

SSB 5695 - H COMM AMD
By Committee on Transportation

ADOPTED AND ENGROSSED 4/28/19

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

3 "NEW SECTION. **Sec. 1.** The legislature finds that individuals
4 who engage in contrived or repeated violations of the state's high
5 occupancy vehicle lane restrictions frustrate the state's congestion
6 management, and justifiably incite indignation and anger among fellow
7 transportation system users. The legislature intends the escalating
8 penalties prescribed in this act to rebuke and discourage such
9 conduct within Washington's transportation system.

10 **Sec. 2.** RCW 46.20.289 and 2016 c 203 s 6 are each amended to
11 read as follows:

12 Except for traffic violations committed under RCW 46.61.165, the
13 department shall suspend all driving privileges of a person when the
14 department receives notice from a court under RCW 46.63.070(6),
15 46.63.110(6), or 46.64.025 that the person has failed to respond to a
16 notice of traffic infraction for a moving violation, failed to appear
17 at a requested hearing for a moving violation, violated a written
18 promise to appear in court for a notice of infraction for a moving
19 violation, or has failed to comply with the terms of a notice of
20 traffic infraction, criminal complaint, or citation for a moving
21 violation, or when the department receives notice from another state
22 under Article IV of the nonresident violator compact under RCW
23 46.23.010 or from a jurisdiction that has entered into an agreement
24 with the department under RCW 46.23.020, other than for a standing,
25 stopping, or parking violation, provided that the traffic infraction
26 or traffic offense is committed on or after July 1, 2005. A
27 suspension under this section takes effect pursuant to the provisions
28 of RCW 46.20.245, and remains in effect until the department has
29 received a certificate from the court showing that the case has been
30 adjudicated, and until the person meets the requirements of RCW
31 46.20.311. In the case of failure to respond to a traffic infraction

1 issued under RCW 46.55.105, the department shall suspend all driving
2 privileges until the person provides evidence from the court that all
3 penalties and restitution have been paid. A suspension under this
4 section does not take effect if, prior to the effective date of the
5 suspension, the department receives a certificate from the court
6 showing that the case has been adjudicated.

7 **Sec. 3.** RCW 46.61.165 and 2013 c 26 s 2 are each amended to read
8 as follows:

9 (1) The state department of transportation and the local
10 authorities are authorized to reserve all or any portion of any
11 highway under their respective jurisdictions, including any
12 designated lane or ramp, for the exclusive or preferential use of one
13 or more of the following: (a) Public transportation vehicles; (b)
14 motorcycles; (c) private motor vehicles carrying no fewer than a
15 specified number of passengers; or (d) the following private
16 transportation provider vehicles if the vehicle has the capacity to
17 carry eight or more passengers, regardless of the number of
18 passengers in the vehicle, and if such use does not interfere with
19 the efficiency, reliability, and safety of public transportation
20 operations: (i) Auto transportation company vehicles regulated under
21 chapter 81.68 RCW; (ii) passenger charter carrier vehicles regulated
22 under chapter 81.70 RCW, except marked or unmarked stretch limousines
23 and stretch sport utility vehicles as defined under department of
24 licensing rules; (iii) private nonprofit transportation provider
25 vehicles regulated under chapter 81.66 RCW; and (iv) private employer
26 transportation service vehicles, when such limitation will increase
27 the efficient utilization of the highway or will aid in the
28 conservation of energy resources.

29 (2) Any transit-only lanes that allow other vehicles to access
30 abutting businesses that are authorized pursuant to subsection (1) of
31 this section may not be authorized for the use of private
32 transportation provider vehicles as described under subsection (1) of
33 this section.

34 (3) The state department of transportation and the local
35 authorities authorized to reserve all or any portion of any highway
36 under their respective jurisdictions, for exclusive or preferential
37 use, may prohibit the use of a high occupancy vehicle lane by the
38 following private transportation provider vehicles: (a) Auto
39 transportation company vehicles regulated under chapter 81.68 RCW;

1 (b) passenger charter carrier vehicles regulated under chapter 81.70
2 RCW, and marked or unmarked limousines and stretch sport utility
3 vehicles as defined under department of licensing rules; (c) private
4 nonprofit transportation provider vehicles regulated under chapter
5 81.66 RCW; and (d) private employer transportation service vehicles,
6 when the average transit speed in the high occupancy vehicle lane
7 fails to meet department of transportation standards and falls below
8 forty-five miles per hour at least ninety percent of the time during
9 the peak hours, as determined by the department of transportation or
10 the local authority, whichever operates the facility.

