
SUBSTITUTE SENATE BILL 5328

State of Washington

66th Legislature

2019 Regular Session

By Senate Transportation (originally sponsored by Senators Salomon, Kuderer, Hunt, Hasegawa, Palumbo, Nguyen, Saldaña, Liiias, Frockt, and Keiser)

READ FIRST TIME 02/22/19.

1 AN ACT Relating to driver's license suspensions and revocations;
2 amending RCW 46.20.289, 46.20.291, 46.20.342, 46.63.110, and
3 2.68.040; adding a new section to chapter 46.20 RCW; adding a new
4 section to chapter 46.68 RCW; and providing an effective date.

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

6 **Sec. 1.** RCW 46.20.289 and 2016 c 203 s 6 are each amended to
7 read as follows:

8 (1) The department shall suspend all driving privileges of a
9 person when the department receives notice from a court under RCW
10 46.63.070(6), 46.63.110(6), or 46.64.025 that the person has:

11 (a) Failed to respond to a notice of traffic infraction for a
12 moving violation(~~(r)~~) when the person has received one or more other
13 traffic infractions for moving violations that remain unpaid, or when
14 the individual has not entered into a payment plan with the
15 respective court or collection agency for the unpaid citation(s) at
16 the time the determination of qualification to receive a driver's
17 license suspension occurs;

18 (b) Failed to appear at a requested hearing for a moving
19 violation(~~(r)~~);

20 (c) Violated a written promise to appear in court for a notice of
21 infraction for a moving violation(~~(r) or has~~); or

1 (d) Failed to comply with the terms of a notice of traffic
2 infraction ((, criminal complaint, or citation for a moving violation,
3 or)) when the person has received one or more other traffic
4 infractions for moving violations that remain outstanding at the time
5 the determination of qualification to receive a driver's license
6 suspension occurs.

7 (2) The department shall suspend all driving privileges of a
8 person when the department receives notice from another state under
9 Article IV of the nonresident violator compact under RCW 46.23.010 or
10 from a jurisdiction that has entered into an agreement with the
11 department under RCW 46.23.020, other than for a standing, stopping,
12 or parking violation, provided that the traffic infraction or traffic
13 offense is committed on or after July 1, 2005.

14 (3) A suspension under this section takes effect pursuant to the
15 provisions of RCW 46.20.245, and remains in effect until the
16 department has received a certificate from the court showing that the
17 case has been adjudicated, and until the person meets the
18 requirements of RCW 46.20.311.

19 (4) In the case of failure to respond to a traffic infraction
20 issued under RCW 46.55.105, the department shall suspend all driving
21 privileges until the person provides evidence from the court that all
22 penalties and restitution have been paid.

23 (5) A suspension under this section does not take effect if,
24 prior to the effective date of the suspension, the department
25 receives a certificate from the court showing that the case ((has))
26 or cases have been adjudicated.

27 **Sec. 2.** RCW 46.20.291 and 2016 c 203 s 5 are each amended to
28 read as follows:

29 The department is authorized to suspend the license of a driver
30 upon a showing by its records or other sufficient evidence that the
31 licensee:

32 (1) Has committed an offense for which mandatory revocation or
33 suspension of license is provided by law;

34 (2) Has, by reckless or unlawful operation of a motor vehicle,
35 caused or contributed to an accident resulting in death or injury to
36 any person or serious property damage;

37 (3) Has been convicted of offenses against traffic regulations
38 governing the movement of vehicles, or found to have committed
39 traffic infractions, with such frequency as to indicate a disrespect

1 for traffic laws or a disregard for the safety of other persons on
2 the highways;

3 (4) Is incompetent to drive a motor vehicle under RCW
4 46.20.031(3);

5 (5) Has failed to respond to a notice of traffic infraction(~~(τ)~~);
6 failed to appear at a requested hearing(~~(τ)~~); violated a written
7 promise to appear in court(~~(τ)~~); or (~~has~~) failed to comply with the
8 terms of a notice of traffic infraction, criminal complaint, or
9 citation, (~~as provided~~) or has failed to meet any other necessary
10 conditions listed in RCW 46.20.289(1);

11 (6) Is subject to suspension under RCW 46.20.305 or 9A.56.078;

12 (7) Has committed one of the prohibited practices relating to
13 drivers' licenses defined in RCW 46.20.0921; or

14 (8) Has been certified by the department of social and health
15 services as a person who is not in compliance with a child support
16 order or a residential or visitation order as provided in RCW
17 74.20A.320.

18 **Sec. 3.** RCW 46.20.342 and 2015 c 149 s 1 are each amended to
19 read as follows:

20 (1) It is unlawful for any person to drive a motor vehicle in
21 this state while that person is in a suspended or revoked status or
22 when his or her privilege to drive is suspended or revoked in this or
23 any other state. Any person who has a valid Washington driver's
24 license is not guilty of a violation of this section.

