
SENATE BILL 5462

State of Washington

66th Legislature

2019 Regular Session

By Senators Takko, Zeiger, and Padden

Read first time 01/22/19. Referred to Committee on Law & Justice.

1 AN ACT Relating to requiring additional criteria to be met for
2 the department of licensing to suspend a driver's license; amending
3 RCW 46.20.289, 46.20.291, 46.20.342, and 46.63.110; and providing an
4 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 (i) the person has failed to respond to
13 one or more other notices of traffic infractions for a moving
14 violation; or (ii) the other traffic infraction(s) for a moving
15 violation remains unresolved;

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

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

20 (d) Failed to comply with the terms of a notice of traffic
21 infraction(~~(r) criminal complaint, or citation for a moving violation,~~

1 ~~or~~) when the person has received one or more other traffic
2 infractions for moving violations that remain outstanding at the time
3 the determination of qualification to receive a driver's license
4 suspension occurs.

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

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

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

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

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

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

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

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

35 (3) Has been convicted of offenses against traffic regulations
36 governing the movement of vehicles, or found to have committed
37 traffic infractions, with such frequency as to indicate a disrespect
38 for traffic laws or a disregard for the safety of other persons on
39 the highways;

1 (4) Is incompetent to drive a motor vehicle under RCW
2 46.20.031(3);

3 (5) Has failed to respond to a notice of traffic infraction((~~T~~));
4 failed to appear at a requested hearing((~~T~~));
5 violated a written promise to appear in court((~~T~~));
6 or ((~~has~~)) failed to comply with the
7 terms of a notice of traffic infraction, criminal complaint, or
8 citation, as provided in RCW 46.20.289;

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

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

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

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

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

22 (a) A person found to be a habitual offender under chapter 46.65
23 RCW, who violates this section while an order of revocation issued
24 under chapter 46.65 RCW prohibiting such operation is in effect, is
25 guilty of driving while license suspended or revoked in the first
26 degree, a gross misdemeanor. Upon the first such conviction, the
27 person shall be punished by imprisonment for not less than ten days.
28 Upon the second conviction, the person shall be punished by
29 imprisonment for not less than ninety days. Upon the third or
30 subsequent conviction, the person shall be punished by imprisonment
31 for not less than one hundred eighty days. If the person is also
32 convicted of the offense defined in RCW 46.61.502 or 46.61.504, when
33 both convictions arise from the same event, the minimum sentence of
34 confinement shall be not less than ninety days. The minimum sentence
35 of confinement required shall not be suspended or deferred. A
36 conviction under this subsection does not prevent a person from
37 petitioning for reinstatement as provided by RCW 46.65.080.

38 (b) A person who violates this section while an order of
39 suspension or revocation prohibiting such operation is in effect and

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

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

13 (ii) A previous conviction under this section;

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

19 (iv) A conviction of RCW 46.20.410, relating to the violation of
20 restrictions of an occupational driver's license, a temporary
21 restricted driver's license, or an ignition interlock driver's
22 license;

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

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

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

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

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

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

34 (xi) A conviction of RCW 46.61.520, relating to vehicular
35 homicide;

36 (xii) A conviction of RCW 46.61.522, relating to vehicular
37 assault;

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

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

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

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

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

9 (xviii) An administrative action taken by the department under
10 chapter 46.20 RCW;

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

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

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

21 (i) The person must furnish proof of satisfactory progress in a
22 required alcoholism or drug treatment program((τ));

23 (ii) The person must furnish proof of financial responsibility
24 for the future as provided by chapter 46.29 RCW((τ));

25 (iii) The person has failed to comply with the provisions of
26 chapter 46.29 RCW relating to uninsured accidents((τ));

27 (iv) The person has failed to respond to a notice of traffic
28 infraction((τ)); failed to appear at a requested hearing((τ));
29 violated a written promise to appear in court((τ)); or ((has)) failed
30 to comply with the terms of a notice of traffic infraction, criminal
31 complaint, or citation, as provided in RCW 46.20.289((τ));

32 (v) The person has committed an offense in another state that, if
33 committed in this state, would not be grounds for the suspension or
34 revocation of the person's driver's license((τ));

35 (vi) The person has been suspended or revoked by reason of one or
36 more of the items listed in (b) of this subsection, but was eligible
37 to reinstate his or her driver's license or driving privilege at the
38 time of the violation((τ));

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

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

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

13 (2) Upon receiving a record of conviction of any person or upon
14 receiving an order by any juvenile court or any duly authorized court
15 officer of the conviction of any juvenile under this section, the
16 department shall:

17 (a) For a conviction of driving while suspended or revoked in the
18 first degree, as provided by subsection (1)(a) of this section,
19 extend the period of administrative revocation imposed under chapter
20 46.65 RCW for an additional period of one year from and after the
21 date the person would otherwise have been entitled to apply for a new
22 license or have his or her driving privilege restored; or

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

29 (c) Not extend the period of suspension or revocation if the
30 conviction was under subsection (1)(c) of this section. If the
31 conviction was under subsection (1)(a) or (b) of this section and the
32 court recommends against the extension and the convicted person has
33 obtained a valid driver's license, the period of suspension or
34 revocation shall not be extended.

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

37 (1) A person found to have committed a traffic infraction shall
38 be assessed a monetary penalty. No penalty may exceed two hundred and

1 fifty dollars for each offense unless authorized by this chapter or
2 title.

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

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

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

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

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

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

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

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

38 (c) If the payment plan is to be administered by the court, the
39 court may assess the person a reasonable administrative fee to be
40 wholly retained by the city or county with jurisdiction. The

1 administrative fee shall not exceed ten dollars per infraction or
2 twenty-five dollars per payment plan, whichever is less.

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

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

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

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

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

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

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

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

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

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

19 NEW SECTION. **Sec. 5.** This act takes effect January 1, 2021.

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