11 (4) Regulations authorizing such exclusive or preferential use of
12 a highway facility may be declared to be effective at all times or at
13 specified times of day or on specified days. Violation of a
14 restriction of highway usage prescribed by the appropriate authority
15 under this section is a traffic infraction. A person who commits a
16 traffic infraction under this section is also subject to additional
17 monetary penalties as defined in this subsection. The additional
18 monetary penalties are separate from the base penalty, fees, and
19 assessments issued for the traffic infraction and are intended to
20 raise awareness, and improve the efficiency, of the high occupancy
21 vehicle lane system.

22 (a) Whenever a person commits a traffic infraction under this
23 section, an additional monetary penalty of fifty dollars must be
24 collected, and, in the case that a person has already committed a
25 violation under this section within two years of committing this
26 violation, then an additional one hundred fifty dollars must be
27 collected.

28 (b) Any time a person commits a traffic infraction under this
29 section and is using a dummy, doll, or other human facsimile to make
30 it appear that an additional person is in the vehicle, the person
31 must be assessed a two hundred dollar penalty, which is in addition
32 to the penalties in (a) of this subsection.

33 (c) The monetary penalties under (a) and (b) of this subsection
34 are additional, separate, and distinct penalties from the base
35 penalty and are not subject to fees or assessments specified in RCW
36 46.63.110, 3.62.090, and 2.68.040.

37 (d) (i) The additional penalties collected under (a) of this
38 subsection must be distributed as follows:

1 (A) Twenty-five percent must be deposited into the congestion
2 relief and traffic safety account created under section 7 of this
3 act; and

4 (B) Seventy-five percent must be deposited into the motor vehicle
5 fund created under RCW 46.68.070.

6 (ii) The additional penalty collected under (b) of this
7 subsection must be deposited into the congestion relief and traffic
8 safety account created under section 7 of this act.

9 (e) Violations committed under this section are excluded from
10 eligibility as a moving violation for driver's license suspension
11 under RCW 46.20.289 when a person subsequently fails to respond to a
12 notice of traffic infraction for this moving violation, fails to
13 appear at a requested hearing for this moving violation, violates a
14 written promise to appear in court for a notice of infraction for
15 this moving violation, or fails to comply with the terms of a notice
16 of traffic infraction for this moving violation.

17 (5) Local authorities are encouraged to establish a process for
18 private transportation providers, as described under subsections (1)
19 and (3) of this section, to apply for the use of public
20 transportation facilities reserved for the exclusive or preferential
21 use of public transportation vehicles. The application and review
22 processes should be uniform and should provide for an expeditious
23 response by the local authority. Whenever practicable, local
24 authorities should enter into agreements with such private
25 transportation providers to allow for the reasonable use of these
26 facilities.

27 (6) For the purposes of this section, "private employer
28 transportation service" means regularly scheduled, fixed-route
29 transportation service that is similarly marked or identified to
30 display the business name or logo on the driver and passenger sides
31 of the vehicle, meets the annual certification requirements of the
32 department of transportation, and is offered by an employer for the
33 benefit of its employees.

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

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

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

5 (3) The supreme court shall prescribe by rule a schedule of
6 monetary penalties for designated traffic infractions. This rule
7 shall also specify the conditions under which local courts may
8 exercise discretion in assessing fines and penalties for traffic
9 infractions. The legislature respectfully requests the supreme court
10 to adjust this schedule every two years for inflation.

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

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

26 (6) Whenever a monetary penalty, fee, cost, assessment, or other
27 monetary obligation is imposed by a court under this chapter, it is
28 immediately payable and is enforceable as a civil judgment under
29 Title 6 RCW. If the court determines, in its discretion, that a
30 person is not able to pay a monetary obligation in full, and not more
31 than one year has passed since the later of July 1, 2005, or the date
32 the monetary obligation initially became due and payable, the court
33 shall enter into a payment plan with the person, unless the person
34 has previously been granted a payment plan with respect to the same
35 monetary obligation, or unless the person is in noncompliance of any
36 existing or prior payment plan, in which case the court may, at its
37 discretion, implement a payment plan. If the court has notified the
38 department that the person has failed to pay or comply and the person
39 has subsequently entered into a payment plan and made an initial
40 payment, the court shall notify the department that the infraction

1 has been adjudicated, and the department shall rescind any suspension
2 of the person's driver's license or driver's privilege based on
3 failure to respond to that infraction. "Payment plan," as used in
4 this section, means a plan that requires reasonable payments based on
5 the financial ability of the person to pay. The person may
6 voluntarily pay an amount at any time in addition to the payments
7 required under the payment plan.

