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**SUBSTITUTE SENATE BILL 6189**

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**State of Washington**

**65th Legislature**

**2018 Regular Session**

**By** Senate Law & Justice (originally sponsored by Senators Fain, Frockt, Pedersen, Palumbo, Hasegawa, Darneille, Rivers, Mullet, and Saldaña)

READ FIRST TIME 02/02/18.

1 AN ACT Relating to driving a motor vehicle with a suspended or  
2 revoked driver's license; amending RCW 46.20.289, 46.20.291,  
3 46.20.341, 46.20.342, 10.37.015, 46.20.005, 46.20.391, 46.55.113,  
4 46.63.020, 46.63.070, 46.63.110, and 46.64.025; reenacting and  
5 amending RCW 10.31.100; creating a new section; repealing RCW  
6 46.20.2891; and prescribing penalties.

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

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

10 The department shall suspend all driving privileges of a person  
11 when the department receives notice from a court under RCW  
12 ((46.63.070(6), 46.63.110(6), or)) 46.64.025 that the person has  
13 ((failed to respond to a notice of traffic infraction for a moving  
14 violation, failed to appear at a requested hearing for a moving  
15 violation, violated a written promise to appear in court for a notice  
16 of infraction for a moving violation, or has)) failed to comply with  
17 the terms of a ((notice of traffic infraction,)) criminal  
18 complaint((, or citation for a moving violation,)) or when the  
19 department receives notice from another state under Article IV of the  
20 nonresident violator compact under RCW 46.23.010 or from a  
21 jurisdiction that has entered into an agreement with the department

1 under RCW 46.23.020, other than for a standing, stopping, or parking  
2 violation, provided that the traffic infraction or traffic offense is  
3 committed on or after July 1, 2005. A suspension under this section  
4 takes effect pursuant to the provisions of RCW 46.20.245, and remains  
5 in effect until the department has received a certificate from the  
6 court showing that the case has been adjudicated, and until the  
7 person meets the requirements of RCW 46.20.311. (~~In the case of~~  
8 ~~failure to respond to a traffic infraction issued under RCW~~  
9 ~~46.55.105, the department shall suspend all driving privileges until~~  
10 ~~the person provides evidence from the court that all penalties and~~  
11 ~~restitution have been paid.)) A suspension under this section does  
12 not take effect if, prior to the effective date of the suspension,  
13 the department receives a certificate from the court showing that the  
14 case has been adjudicated.~~

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

17 The department is authorized to suspend the license of a driver  
18 upon a showing by its records or other sufficient evidence that the  
19 licensee:

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

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

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

30 (4) Is incompetent to drive a motor vehicle under RCW  
31 46.20.031(3);

32 (5) Has (~~failed to respond to a notice of traffic infraction,~~  
33 ~~failed to appear at a requested hearing, violated a written promise~~  
34 ~~to appear in court, or has~~) failed to comply with the terms of a  
35 (~~notice of traffic infraction,~~) criminal complaint(~~(7)~~) or criminal  
36 citation, as provided in RCW 46.20.289;

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

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

1 (8) Has been certified by the department of social and health  
2 services as a person who is not in compliance with a child support  
3 order or a residential or visitation order as provided in RCW  
4 74.20A.320.

5 **Sec. 3.** RCW 46.20.341 and 2009 c 490 s 1 are each amended to  
6 read as follows:

7 (1)(a) A person who violates RCW 46.20.342(1) (c)((~~iv~~)) or (d)  
8 in a jurisdiction that does not have a relicensing ((~~diversion~~))  
9 program shall be provided with an abstract of his or her driving  
10 record by the court or the prosecuting attorney, in addition to a  
11 list of his or her unpaid traffic offense related fines and the  
12 contact information for each jurisdiction or collection agency to  
13 which money is owed.

14 (b) A fee of up to twenty dollars may be imposed by the court in  
15 addition to any fee required by the department for provision of the  
16 driving abstract.

17 (2)(a) Superior courts or courts of limited jurisdiction in  
18 counties or cities are authorized to participate or provide  
19 relicensing ((~~diversion~~)) programs to persons who violate RCW  
20 46.20.342(1) (c)((~~iv~~)) or (d).

21 (b) Eligibility for the relicensing ((~~diversion~~)) program shall  
22 be limited to violators with no more than four convictions or  
23 infractions under RCW 46.20.342(1) (c)((~~iv~~)) or (d) in the ten  
24 years preceding the date of entering the relicensing ((~~diversion~~))  
25 program, subject to a less restrictive rule imposed by the presiding  
26 judge of the county district court or municipal court. People subject  
27 to arrest under a warrant are not eligible for the ((~~diversion~~))  
28 relicensing program.

29 (c) ((~~The diversion option~~)) Participation in a relicensing  
30 program may be offered at the discretion of the prosecuting attorney  
31 before charges are filed, or by the court after charges are filed.

32 (d) A person who is the holder of a commercial driver's license  
33 or who was operating a commercial motor vehicle at the time of the  
34 violation of RCW 46.20.342(1) (c)((~~iv~~)) or (d) may not participate  
35 in the ((~~diversion~~)) relicensing program under this section.

36 (e) A relicensing ((~~diversion~~)) program that is structured to  
37 occur after charges are filed may charge participants a one-time fee  
38 of up to one hundred dollars, which is not subject to chapters 3.50,  
39 3.62, and 35.20 RCW, and shall be used to support administration of

1 the program. The fee of up to one hundred dollars shall be included  
2 in the total to be paid by the participant in the relicensing  
3 ((~~diversion~~)) program.

