

SSB 5723 - H COMM AMD
By Committee on Transportation

ADOPTED 04/09/2019

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

3 "NEW SECTION. **Sec. 1.** The legislature finds that a number of
4 the collision types that have resulted in a high number of serious
5 injuries and deaths of vulnerable roadway users can be associated
6 with certain types of traffic infractions. To address the heightened
7 risk to vulnerable roadway users when violations of these traffic
8 infractions occur, the legislature intends to: (1) Introduce an
9 additional fine as a penalty for drivers who commit these violations
10 against a vulnerable roadway user; (2) modify when certain vulnerable
11 roadway users may be passed by motor vehicles; and (3) clarify when
12 and how pedestrians and bicyclists may use the roadway. To increase
13 enforcement of all traffic infractions and offenses committed against
14 vulnerable roadway users, the legislature intends for revenue that is
15 collected from the new fine to be dedicated to the education of law
16 enforcement officers, prosecutors, and judges about opportunities for
17 the enforcement of traffic violations committed against vulnerable
18 roadway users, with any remaining funds to be used to increase
19 awareness by the public of the risks and penalties associated with
20 these traffic violations. The goals of this act are to achieve a
21 reduction in the frequency with which drivers violate traffic laws
22 that endanger vulnerable roadway users and to encourage safe sharing
23 of the roadway by drivers, bicyclists, pedestrians, and other
24 vulnerable roadway users.

25 **Sec. 2.** RCW 46.04.071 and 2018 c 60 s 2 are each amended to read
26 as follows:

27 "Bicycle" means every device propelled solely by human power, or
28 an electric-assisted bicycle as defined in RCW 46.04.169, upon which
29 a person or persons may ride, having two tandem wheels either of
30 which is sixteen inches or more in diameter, or three wheels, any one
31 of which is (~~more than~~) twenty inches or more in diameter.

1 **Sec. 3.** RCW 46.61.110 and 2005 c 396 s 1 are each amended to
2 read as follows:

3 The following rules shall govern the overtaking and passing of
4 vehicles proceeding in the same direction(~~(, subject to those~~
5 ~~limitations, exceptions and special rules hereinafter stated)~~):

6 (1) (a) The driver of a vehicle overtaking other traffic
7 proceeding in the same direction shall pass to the left (~~(thereof)~~)
8 of it at a safe distance and shall not again drive to the right side
9 of the roadway until safely clear of the overtaken traffic.

10 (b) (i) When the vehicle being overtaken is a motorcycle, motor-
11 driven cycle, or moped, a driver of a motor vehicle found to be in
12 violation of (a) of this subsection must be assessed an additional
13 fine equal to the base penalty assessed under RCW 46.63.110(3). This
14 fine may not be waived, reduced, or suspended, unless the court finds
15 the offender to be indigent, and is not subject to the additional
16 fees and assessments that the base penalty for this violation is
17 subject to under RCW 2.68.040, 3.62.090, and 46.63.110.

18 (ii) The additional fine imposed under (b) (i) of this subsection
19 must be deposited into the vulnerable roadway user education account
20 created in RCW 46.61.145.

21 (2) (a) The driver of a vehicle approaching an individual who is
22 traveling as a pedestrian or on a bicycle (~~(that)~~), riding an animal,
23 or using a farm tractor or implement of husbandry without an enclosed
24 shell, and who is (~~(on)~~) traveling in the right lane of a roadway or
25 on the right-hand shoulder or bicycle lane of the roadway, shall
26 (~~pass to the left at a safe distance to clearly avoid coming into~~
27 ~~contact with the pedestrian or bicyclist, and shall not again drive~~
28 ~~to the right side of the roadway until safely clear of the overtaken~~
29 ~~pedestrian or bicyclist)~~):

30 (i) On a roadway with two lanes or more for traffic moving in the
31 direction of travel, before passing and until safely clear of the
32 individual, move completely into a lane to the left of the right lane
33 when it is safe to do so;

34 (ii) On a roadway with only one lane for traffic moving in the
35 direction of travel:

36 (A) When there is sufficient room to the left of the individual
37 in the lane for traffic moving in the direction of travel, before
38 passing and until safely clear of the individual:

39 (I) Reduce speed to a safe speed for passing relative to the
40 speed of the individual; and

1 (II) Pass at a safe distance, where practicable of at least three
2 feet, to clearly avoid coming into contact with the individual or the
3 individual's vehicle or animal; or

4 (B) When there is insufficient room to the left of the individual
5 in the lane for traffic moving in the direction of travel to comply
6 with (a)(ii)(A) of this subsection, before passing and until safely
7 clear of the individual, move completely into the lane for traffic
8 moving in the opposite direction when it is safe to do so and in
9 compliance with RCW 46.61.120 and 46.61.125.

10 (b) A driver of a motor vehicle found to be in violation of this
11 subsection (2) must be assessed an additional fine equal to the base
12 penalty assessed under RCW 46.63.110(3). This fine may not be waived,
13 reduced, or suspended, unless the court finds the offender to be
14 indigent, and is not subject to the additional fees and assessments
15 that the base penalty for this violation is subject to under RCW
16 2.68.040, 3.62.090, and 46.63.110.

17 (c) The additional fine imposed under (b) of this subsection must
18 be deposited into the vulnerable roadway user education account
19 created in RCW 46.61.145.

20 (d) For the purposes of this section, "vulnerable user of a
21 public way" has the same meaning as provided in RCW 46.61.526(11)(c).

22 (3) Except when overtaking and passing on the right is permitted,
23 overtaken traffic shall give way to the right in favor of an
24 overtaking vehicle on audible signal and shall not increase speed
25 until completely passed by the overtaking vehicle.

26 **Sec. 4.** RCW 46.61.145 and 1965 ex.s. c 155 s 24 are each amended
27 to read as follows:

28 (1) The driver of a motor vehicle shall not follow another
29 vehicle more closely than is reasonable and prudent, having due
30 regard for the speed of such vehicles and the traffic upon and the
31 condition of the highway.

32 (2) The driver of any motor truck or motor vehicle drawing
33 another vehicle when traveling upon a roadway outside of a business
34 or residence district and which is following another motor truck or
35 motor vehicle drawing another vehicle shall, whenever conditions
36 permit, leave sufficient space so that an overtaking vehicle may
37 enter and occupy such space without danger, except that this shall
38 not prevent a motor truck or motor vehicle drawing another vehicle
39 from overtaking and passing any like vehicle or other vehicle.

1 (3) Motor vehicles being driven upon any roadway outside of a
2 business or residence district in a caravan or motorcade whether or
3 not towing other vehicles shall be so operated as to allow sufficient
4 space between each such vehicle or combination of vehicles so as to
5 enable any other vehicle to enter and occupy such space without
6 danger. This provision shall not apply to funeral processions.

7 (4) (a) When the vehicle being followed is a vulnerable user of a
8 public way, a driver of a motor vehicle found to be in violation of
9 this section must be assessed an additional fine equal to the base
10 penalty assessed under RCW 46.63.110(3). This fine may not be waived,
11 reduced, or suspended, unless the court finds the offender to be
12 indigent, and is not subject to the additional fees and assessments
13 that the base penalty for this violation is subject to under RCW
14 2.68.040, 3.62.090, and 46.63.110.

15 (b) For the purposes of this section, "vulnerable user of a
16 public way" has the same meaning as provided in RCW 46.61.526(11)(c).

17 (5) The additional fine imposed under subsection (4) of this
18 section must be deposited into the vulnerable roadway user education
19 account created in subsection (6) of this section.

20 (6) The vulnerable roadway user education account is created in
21 the state treasury. All receipts from the additional fine in
22 subsection (4) of this section must be deposited into the account.
23 Moneys in the account may be spent only after appropriation.
24 Expenditures from the account may be used only by the Washington
25 traffic safety commission solely to:

26 (a) Support programs dedicated to increasing awareness by law
27 enforcement officers, prosecutors, and judges of opportunities for
28 the enforcement of traffic infractions and offenses committed against
29 vulnerable roadway users; and

30 (b) With any funds remaining once the program support specified
31 in (a) of this subsection has been provided, support programs
32 dedicated to increasing awareness by the public of the risks and
33 penalties associated with traffic infractions and offenses committed
34 against vulnerable roadway users.

