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ENGROSSED SUBSTITUTE HOUSE BILL 1966

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State of Washington

66th Legislature

2019 Regular Session

By House Transportation (originally sponsored by Representatives Kilduff, Goodman, Lovick, Kloba, Fitzgibbon, and Ortiz-Self)

READ FIRST TIME 03/01/19.

1 AN ACT Relating to increasing safety on roadways for pedestrians,  
2 bicyclists, and other roadway users; amending RCW 46.04.071,  
3 46.61.110, 46.61.145, 46.61.180, 46.61.185, 46.61.190, 46.61.205,  
4 46.61.250, 46.61.770, 3.62.090, 2.68.040, and 46.63.110; reenacting  
5 and amending RCW 43.84.092; creating a new section; prescribing  
6 penalties; and providing an effective date.

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

8 NEW SECTION. **Sec. 1.** The legislature finds that a number of the  
9 collision types that have resulted in a high number of serious  
10 injuries and deaths of vulnerable roadway users can be associated  
11 with certain types of traffic infractions. To address the heightened  
12 risk to vulnerable roadway users when violations of these traffic  
13 infractions occur, the legislature intends to: (1) Introduce an  
14 additional fine as a penalty for drivers who commit these violations  
15 against a vulnerable roadway user; (2) modify when certain vulnerable  
16 roadway users may be passed by motor vehicles; and (3) clarify when  
17 and how pedestrians and bicyclists may use the roadway. To increase  
18 enforcement of all traffic infractions and offenses committed against  
19 vulnerable roadway users, the legislature intends for revenue that is  
20 collected from the new fine to be dedicated to the education of law  
21 enforcement officers, prosecutors, and judges about opportunities for

1 the enforcement of traffic violations committed against vulnerable  
2 roadway users, with any remaining funds to be used to increase  
3 awareness by the public of the risks and penalties associated with  
4 these traffic violations. The goals of this act are to achieve a  
5 reduction in the frequency with which drivers violate traffic laws  
6 that endanger vulnerable roadway users and to encourage safe sharing  
7 of the roadway by drivers, bicyclists, pedestrians, and other  
8 vulnerable roadway users.

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

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

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

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

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

25 (b) When the vehicle being overtaken is a motorcycle, motor-  
26 driven cycle, or moped, a driver of a motor vehicle found to be in  
27 violation of (a) of this subsection must be assessed an additional  
28 fine equal to the base penalty assessed under RCW 46.63.110(3). This  
29 fine may not be waived, reduced, or suspended, unless the court finds  
30 the offender to be indigent, and is not subject to the additional  
31 fees and assessments that the base penalty for this violation is  
32 subject to under RCW 2.68.040, 3.62.090, and 46.63.110.

33 (2) (a) The driver of a vehicle approaching an individual who is  
34 traveling as a pedestrian or on a bicycle (~~(that)~~), riding an animal,  
35 or using a farm tractor or implement of husbandry without an enclosed  
36 shell, and who is (~~(on)~~) traveling in the right lane of a roadway or  
37 on the right-hand shoulder or bicycle lane of the roadway, shall  
38 (~~pass to the left at a safe distance to clearly avoid coming into~~

1 ~~contact with the pedestrian or bicyclist, and shall not again drive~~  
2 ~~to the right side of the roadway until safely clear of the overtaken~~  
3 ~~pedestrian or bicyclist):~~

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

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

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

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

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

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

24 (b) A driver of a motor vehicle found to be in violation of this  
25 subsection (2) must be assessed an additional fine equal to the base  
26 penalty assessed under RCW 46.63.110(3). This fine may not be waived,  
27 reduced, or suspended, unless the court finds the offender to be  
28 indigent, and is not subject to the additional fees and assessments  
29 that the base penalty for this violation is subject to under RCW  
30 2.68.040, 3.62.090, and 46.63.110.