4 (3) A relicensing ((~~diversion~~)) program shall be designed to  
5 assist suspended drivers to regain their license and insurance and  
6 pay outstanding fines.

7 (4)(a) Counties and cities that operate relicensing ((~~diversion~~))  
8 programs shall, subject to available funds, provide information to  
9 the administrative office of the courts on an annual basis regarding  
10 the eligibility criteria used for the program, the number of  
11 referrals from law enforcement, the number of participants accepted  
12 into the program, the number of participants who regain their  
13 driver's license and insurance, the total amount of fines collected,  
14 the costs associated with the program, and other information as  
15 determined by the office.

16 (b) The administrative office of the courts is directed, subject  
17 to available funds, to compile and analyze the data required to be  
18 submitted in this section and develop recommendations for a best  
19 practices model for relicensing ((~~diversion~~)) programs.

20 **Sec. 4.** RCW 46.20.342 and 2015 c 149 s 1 are each amended to  
21 read as follows:

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

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

1 of confinement required shall not be suspended or deferred. A  
2 conviction under this subsection does not prevent a person from  
3 petitioning for reinstatement as provided by RCW 46.65.080.

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

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

18 (ii) A previous conviction under this section;

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

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

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

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

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

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

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

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

39 (xi) A conviction of RCW 46.61.520, relating to vehicular  
40 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 (i) the person must furnish proof  
25 of satisfactory progress in a required alcoholism or drug treatment  
26 program, (ii) the person must furnish proof of financial  
27 responsibility for the future as provided by chapter 46.29 RCW, (iii)  
28 the person has failed to comply with the provisions of chapter 46.29  
29 RCW relating to uninsured accidents, (iv) the person has failed to  
30 ~~((respond to a notice of traffic infraction, failed to appear at a  
31 requested hearing, violated a written promise to appear in court, or  
32 has failed to comply with the terms of a notice of traffic infraction  
33 or citation))~~ comply with the terms of a notice of a criminal  
34 complaint, as provided in RCW 46.20.289, (v) ~~((the person has  
35 committed an offense in another state that, if committed in this  
36 state, would not be grounds for the suspension or revocation of the  
37 person's driver's license,~~ (vi) the person has been suspended or  
38 revoked by reason of one or more of the items listed in (b) of this  
39 subsection, but was eligible to reinstate his or her driver's license  
40 or driving privilege at the time of the violation, (vii) the person

1 ~~has received traffic citations or notices of traffic infraction that~~  
2 ~~have resulted in a suspension under RCW 46.20.267 relating to~~  
3 ~~intermediate drivers' licenses, or (viii))~~ the person has been  
4 certified by the department of social and health services as a person  
5 who is not in compliance with a child support order as provided in  
6 RCW 74.20A.320, or (vi) the person has committed any of the reasons  
7 listed in (d) of this subsection when the person has committed  
8 driving while license suspended or revoked in the fourth degree four  
9 times in the past four years, or any combination of (c)(i) through  
10 ((viii)) (vi) of this subsection, is guilty of driving while  
11 license suspended or revoked in the third degree, a misdemeanor. For  
12 the purposes of this subsection, a person is not considered to be  
13 eligible to reinstate his or her driver's license or driving  
14 privilege if the person is eligible to obtain an ignition interlock  
15 driver's license but did not obtain such a license.

16 (d) A person who violates this section when his or her driver's  
17 license or driving privilege is, at the time of the violation,  
18 suspended or revoked solely because (i) the department receives  
19 notice from another state under Article IV of the nonresident  
20 violator compact under RCW 46.23.010 or from a jurisdiction that has  
21 entered into an agreement with the department under RCW 46.23.020,  
22 other than for a standing, stopping, or parking violation as provided  
23 in RCW 46.20.289; (ii) the person has committed an offense in another  
24 state that, if committed in this state, would not be grounds for the  
25 suspension or revocation of the person's driver's license; (iii) the  
26 person has been suspended or revoked by reason of one or more of the  
27 items listed in (b) or (c) of this subsection, but was eligible to  
28 reinstate his or her driver's license or driving privilege at the  
29 time of the violation; or (iv) the person has received traffic  
30 citations or notices of traffic infraction that have resulted in a  
31 suspension under RCW 46.20.267 relating to intermediate drivers'  
32 licenses, or any combination of (d)(i) through (iv) of this  
33 subsection, has committed driving while license suspended or revoked  
34 in the fourth degree, a traffic infraction subject to a penalty of  
35 two hundred fifty dollars. If the person appears in person before the  
36 court or submits by mail written proof that he or she has reinstated  
37 his or her license after being cited, the court shall reduce the  
38 penalty to fifty dollars.

39 (2) Upon receiving a record of conviction or infraction of any  
40 person or upon receiving an order by any juvenile court or any duly

1 authorized court officer of the conviction or infraction of any  
2 juvenile under this section, the department shall:

3 (a) For a conviction of driving while suspended or revoked in the  
4 first degree, as provided by subsection (1)(a) of this section,  
5 extend the period of administrative revocation imposed under chapter  
6 46.65 RCW for an additional period of one year from and after the  
7 date the person would otherwise have been entitled to apply for a new  
8 license or have his or her driving privilege restored; or

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

15 (c) Not extend the period of suspension or revocation ~~((if the~~  
16 ~~conviction was))~~ for an infraction under subsection (1)~~((e))~~ (d) of  
17 this section. ~~((If the))~~ For a conviction ~~((was))~~ under subsection  
18 (1)(a), ~~((or))~~ (b), or (c) of this section ~~((and)),~~ if the court  
19 recommends against the extension and the convicted person has  
20 obtained a valid driver's license, the period of suspension or  
21 revocation shall not be extended.