25 (a) A person found to be a habitual offender under chapter 46.65
26 RCW, who violates this section while an order of revocation issued
27 under chapter 46.65 RCW prohibiting such operation is in effect, is
28 guilty of driving while license suspended or revoked in the first
29 degree, a gross misdemeanor. Upon the first such conviction, the
30 person shall be punished by imprisonment for not less than ten days.
31 Upon the second conviction, the person shall be punished by
32 imprisonment for not less than ninety days. Upon the third or
33 subsequent conviction, the person shall be punished by imprisonment
34 for not less than one hundred eighty days. If the person is also
35 convicted of the offense defined in RCW 46.61.502 or 46.61.504, when
36 both convictions arise from the same event, the minimum sentence of
37 confinement shall be not less than ninety days. The minimum sentence
38 of confinement required shall not be suspended or deferred. A

1 conviction under this subsection does not prevent a person from
2 petitioning for reinstatement as provided by RCW 46.65.080.

3 (b) A person who violates this section while an order of
4 suspension or revocation prohibiting such operation is in effect and
5 while the person is not eligible to reinstate his or her driver's
6 license or driving privilege, other than for a suspension for the
7 reasons described in (c) of this subsection, is guilty of driving
8 while license suspended or revoked in the second degree, a gross
9 misdemeanor. For the purposes of this subsection, a person is not
10 considered to be eligible to reinstate his or her driver's license or
11 driving privilege if the person is eligible to obtain an ignition
12 interlock driver's license but did not obtain such a license. This
13 subsection applies when a person's driver's license or driving
14 privilege has been suspended or revoked by reason of:

15 (i) A conviction of a felony in the commission of which a motor
16 vehicle was used;

17 (ii) A previous conviction under this section;

18 (iii) A notice received by the department from a court or
19 diversion unit as provided by RCW 46.20.265, relating to a minor who
20 has committed, or who has entered a diversion unit concerning an
21 offense relating to alcohol, legend drugs, controlled substances, or
22 imitation controlled substances;

23 (iv) A conviction of RCW 46.20.410, relating to the violation of
24 restrictions of an occupational driver's license, a temporary
25 restricted driver's license, or an ignition interlock driver's
26 license;

27 (v) A conviction of RCW 46.20.345, relating to the operation of a
28 motor vehicle with a suspended or revoked license;

29 (vi) A conviction of RCW 46.52.020, relating to duty in case of
30 injury to or death of a person or damage to an attended vehicle;

31 (vii) A conviction of RCW 46.61.024, relating to attempting to
32 elude pursuing police vehicles;

33 (viii) A conviction of RCW 46.61.212(4), relating to reckless
34 endangerment of emergency zone workers;

35 (ix) A conviction of RCW 46.61.500, relating to reckless driving;

36 (x) A conviction of RCW 46.61.502 or 46.61.504, relating to a
37 person under the influence of intoxicating liquor or drugs;

38 (xi) A conviction of RCW 46.61.520, relating to vehicular
39 homicide;

1 (xii) A conviction of RCW 46.61.522, relating to vehicular
2 assault;

3 (xiii) A conviction of RCW 46.61.527(4), relating to reckless
4 endangerment of roadway workers;

5 (xiv) A conviction of RCW 46.61.530, relating to racing of
6 vehicles on highways;

7 (xv) A conviction of RCW 46.61.685, relating to leaving children
8 in an unattended vehicle with motor running;

9 (xvi) A conviction of RCW 46.61.740, relating to theft of motor
10 vehicle fuel;

11 (xvii) A conviction of RCW 46.64.048, relating to attempting,
12 aiding, abetting, coercing, and committing crimes;

13 (xviii) An administrative action taken by the department under
14 chapter 46.20 RCW;

15 (xix) A conviction of a local law, ordinance, regulation, or
16 resolution of a political subdivision of this state, the federal
17 government, or any other state, of an offense substantially similar
18 to a violation included in this subsection; or

19 (xx) A finding that a person has committed a traffic infraction
20 under RCW 46.61.526 and suspension of driving privileges pursuant to
21 RCW 46.61.526 (4) (b) or (7) (a) (ii).