35 **Sec. 5.** RCW 46.61.180 and 1975 c 62 s 26 are each amended to
36 read as follows:

37 (1) When two vehicles approach or enter an intersection from
38 different highways at approximately the same time, the driver of the

1 vehicle on the left shall yield the right-of-way to the vehicle on
2 the right.

3 (2) The right-of-way rule declared in subsection (1) of this
4 section is modified at arterial highways and otherwise as stated in
5 this chapter.

6 (3) (a) When the vehicle on the right approaching the intersection
7 is a vulnerable user of a public way, a driver of a motor vehicle
8 found to be in violation of this section must be assessed an
9 additional fine equal to the base penalty assessed under RCW
10 46.63.110(3). This fine may not be waived, reduced, or suspended,
11 unless the court finds the offender to be indigent, and is not
12 subject to the additional fees and assessments that the base penalty
13 for this violation is subject to under RCW 2.68.040, 3.62.090, and
14 46.63.110.

15 (b) For the purposes of this section, "vulnerable user of a
16 public way" has the same meaning as provided in RCW 46.61.526(11)(c).

17 (4) The additional fine imposed under subsection (3) of this
18 section must be deposited into the vulnerable roadway user education
19 account created in RCW 46.61.145.

20 **Sec. 6.** RCW 46.61.185 and 1965 ex.s. c 155 s 29 are each amended
21 to read as follows:

22 (1) The driver of a vehicle intending to turn to the left within
23 an intersection or into an alley, private road, or driveway shall
24 yield the right-of-way to any vehicle approaching from the opposite
25 direction which is within the intersection or so close thereto as to
26 constitute an immediate hazard.

27 (2) (a) When the vehicle approaching from the opposite direction
28 within the intersection or so close that it constitutes an immediate
29 hazard is a vulnerable user of a public way, a driver of a motor
30 vehicle found to be in violation of this section must be assessed an
31 additional fine equal to the base penalty assessed under RCW
32 46.63.110(3). This fine may not be waived, reduced, or suspended,
33 unless the court finds the offender to be indigent, and is not
34 subject to the additional fees and assessments that the base penalty
35 for this violation is subject to under RCW 2.68.040, 3.62.090, and
36 46.63.110.

37 (b) For the purposes of this section, "vulnerable user of a
38 public way" has the same meaning as provided in RCW 46.61.526(11)(c).

1 (3) The additional fine imposed under subsection (2) of this
2 section must be deposited into the vulnerable roadway user education
3 account created in RCW 46.61.145.

4 **Sec. 7.** RCW 46.61.190 and 2000 c 239 s 5 are each amended to
5 read as follows:

6 (1) Preferential right-of-way may be indicated by stop signs or
7 yield signs as authorized in RCW 47.36.110.

8 (2) Except when directed to proceed by a duly authorized flagger,
9 or a police officer, or a firefighter vested by law with authority to
10 direct, control, or regulate traffic, every driver of a vehicle
11 approaching a stop sign shall stop at a clearly marked stop line, but
12 if none, before entering a marked crosswalk on the near side of the
13 intersection or, if none, then at the point nearest the intersecting
14 roadway where the driver has a view of approaching traffic on the
15 intersecting roadway before entering the roadway, and after having
16 stopped shall yield the right-of-way to any vehicle in the
17 intersection or approaching on another roadway so closely as to
18 constitute an immediate hazard during the time when such driver is
19 moving across or within the intersection or junction of roadways.

20 (3) The driver of a vehicle approaching a yield sign shall in
21 obedience to such sign slow down to a speed reasonable for the
22 existing conditions and if required for safety to stop, shall stop at
23 a clearly marked stop line, but if none, before entering a marked
24 crosswalk on the near side of the intersection or if none, then at
25 the point nearest the intersecting roadway where the driver has a
26 view of approaching traffic on the intersecting roadway before
27 entering the roadway, and then after slowing or stopping, the driver
28 shall yield the right-of-way to any vehicle in the intersection or
29 approaching on another roadway so closely as to constitute an
30 immediate hazard during the time such driver is moving across or
31 within the intersection or junction of roadways: PROVIDED, That if
32 such a driver is involved in a collision with a vehicle in the
33 intersection or junction of roadways, after driving past a yield sign
34 without stopping, such collision shall be deemed prima facie evidence
35 of the driver's failure to yield right-of-way.