22 **Sec. 5.** RCW 10.31.100 and 2017 c 336 s 3 and 2017 c 223 s 1 are  
23 each reenacted and amended to read as follows:

24 A police officer having probable cause to believe that a person  
25 has committed or is committing a felony shall have the authority to  
26 arrest the person without a warrant. A police officer may arrest a  
27 person without a warrant for committing a misdemeanor or gross  
28 misdemeanor only when the offense is committed in the presence of an  
29 officer, except as provided in subsections (1) through (11) of this  
30 section.

31 (1) Any police officer having probable cause to believe that a  
32 person has committed or is committing a misdemeanor or gross  
33 misdemeanor, involving physical harm or threats of harm to any person  
34 or property or the unlawful taking of property or involving the use  
35 or possession of cannabis, or involving the acquisition, possession,  
36 or consumption of alcohol by a person under the age of twenty-one  
37 years under RCW 66.44.270, or involving criminal trespass under RCW  
38 9A.52.070 or 9A.52.080, shall have the authority to arrest the  
39 person.



1 (2) A police officer shall arrest and take into custody, pending  
2 release on bail, personal recognizance, or court order, a person  
3 without a warrant when the officer has probable cause to believe  
4 that:

5 (a) An order has been issued of which the person has knowledge  
6 under RCW 26.44.063, or chapter 7.92, 7.90, 9A.46, 10.99, 26.09,  
7 26.10, 26.26, 26.50, or 74.34 RCW restraining the person and the  
8 person has violated the terms of the order restraining the person  
9 from acts or threats of violence, or restraining the person from  
10 going onto the grounds of or entering a residence, workplace, school,  
11 or day care, or prohibiting the person from knowingly coming within,  
12 or knowingly remaining within, a specified distance of a location or,  
13 in the case of an order issued under RCW 26.44.063, imposing any  
14 other restrictions or conditions upon the person; or

15 (b) A foreign protection order, as defined in RCW 26.52.010, has  
16 been issued of which the person under restraint has knowledge and the  
17 person under restraint has violated a provision of the foreign  
18 protection order prohibiting the person under restraint from  
19 contacting or communicating with another person, or excluding the  
20 person under restraint from a residence, workplace, school, or day  
21 care, or prohibiting the person from knowingly coming within, or  
22 knowingly remaining within, a specified distance of a location, or a  
23 violation of any provision for which the foreign protection order  
24 specifically indicates that a violation will be a crime; or

25 (c) The person is eighteen years or older and within the  
26 preceding four hours has assaulted a family or household member as  
27 defined in RCW 10.99.020 and the officer believes: (i) A felonious  
28 assault has occurred; (ii) an assault has occurred which has resulted  
29 in bodily injury to the victim, whether the injury is observable by  
30 the responding officer or not; or (iii) that any physical action has  
31 occurred which was intended to cause another person reasonably to  
32 fear imminent serious bodily injury or death. Bodily injury means  
33 physical pain, illness, or an impairment of physical condition. When  
34 the officer has probable cause to believe that family or household  
35 members have assaulted each other, the officer is not required to  
36 arrest both persons. The officer shall arrest the person whom the  
37 officer believes to be the primary physical aggressor. In making this  
38 determination, the officer shall make every reasonable effort to  
39 consider: (A) The intent to protect victims of domestic violence  
40 under RCW 10.99.010; (B) the comparative extent of injuries inflicted

1 or serious threats creating fear of physical injury; and (C) the  
2 history of domestic violence of each person involved, including  
3 whether the conduct was part of an ongoing pattern of abuse.

4 (3) Any police officer having probable cause to believe that a  
5 person has committed or is committing a violation of any of the  
6 following traffic laws shall have the authority to arrest the person:

7 (a) RCW 46.52.010, relating to duty on striking an unattended car  
8 or other property;

9 (b) RCW 46.52.020, relating to duty in case of injury to or death  
10 of a person or damage to an attended vehicle;

11 (c) RCW 46.61.500 or 46.61.530, relating to reckless driving or  
12 racing of vehicles;

13 (d) RCW 46.61.502 or 46.61.504, relating to persons under the  
14 influence of intoxicating liquor or drugs;

15 (e) RCW 46.61.503 or 46.25.110, relating to persons having  
16 alcohol or THC in their system;

17 (f) RCW 46.20.342(1) (a), (b), or (c), relating to driving a  
18 motor vehicle while operator's license is suspended or revoked;

19 (g) RCW 46.61.5249, relating to operating a motor vehicle in a  
20 negligent manner.

21 (4) A law enforcement officer investigating at the scene of a  
22 motor vehicle accident may arrest the driver of a motor vehicle  
23 involved in the accident if the officer has probable cause to believe  
24 that the driver has committed in connection with the accident a  
25 violation of any traffic law or regulation.

26 (5)(a) A law enforcement officer investigating at the scene of a  
27 motor vessel accident may arrest the operator of a motor vessel  
28 involved in the accident if the officer has probable cause to believe  
29 that the operator has committed, in connection with the accident, a  
30 criminal violation of chapter 79A.60 RCW.