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

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

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

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

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

7       (2) The driver of any motor truck or motor vehicle drawing  
8 another vehicle when traveling upon a roadway outside of a business  
9 or residence district and which is following another motor truck or  
10 motor vehicle drawing another vehicle shall, whenever conditions  
11 permit, leave sufficient space so that an overtaking vehicle may  
12 enter and occupy such space without danger, except that this shall  
13 not prevent a motor truck or motor vehicle drawing another vehicle  
14 from overtaking and passing any like vehicle or other vehicle.

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

21       (4) (a) When the vehicle being followed is a vulnerable user of a  
22 public way, a driver of a motor vehicle found to be in violation of  
23 this section must be assessed an additional fine equal to the base  
24 penalty assessed under RCW 46.63.110(3). This fine may not be waived,  
25 reduced, or suspended, unless the court finds the offender to be  
26 indigent, and is not subject to the additional fees and assessments  
27 that the base penalty for this violation is subject to under RCW  
28 2.68.040, 3.62.090, and 46.63.110.

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

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

34       (6) The vulnerable roadway user education account is created in  
35 the state treasury. All receipts from the additional fine in  
36 subsection (4) of this section must be deposited into the account.  
37 Moneys in the account may be spent only after appropriation.  
38 Expenditures from the account may be used only by the Washington  
39 traffic safety commission solely to:

1 (a) Support programs dedicated to increasing awareness by law  
2 enforcement officers, prosecutors, and judges of opportunities for  
3 the enforcement of traffic infractions and offenses committed against  
4 vulnerable roadway users; and

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

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

12 (1) When two vehicles approach or enter an intersection from  
13 different highways at approximately the same time, the driver of the  
14 vehicle on the left shall yield the right-of-way to the vehicle on  
15 the right.

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

19 (3)(a) When the vehicle on the right approaching the intersection  
20 is a vulnerable user of a public way, a driver of a motor vehicle  
21 found to be in violation of this section must be assessed an  
22 additional fine equal to the base penalty assessed under RCW  
23 46.63.110(3). This fine may not be waived, reduced, or suspended,  
24 unless the court finds the offender to be indigent, and is not  
25 subject to the additional fees and assessments that the base penalty  
26 for this violation is subject to under RCW 2.68.040, 3.62.090, and  
27 46.63.110.

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

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

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

35 (1) The driver of a vehicle intending to turn to the left within  
36 an intersection or into an alley, private road, or driveway shall  
37 yield the right-of-way to any vehicle approaching from the opposite

1 direction which is within the intersection or so close thereto as to  
2 constitute an immediate hazard.

3 (2)(a) When the vehicle approaching from the opposite direction  
4 within the intersection or so close that it constitutes an immediate  
5 hazard is a vulnerable user of a public way, a driver of a motor  
6 vehicle found to be in violation of this section must be assessed an  
7 additional fine equal to the base penalty assessed under RCW  
8 46.63.110(3). This fine may not be waived, reduced, or suspended,  
9 unless the court finds the offender to be indigent, and is not  
10 subject to the additional fees and assessments that the base penalty  
11 for this violation is subject to under RCW 2.68.040, 3.62.090, and  
12 46.63.110.

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

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

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

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

22 (2) Except when directed to proceed by a duly authorized flagger,  
23 or a police officer, or a firefighter vested by law with authority to  
24 direct, control, or regulate traffic, every driver of a vehicle  
25 approaching a stop sign shall stop at a clearly marked stop line, but  
26 if none, before entering a marked crosswalk on the near side of the  
27 intersection or, if none, then at the point nearest the intersecting  
28 roadway where the driver has a view of approaching traffic on the  
29 intersecting roadway before entering the roadway, and after having  
30 stopped shall yield the right-of-way to any vehicle in the  
31 intersection or approaching on another roadway so closely as to  
32 constitute an immediate hazard during the time when such driver is  
33 moving across or within the intersection or junction of roadways.

