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HOUSE BILL 1480

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State of Washington                      65th Legislature                      2017 Regular Session

By Representatives Hayes, Riccelli, Irwin, Lovick, Holy, and Santos

Read first time 01/20/17. Referred to Committee on Transportation.

1            AN ACT Relating to requiring additional criteria to be met for  
2 the department of licensing to suspend a driver's license; amending  
3 RCW 46.20.289, 46.20.291, 46.20.342, and 46.63.110; and providing an  
4 effective date.

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

6            **Sec. 1.** RCW 46.20.289 and 2016 c 203 s 6 are each amended to  
7 read as follows:

8            (1) The department shall suspend all driving privileges of a  
9 person when the department receives notice from a court under RCW  
10 46.63.070(6), 46.63.110(6), or 46.64.025 that the person has:

11            (a) Failed to respond to a notice of traffic infraction for a  
12 moving violation(~~(7)~~) when the person has received two or more other  
13 traffic infractions for moving violations that have been incurred on  
14 two or more separate occasions and that remain outstanding at the  
15 time the determination of qualification to receive a driver's license  
16 suspension occurs;

17            (b) Failed to appear at a requested hearing for a moving  
18 violation(~~(7)~~);

19            (c) Violated a written promise to appear in court for a notice of  
20 infraction for a moving violation(~~(7) or has~~); or

1        (d) Failed to comply with the terms of a notice of traffic  
2 infraction(, ~~criminal complaint, or citation for a moving violation,~~  
3 ~~or~~) when the person has received two or more other traffic  
4 infractions for moving violations that have been incurred on two or  
5 more separate occasions and that remain outstanding at the time the  
6 determination of qualification to receive a driver's license  
7 suspension occurs.

8        (2) The department shall suspend all driving privileges of a  
9 person when the department receives notice from another state under  
10 Article IV of the nonresident violator compact under RCW 46.23.010 or  
11 from a jurisdiction that has entered into an agreement with the  
12 department under RCW 46.23.020, other than for a standing, stopping,  
13 or parking violation, provided that the traffic infraction or traffic  
14 offense is committed on or after July 1, 2005.

15        (3) A suspension under this section takes effect pursuant to the  
16 provisions of RCW 46.20.245, and remains in effect until the  
17 department has received a certificate from the court showing that the  
18 case has been adjudicated, and until the person meets the  
19 requirements of RCW 46.20.311.

20        (4) In the case of failure to respond to a traffic infraction  
21 issued under RCW 46.55.105, the department shall suspend all driving  
22 privileges until the person provides evidence from the court that all  
23 penalties and restitution have been paid.

24        (5) A suspension under this section does not take effect if,  
25 prior to the effective date of the suspension, the department  
26 receives a certificate from the court showing that the case (~~has~~)  
27 ~~or cases have~~ been adjudicated.

28        **Sec. 2.** RCW 46.20.291 and 2016 c 203 s 5 are each amended to  
29 read as follows:

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

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

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

38        (3) Has been convicted of offenses against traffic regulations  
39 governing the movement of vehicles, or found to have committed

1 traffic infractions, with such frequency as to indicate a disrespect  
2 for traffic laws or a disregard for the safety of other persons on  
3 the highways;

4 (4) Is incompetent to drive a motor vehicle under RCW  
5 46.20.031(3);

6 (5) Has failed to respond to a notice of traffic infraction((~~τ~~));  
7 failed to appear at a requested hearing((~~τ~~)); violated a written  
8 promise to appear in court((~~τ~~)); or ((~~has~~)) failed to comply with the  
9 terms of a notice of traffic infraction, criminal complaint, or  
10 citation, ((~~as provided~~)) and has met any other necessary conditions  
11 listed in RCW 46.20.289(1);

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

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

15 (8) Has been certified by the department of social and health  
16 services as a person who is not in compliance with a child support  
17 order or a residential or visitation order as provided in RCW  
18 74.20A.320.