31 (b) A law enforcement officer investigating at the scene of a  
32 motor vessel accident may issue a citation for an infraction to the  
33 operator of a motor vessel involved in the accident if the officer  
34 has probable cause to believe that the operator has committed, in  
35 connection with the accident, a violation of any boating safety law  
36 of chapter 79A.60 RCW.

37 (6) Any police officer having probable cause to believe that a  
38 person has committed or is committing a violation of RCW 79A.60.040  
39 shall have the authority to arrest the person.

1 (7) An officer may act upon the request of a law enforcement  
2 officer in whose presence a traffic infraction was committed, to  
3 stop, detain, arrest, or issue a notice of traffic infraction to the  
4 driver who is believed to have committed the infraction. The request  
5 by the witnessing officer shall give an officer the authority to take  
6 appropriate action under the laws of the state of Washington.

7 (8) Any police officer having probable cause to believe that a  
8 person has committed or is committing any act of indecent exposure,  
9 as defined in RCW 9A.88.010, may arrest the person.

10 (9) A police officer may arrest and take into custody, pending  
11 release on bail, personal recognizance, or court order, a person  
12 without a warrant when the officer has probable cause to believe that  
13 an order has been issued of which the person has knowledge under  
14 chapter 10.14 RCW and the person has violated the terms of that  
15 order.

16 (10) Any police officer having probable cause to believe that a  
17 person has, within twenty-four hours of the alleged violation,  
18 committed a violation of RCW 9A.50.020 may arrest such person.

19 (11) A police officer having probable cause to believe that a  
20 person illegally possesses or illegally has possessed a firearm or  
21 other dangerous weapon on private or public elementary or secondary  
22 school premises shall have the authority to arrest the person.

23 For purposes of this subsection, the term "firearm" has the  
24 meaning defined in RCW 9.41.010 and the term "dangerous weapon" has  
25 the meaning defined in RCW 9.41.250 and 9.41.280(1) (c) through (e).

26 (12) A law enforcement officer having probable cause to believe  
27 that a person has committed a violation under RCW 77.15.160(~~((+4))~~)  
28 (5) may issue a citation for an infraction to the person in  
29 connection with the violation.

30 (13) A law enforcement officer having probable cause to believe  
31 that a person has committed a criminal violation under RCW 77.15.809  
32 or 77.15.811 may arrest the person in connection with the violation.

33 (14) Except as specifically provided in subsections (2), (3),  
34 (4), and (7) of this section, nothing in this section extends or  
35 otherwise affects the powers of arrest prescribed in Title 46 RCW.

36 (15) No police officer may be held criminally or civilly liable  
37 for making an arrest pursuant to subsection (2) or (9) of this  
38 section if the police officer acts in good faith and without malice.

39 (16)(a) Except as provided in (b) of this subsection, a police  
40 officer shall arrest and keep in custody, until release by a judicial

1 officer on bail, personal recognizance, or court order, a person  
2 without a warrant when the officer has probable cause to believe that  
3 the person has violated RCW 46.61.502 or 46.61.504 or an equivalent  
4 local ordinance and the police officer: (i) Has knowledge that the  
5 person has a prior offense as defined in RCW 46.61.5055 within ten  
6 years; or (ii) has knowledge, based on a review of the information  
7 available to the officer at the time of arrest, that the person is  
8 charged with or is awaiting arraignment for an offense that would  
9 qualify as a prior offense as defined in RCW 46.61.5055 if it were a  
10 conviction.

11 (b) A police officer is not required to keep in custody a person  
12 under (a) of this subsection if the person requires immediate medical  
13 attention and is admitted to a hospital.

14 **Sec. 6.** RCW 10.37.015 and 2011 c 46 s 1 are each amended to read  
15 as follows:

16 ~~((1))~~ No person shall be held to answer in any court for an  
17 alleged crime or offense, unless upon an information filed by the  
18 prosecuting attorney, or upon an indictment by a grand jury, except  
19 in cases of misdemeanor or gross misdemeanor before a district or  
20 municipal judge, or before a court martial ~~(, except as provided in~~  
21 ~~subsection (2) of this section.~~

22 ~~(2) Violations of RCW 46.20.342(1)(c)(iv) may be required by the~~  
23 ~~prosecuting attorney to be referred to his or her office for~~  
24 ~~consideration of filing an information or for entry into a precharge~~  
25 ~~diversion program)).~~

26 **Sec. 7.** RCW 46.20.005 and 1997 c 66 s 1 are each amended to read  
27 as follows:

28 Except as expressly exempted by this chapter, it is a misdemeanor  
29 for a person to drive any motor vehicle upon a highway in this state  
30 without a valid driver's license issued to Washington residents under  
31 this chapter. This section does not apply if at the time of the stop  
32 the person is not in violation of RCW 46.20.342(1) or ~~((46.20.420))~~  
33 46.20.345 and has in his or her possession an expired driver's  
34 license or other valid identifying documentation under RCW 46.20.035.  
35 A violation of this section is a lesser included offense within the  
36 offenses described in RCW 46.20.342(1) ~~((or 46.20.420))~~ (a), (b), and  
37 (c) and 46.20.345.