34 (3) The driver of a vehicle approaching a yield sign shall in  
35 obedience to such sign slow down to a speed reasonable for the  
36 existing conditions and if required for safety to stop, shall stop at  
37 a clearly marked stop line, but if none, before entering a marked  
38 crosswalk on the near side of the intersection or if none, then at  
39 the point nearest the intersecting roadway where the driver has a

1 view of approaching traffic on the intersecting roadway before  
2 entering the roadway, and then after slowing or stopping, the driver  
3 shall yield the right-of-way to any vehicle in the intersection or  
4 approaching on another roadway so closely as to constitute an  
5 immediate hazard during the time such driver is moving across or  
6 within the intersection or junction of roadways: PROVIDED, That if  
7 such a driver is involved in a collision with a vehicle in the  
8 intersection or junction of roadways, after driving past a yield sign  
9 without stopping, such collision shall be deemed prima facie evidence  
10 of the driver's failure to yield right-of-way.

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

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

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

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

30 (2) (a) When right-of-way has not been yielded in accordance with  
31 this section to a vehicle that is a vulnerable user of a public way,  
32 a driver of a motor vehicle found to be in violation of this section  
33 must be assessed an additional fine equal to the base penalty  
34 assessed under RCW 46.63.110(3). This fine may not be waived,  
35 reduced, or suspended, unless the court finds the offender to be  
36 indigent, and is not subject to the additional fees and assessments  
37 that the base penalty for this violation is subject to under RCW  
38 2.68.040, 3.62.090, and 46.63.110.

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

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

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

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

14 (2) Where sidewalks are not provided ~~((any))~~ or are inaccessible,  
15 a pedestrian walking or otherwise moving along and upon a highway  
16 shall ~~((τ))~~ :

17 (a) When ~~((practicable))~~ shoulders are provided and are  
18 accessible, walk ~~((or move only))~~ on the ~~((left side of the roadway~~  
19 ~~or its))~~ shoulder ~~((facing traffic which may approach from the~~  
20 ~~opposite direction and))~~ of the roadway as far as is practicable from  
21 the edge of the roadway, facing traffic when a shoulder is available  
22 in this direction; or

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

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

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

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

37 (a) While preparing to make or while making turning movements ~~((τ~~  
38 or)) at an intersection or into a private road or driveway;



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

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

7 (d) When reasonably necessary to avoid unsafe conditions  
8 including, but not limited to, fixed or moving objects, parked or  
9 moving vehicles, bicyclists, pedestrians, animals, and surface  
10 hazards.

11 (2) A person operating a bicycle upon a roadway or highway other  
12 than a limited-access highway, which roadway or highway carries  
13 traffic in one direction only and has two or more marked traffic  
14 lanes, may ride as near to the left side of the left through lane as  
15 is safe.

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

19 ~~((2))~~ (4) When the operator of a bicycle is using the travel  
20 lane of a roadway with only one lane for traffic moving in the  
21 direction of travel and it is wide enough for a bicyclist and a  
22 vehicle to travel safely side-by-side within it, the bicycle operator  
23 shall operate far enough to the right to facilitate the movement of  
24 an overtaking vehicle unless other conditions make it unsafe to do so  
25 or unless the bicyclist is preparing to make a turning movement or  
26 while making a turning movement.

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

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

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

1 (2) There shall be assessed and collected in addition to any  
2 fines, forfeitures, or penalties assessed, other than for parking  
3 infractions and for fines levied under RCW 46.61.5055, and in  
4 addition to the public safety and education assessment required under  
5 subsection (1) of this section, by all courts organized under Title 3  
6 or 35 RCW, an additional public safety and education assessment equal  
7 to fifty percent of the public safety and education assessment  
8 required under subsection (1) of this section, which shall be  
9 remitted to the state treasurer and deposited as provided in RCW  
10 43.08.250. The additional assessment required by this subsection  
11 shall not be suspended or waived by the court.

