

SSB 5226 - S AMD 289
By Senator Padden

WITHDRAWN 03/08/2021

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

3 **"Sec. 1.** RCW 46.20.245 and 2020 c 330 s 5 are each amended to
4 read as follows:

5 (1) Whenever the department proposes to withhold the driving
6 privilege of a person or disqualify a person from operating a
7 commercial motor vehicle and this action is made mandatory by the
8 provisions of this chapter or other law, the department must give
9 notice to the person in writing by posting in the United States mail,
10 appropriately addressed, postage prepaid, or by personal service.
11 Notice by mail is given upon deposit in the United States mail.
12 Notice given under this subsection must specify the date upon which
13 the driving privilege is to be withheld which shall not be less than
14 (~~forty-five~~) 90 days after the original notice is given. Notice by
15 mail must also include the following:

16 (a) An advisory of payment options including payment plan
17 opportunities that are available;

18 (b) Community service opportunities that are available; and

19 (c) The department website address required under RCW 46.63.110.

20 (2) For persons subject to suspension, revocation, or denial of a
21 driver's license who are eligible for full credit under RCW
22 46.61.5055(9)(b)(ii), the notice in subsection (1) of this section
23 must also notify the person of the obligation to complete the
24 requirements under RCW 46.20.311 and pay the probationary license fee
25 under RCW 46.20.355 by the date specified in the notice in order to
26 avoid license suspension.

27 (3) Within (~~fifteen~~) 30 days after notice has been given to a
28 person under subsection (1) of this section, the person may request
29 in writing an administrative review before the department. If the
30 request is mailed, it must be postmarked within (~~fifteen~~) 30 days
31 after the date the department has given notice. If a person fails to
32 request an administrative review within (~~fifteen~~) 30 days after the

1 date the department gives notice, the person is considered to have
2 defaulted and loses his or her right to an administrative review
3 unless the department finds good cause for a request after the
4 ((fifteen-day)) 30-day period.

5 (a) An administrative review under this subsection shall consist
6 solely of an internal review of documents and records submitted or
7 available to the department, unless the person requests an interview
8 before the department, in which case all or any part of the
9 administrative review may, at the discretion of the department, be
10 conducted by telephone or other electronic means.

11 (b) The only issues to be addressed in the administrative review
12 are:

13 (i) Whether the records relied on by the department identify the
14 correct person; and

15 (ii) Whether the information transmitted from the court or other
16 reporting agency or entity regarding the person accurately describes
17 the action taken by the court or other reporting agency or entity.

18 (c) For the purposes of this section, the notice received from a
19 court or other reporting agency or entity, regardless of form or
20 format, is prima facie evidence that the information from the court
21 or other reporting agency or entity regarding the person is accurate.
22 A person requesting administrative review has the burden of showing
23 by a preponderance of the evidence that the person is not subject to
24 the withholding of the driving privilege.

25 (d) The action subject to the notification requirements of
26 subsection (1) of this section shall be stayed during the
27 administrative review process.

28 (e) Judicial review of a department order affirming the action
29 subject to the notification requirements of subsection (1) of this
30 section after an administrative review shall be available in the same
31 manner as provided in RCW 46.20.308(8). The department shall certify
32 its record to the court within ((thirty)) 30 days after service upon
33 the department of the petition for judicial review. The action
34 subject to the notification requirements of subsection (1) of this
35 section shall not automatically be stayed during the judicial review.
36 If judicial relief is sought for a stay or other temporary remedy
37 from the department's action, the court shall not grant relief unless
38 the court finds that the appellant is likely to prevail in the appeal
39 and that without a stay the appellant will suffer irreparable injury.

1 (4) The department may adopt rules that are considered necessary
2 or convenient by the department for purposes of administering this
3 section, including, but not limited to, rules regarding expedited
4 procedures for issuing orders and expedited notice procedures.

5 (5) This section does not apply where an opportunity for an
6 informal settlement, driver improvement interview, or formal hearing
7 is otherwise provided by law or rule of the department.

8 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.20
9 RCW to read as follows:

10 (1) The department is authorized to administratively reinstate
11 all licenses suspended pursuant to section 5, chapter . . ., Laws of
12 2021 (section 5 of this act) that would not have been eligible for
13 driver's license suspension under section 2, chapter 467, Laws of
14 2019.

15 (2) No later than 30 days after the effective date of this
16 section, the department shall notify any person whose driver's
17 license was suspended pursuant to section 2, chapter 467, Laws of
18 2019 prior to the effective date of section 5, chapter . . ., Laws of
19 2021 (section 5 of this act), that he or she may be eligible for
20 reinstatement of his or her license, specifying that the
21 reinstatement is not available for licenses suspended that meet the
22 criteria for suspension under section 5, chapter . . ., Laws of 2021
23 (section 5 of this act).