1       **Sec. 8.** RCW 46.20.391 and 2012 c 82 s 2 are each amended to read  
2 as follows:

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

15       (2)(a) A person licensed under this chapter whose driver's  
16 license is suspended administratively due to failure to (~~appear or~~  
17 ~~pay a traffic ticket~~) comply with the terms of a notice of a  
18 criminal complaint 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) An occupational driver's license issued to an applicant  
23 described in (a) of this subsection shall be valid for the period of  
24 the suspension or revocation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38 (5) The director shall cancel an occupational or temporary  
39 restricted driver's license after receiving notice that the holder  
40 thereof has been convicted of operating a motor vehicle in violation

1 of its restrictions, no longer meets the eligibility requirements, or  
2 has been convicted of or found to have committed a separate offense  
3 or any other act or omission that under this chapter would warrant  
4 suspension or revocation of a regular driver's license. The  
5 department must give notice of the cancellation as provided under RCW  
6 46.20.245. A person whose occupational or temporary restricted  
7 driver's license has been canceled under this section may reapply for  
8 a new occupational or temporary restricted driver's license if he or  
9 she is otherwise qualified under this section and pays the fee  
10 required under RCW 46.20.380.

11 **Sec. 9.** RCW 46.55.113 and 2011 c 167 s 6 are each amended to  
12 read as follows:

13 (1) Whenever the driver of a vehicle is arrested for a violation  
14 of RCW 46.20.342(1) (a), (b), or (c) or 46.20.345, the vehicle is  
15 subject to summary impoundment, pursuant to the terms and conditions  
16 of an applicable local ordinance or state agency rule at the  
17 direction of a law enforcement officer.

18 (2) In addition, a police officer may take custody of a vehicle,  
19 at his or her discretion, and provide for its prompt removal to a  
20 place of safety under any of the following circumstances:

21 (a) Whenever a police officer finds a vehicle standing upon the  
22 roadway in violation of any of the provisions of RCW 46.61.560, the  
23 officer may provide for the removal of the vehicle or require the  
24 driver or other person in charge of the vehicle to move the vehicle  
25 to a position off the roadway;

26 (b) Whenever a police officer finds a vehicle unattended upon a  
27 highway where the vehicle constitutes an obstruction to traffic or  
28 jeopardizes public safety;

29 (c) Whenever a police officer finds an unattended vehicle at the  
30 scene of an accident or when the driver of a vehicle involved in an  
31 accident is physically or mentally incapable of deciding upon steps  
32 to be taken to protect his or her property;

33 (d) Whenever the driver of a vehicle is arrested and taken into  
34 custody by a police officer;

35 (e) Whenever a police officer discovers a vehicle that the  
36 officer determines to be a stolen vehicle;

37 (f) Whenever a vehicle without a special license plate, placard,  
38 or decal indicating that the vehicle is being used to transport a  
39 person with disabilities under RCW 46.19.010 is parked in a stall or

1 space clearly and conspicuously marked under RCW 46.61.581 which  
2 space is provided on private property without charge or on public  
3 property;

4 (g) Upon determining that a person is operating a motor vehicle  
5 without a valid and, if required, a specially endorsed driver's  
6 license or with a license that has been expired for ninety days or  
7 more;

8 (h) When a vehicle is illegally occupying a truck, commercial  
9 loading zone, restricted parking zone, bus, loading, hooded-meter,  
10 taxi, street construction or maintenance, or other similar zone  
11 where, by order of the director of transportation or chiefs of police  
12 or fire or their designees, parking is limited to designated classes  
13 of vehicles or is prohibited during certain hours, on designated days  
14 or at all times, if the zone has been established with signage for at  
15 least twenty-four hours and where the vehicle is interfering with the  
16 proper and intended use of the zone. Signage must give notice to the  
17 public that a vehicle will be removed if illegally parked in the  
18 zone;

19 (i) When a vehicle with an expired registration of more than  
20 forty-five days is parked on a public street.

21 (3) When an arrest is made for a violation of RCW 46.20.342(1)  
22 (a), (b), or (c), if the vehicle is a commercial vehicle or farm  
23 transport vehicle and the driver of the vehicle is not the owner of  
24 the vehicle, before the summary impoundment directed under subsection  
25 (1) of this section, the police officer shall attempt in a reasonable  
26 and timely manner to contact the owner of the vehicle and may release  
27 the vehicle to the owner if the owner is reasonably available, as  
28 long as the owner was not in the vehicle at the time of the stop and  
29 arrest and the owner has not received a prior release under this  
30 subsection or RCW 46.55.120(1)((~~a~~)) (b)(ii).

31 (4) Nothing in this section may derogate from the powers of  
32 police officers under the common law. For the purposes of this  
33 section, a place of safety may include the business location of a  
34 registered tow truck operator.

35 (5) For purposes of this section "farm transport vehicle" means a  
36 motor vehicle owned by a farmer and that is being actively used in  
37 the transportation of the farmer's or another farmer's farm, orchard,  
38 aquatic farm, or dairy products, including livestock and plant or  
39 animal wastes, from point of production to market or disposal, or  
40 supplies or commodities to be used on the farm, orchard, aquatic



1 farm, or dairy, and that has a gross vehicle weight rating of 7,258  
2 kilograms (16,001 pounds) or more.