12 (3) This section does not apply to the fee imposed under RCW  
13 46.63.110(7), the penalty imposed under RCW 46.63.110(8), the  
14 additional fine imposed under RCW 46.61.110, 46.61.145, 46.61.180,  
15 46.61.185, 46.61.190, and 46.61.205, or the penalty assessment  
16 imposed under RCW 10.99.080.

17 **Sec. 12.** RCW 2.68.040 and 1994 c 8 s 2 are each amended to read  
18 as follows:

19 (1) To support the judicial information system account provided  
20 for in RCW 2.68.020, the supreme court may provide by rule for an  
21 increase in fines, penalties, and assessments, and the increased  
22 amount shall be forwarded to the state treasurer for deposit in the  
23 account:

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

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

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

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

36 (3) The supreme court is requested to adjust these assessments  
37 for inflation.

1       (4) This section does not apply to the additional monetary fine  
2 under RCW 46.61.110, 46.61.145, 46.61.180, 46.61.185, 46.61.190, and  
3 46.61.205.

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

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

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

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

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

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

35       (6) Whenever a monetary penalty, fee, cost, assessment, or other  
36 monetary obligation is imposed by a court under this chapter, it is  
37 immediately payable and is enforceable as a civil judgment under  
38 Title 6 RCW. If the court determines, in its discretion, that a  
39 person is not able to pay a monetary obligation in full, and not more

1 than one year has passed since the later of July 1, 2005, or the date  
2 the monetary obligation initially became due and payable, the court  
3 shall enter into a payment plan with the person, unless the person  
4 has previously been granted a payment plan with respect to the same  
5 monetary obligation, or unless the person is in noncompliance of any  
6 existing or prior payment plan, in which case the court may, at its  
7 discretion, implement a payment plan. If the court has notified the  
8 department that the person has failed to pay or comply and the person  
9 has subsequently entered into a payment plan and made an initial  
10 payment, the court shall notify the department that the infraction  
11 has been adjudicated, and the department shall rescind any suspension  
12 of the person's driver's license or driver's privilege based on  
13 failure to respond to that infraction. "Payment plan," as used in  
14 this section, means a plan that requires reasonable payments based on  
15 the financial ability of the person to pay. The person may  
16 voluntarily pay an amount at any time in addition to the payments  
17 required under the payment plan.

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

33 (b) If a person has not entered into a payment plan with the  
34 court and has not paid the monetary obligation in full on or before  
35 the time established for payment, the court may refer the unpaid  
36 monetary penalty, fee, cost, assessment, or other monetary obligation  
37 to a collections agency until all monetary obligations have been  
38 paid, including those imposed under subsections (3) and (4) of this  
39 section, or until the person has entered into a payment plan under  
40 this section. For those infractions subject to suspension under RCW

1 46.20.289, the court shall notify the department of the person's  
2 delinquency, and the department shall suspend the person's driver's  
3 license or driving privileges.

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

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

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

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

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

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

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

35 (8)(a) In addition to any other penalties imposed under this  
36 section and not subject to the limitation of subsection (1) of this  
37 section, a person found to have committed a traffic infraction other  
38 than of RCW 46.61.527 or 46.61.212 shall be assessed an additional  
39 penalty of twenty dollars. The court may not reduce, waive, or  
40 suspend the additional penalty unless the court finds the offender to

1 be indigent. If a court authorized community restitution program for  
2 offenders is available in the jurisdiction, the court shall allow  
3 offenders to offset all or a part of the penalty due under this  
4 subsection (8) by participation in the court authorized community  
5 restitution program.

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

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

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

24 (11) The additional monetary fine for a violation of RCW  
25 46.61.110, 46.61.145, 46.61.180, 46.61.185, 46.61.190, and 46.61.205  
26 is not subject to assessments or fees provided under this section.