24 (3) No later than 30 days after the effective date of this
25 section, the department shall create an online application process
26 available for people who had their licenses suspended pursuant to RCW
27 46.20.289 prior to the effective date of section 5, chapter . . .,
28 Laws of 2021 (section 5 of this act). This online application process
29 shall allow a person to determine whether they are eligible to have
30 their license reinstated and explain the process for reinstatement. A
31 reissue fee as provided in RCW 46.20.311 shall apply.

32 **Sec. 3.** RCW 46.20.289 and 2019 c 467 s 2 are each amended to
33 read as follows:

34 (1) Except for traffic violations committed under RCW 46.61.165,
35 the department shall suspend all driving privileges of a person when
36 the department receives notice from a court under RCW 46.63.070(6),
37 46.63.110(6), or 46.64.025 that the person has ((failed)):

1 (a) Failed to respond to a notice of traffic infraction for a
2 moving violation(~~(, failed)~~) when (i) the person has failed to
3 respond to one or more other notices of traffic infractions for a
4 moving violation; or (ii) the other traffic infraction(s) for a
5 moving violation remains unresolved;

6 (b) Failed to appear at a requested hearing for a moving
7 violation(~~(, violated)~~);

8 (c) Violated a written promise to appear in court for a notice of
9 infraction for a moving violation(~~(, or has failed)~~); or

10 (d) Failed to comply with the terms of a notice of traffic
11 infraction(~~(, criminal complaint, or citation for a moving violation,~~
12 ~~or)~~) when the person has received one or more other traffic
13 infractions for moving violations that remain outstanding at the time
14 the determination of qualification to receive a driver's license
15 suspension occurs.

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

23 (3) A suspension under this section takes effect pursuant to the
24 provisions of RCW 46.20.245, and remains in effect until the
25 department has received a certificate from the court showing that the
26 case has been adjudicated, and until the person meets the
27 requirements of RCW 46.20.311.

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

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

36 **Sec. 4.** RCW 46.20.291 and 2016 c 203 s 5 are each amended to
37 read as follows:

1 The department is authorized to suspend the license of a driver
2 upon a showing by its records or other sufficient evidence that the
3 licensee:

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

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

9 (3) Has been convicted of offenses against traffic regulations
10 governing the movement of vehicles, or found to have committed
11 traffic infractions, with such frequency as to indicate a disrespect
12 for traffic laws or a disregard for the safety of other persons on
13 the highways;

14 (4) Is incompetent to drive a motor vehicle under RCW
15 46.20.031(3);

16 (5) Has failed to respond to a notice of traffic infraction((~~T~~))i
17 failed to appear at a requested hearing((~~T~~))i; violated a written
18 promise to appear in court((~~T~~))i or ((~~has~~)) failed to comply with the
19 terms of a notice of traffic infraction, criminal complaint, or
20 citation, as provided in RCW 46.20.289;

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

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

24 (8) Has been certified by the department of social and health
25 services as a person who is not in compliance with a child support
26 order or a residential or visitation order as provided in RCW
27 74.20A.320.

28 **Sec. 5.** RCW 46.20.342 and 2015 c 149 s 1 are each amended to
29 read as follows:

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

35 (a) A person found to be a habitual offender under chapter 46.65
36 RCW, who violates this section while an order of revocation issued
37 under chapter 46.65 RCW prohibiting such operation is in effect, is
38 guilty of driving while license suspended or revoked in the first
39 degree, a gross misdemeanor. Upon the first such conviction, the

1 person shall be punished by imprisonment for not less than (~~ten~~) 10
2 days. Upon the second conviction, the person shall be punished by
3 imprisonment for not less than (~~ninety~~) 90 days. Upon the third or
4 subsequent conviction, the person shall be punished by imprisonment
5 for not less than (~~one hundred eighty~~) 180 days. If the person is
6 also convicted of the offense defined in RCW 46.61.502 or 46.61.504,
7 when both convictions arise from the same event, the minimum sentence
8 of confinement shall be not less than (~~ninety~~) 90 days. The minimum
9 sentence of confinement required shall not be suspended or deferred.
10 A conviction under this subsection does not prevent a person from
11 petitioning for reinstatement as provided by RCW 46.65.080.