3 **Sec. 10.** RCW 46.63.020 and 2016 c 213 s 4 are each amended to  
4 read as follows:

5 Failure to perform any act required or the performance of any act  
6 prohibited by this title or an equivalent administrative regulation  
7 or local law, ordinance, regulation, or resolution relating to  
8 traffic including parking, standing, stopping, and pedestrian  
9 offenses, is designated as a traffic infraction and may not be  
10 classified as a criminal offense, except for an offense contained in  
11 the following provisions of this title or a violation of an  
12 equivalent administrative regulation or local law, ordinance,  
13 regulation, or resolution:

14 (1) RCW 46.09.457(1)(b)(i) relating to a false statement  
15 regarding the inspection of and installation of equipment on wheeled  
16 all-terrain vehicles;

17 (2) RCW 46.09.470(2) relating to the operation of a nonhighway  
18 vehicle while under the influence of intoxicating liquor or a  
19 controlled substance;

20 (3) RCW 46.09.480 relating to operation of nonhighway vehicles;

21 (4) RCW 46.10.490(2) relating to the operation of a snowmobile  
22 while under the influence of intoxicating liquor or narcotics or  
23 habit-forming drugs or in a manner endangering the person of another;

24 (5) RCW 46.10.495 relating to the operation of snowmobiles;

25 (6) Chapter 46.12 RCW relating to certificates of title,  
26 registration certificates, and markings indicating that a vehicle has  
27 been destroyed or declared a total loss;

28 (7) RCW 46.16A.030 and 46.16A.050(3) relating to the nonpayment  
29 of taxes and fees by failure to register a vehicle and falsifying  
30 residency when registering a motor vehicle;

31 (8) RCW 46.16A.520 relating to permitting unauthorized persons to  
32 drive;

33 (9) RCW 46.16A.320 relating to vehicle trip permits;

34 (10) RCW 46.19.050(1) relating to knowingly providing false  
35 information in conjunction with an application for a special placard  
36 or license plate for disabled persons' parking;

37 (11) RCW 46.19.050(8) relating to illegally obtaining a parking  
38 placard, special license plate, special year tab, or identification  
39 card;

1 (12) RCW 46.19.050(9) relating to sale of a parking placard,  
2 special license plate, special year tab, or identification card;  
3 (13) RCW 46.20.005 relating to driving without a valid driver's  
4 license;  
5 (14) RCW 46.20.091 relating to false statements regarding a  
6 driver's license or instruction permit;  
7 (15) RCW 46.20.0921 relating to the unlawful possession and use  
8 of a driver's license;  
9 (16) RCW 46.20.342(1) (a), (b), and (c) relating to driving with  
10 a suspended or revoked license or status;  
11 (17) RCW 46.20.345 relating to the operation of a motor vehicle  
12 with a suspended or revoked license;  
13 (18) RCW 46.20.410 relating to the violation of restrictions of  
14 an occupational driver's license, temporary restricted driver's  
15 license, or ignition interlock driver's license;  
16 (19) RCW 46.20.740 relating to operation of a motor vehicle  
17 without an ignition interlock device in violation of a license  
18 notation that the device is required;  
19 (20) RCW 46.20.750 relating to circumventing an ignition  
20 interlock device;  
21 (21) RCW 46.25.170 relating to commercial driver's licenses;  
22 (22) Chapter 46.29 RCW relating to financial responsibility;  
23 (23) RCW 46.30.040 relating to providing false evidence of  
24 financial responsibility;  
25 (24) RCW 46.35.030 relating to recording device information;  
26 (25) RCW 46.37.435 relating to wrongful installation of  
27 sunscreening material;  
28 (26) RCW 46.37.650 relating to the manufacture, importation,  
29 sale, distribution, or installation of a counterfeit air bag,  
30 nonfunctional air bag, or previously deployed or damaged air bag;  
31 (27) RCW 46.37.660 relating to the sale or installation of a  
32 device that causes a vehicle's diagnostic system to inaccurately  
33 indicate that the vehicle has a functional air bag when a counterfeit  
34 air bag, nonfunctional air bag, or no air bag is installed;  
35 (28) RCW 46.37.671 through 46.37.675 relating to signal  
36 preemption devices;  
37 (29) RCW 46.37.685 relating to switching or flipping license  
38 plates, utilizing technology to flip or change the appearance of a  
39 license plate, selling a license plate flipping device or technology

1 used to change the appearance of a license plate, or falsifying a  
2 vehicle registration;

3 (30) RCW 46.44.180 relating to operation of mobile home pilot  
4 vehicles;

5 (31) RCW 46.48.175 relating to the transportation of dangerous  
6 articles;

7 (32) RCW 46.52.010 relating to duty on striking an unattended car  
8 or other property;

9 (33) RCW 46.52.020 relating to duty in case of injury to or death  
10 of a person or damage to an attended vehicle;

11 (34) RCW 46.52.090 relating to reports by repairers, storage  
12 persons, and appraisers;

13 (35) RCW 46.52.130 relating to confidentiality of the driving  
14 record to be furnished to an insurance company, an employer, and an  
15 alcohol/drug assessment or treatment agency;

16 (36) RCW 46.55.020 relating to engaging in the activities of a  
17 registered tow truck operator without a registration certificate;

18 (37) RCW 46.55.035 relating to prohibited practices by tow truck  
19 operators;

20 (38) RCW 46.55.300 relating to vehicle immobilization;

21 (39) RCW 46.61.015 relating to obedience to police officers,  
22 flaggers, or firefighters;

23 (40) RCW 46.61.020 relating to refusal to give information to or  
24 cooperate with an officer;