27 **Sec. 14.** RCW 43.84.092 and 2018 c 287 s 7, 2018 c 275 s 10, and  
28 2018 c 203 s 14 are each reenacted and amended to read as follows:

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

32 (2) The treasury income account shall be utilized to pay or  
33 receive funds associated with federal programs as required by the  
34 federal cash management improvement act of 1990. The treasury income  
35 account is subject in all respects to chapter 43.88 RCW, but no  
36 appropriation is required for refunds or allocations of interest  
37 earnings required by the cash management improvement act. Refunds of  
38 interest to the federal treasury required under the cash management  
39 improvement act fall under RCW 43.88.180 and shall not require

1 appropriation. The office of financial management shall determine the  
2 amounts due to or from the federal government pursuant to the cash  
3 management improvement act. The office of financial management may  
4 direct transfers of funds between accounts as deemed necessary to  
5 implement the provisions of the cash management improvement act, and  
6 this subsection. Refunds or allocations shall occur prior to the  
7 distributions of earnings set forth in subsection (4) of this  
8 section.

9 (3) Except for the provisions of RCW 43.84.160, the treasury  
10 income account may be utilized for the payment of purchased banking  
11 services on behalf of treasury funds including, but not limited to,  
12 depository, safekeeping, and disbursement functions for the state  
13 treasury and affected state agencies. The treasury income account is  
14 subject in all respects to chapter 43.88 RCW, but no appropriation is  
15 required for payments to financial institutions. Payments shall occur  
16 prior to distribution of earnings set forth in subsection (4) of this  
17 section.

18 (4) Monthly, the state treasurer shall distribute the earnings  
19 credited to the treasury income account. The state treasurer shall  
20 credit the general fund with all the earnings credited to the  
21 treasury income account except:

22 (a) The following accounts and funds shall receive their  
23 proportionate share of earnings based upon each account's and fund's  
24 average daily balance for the period: The abandoned recreational  
25 vehicle disposal account, the aeronautics account, the aircraft  
26 search and rescue account, the Alaskan Way viaduct replacement  
27 project account, the brownfield redevelopment trust fund account, the  
28 budget stabilization account, the capital vessel replacement account,  
29 the capitol building construction account, the Cedar River channel  
30 construction and operation account, the Central Washington University  
31 capital projects account, the charitable, educational, penal and  
32 reformatory institutions account, the Chehalis basin account, the  
33 cleanup settlement account, the Columbia river basin water supply  
34 development account, the Columbia river basin taxable bond water  
35 supply development account, the Columbia river basin water supply  
36 revenue recovery account, the common school construction fund, the  
37 community forest trust account, the connecting Washington account,  
38 the county arterial preservation account, the county criminal justice  
39 assistance account, the deferred compensation administrative account,  
40 the deferred compensation principal account, the department of

1 licensing services account, the department of licensing tuition  
2 recovery trust fund, the department of retirement systems expense  
3 account, the developmental disabilities community trust account, the  
4 diesel idle reduction account, the drinking water assistance account,  
5 the drinking water assistance administrative account, the early  
6 learning facilities development account, the early learning  
7 facilities revolving account, the Eastern Washington University  
8 capital projects account, the Interstate 405 express toll lanes  
9 operations account, the education construction fund, the education  
10 legacy trust account, the election account, the electric vehicle  
11 charging infrastructure account, the energy freedom account, the  
12 energy recovery act account, the essential rail assistance account,  
13 The Evergreen State College capital projects account, the federal  
14 forest revolving account, the ferry bond retirement fund, the freight  
15 mobility investment account, the freight mobility multimodal account,  
16 the grade crossing protective fund, the public health services  
17 account, the high capacity transportation account, the state higher  
18 education construction account, the higher education construction  
19 account, the highway bond retirement fund, the highway infrastructure  
20 account, the highway safety fund, the high occupancy toll lanes  
21 operations account, the hospital safety net assessment fund, the  
22 industrial insurance premium refund account, the judges' retirement  
23 account, the judicial retirement administrative account, the judicial  
24 retirement principal account, the local leasehold excise tax account,  
25 the local real estate excise tax account, the local sales and use tax  
26 account, the marine resources stewardship trust account, the medical  
27 aid account, the mobile home park relocation fund, the money-purchase  
28 retirement savings administrative account, the money-purchase  
29 retirement savings principal account, the motor vehicle fund, the  
30 motorcycle safety education account, the multimodal transportation  
31 account, the multiuse roadway safety account, the municipal criminal  
32 justice assistance account, the natural resources deposit account,  
33 the oyster reserve land account, the pension funding stabilization  
34 account, the perpetual surveillance and maintenance account, the  
35 pollution liability insurance agency underground storage tank  
36 revolving account, the public employees' retirement system plan 1  
37 account, the public employees' retirement system combined plan 2 and  
38 plan 3 account, the public facilities construction loan revolving  
39 account beginning July 1, 2004, the public health supplemental  
40 account, the public works assistance account, the Puget Sound capital



