influence of intoxicating
32 liquor or any drug, or being in actual physical control of a motor
33 vehicle while under the influence of intoxicating liquor or any drug,
34 may submit to the department an application for a temporary restricted
35 driver's license. The department, upon receipt of the prescribed fee
36 and upon determining that the petitioner is eligible to receive the

1 license, may issue a temporary restricted driver's license and may set
2 definite restrictions as provided in RCW 46.20.394.

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

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

12 ~~(c))~~ An occupational driver's license issued to an applicant
13 described in (a) of this subsection shall be valid for the period of
14 the suspension or revocation.

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

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

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

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

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

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

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

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

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

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

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

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

10 (d) Upon receipt of evidence that a holder of an occupational
11 driver's license granted under this subsection is no longer enrolled in
12 an apprenticeship or on-the-job training program, the director shall
13 give written notice by first-class mail to the driver that the
14 occupational driver's license shall be canceled. The effective date of
15 cancellation shall be fifteen days from the date of mailing the notice.
16 If at any time before the cancellation goes into effect the driver
17 submits evidence of continued enrollment in the program, the
18 cancellation shall be stayed. If the cancellation becomes effective,
19 the driver may obtain, at no additional charge, a new occupational
20 driver's license upon submittal of evidence of enrollment in another
21 program that meets the criteria set forth in this subsection; and

22 (e) The department shall not issue an occupational driver's license
23 under (b)(iv) of this subsection if the applicant is able to receive
24 transit services sufficient to allow for the applicant's participation
25 in the programs referenced under (b)(iv) of this subsection.

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

29 (5) The director shall cancel an occupational or temporary
30 restricted driver's license upon receipt of notice that the holder
31 thereof has been convicted of operating a motor vehicle in violation of
32 its restrictions, or of a separate offense that under this chapter
33 (~~(46.20—RCW)~~) would warrant suspension or revocation of a regular
34 driver's license. The cancellation is effective as of the date of the
35 conviction, and continues with the same force and effect as any
36 suspension or revocation under this title.

1 **Sec. 7.** RCW 46.63.110 and 2009 c 479 s 39 are each amended to read
2 as follows:

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

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

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

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

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

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

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

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

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

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. 8.** 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 obtain proof that the vehicle is insured
19 to the level required by chapter 46.30 RCW and present that proof to
20 the 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. 9. 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 s
14 1, 1995 c 219 s 2, & 1993 c 501 s 1 are each repealed.

15 NEW SECTION. Sec. 10. This act takes effect September 1, 2010.

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