25 (41) RCW 46.61.022 relating to failure to stop and give  
26 identification to an officer;

27 (42) RCW 46.61.024 relating to attempting to elude pursuing  
28 police vehicles;

29 (43) RCW 46.61.212(4) relating to reckless endangerment of  
30 emergency zone workers;

31 (44) RCW 46.61.500 relating to reckless driving;

32 (45) RCW 46.61.502 and 46.61.504 relating to persons under the  
33 influence of intoxicating liquor or drugs;

34 (46) RCW 46.61.503 relating to a person under age twenty-one  
35 driving a motor vehicle after consuming alcohol;

36 (47) RCW 46.61.520 relating to vehicular homicide by motor  
37 vehicle;

38 (48) RCW 46.61.522 relating to vehicular assault;

39 (49) RCW 46.61.5249 relating to first degree negligent driving;

- 1 (50) RCW 46.61.527(4) relating to reckless endangerment of  
2 roadway workers;
- 3 (51) RCW 46.61.530 relating to racing of vehicles on highways;
- 4 (52) RCW 46.61.655(7) (a) and (b) relating to failure to secure a  
5 load;
- 6 (53) RCW 46.61.685 relating to leaving children in an unattended  
7 vehicle with the motor running;
- 8 (54) RCW 46.61.740 relating to theft of motor vehicle fuel;
- 9 (55) RCW 46.64.010 relating to unlawful cancellation of or  
10 attempt to cancel a traffic citation;
- 11 (56) RCW 46.64.048 relating to attempting, aiding, abetting,  
12 coercing, and committing crimes;
- 13 (57) Chapter 46.65 RCW relating to habitual traffic offenders;
- 14 (58) RCW 46.68.010 relating to false statements made to obtain a  
15 refund;
- 16 (59) Chapter 46.70 RCW relating to unfair motor vehicle business  
17 practices, except where that chapter provides for the assessment of  
18 monetary penalties of a civil nature;
- 19 (60) Chapter 46.72 RCW relating to the transportation of  
20 passengers in for hire vehicles;
- 21 (61) RCW 46.72A.060 relating to limousine carrier insurance;
- 22 (62) RCW 46.72A.070 relating to operation of a limousine without  
23 a vehicle certificate;
- 24 (63) RCW 46.72A.080 relating to false advertising by a limousine  
25 carrier;
- 26 (64) Chapter 46.80 RCW relating to motor vehicle wreckers;
- 27 (65) Chapter 46.82 RCW relating to driver's training schools;
- 28 (66) RCW 46.87.260 relating to alteration or forgery of a cab  
29 card, letter of authority, or other temporary authority issued under  
30 chapter 46.87 RCW;
- 31 (67) RCW 46.87.290 relating to operation of an unregistered or  
32 unlicensed vehicle under chapter 46.87 RCW.

33 **Sec. 11.** RCW 46.63.070 and 2011 c 372 s 3 are each amended to  
34 read as follows:

35 (1) Any person who receives a notice of traffic infraction shall  
36 respond to such notice as provided in this section within fifteen  
37 days of the date of the notice.

38 (2) If the person determined to have committed the infraction  
39 does not contest the determination the person shall respond by

1 completing the appropriate portion of the notice of infraction and  
2 submitting it, either by mail or in person, to the court specified on  
3 the notice. A check or money order in the amount of the penalty  
4 prescribed for the infraction must be submitted with the response.  
5 When a response which does not contest the determination is received,  
6 an appropriate order shall be entered in the court's records(~~(, and a~~  
7 ~~record of the response and order shall be furnished to the department~~  
8 ~~in accordance with RCW 46.20.270)~~).

9 (3) If the person determined to have committed the infraction  
10 wishes to contest the determination the person shall respond by  
11 completing the portion of the notice of infraction requesting a  
12 hearing and submitting it, either by mail or in person, to the court  
13 specified on the notice. The court shall notify the person in writing  
14 of the time, place, and date of the hearing, and that date shall not  
15 be sooner than seven days from the date of the notice, except by  
16 agreement.

17 (4) If the person determined to have committed the infraction  
18 does not contest the determination but wishes to explain mitigating  
19 circumstances surrounding the infraction the person shall respond by  
20 completing the portion of the notice of infraction requesting a  
21 hearing for that purpose and submitting it, either by mail or in  
22 person, to the court specified on the notice. The court shall notify  
23 the person in writing of the time, place, and date of the hearing.

24 (5)(a) Except as provided in (b), (c), and (d) of this  
25 subsection, in hearings conducted pursuant to subsections (3) and (4)  
26 of this section, the court may defer findings, or in a hearing to  
27 explain mitigating circumstances may defer entry of its order, for up  
28 to one year and impose conditions upon the defendant the court deems  
29 appropriate. Upon deferring findings, the court may assess costs as  
30 the court deems appropriate for administrative processing. If at the  
31 end of the deferral period the defendant has met all conditions and  
32 has not been determined to have committed another traffic infraction,  
33 the court may dismiss the infraction.

34 (b) A person may not receive more than one deferral within a  
35 seven-year period for traffic infractions for moving violations and  
36 more than one deferral within a seven-year period for traffic  
37 infractions for nonmoving violations.

38 (c) A person who is the holder of a commercial driver's license  
39 or who was operating a commercial motor vehicle at the time of the  
40 violation may not receive a deferral under this section.

1 (d) A person who commits negligent driving in the second degree  
2 with a vulnerable user victim may not receive a deferral for this  
3 infraction under this section.