36 (4) (a) When right-of-way has not been yielded in accordance with
37 this section to a vehicle that is a vulnerable user of a public way,
38 a driver of a motor vehicle found to be in violation of this section
39 must be assessed an additional fine equal to the base penalty

1 assessed under RCW 46.63.110(3). This fine may not be waived,
2 reduced, or suspended, unless the court finds the offender to be
3 indigent, and is not subject to the additional fees and assessments
4 that the base penalty for this violation is subject to under RCW
5 2.68.040, 3.62.090, and 46.63.110.

6 (b) For the purposes of this section, "vulnerable user of a
7 public way" has the same meaning as provided in RCW 46.61.526(11)(c).

8 (5) The additional fine imposed under subsection (4) of this
9 section must be deposited into the vulnerable roadway user education
10 account created in RCW 46.61.145.

11 **Sec. 8.** RCW 46.61.205 and 1990 c 250 s 88 are each amended to
12 read as follows:

13 (1) The driver of a vehicle about to enter or cross a highway
14 from a private road or driveway shall yield the right-of-way to all
15 vehicles lawfully approaching on said highway.

16 (2)(a) When right-of-way has not been yielded in accordance with
17 this section to a vehicle that is a vulnerable user of a public way,
18 a driver of a motor vehicle found to be in violation of this section
19 must be assessed an additional fine equal to the base penalty
20 assessed under RCW 46.63.110(3). This fine may not be waived,
21 reduced, or suspended, unless the court finds the offender to be
22 indigent, and is not subject to the additional fees and assessments
23 that the base penalty for this violation is subject to under RCW
24 2.68.040, 3.62.090, and 46.63.110.

25 (b) For the purposes of this section, "vulnerable user of a
26 public way" has the same meaning as provided in RCW 46.61.526(11)(c).

27 (3) The additional fine imposed under subsection (2) of this
28 section must be deposited into the vulnerable roadway user education
29 account created in RCW 46.61.145.

30 **Sec. 9.** RCW 46.61.250 and 1990 c 241 s 6 are each amended to
31 read as follows:

32 (1) Where sidewalks are provided and are accessible, it is
33 unlawful for any pedestrian to walk or otherwise move along and upon
34 an adjacent roadway. Where sidewalks are provided but wheelchair
35 access is not available, (~~disabled~~) persons with disabilities who
36 require such access may walk or otherwise move along and upon an
37 adjacent roadway until they reach an access point in the sidewalk.

1 (2) Where sidewalks are not provided (~~(any)~~) or are inaccessible,
2 a pedestrian walking or otherwise moving along and upon a highway
3 shall(~~(7)~~):

4 (a) When (~~(practicable)~~) shoulders are provided and are
5 accessible, walk (~~(or move only)~~) on the (~~(left side of the roadway~~
6 ~~or its)) shoulder (~~(facing traffic which may approach from the~~~~
7 ~~opposite direction and)~~) of the roadway as far as is practicable from
8 the edge of the roadway, facing traffic when a shoulder is available
9 in this direction; or

10 (b) When shoulders are not provided or are inaccessible, walk as
11 near as is practicable to the outside edge of the roadway facing
12 traffic, and when practicable, move clear of the roadway upon meeting
13 an oncoming vehicle (~~(shall move clear of the roadway)~~).

14 (3) A pedestrian traveling to the nearest emergency reporting
15 device on a one-way roadway of a controlled access highway is not
16 required to travel facing traffic as otherwise required by subsection
17 (2) of this section.