19 **Sec. 3.** RCW 46.20.342 and 2015 c 149 s 1 are each amended to  
20 read as follows:

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

26 (a) A person found to be a habitual offender under chapter 46.65  
27 RCW, who violates this section while an order of revocation issued  
28 under chapter 46.65 RCW prohibiting such operation is in effect, is  
29 guilty of driving while license suspended or revoked in the first  
30 degree, a gross misdemeanor. Upon the first such conviction, the  
31 person shall be punished by imprisonment for not less than ten days.  
32 Upon the second conviction, the person shall be punished by  
33 imprisonment for not less than ninety days. Upon the third or  
34 subsequent conviction, the person shall be punished by imprisonment  
35 for not less than one hundred eighty days. If the person is also  
36 convicted of the offense defined in RCW 46.61.502 or 46.61.504, when  
37 both convictions arise from the same event, the minimum sentence of  
38 confinement shall be not less than ninety days. The minimum sentence  
39 of confinement required shall not be suspended or deferred. A

1 conviction under this subsection does not prevent a person from  
2 petitioning for reinstatement as provided by RCW 46.65.080.

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

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

17 (ii) A previous conviction under this section;

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

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

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

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

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

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

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

36 (x) 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 (xi) A conviction of RCW 46.61.520, relating to vehicular  
39 homicide;

1 (xii) A conviction of RCW 46.61.522, relating to vehicular  
2 assault;

3 (xiii) A conviction of RCW 46.61.527(4), relating to reckless  
4 endangerment of roadway workers;

5 (xiv) A conviction of RCW 46.61.530, relating to racing of  
6 vehicles on highways;

7 (xv) A conviction of RCW 46.61.685, relating to leaving children  
8 in an unattended vehicle with motor running;

9 (xvi) A conviction of RCW 46.61.740, relating to theft of motor  
10 vehicle fuel;

11 (xvii) A conviction of RCW 46.64.048, relating to attempting,  
12 aiding, abetting, coercing, and committing crimes;

13 (xviii) An administrative action taken by the department under  
14 chapter 46.20 RCW;

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

19 (xx) A finding that a person has committed a traffic infraction  
20 under RCW 46.61.526 and suspension of driving privileges pursuant to  
21 RCW 46.61.526 (4)(b) or (7)(a)(ii).

22 (c) A person who violates this section when his or her driver's  
23 license or driving privilege is, at the time of the violation,  
24 suspended or revoked solely because:

25 (i) The person must furnish proof of satisfactory progress in a  
26 required alcoholism or drug treatment program((τ));

27 (ii) The person must furnish proof of financial responsibility  
28 for the future as provided by chapter 46.29 RCW((τ));

29 (iii) The person has failed to comply with the provisions of  
30 chapter 46.29 RCW relating to uninsured accidents((τ));

31 (iv) The person has failed to respond to a notice of traffic  
32 infraction((τ)); failed to appear at a requested hearing((τ));  
33 violated a written promise to appear in court((τ)); or ((has)) failed  
34 to comply with the terms of a notice of traffic infraction, criminal  
35 complaint, or citation, ((as provided)) and has met any other  
36 necessary conditions listed in RCW 46.20.289((τ))(1);

37 (v) The person has committed an offense in another state that, if  
38 committed in this state, would not be grounds for the suspension or  
39 revocation of the person's driver's license((τ));

1 (vi) The person has been suspended or revoked by reason of one or  
2 more of the items listed in (b) of this subsection, but was eligible  
3 to reinstate his or her driver's license or driving privilege at the  
4 time of the violation((τ));

5 (vii) The person has received traffic citations or notices of  
6 traffic infraction that have resulted in a suspension under RCW  
7 46.20.267 relating to intermediate drivers' licenses((τ));

8 (viii) The person has been certified by the department of social  
9 and health services as a person who is not in compliance with a child  
10 support order as provided in RCW 74.20A.320, or any combination of  
11 (c)(i) through (viii) of this subsection, is guilty of driving while  
12 license suspended or revoked in the third degree, a misdemeanor.