4 (6) If any person issued a notice of traffic infraction:

5 (a) Fails to respond to the notice of traffic infraction as  
6 provided in subsection (2) of this section; or

7 (b) Fails to appear at a hearing requested pursuant to subsection  
8 (3) or (4) of this section;

9 the court shall enter an appropriate order assessing the monetary  
10 penalty prescribed for the traffic infraction and any other penalty  
11 authorized by this chapter (~~and shall notify the department in  
12 accordance with RCW 46.20.270, of the failure to respond to the  
13 notice of infraction or to appear at a requested hearing~~)).

14 **Sec. 12.** RCW 46.63.110 and 2012 c 82 s 1 are each amended to  
15 read as follows:

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

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

24 (3) The supreme court shall prescribe by rule a schedule of  
25 monetary penalties for designated traffic infractions. This rule  
26 shall also specify the conditions under which local courts may  
27 exercise discretion in assessing fines and penalties for traffic  
28 infractions. The legislature respectfully requests the supreme court  
29 to adjust this schedule every two years for inflation.

30 (4) There shall be a penalty of twenty-five dollars for failure  
31 to respond to a notice of traffic infraction except where the  
32 infraction relates to parking as defined by local law, ordinance,  
33 regulation, or resolution or failure to pay a monetary penalty  
34 imposed pursuant to this chapter. A local legislative body may set a  
35 monetary penalty not to exceed twenty-five dollars for failure to  
36 respond to a notice of traffic infraction relating to parking as  
37 defined by local law, ordinance, regulation, or resolution. The local  
38 court, whether a municipal, police, or district court, shall impose  
39 the monetary penalty set by the local legislative body.

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

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

28 (a) If a payment required to be made under the payment plan is  
29 delinquent or the person fails to complete a community restitution  
30 program on or before the time established under the payment plan,  
31 unless the court determines good cause therefor and adjusts the  
32 payment plan or the community restitution plan accordingly, the court  
33 may refer the unpaid monetary penalty, fee, cost, assessment, or  
34 other monetary obligation for civil enforcement until all monetary  
35 obligations, including those imposed under subsections (3) and (4) of  
36 this section, have been paid, and court authorized community  
37 restitution has been completed, or until the court has entered into a  
38 new time payment or community restitution agreement with the person.  
39 (~~For those infractions subject to suspension under RCW 46.20.289,~~  
40 ~~the court shall notify the department of the person's failure to meet~~

1 ~~the conditions of the plan, and the department shall suspend the~~  
2 ~~person's driver's license or driving privileges.))~~

3 (b) If a person has not entered into a payment plan with the  
4 court and has not paid the monetary obligation in full on or before  
5 the time established for payment, the court may refer the unpaid  
6 monetary penalty, fee, cost, assessment, or other monetary obligation  
7 to a collections agency until all monetary obligations have been  
8 paid, including those imposed under subsections (3) and (4) of this  
9 section, or until the person has entered into a payment plan under  
10 this section. (~~For those infractions subject to suspension under RCW~~  
11 ~~46.20.289, the court shall notify the department of the person's~~  
12 ~~delinquency, and the department shall suspend the person's driver's~~  
13 ~~license or driving privileges.))~~

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

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

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

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

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

38 (b) A fee of ten dollars per infraction. Under no circumstances  
39 shall this fee be reduced or waived. Revenue from this fee shall be



1 forwarded to the state treasurer for deposit in the Washington auto  
2 theft prevention authority account; and

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

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

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

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

31 (10) The monetary penalty for violating RCW 46.37.395 is: (a) Two  
32 hundred fifty dollars for the first violation; (b) five hundred  
33 dollars for the second violation; and (c) seven hundred fifty dollars  
34 for each violation thereafter.

35 **Sec. 13.** RCW 46.64.025 and 2017 c 336 s 11 are each amended to  
36 read as follows:

37 Whenever any person served with, or provided notice of, ((a  
38 ~~traffic infraction or~~)) a traffic-related criminal complaint  
39 ((~~willfully fails to appear at a requested hearing for a moving~~

1 ~~violation, or~~) fails to comply with the terms of ~~((a notice of~~  
2 ~~infraction for a moving violation or a traffic-related criminal))~~ the  
3 complaint, the court with jurisdiction over the ~~((traffic infraction~~  
4 ~~or~~) traffic-related criminal complaint shall promptly give notice of  
5 such fact to the department of licensing. Whenever thereafter the  
6 case in which the defendant failed to ~~((appear or~~) comply is  
7 adjudicated, the court hearing the case shall promptly file with the  
8 department a certificate showing that the case has been adjudicated.  
9 ~~((For the purposes of this section, "moving violation" is defined by~~  
10 ~~rule pursuant to RCW 46.20.2891.))~~

11 NEW SECTION. **Sec. 14.** No later than thirty days after the  
12 effective date of this section, the department of licensing shall  
13 notify any person whose driver's license is suspended for failure to  
14 respond to a notice of traffic infraction, failure to appear at a  
15 requested hearing for a moving violation, or violation of a written  
16 promise to appear in court for a notice of infraction of the right to  
17 reinstatement. A reissue fee as provided in RCW 46.20.311 shall  
18 apply.

19 NEW SECTION. **Sec. 15.** RCW 46.20.2891 (Moving violation,  
20 definition by rule—Notice) and 2012 c 82 s 4 are each repealed.

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