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

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

26 (ii) A previous conviction under this section;

27 (iii) A notice received by the department from a court or
28 diversion unit as provided by RCW 46.20.265, relating to a minor who
29 has committed, or who has entered a diversion unit concerning an
30 offense relating to alcohol, legend drugs, controlled substances, or
31 imitation controlled substances;

32 (iv) A conviction of RCW 46.20.410, relating to the violation of
33 restrictions of an occupational driver's license, a temporary
34 restricted driver's license, or an ignition interlock driver's
35 license;

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

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

- 1 (vii) A conviction of RCW 46.61.024, relating to attempting to
2 elude pursuing police vehicles;
- 3 (viii) A conviction of RCW 46.61.212(~~(4)~~) (5), relating to
4 reckless endangerment of emergency zone workers;
- 5 (ix) A conviction of RCW 46.61.500, relating to reckless driving;
- 6 (x) A conviction of RCW 46.61.502 or 46.61.504, relating to a
7 person under the influence of intoxicating liquor or drugs;
- 8 (xi) A conviction of RCW 46.61.520, relating to vehicular
9 homicide;
- 10 (xii) A conviction of RCW 46.61.522, relating to vehicular
11 assault;
- 12 (xiii) A conviction of RCW 46.61.527(4), relating to reckless
13 endangerment of roadway workers;
- 14 (xiv) A conviction of RCW 46.61.530, relating to racing of
15 vehicles on highways;
- 16 (xv) A conviction of RCW 46.61.685, relating to leaving children
17 in an unattended vehicle with motor running;
- 18 (xvi) A conviction of RCW 46.61.740, relating to theft of motor
19 vehicle fuel;
- 20 (xvii) A conviction of RCW 46.64.048, relating to attempting,
21 aiding, abetting, coercing, and committing crimes;
- 22 (xviii) An administrative action taken by the department under
23 chapter 46.20 RCW;
- 24 (xix) A conviction of a local law, ordinance, regulation, or
25 resolution of a political subdivision of this state, the federal
26 government, or any other state, of an offense substantially similar
27 to a violation included in this subsection; or
- 28 (xx) A finding that a person has committed a traffic infraction
29 under RCW 46.61.526 and suspension of driving privileges pursuant to
30 RCW 46.61.526 (4) (b) or (7) (a) (ii).
- 31 (c) A person who violates this section when his or her driver's
32 license or driving privilege is, at the time of the violation,
33 suspended or revoked solely because:
- 34 (i) (~~the~~) The person must furnish proof of satisfactory
35 progress in a required alcoholism or drug treatment program(~~(7)~~);
- 36 (ii) (~~the~~) The person must furnish proof of financial
37 responsibility for the future as provided by chapter 46.29 RCW(~~(7)~~);
- 38 (iii) (~~the~~) The person has failed to comply with the provisions
39 of chapter 46.29 RCW relating to uninsured accidents(~~(7)~~);

1 (iv) (~~the~~) The person has failed to respond to a notice of
2 traffic infraction(~~(τ)~~); failed to appear at a requested
3 hearing(~~(τ)~~); violated a written promise to appear in court(~~(τ)~~); or
4 (~~has~~) failed to comply with the terms of a notice of traffic
5 infraction, criminal complaint, or citation, as provided in RCW
6 46.20.289(~~(τ)~~);

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

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

14 (vii) (~~the~~) The person has received traffic citations or
15 notices of traffic infraction that have resulted in a suspension
16 under RCW 46.20.267 relating to intermediate drivers' licenses(~~(τ)~~);
17 or

18 (viii) (~~the~~) The person has been certified by the department of
19 social and health services as a person who is not in compliance with
20 a child support order as provided in RCW 74.20A.320, or any
21 combination of (c) (i) through (viii) of this subsection, is guilty of
22 driving while license suspended or revoked in the third degree, a
23 misdemeanor with a maximum penalty of 10 days in jail and a \$250
24 fine.

25 (d) If a person cited under (c) of this subsection appears in
26 person before the court or violations bureau and provides written
27 evidence that, after the time the person was cited, he or she has
28 paid the underlying citation(s) that suspended his or her license, or
29 has entered into a payment plan with the respective court or
30 collection agency for the underlying citation(s), the citation shall
31 be dismissed without cost and the person's license reinstated by the
32 court or violations bureau, except that the court or violations
33 bureau may assess court administrative costs of \$50 and require
34 payment of same as a condition of dismissal. In lieu of personal
35 appearance, a person cited under (c) of this subsection may, before
36 the date scheduled for the person's appearance before the court or
37 violations bureau, submit by mail to the court or violations bureau
38 written evidence that, after the time the person was cited, he or she
39 has paid the underlying citation(s) that suspended his or her license
40 or entered into a payment plan with the respective court or

1 collection agency for the underlying citation(s), in which case the
2 citation shall be dismissed without cost and the person's license
3 reinstated by the court or violations bureau, except that the court
4 or violations bureau may assess court administrative costs of \$50 and
5 require payment of same as a condition of dismissal.

