
SENATE BILL 5928

State of Washington 62nd Legislature 2011 Regular Session

By Senators Hobbs, Litzow, and Haugen

Read first time 04/09/11. Referred to Committee on Transportation.

1 AN ACT Relating to traffic infraction monetary penalties; and
2 amending RCW 46.63.110.

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

4 **Sec. 1.** RCW 46.63.110 and 2010 c 252 s 5 are each amended to read
5 as follows:

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

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

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

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

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

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

37 (a) If a payment required to be made under the payment plan is
38 delinquent or the person fails to complete a community restitution

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

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

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

24 (d) Nothing in this section precludes a court from contracting with
25 outside entities to administer its payment plan system. When outside
26 entities are used for the administration of a payment plan, the court
27 may assess the person a reasonable fee for such administrative
28 services, which fee may be calculated on a periodic, percentage, or
29 other basis.

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

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

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

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

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

12 (8)(a) In addition to any other penalties imposed under this
13 section and not subject to the limitation of subsection (1) of this
14 section, a person found to have committed a traffic infraction other
15 than of RCW 46.61.527 or 46.61.212 shall be assessed an additional
16 penalty of twenty dollars. The court may not reduce, waive, or suspend
17 the additional penalty unless the court finds the offender to be
18 indigent. If a court authorized community restitution program for
19 offenders is available in the jurisdiction, the court shall allow
20 offenders to offset all or a part of the penalty due under this
21 subsection (8) by participation in the court authorized community
22 restitution program.

23 (b) Eight dollars and fifty cents of the additional penalty under
24 (a) of this subsection shall be remitted to the state treasurer. The
25 remaining revenue from the additional penalty must be remitted under
26 chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted
27 under this subsection to the state treasurer must be deposited in the
28 state general fund. The balance of the revenue received by the county
29 or city treasurer under this subsection must be deposited into the
30 county or city current expense fund. Moneys retained by the city or
31 county under this subsection shall constitute reimbursement for any
32 liabilities under RCW 43.135.060.

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

37 (10) The monetary penalty for violating RCW 46.37.395 is: (a) Two

1 hundred fifty dollars for the first violation; (b) five hundred dollars
2 for the second violation; and (c) seven hundred fifty dollars for each
3 violation thereafter.

4 (11) Beginning July 1, 2013, in addition to any other penalties
5 imposed under this section and not subject to the limitation of
6 subsection (1) of this section, a person found to have committed a
7 traffic infraction shall be assessed an additional penalty of ten
8 dollars. The court may not reduce, waive, or suspend this additional
9 penalty. Revenue from this additional penalty must be forwarded to the
10 state treasurer for deposit in the state patrol highway account created
11 in RCW 46.68.030. This subsection (11) expires upon completion of debt
12 service payments resulting from financial contracts originally
13 authorized in the 2011-2013 omnibus transportation appropriations act
14 for the purchase of mobile office platforms and the narrowband
15 transition. If the financial contracts are not authorized by June 30,
16 2011, this subsection (11) is null and void.

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