22 (c) A person who violates this section when his or her driver's
23 license or driving privilege is, at the time of the violation,
24 suspended or revoked solely because:

25 (i) The person must furnish proof of satisfactory progress in a
26 required alcoholism or drug treatment program((~~T~~));

27 (ii) The person must furnish proof of financial responsibility
28 for the future as provided by chapter 46.29 RCW((~~T~~));

29 (iii) The person has failed to comply with the provisions of
30 chapter 46.29 RCW relating to uninsured accidents((~~T~~));

31 (iv) The person has failed to respond to a notice of traffic
32 infraction((~~T~~)); failed to appear at a requested hearing((~~T~~));

33 violated a written promise to appear in court((~~T~~)); or ((~~has~~)) failed
34 to comply with the terms of a notice of traffic infraction or
35 citation, as provided in RCW 46.20.289((~~T~~))(1);

36 (v) The person has committed an offense in another state that, if
37 committed in this state, would not be grounds for the suspension or
38 revocation of the person's driver's license((~~T~~));

39 (vi) The person has been suspended or revoked by reason of one or
40 more of the items listed in (b) of this subsection, but was eligible

1 to reinstate his or her driver's license or driving privilege at the
2 time of the violation((7));

3 (vii) The person has received traffic citations or notices of
4 traffic infraction that have resulted in a suspension under RCW
5 46.20.267 relating to intermediate drivers' licenses((7)); or

6 (viii) The person has been certified by the department of social
7 and health services as a person who is not in compliance with a child
8 support order as provided in RCW 74.20A.320, or any combination of
9 (c)(i) through (viii) of this subsection, is guilty of driving while
10 license suspended or revoked in the third degree, a misdemeanor.

11 (d) If a person cited under (c)(iv) of this subsection appears in
12 person before the court or a violations bureau and provides written
13 evidence that, after the time the person was cited, he or she has
14 paid the underlying citation(s), the citation for driving with a
15 suspended or revoked license or status shall be dismissed without
16 additional penalties upon payment to the court or violations bureau
17 of an administrative fee of forty-three dollars. In lieu of personal
18 appearance, a person cited under (c)(iv) of this subsection may,
19 before the date scheduled for the person's appearance before the
20 court or violations bureau, submit by mail to the court or violations
21 bureau written evidence that, after the time the person was cited, he
22 or she has paid the underlying citation(s) that suspended his or her
23 license or entered into a payment plan with the respective court or
24 collection agency for the underlying citation(s), the citation for
25 driving with a suspended or revoked license or status shall be
26 dismissed without additional penalties upon payment to the court or
27 violations bureau of an administrative fee of forty-three dollars.

28 For the purposes of this subsection, a person is not considered
29 to be eligible to reinstate his or her driver's license or driving
30 privilege if the person is eligible to obtain an ignition interlock
31 driver's license but did not obtain such a license.

32 (2) Upon receiving a record of conviction of any person or upon
33 receiving an order by any juvenile court or any duly authorized court
34 officer of the conviction of any juvenile under this section, the
35 department shall:

36 (a) For a conviction of driving while suspended or revoked in the
37 first degree, as provided by subsection (1)(a) of this section,
38 extend the period of administrative revocation imposed under chapter
39 46.65 RCW for an additional period of one year from and after the

1 date the person would otherwise have been entitled to apply for a new
2 license or have his or her driving privilege restored; or

3 (b) For a conviction of driving while suspended or revoked in the
4 second degree, as provided by subsection (1)(b) of this section, not
5 issue a new license or restore the driving privilege for an
6 additional period of one year from and after the date the person
7 would otherwise have been entitled to apply for a new license or have
8 his or her driving privilege restored; or

9 (c) Not extend the period of suspension or revocation if the
10 conviction was under subsection (1)(c) of this section. If the
11 conviction was under subsection (1)(a) or (b) of this section and the
12 court recommends against the extension and the convicted person has
13 obtained a valid driver's license, the period of suspension or
14 revocation shall not be extended.

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

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

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

25 (3) The supreme court shall prescribe by rule a schedule of
26 monetary penalties for designated traffic infractions. This rule
27 shall also specify the conditions under which local courts may
28 exercise discretion in assessing fines and penalties for traffic
29 infractions. The legislature respectfully requests the supreme court
30 to adjust this schedule every two years for inflation.

31 (4) There shall be a penalty of twenty-five dollars for failure
32 to respond to a notice of traffic infraction except where the
33 infraction relates to parking as defined by local law, ordinance,
34 regulation, or resolution or failure to pay a monetary penalty
35 imposed pursuant to this chapter. A local legislative body may set a
36 monetary penalty not to exceed twenty-five dollars for failure to
37 respond to a notice of traffic infraction relating to parking as
38 defined by local law, ordinance, regulation, or resolution. The local

1 court, whether a municipal, police, or district court, shall impose
2 the monetary penalty set by the local legislative body.