1 construction account, the Puget Sound ferry operations account, the  
2 Puget Sound taxpayer accountability account, the real estate  
3 appraiser commission account, the recreational vehicle account, the  
4 regional mobility grant program account, the resource management cost  
5 account, the rural arterial trust account, the rural mobility grant  
6 program account, the rural Washington loan fund, the sexual assault  
7 prevention and response account, the site closure account, the  
8 skilled nursing facility safety net trust fund, the small city  
9 pavement and sidewalk account, the special category C account, the  
10 special wildlife account, the state employees' insurance account, the  
11 state employees' insurance reserve account, the state investment  
12 board expense account, the state investment board commingled trust  
13 fund accounts, the state patrol highway account, the state route  
14 number 520 civil penalties account, the state route number 520  
15 corridor account, the state wildlife account, the statewide tourism  
16 marketing account, the student achievement council tuition recovery  
17 trust fund, the supplemental pension account, the Tacoma Narrows toll  
18 bridge account, the teachers' retirement system plan 1 account, the  
19 teachers' retirement system combined plan 2 and plan 3 account, the  
20 tobacco prevention and control account, the tobacco settlement  
21 account, the toll facility bond retirement account, the  
22 transportation 2003 account (nickel account), the transportation  
23 equipment fund, the transportation future funding program account,  
24 the transportation improvement account, the transportation  
25 improvement board bond retirement account, the transportation  
26 infrastructure account, the transportation partnership account, the  
27 traumatic brain injury account, the tuition recovery trust fund, the  
28 University of Washington bond retirement fund, the University of  
29 Washington building account, the volunteer firefighters' and reserve  
30 officers' relief and pension principal fund, the volunteer  
31 firefighters' and reserve officers' administrative fund, the  
32 vulnerable roadway user education account, the Washington judicial  
33 retirement system account, the Washington law enforcement officers'  
34 and firefighters' system plan 1 retirement account, the Washington  
35 law enforcement officers' and firefighters' system plan 2 retirement  
36 account, the Washington public safety employees' plan 2 retirement  
37 account, the Washington school employees' retirement system combined  
38 plan 2 and 3 account, the Washington state health insurance pool  
39 account, the Washington state patrol retirement account, the  
40 Washington State University building account, the Washington State

1 University bond retirement fund, the water pollution control  
2 revolving administration account, the water pollution control  
3 revolving fund, the Western Washington University capital projects  
4 account, the Yakima integrated plan implementation account, the  
5 Yakima integrated plan implementation revenue recovery account, and  
6 the Yakima integrated plan implementation taxable bond account.  
7 Earnings derived from investing balances of the agricultural  
8 permanent fund, the normal school permanent fund, the permanent  
9 common school fund, the scientific permanent fund, the state  
10 university permanent fund, and the state reclamation revolving  
11 account shall be allocated to their respective beneficiary accounts.

12 (b) Any state agency that has independent authority over accounts  
13 or funds not statutorily required to be held in the state treasury  
14 that deposits funds into a fund or account in the state treasury  
15 pursuant to an agreement with the office of the state treasurer shall  
16 receive its proportionate share of earnings based upon each account's  
17 or fund's average daily balance for the period.

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

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

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