

ESSB 5127 - H COMM AMD
By Committee on Appropriations

ADOPTED 04/10/2019

1 Strike everything after the enacting clause and insert the
2 following:

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

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

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

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

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

29 (5) Monetary penalties provided for in chapter 46.70 RCW which
30 are civil in nature and penalties which may be assessed for
31 violations of chapter 46.44 RCW relating to size, weight, and load of

1 motor vehicles are not subject to the limitation on the amount of
2 monetary penalties which may be imposed pursuant to this chapter.

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

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

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

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

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

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

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

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

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

1 (c) A fee of (~~two~~) five dollars per infraction. Under no
2 circumstances shall this fee be reduced or waived. Revenue from this
3 fee shall be forwarded to the state treasurer for deposit in the
4 traumatic brain injury account established in RCW 74.31.060.

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

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

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

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

34 **Sec. 2.** RCW 74.31.060 and 2011 c 143 s 6 are each amended to
35 read as follows:

36 The traumatic brain injury account is created in the state
37 treasury. (~~Two dollars of~~) The fee imposed under RCW
38 46.63.110(7)(c) must be deposited into the account. Moneys in the
39 account may be spent only after appropriation, and may be used only

1 to support the activities in the statewide traumatic brain injury
2 comprehensive plan, to provide a public awareness campaign and
3 services relating to traumatic brain injury under RCW 74.31.040 and
4 74.31.050, for information and referral services, and for costs of
5 required department staff who are providing support for the council
6 under RCW 74.31.020 and 74.31.030. The secretary of the department of
7 social and health services has the authority to administer the funds.
8 The department must make every effort to disburse the incremental
9 revenue that is the result of the fee increased under RCW
10 46.63.110(7)(c) in a diverse manner to include rural areas of the
11 state.

12 **Sec. 3.** RCW 74.31.020 and 2018 c 58 s 55 are each amended to
13 read as follows:

14 (1) The Washington traumatic brain injury strategic partnership
15 advisory council is established as an advisory council to the
16 governor, the legislature, and the secretary of the department of
17 social and health services.

18 (2) The council shall be composed of:

19 (a) The following members who shall be appointed by the governor:

20 (i) A representative from a Native American tribe located in
21 Washington state;

22 (ii) ((A)) Two representatives from a nonprofit organization
23 serving individuals with traumatic brain injury;

24 (iii) An individual with expertise in working with children with
25 traumatic brain injuries;

26 (iv) A physician who has experience working with individuals with
27 traumatic brain injuries;

28 (v) A neuropsychologist who has experience working with persons
29 with traumatic brain injuries;

30 (vi) A social worker or clinical psychologist who has experience
31 in working with persons who have sustained traumatic brain injuries;

32 (vii) A rehabilitation specialist, such as a speech pathologist,
33 vocational rehabilitation counselor, occupational therapist, or
34 physical therapist who has experience working with persons with
35 traumatic brain injuries;

36 (viii) Two persons who are individuals with a traumatic brain
37 injury;

38 (ix) Two persons who are family members of individuals with
39 traumatic brain injuries; and

1 (x) Two members of the public who have experience with issues
2 related to the causes of traumatic brain injuries; and

3 (b) The following agency members:

4 (i) The secretary or the secretary's designee, and
5 representatives from the following: The division of behavioral health
6 and recovery services, the aging and disability services
7 administration, and the division of vocational rehabilitation;

8 (ii) The secretary of health or the secretary's designee;

9 (iii) The secretary of corrections or the secretary's designee;

10 (iv) The secretary of children, youth, and families or the
11 secretary's designee;

12 (v) A representative of the department of commerce with expertise
13 in housing;

14 (vi) A representative from the Washington state department of
15 veterans affairs;

16 (vii) A representative from the national guard; and

17 (viii) The executive director of the Washington protection and
18 advocacy system or the executive director's designee (~~and~~

19 ~~(ix) The executive director of the state brain injury association~~
20 ~~or the executive director's designee.~~

21 ~~In the event that any of the state agencies designated in this~~
22 ~~subsection (2) (b) is renamed, reorganized, or eliminated, the~~
23 ~~director or secretary of the department that assumes the~~
24 ~~responsibilities of each renamed, reorganized, or eliminated agency~~
25 ~~shall designate a substitute representative).~~

26 (3) Councilmembers shall not be compensated for serving on the
27 council, but may be reimbursed for all reasonable expenses related to
28 costs incurred in participating in meetings for the council.

29 (4) No member may serve more than two consecutive terms.

30 (5) The appointed members of the council shall, to the extent
31 possible, represent rural and urban areas of the state.

32 (6) A chairperson shall be elected every two years by majority
33 vote from among the councilmembers. The chairperson shall act as the
34 presiding officer of the council.

35 (7) The duties of the council include:

36 (a) Collaborating with the department to develop and revise as
37 needed a comprehensive statewide plan to address the needs of
38 individuals with traumatic brain injuries;

1 (b) Providing recommendations to the department on criteria to be
2 used to select programs facilitating support groups for individuals
3 with traumatic brain injuries and their families under RCW 74.31.050;

4 (c) By January 15, 2013, and every two years thereafter,
5 developing a report in collaboration with the department and
6 submitting it to the legislature and the governor on the following:

7 (i) Identifying the activities of the council in the
8 implementation of the comprehensive statewide plan;

9 (ii) Recommendations for the revisions to the comprehensive
10 statewide plan;

11 (iii) Recommendations for using the traumatic brain injury
12 account established under RCW 74.31.060 to form strategic
13 partnerships and to foster the development of services and supports
14 for individuals impacted by traumatic brain injuries; and

15 (iv) Recommendations for a council staffing plan for council
16 support under RCW 74.31.030.

17 (8) The council may utilize the advice or services of a
18 nationally recognized expert, or other individuals as the council
19 deems appropriate, to assist the council in carrying out its duties
20 under this section."

21 Correct the title.

EFFECT: Removes language that allows the incremental revenue from the Traumatic Brain Injury (TBI) Account fee increase to be used for additional activities. Maintains language from the original bill that increases the fee from \$2 to \$5 per infraction, and prohibits the fee from being reduced or waived. Adds language that requires the DSHS to disburse the incremental revenue from the fee increase in a diverse manner to include rural areas of the state. Modifies the composition of the Washington TBI Strategic Partnership Advisory Council by increasing the number of representatives from a non-profit organization serving individuals with TBI from one to two, and by removing the executive director of the state brain injury association.

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