18 **Sec. 10.** RCW 46.61.770 and 1982 c 55 s 7 are each amended to
19 read as follows:

20 (1) Every person operating a bicycle upon a roadway at a rate of
21 speed less than the normal flow of traffic at the particular time and
22 place shall ride as near to the right side of the right through lane
23 as is safe except (~~(as may be appropriate)~~):

24 (a) While preparing to make or while making turning movements(~~(7~~
25 ~~or)~~) at an intersection or into a private road or driveway;

26 (b) When approaching an intersection where right turns are
27 permitted and there is a dedicated right turn lane, in which case a
28 person may operate a bicycle in this lane even if the operator does
29 not intend to turn right;

30 (c) While overtaking and passing another bicycle or vehicle
31 proceeding in the same direction; and

32 (d) When reasonably necessary to avoid unsafe conditions
33 including, but not limited to, fixed or moving objects, parked or
34 moving vehicles, bicyclists, pedestrians, animals, and surface
35 hazards.

36 (2) A person operating a bicycle upon a roadway or highway other
37 than a limited-access highway, which roadway or highway carries
38 traffic in one direction only and has two or more marked traffic

lanes, may ride as near to the left side of the left through lane as is safe.

(3) A person operating a bicycle upon a roadway may use the shoulder of the roadway or any specially designated bicycle lane (~~if such exists~~).

~~((2))~~ (4) When the operator of a bicycle is using the travel lane of a roadway with only one lane for traffic moving in the direction of travel and it is wide enough for a bicyclist and a vehicle to travel safely side-by-side within it, the bicycle operator shall operate far enough to the right to facilitate the movement of an overtaking vehicle unless other conditions make it unsafe to do so or unless the bicyclist is preparing to make a turning movement or while making a turning movement.

(5) Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

Sec. 11. RCW 3.62.090 and 2004 c 15 s 5 are each amended to read as follows:

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

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

(3) This section does not apply to the fee imposed under RCW 46.63.110(7), the penalty imposed under RCW 46.63.110(8), the additional fine imposed under RCW 46.61.110, 46.61.145, 46.61.180,

1 46.61.185, 46.61.190, and 46.61.205, or the penalty assessment
2 imposed under RCW 10.99.080.

3 **Sec. 12.** 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 fine
25 under RCW 46.61.110, 46.61.145, 46.61.180, 46.61.185, 46.61.190, and
26 46.61.205.

27 **Sec. 13.** RCW 46.63.110 and 2012 c 82 s 1 are each amended to
28 read as follows:

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

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

37 (3) The supreme court shall prescribe by rule a schedule of
38 monetary penalties for designated traffic infractions. This rule

1 shall also specify the conditions under which local courts may
2 exercise discretion in assessing fines and penalties for traffic
3 infractions. The legislature respectfully requests the supreme court
4 to adjust this schedule every two years for inflation.

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

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

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

1 voluntarily pay an amount at any time in addition to the payments
2 required under the payment plan.

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

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

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

34 (d) Nothing in this section precludes a court from contracting
35 with outside entities to administer its payment plan system. When
36 outside entities are used for the administration of a payment plan,
37 the court may assess the person a reasonable fee for such
38 administrative services, which fee may be calculated on a periodic,
39 percentage, or other basis.

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

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

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

14 (b) A fee of ten 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 Washington auto
17 theft prevention authority account; and

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

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

32 (b) Eight dollars and fifty cents of the additional penalty under
33 (a) of this subsection shall be remitted to the state treasurer. The
34 remaining revenue from the additional penalty must be remitted under
35 chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted
36 under this subsection to the state treasurer must be deposited in the
37 state general fund. The balance of the revenue received by the county
38 or city treasurer under this subsection must be deposited into the
39 county or city current expense fund. Moneys retained by the city or

1 county under this subsection shall constitute reimbursement for any
2 liabilities under RCW 43.135.060.

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

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

11 (11) The additional monetary fine for a violation of RCW
12 46.61.110, 46.61.145, 46.61.180, 46.61.185, 46.61.190, and 46.61.205
13 is not subject to assessments or fees provided under this section.

14 **Sec. 14.** RCW 43.84.092 and 2018 c 287 s 7, 2018 c 275 s 10, and
15 2018 c 203 s 14 are each reenacted and amended to read as follows:

16 (1) All earnings of investments of surplus balances in the state
17 treasury shall be deposited to the treasury income account, which
18 account is hereby established in the state treasury.