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

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

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

39 (d) Nothing in this section precludes a court from contracting
40 with outside entities to administer its payment plan system. When

1 outside entities are used for the administration of a payment plan,
2 the court may assess the person a reasonable fee for such
3 administrative services, which fee may be calculated on a periodic,
4 percentage, or other basis.

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

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

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

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

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

25 (8)(a) In addition to any other penalties imposed under this
26 section and not subject to the limitation of subsection (1) of this
27 section, a person found to have committed a traffic infraction other
28 than of RCW 46.61.527 or 46.61.212 shall be assessed an additional
29 penalty of twenty dollars. The court may not reduce, waive, or
30 suspend the additional penalty unless the court finds the offender to
31 be indigent. If a court authorized community restitution program for
32 offenders is available in the jurisdiction, the court shall allow
33 offenders to offset all or a part of the penalty due under this
34 subsection (8) by participation in the court authorized community
35 restitution program.

36 (b) Eight dollars and fifty cents of the additional penalty under
37 (a) of this subsection shall be remitted to the state treasurer. The
38 remaining revenue from the additional penalty must be remitted under
39 chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted
40 under this subsection to the state treasurer must be deposited in the

1 state general fund. The balance of the revenue received by the county
2 or city treasurer under this subsection must be deposited into the
3 county or city current expense fund. Moneys retained by the city or
4 county under this subsection shall constitute reimbursement for any
5 liabilities under RCW 43.135.060.

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

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

14 (11) The additional monetary penalties for a violation of RCW
15 46.61.165 are not subject to assessments or fees provided under this
16 section.

17 **Sec. 5.** RCW 3.62.090 and 2004 c 15 s 5 are each amended to read
18 as follows:

19 (1) There shall be assessed and collected in addition to any
20 fines, forfeitures, or penalties assessed, other than for parking
21 infractions, by all courts organized under Title 3 or 35 RCW a public
22 safety and education assessment equal to seventy percent of such
23 fines, forfeitures, or penalties, which shall be remitted as provided
24 in chapters 3.46, 3.50, 3.62, and 35.20 RCW. The assessment required
25 by this section shall not be suspended or waived by the court.

26 (2) There shall be assessed and collected in addition to any
27 fines, forfeitures, or penalties assessed, other than for parking
28 infractions and for fines levied under RCW 46.61.5055, and in
29 addition to the public safety and education assessment required under
30 subsection (1) of this section, by all courts organized under Title 3
31 or 35 RCW, an additional public safety and education assessment equal
32 to fifty percent of the public safety and education assessment
33 required under subsection (1) of this section, which shall be
34 remitted to the state treasurer and deposited as provided in RCW
35 43.08.250. The additional assessment required by this subsection
36 shall not be suspended or waived by the court.

37 (3) This section does not apply to the fee imposed under RCW
38 46.63.110(7), the penalty imposed under RCW 46.63.110(8), or the

1 penalty assessment imposed under RCW 10.99.080. This section does not
2 apply to the additional monetary penalties under RCW 46.61.165.

3 **Sec. 6.** RCW 2.68.040 and 1994 c 8 s 2 are each amended to read
4 as follows:

5 (1) To support the judicial information system account provided
6 for in RCW 2.68.020, the supreme court may provide by rule for an
7 increase in fines, penalties, and assessments, and the increased
8 amount shall be forwarded to the state treasurer for deposit in the
9 account:

10 (a) Pursuant to the authority of RCW 46.63.110(~~((2))~~) (3), the
11 sum of ten dollars to any penalty collected by a court pursuant to
12 supreme court infraction rules for courts of limited jurisdiction;

13 (b) Pursuant to RCW 3.62.060, a mandatory appearance cost in the
14 initial sum of ten dollars to be assessed on all defendants; and

15 (c) Pursuant to RCW 46.63.110(~~((5))~~) (6), a ten-dollar assessment
16 for each account for which a person requests a time payment schedule.

17 (2) Notwithstanding a provision of law or rule to the contrary,
18 the assessments provided for in this section may not be waived or
19 suspended and shall be immediately due and payable upon forfeiture,
20 conviction, deferral of prosecution, or request for time payment, as
21 each shall occur.

22 (3) The supreme court is requested to adjust these assessments
23 for inflation.

24 (4) This section does not apply to the additional monetary
25 penalties under RCW 46.61.165.

26 NEW SECTION. **Sec. 7.** A new section is added to chapter 46.68
27 RCW to read as follows:

28 The congestion relief and traffic safety account is created in
29 the state treasury. Moneys in the account may be spent only after
30 appropriation. Expenditures from the account may only be used for
31 purposes related to congestion relief and traffic safety."

32 Correct the title.

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