

**SSB 5695** - H COMM AMD

By Committee on Transportation

**ADOPTED AS AMENDED 04/27/2019**

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 46.61.165 and 2013 c 26 s 2 are each amended to read  
11 as follows:

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

1 the efficient utilization of the highway or will aid in the  
2 conservation of energy resources.

3 (2) Any transit-only lanes that allow other vehicles to access  
4 abutting businesses that are authorized pursuant to subsection (1) of  
5 this section may not be authorized for the use of private  
6 transportation provider vehicles as described under subsection (1) of  
7 this section.

8 (3) The state department of transportation and the local  
9 authorities authorized to reserve all or any portion of any highway  
10 under their respective jurisdictions, for exclusive or preferential  
11 use, may prohibit the use of a high occupancy vehicle lane by the  
12 following private transportation provider vehicles: (a) Auto  
13 transportation company vehicles regulated under chapter 81.68 RCW;  
14 (b) passenger charter carrier vehicles regulated under chapter 81.70  
15 RCW, and marked or unmarked limousines and stretch sport utility  
16 vehicles as defined under department of licensing rules; (c) private  
17 nonprofit transportation provider vehicles regulated under chapter  
18 81.66 RCW; and (d) private employer transportation service vehicles,  
19 when the average transit speed in the high occupancy vehicle lane  
20 fails to meet department of transportation standards and falls below  
21 forty-five miles per hour at least ninety percent of the time during  
22 the peak hours, as determined by the department of transportation or  
23 the local authority, whichever operates the facility.

24 (4) Regulations authorizing such exclusive or preferential use of  
25 a highway facility may be declared to be effective at all times or at  
26 specified times of day or on specified days. Violation of a  
27 restriction of highway usage prescribed by the appropriate authority  
28 under this section is a traffic infraction. A person who commits a  
29 traffic infraction under this section is also subject to additional  
30 monetary penalties as defined in this subsection. The additional  
31 monetary penalties are separate from the base penalty, fees, and  
32 assessments issued for the traffic infraction and are intended to  
33 raise awareness, and improve the efficiency, of the high occupancy  
34 vehicle lane system.

35 (a) Whenever a person commits a traffic infraction under this  
36 section, an additional monetary penalty of fifty dollars must be  
37 collected, and:

38 (i) In the case that a person has already committed a violation  
39 under this section within two years of committing this violation,  
40 then an additional one-hundred fifty dollars must be collected; or

1 (ii) In the case that a person has already committed two or more  
2 violations under this section within two years of committing this  
3 violation, then an additional five hundred dollars must be collected.

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

9 (c) The monetary penalties under (a) and (b) of this subsection  
10 are additional, separate, and distinct penalties from the base  
11 penalty and are not subject to fees or assessments specified in RCW  
12 46.63.110, 3.62.090, and 2.68.040.

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

15 (A) Twenty-five percent must be deposited into the congestion  
16 relief and traffic safety account created under section 6 of this  
17 act; and

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

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

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

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

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

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

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

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

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

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

32       (6) Whenever a monetary penalty, fee, cost, assessment, or other  
33 monetary obligation is imposed by a court under this chapter, it is  
34 immediately payable and is enforceable as a civil judgment under  
35 Title 6 RCW. If the court determines, in its discretion, that a  
36 person is not able to pay a monetary obligation in full, and not more  
37 than one year has passed since the later of July 1, 2005, or the date  
38 the monetary obligation initially became due and payable, the court  
39 shall enter into a payment plan with the person, unless the person  
40 has previously been granted a payment plan with respect to the same

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

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

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

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

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

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

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

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

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

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

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

1 subsection (8) by participation in the court authorized community  
2 restitution program.

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

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

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

21 (11) The additional monetary penalties for a violation of RCW  
22 46.61.165 are not subject to assessments or fees provided under this  
23 section.

24 **Sec. 4.** RCW 3.62.090 and 2004 c 15 s 5 are each amended to read  
25 as follows:

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

33 (2) There shall be assessed and collected in addition to any  
34 fines, forfeitures, or penalties assessed, other than for parking  
35 infractions and for fines levied under RCW 46.61.5055, and in  
36 addition to the public safety and education assessment required under  
37 subsection (1) of this section, by all courts organized under Title 3  
38 or 35 RCW, an additional public safety and education assessment equal  
39 to fifty percent of the public safety and education assessment

1 required under subsection (1) of this section, which shall be  
2 remitted to the state treasurer and deposited as provided in RCW  
3 43.08.250. The additional assessment required by this subsection  
4 shall not be suspended or waived by the court.

5 (3) This section does not apply to the fee imposed under RCW  
6 46.63.110(7), the penalty imposed under RCW 46.63.110(8), or the  
7 penalty assessment imposed under RCW 10.99.080. This section does not  
8 apply to the additional monetary penalties under RCW 46.61.165.

9 **Sec. 5.** RCW 2.68.040 and 1994 c 8 s 2 are each amended to read  
10 as follows:

11 (1) To support the judicial information system account provided  
12 for in RCW 2.68.020, the supreme court may provide by rule for an  
13 increase in fines, penalties, and assessments, and the increased  
14 amount shall be forwarded to the state treasurer for deposit in the  
15 account:

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

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

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

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

28 (3) The supreme court is requested to adjust these assessments  
29 for inflation.

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

32 NEW SECTION. **Sec. 6.** A new section is added to chapter 46.68  
33 RCW to read as follows:

34 The congestion relief and traffic safety account is created in  
35 the state treasury. Moneys in the account may be spent only after  
36 appropriation. Expenditures from the account may only be used for  
37 purposes related to congestion relief and traffic safety."



1 Correct the title.

EFFECT: Clarifies when increases in high occupancy vehicle (HOV) lane usage traffic infraction fines will apply.

--- **END** ---