19 (2) The treasury income account shall be utilized to pay or
20 receive funds associated with federal programs as required by the
21 federal cash management improvement act of 1990. The treasury income
22 account is subject in all respects to chapter 43.88 RCW, but no
23 appropriation is required for refunds or allocations of interest
24 earnings required by the cash management improvement act. Refunds of
25 interest to the federal treasury required under the cash management
26 improvement act fall under RCW 43.88.180 and shall not require
27 appropriation. The office of financial management shall determine the
28 amounts due to or from the federal government pursuant to the cash
29 management improvement act. The office of financial management may
30 direct transfers of funds between accounts as deemed necessary to
31 implement the provisions of the cash management improvement act, and
32 this subsection. Refunds or allocations shall occur prior to the
33 distributions of earnings set forth in subsection (4) of this
34 section.

35 (3) Except for the provisions of RCW 43.84.160, the treasury
36 income account may be utilized for the payment of purchased banking
37 services on behalf of treasury funds including, but not limited to,
38 depository, safekeeping, and disbursement functions for the state
39 treasury and affected state agencies. The treasury income account is

1 subject in all respects to chapter 43.88 RCW, but no appropriation is
2 required for payments to financial institutions. Payments shall occur
3 prior to distribution of earnings set forth in subsection (4) of this
4 section.

5 (4) Monthly, the state treasurer shall distribute the earnings
6 credited to the treasury income account. The state treasurer shall
7 credit the general fund with all the earnings credited to the
8 treasury income account except:

9 (a) The following accounts and funds shall receive their
10 proportionate share of earnings based upon each account's and fund's
11 average daily balance for the period: The abandoned recreational
12 vehicle disposal account, the aeronautics account, the aircraft
13 search and rescue account, the Alaskan Way viaduct replacement
14 project account, the brownfield redevelopment trust fund account, the
15 budget stabilization account, the capital vessel replacement account,
16 the capitol building construction account, the Cedar River channel
17 construction and operation account, the Central Washington University
18 capital projects account, the charitable, educational, penal and
19 reformatory institutions account, the Chehalis basin account, the
20 cleanup settlement account, the Columbia river basin water supply
21 development account, the Columbia river basin taxable bond water
22 supply development account, the Columbia river basin water supply
23 revenue recovery account, the common school construction fund, the
24 community forest trust account, the connecting Washington account,
25 the county arterial preservation account, the county criminal justice
26 assistance account, the deferred compensation administrative account,
27 the deferred compensation principal account, the department of
28 licensing services account, the department of licensing tuition
29 recovery trust fund, the department of retirement systems expense
30 account, the developmental disabilities community trust account, the
31 diesel idle reduction account, the drinking water assistance account,
32 the drinking water assistance administrative account, the early
33 learning facilities development account, the early learning
34 facilities revolving account, the Eastern Washington University
35 capital projects account, the Interstate 405 express toll lanes
36 operations account, the education construction fund, the education
37 legacy trust account, the election account, the electric vehicle
38 charging infrastructure account, the energy freedom account, the
39 energy recovery act account, the essential rail assistance account,
40 The Evergreen State College capital projects account, the federal