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

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

30 (a) If a payment required to be made under the payment plan is
31 delinquent or the person fails to complete a community restitution
32 program on or before the time established under the payment plan,
33 unless the court determines good cause therefor and adjusts the
34 payment plan or the community restitution plan accordingly, the court
35 may refer the unpaid monetary penalty, fee, cost, assessment, or
36 other monetary obligation for civil enforcement until all monetary
37 obligations, including those imposed under subsections (3) and (4) of
38 this section, have been paid, and court authorized community
39 restitution has been completed, or until the court has entered into a
40 new time payment or community restitution agreement with the person.

1 For those infractions subject to suspension under RCW 46.20.289, the
2 court shall notify the department of the person's failure to meet the
3 conditions of the plan, and the department shall suspend the person's
4 driver's license or driving privileges when the requirements listed
5 for suspension in RCW 46.20.289 are met.

6 (b) If a person has not entered into a payment plan with the
7 court and has not paid the monetary obligation in full on or before
8 the time established for payment, the court may refer the unpaid
9 monetary penalty, fee, cost, assessment, or other monetary obligation
10 to a collections agency until all monetary obligations have been
11 paid, including those imposed under subsections (3) and (4) of this
12 section, or until the person has entered into a payment plan under
13 this section. For those infractions subject to suspension under RCW
14 46.20.289, the court shall notify the department of the person's
15 delinquency, and the department shall suspend the person's driver's
16 license or driving privileges when the requirements listed for
17 suspension in RCW 46.20.289 are met.

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

23 (d) Nothing in this section precludes a court from contracting
24 with outside entities to administer its payment plan system. When
25 outside entities are used for the administration of a payment plan,
26 the court may assess the person a reasonable fee for such
27 administrative services, which fee may be calculated on a periodic,
28 percentage, or other basis.

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

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

38 (a) A fee of five dollars per infraction. Under no circumstances
39 shall this fee be reduced or waived. Revenue from this fee shall be

1 forwarded to the state treasurer for deposit in the emergency medical
2 services and trauma care system trust account under RCW 70.168.040;

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

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

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

21 (b) (~~Eight~~) Ten dollars and fifty cents of the additional
22 penalty under (a) of this subsection shall be remitted to the state
23 treasurer. The remaining revenue from the additional penalty must be
24 remitted under chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW.
25 Money remitted under this subsection to the state treasurer must be
26 deposited as follows: Six dollars and fifty cents in the state
27 general fund and four dollars in the driver licensing technology
28 support account created under section 7 of this act. The moneys
29 deposited into the driver licensing technology support account must
30 be used to support information technology systems used by the
31 department to communicate with the judicial information system,
32 manage driving records, and implement court orders. The balance of
33 the revenue received by the county or city treasurer under this
34 subsection must be deposited into the county or city current expense
35 fund. Moneys retained by the city or county under this subsection
36 shall constitute reimbursement for any liabilities under RCW
37 43.135.060.

38 (9) If a legal proceeding, such as garnishment, has commenced to
39 collect any delinquent amount owed by the person for any penalty

1 imposed by the court under this section, the court may, at its
2 discretion, enter into a payment plan.

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

7 NEW SECTION. **Sec. 5.** A new section is added to chapter 46.20
8 RCW to read as follows:

9 (1) An additional one dollar fee shall be imposed on each
10 application for an original or renewal of a regular driver's license,
11 regular identicard, enhanced driver's license, or enhanced
12 identicard. The entire amount of the fee shall be used to pay for
13 processing costs for driver's license issuance and reinstatements,
14 and information technology upgrades and the ongoing costs to maintain
15 the driver's license and identicard record and issuance system.

16 (2) The department shall forward all funds accruing under this
17 section to the state treasurer who shall deposit such moneys to the
18 credit of the highway safety fund.

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

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

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

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

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

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

1 (3) The supreme court is requested to adjust these assessments
2 for inflation.

3 (4) In addition to any amount proscribed by rule under subsection
4 (1)(a) of this section as an assessment on traffic infractions
5 dedicated for the judicial information system, there shall be
6 assessed two dollars on each traffic infraction. The additional two
7 dollars shall be forwarded to the state treasurer for deposit in the
8 driver licensing technology support account, created under section 7
9 of this act, to be used to support information technology systems
10 used by the department of licensing to communicate with the judicial
11 information system, manage driving records, and implement court
12 orders.

13 NEW SECTION. Sec. 7. A new section is added to chapter 46.68
14 RCW to read as follows:

15 The driver licensing technology support account is created as a
16 subaccount in the highway safety fund, under RCW 46.68.060. Moneys in
17 the account may be spent only after appropriation. Expenditures from
18 the account may be used only for supporting information technology
19 systems used by the department of licensing to communicate with the
20 judicial information system, manage driving records, and implement
21 court orders.

22 NEW SECTION. Sec. 8. This act takes effect January 1, 2020.

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