13 For the purposes of this subsection, a person is not considered  
14 to be eligible to reinstate his or her driver's license or driving  
15 privilege if the person is eligible to obtain an ignition interlock  
16 driver's license but did not obtain such a license.

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

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

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

33 (c) Not extend the period of suspension or revocation if the  
34 conviction was under subsection (1)(c) of this section. If the  
35 conviction was under subsection (1)(a) or (b) of this section and the  
36 court recommends against the extension and the convicted person has  
37 obtained a valid driver's license, the period of suspension or  
38 revocation shall not be extended.

1       **Sec. 4.** RCW 46.63.110 and 2012 c 82 s 1 are each amended to read  
2 as follows:

3       (1) A person found to have committed a traffic infraction shall  
4 be 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)  
8 is two hundred fifty dollars for each offense; (b) RCW 46.61.210(1)  
9 is five hundred dollars for each offense. No penalty assessed under  
10 this 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  
13 shall also specify the conditions under which local courts may  
14 exercise discretion in assessing fines and penalties for traffic  
15 infractions. The legislature respectfully requests the supreme court  
16 to adjust this schedule every two years for inflation.

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

27       (5) Monetary penalties provided for in chapter 46.70 RCW which  
28 are civil in nature and penalties which may be assessed for  
29 violations of chapter 46.44 RCW relating to size, weight, and load of  
30 motor vehicles are not subject to the limitation on the amount of  
31 monetary penalties 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 and is enforceable as a civil judgment under  
35 Title 6 RCW. If the court determines, in its discretion, that a  
36 person is not able to pay a monetary obligation in full, and not more  
37 than one year has passed since the later of July 1, 2005, or the date  
38 the monetary obligation initially became due and payable, the court  
39 shall enter into a payment plan with the person, unless the person  
40 has previously been granted a payment plan with respect to the same

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

14 (a) If a payment required to be made under the payment plan is  
15 delinquent or the person fails to complete a community restitution  
16 program on or before the time established under the payment plan,  
17 unless the court determines good cause therefor and adjusts the  
18 payment plan or the community restitution plan accordingly, the court  
19 may refer the unpaid monetary penalty, fee, cost, assessment, or  
20 other monetary obligation for civil enforcement until all monetary  
21 obligations, including those imposed under subsections (3) and (4) of  
22 this section, have been paid, and court authorized community  
23 restitution has been completed, or until the court has entered into a  
24 new time payment or community restitution agreement with the person.  
25 For those infractions subject to suspension under RCW 46.20.289, the  
26 court shall notify the department of the person's failure to meet the  
27 conditions of the plan, and the department shall suspend the person's  
28 driver's license or driving privileges when the requirements listed  
29 for suspension in RCW 46.20.289 are met.

30 (b) If a person has not entered into a payment plan with the  
31 court and has not paid the monetary obligation in full on or before  
32 the time established for payment, the court may refer the unpaid  
33 monetary penalty, fee, cost, assessment, or other monetary obligation  
34 to a collections agency until all monetary obligations have been  
35 paid, including those imposed under subsections (3) and (4) of this  
36 section, or until the person has entered into a payment plan under  
37 this section. For those infractions subject to suspension under RCW  
38 46.20.289, the court shall notify the department of the person's  
39 delinquency, and the department shall suspend the person's driver's



1 license or driving privileges when the requirements listed for  
2 suspension in RCW 46.20.289 are met.

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

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

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

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

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

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

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

34 (8)(a) In addition to any other penalties imposed under this  
35 section and not subject to the limitation of subsection (1) of this  
36 section, a person found to have committed a traffic infraction other  
37 than of RCW 46.61.527 or 46.61.212 shall be assessed an additional  
38 penalty of twenty dollars. The court may not reduce, waive, or  
39 suspend the additional penalty unless the court finds the offender to  
40 be indigent. If a court authorized community restitution program for

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

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

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

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

23 NEW SECTION. **Sec. 5.** This act takes effect January 1, 2019.

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