1 forest revolving account, the ferry bond retirement fund, the freight
2 mobility investment account, the freight mobility multimodal account,
3 the grade crossing protective fund, the public health services
4 account, the high capacity transportation account, the state higher
5 education construction account, the higher education construction
6 account, the highway bond retirement fund, the highway infrastructure
7 account, the highway safety fund, the high occupancy toll lanes
8 operations account, the hospital safety net assessment fund, the
9 industrial insurance premium refund account, the judges' retirement
10 account, the judicial retirement administrative account, the judicial
11 retirement principal account, the local leasehold excise tax account,
12 the local real estate excise tax account, the local sales and use tax
13 account, the marine resources stewardship trust account, the medical
14 aid account, the mobile home park relocation fund, the money-purchase
15 retirement savings administrative account, the money-purchase
16 retirement savings principal account, the motor vehicle fund, the
17 motorcycle safety education account, the multimodal transportation
18 account, the multiuse roadway safety account, the municipal criminal
19 justice assistance account, the natural resources deposit account,
20 the oyster reserve land account, the pension funding stabilization
21 account, the perpetual surveillance and maintenance account, the
22 pollution liability insurance agency underground storage tank
23 revolving account, the public employees' retirement system plan 1
24 account, the public employees' retirement system combined plan 2 and
25 plan 3 account, the public facilities construction loan revolving
26 account beginning July 1, 2004, the public health supplemental
27 account, the public works assistance account, the Puget Sound capital
28 construction account, the Puget Sound ferry operations account, the
29 Puget Sound taxpayer accountability account, the real estate
30 appraiser commission account, the recreational vehicle account, the
31 regional mobility grant program account, the resource management cost
32 account, the rural arterial trust account, the rural mobility grant
33 program account, the rural Washington loan fund, the sexual assault
34 prevention and response account, the site closure account, the
35 skilled nursing facility safety net trust fund, the small city
36 pavement and sidewalk account, the special category C account, the
37 special wildlife account, the state employees' insurance account, the
38 state employees' insurance reserve account, the state investment
39 board expense account, the state investment board commingled trust
40 fund accounts, the state patrol highway account, the state route

1 number 520 civil penalties account, the state route number 520
2 corridor account, the state wildlife account, the statewide tourism
3 marketing account, the student achievement council tuition recovery
4 trust fund, the supplemental pension account, the Tacoma Narrows toll
5 bridge account, the teachers' retirement system plan 1 account, the
6 teachers' retirement system combined plan 2 and plan 3 account, the
7 tobacco prevention and control account, the tobacco settlement
8 account, the toll facility bond retirement account, the
9 transportation 2003 account (nickel account), the transportation
10 equipment fund, the transportation future funding program account,
11 the transportation improvement account, the transportation
12 improvement board bond retirement account, the transportation
13 infrastructure account, the transportation partnership account, the
14 traumatic brain injury account, the tuition recovery trust fund, the
15 University of Washington bond retirement fund, the University of
16 Washington building account, the volunteer firefighters' and reserve
17 officers' relief and pension principal fund, the volunteer
18 firefighters' and reserve officers' administrative fund, the
19 vulnerable roadway user education account, the Washington judicial
20 retirement system account, the Washington law enforcement officers'
21 and firefighters' system plan 1 retirement account, the Washington
22 law enforcement officers' and firefighters' system plan 2 retirement
23 account, the Washington public safety employees' plan 2 retirement
24 account, the Washington school employees' retirement system combined
25 plan 2 and 3 account, the Washington state health insurance pool
26 account, the Washington state patrol retirement account, the
27 Washington State University building account, the Washington State
28 University bond retirement fund, the water pollution control
29 revolving administration account, the water pollution control
30 revolving fund, the Western Washington University capital projects
31 account, the Yakima integrated plan implementation account, the
32 Yakima integrated plan implementation revenue recovery account, and
33 the Yakima integrated plan implementation taxable bond account.
34 Earnings derived from investing balances of the agricultural
35 permanent fund, the normal school permanent fund, the permanent
36 common school fund, the scientific permanent fund, the state
37 university permanent fund, and the state reclamation revolving
38 account shall be allocated to their respective beneficiary accounts.

39 (b) Any state agency that has independent authority over accounts
40 or funds not statutorily required to be held in the state treasury

1 that deposits funds into a fund or account in the state treasury
2 pursuant to an agreement with the office of the state treasurer shall
3 receive its proportionate share of earnings based upon each account's
4 or fund's average daily balance for the period.

5 (5) In conformance with Article II, section 37 of the state
6 Constitution, no treasury accounts or funds shall be allocated
7 earnings without the specific affirmative directive of this section.

8 NEW SECTION. **Sec. 15.** This act takes effect January 1, 2020."

9 Correct the title.

EFFECT: (1) Expands the current law definition of "bicycle" to include devices with three wheels, any one of which is 20 inches in diameter, rather than devices with three wheels, any one of which is greater than 20 inches in diameter, and which otherwise meet the criteria in the definition.

(2) Directs the additional fine for improper overtaking and passing of a motorcycle, motor-driven cycle, or moped to the Vulnerable Roadway User Education Account.

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