6 (e) A person may apply to the sentencing court for a vacation of
7 the offender's record of conviction for driving while license
8 suspended or revoked in the third degree one year after successful
9 completion of all conditions of judgment and sentencing including
10 payment of financial obligations. If the court finds the offender is
11 otherwise eligible, the court may clear the record of conviction: (i)
12 By permitting the offender to withdraw the offender's plea of guilty
13 and to enter a plea of not guilty; or (ii) if the offender has been
14 convicted after a plea of not guilty, by the court setting aside the
15 verdict of guilty; and (iii) by the court dismissing the information
16 or indictment against the offender. Once the court vacates a record
17 of conviction under this section, the fact that the offender has been
18 convicted of the offense shall not be included in the offender's
19 criminal history for purposes of determining a sentence in any
20 subsequent conviction, and the offender shall be released from all
21 penalties and disabilities resulting from the offense. For all
22 purposes, including responding to questions on employment
23 applications, an offender whose conviction has been vacated may state
24 that the offender has never been convicted of that crime.

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

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

33 (a) For a conviction of driving while suspended or revoked in the
34 first degree, as provided by subsection (1)(a) of this section,
35 extend the period of administrative revocation imposed under chapter
36 46.65 RCW for an additional period of one year from and after the
37 date the person would otherwise have been entitled to apply for a new
38 license or have his or her driving privilege restored; or

39 (b) For a conviction of driving while suspended or revoked in the
40 second degree, as provided by subsection (1)(b) of this section, not

1 issue a new license or restore the driving privilege for an
2 additional period of one year from and after the date the person
3 would otherwise have been entitled to apply for a new license or have
4 his or her driving privilege restored; or

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

11 **Sec. 6.** RCW 46.63.110 and 2019 c 467 s 4, 2019 c 403 s 13, 2019
12 c 181 s 1, and 2019 c 65 s 7 are each reenacted and amended to read
13 as follows:

14 (1) A person found to have committed a traffic infraction shall
15 be assessed a monetary penalty. No penalty may exceed (~~two hundred~~
16 ~~and fifty dollars~~) \$250 for each offense unless authorized by this
17 chapter or title.

18 (2) The monetary penalty for a violation of (a) RCW 46.55.105(2)
19 is (~~two hundred fifty dollars~~) \$250 for each offense; (b) RCW
20 46.61.210(1) is (~~five hundred dollars~~) \$500 for each offense. No
21 penalty assessed under this subsection (2) may be reduced.

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

28 (4) There shall be a penalty of (~~twenty-five dollars~~) \$25 for
29 failure to respond to a notice of traffic infraction except where the
30 infraction relates to parking as defined by local law, ordinance,
31 regulation, or resolution or failure to pay a monetary penalty
32 imposed pursuant to this chapter. A local legislative body may set a
33 monetary penalty not to exceed (~~twenty-five dollars~~) \$25 for
34 failure to respond to a notice of traffic infraction relating to
35 parking as defined by local law, ordinance, regulation, or
36 resolution. The local court, whether a municipal, police, or district
37 court, shall impose the monetary penalty set by the local legislative
38 body.

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

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

28 (a) If a payment required to be made under the payment plan is
29 delinquent or the person fails to complete a community restitution
30 program on or before the time established under the payment plan,
31 unless the court determines good cause therefor and adjusts the
32 payment plan or the community restitution plan accordingly, the court
33 may refer the unpaid monetary penalty, fee, cost, assessment, or
34 other monetary obligation for civil enforcement until all monetary
35 obligations, including those imposed under subsections (3) and (4) of
36 this section, have been paid, and court authorized community
37 restitution has been completed, or until the court has entered into a
38 new time payment or community restitution agreement with the person.
39 For those infractions subject to suspension under RCW 46.20.289, the
40 court shall notify the department of the person's failure to meet the

1 conditions of the plan, and the department shall suspend the person's
2 driver's license or driving privileges when the requirements listed
3 for suspension in RCW 46.20.289 are met.

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

16 (c) If the payment plan is to be administered by the court, the
17 court may assess the person a reasonable administrative fee to be
18 wholly retained by the city or county with jurisdiction. The
19 administrative fee shall not exceed (~~ten—dollars~~) \$10 per
20 infraction or (~~twenty-five—dollars~~) \$25 per payment plan, whichever
21 is less.

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

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

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

37 (a) A fee of (~~five—dollars~~) \$5 per infraction. Under no
38 circumstances shall this fee be reduced or waived. Revenue from this
39 fee shall be forwarded to the state treasurer for deposit in the

1 emergency medical services and trauma care system trust account under
2 RCW 70.168.040;

3 (b) A fee of (~~ten dollars~~) \$10 per infraction. Under no
4 circumstances shall this fee be reduced or waived. Revenue from this
5 fee shall be forwarded to the state treasurer for deposit in the
6 Washington auto theft prevention authority account; and

7 (c) A fee of (~~five dollars~~) \$5 per infraction. Under no
8 circumstances shall this fee be reduced or waived. Revenue from this
9 fee shall be forwarded to the state treasurer for deposit in the
10 traumatic brain injury account established in RCW 74.31.060.

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

22 (b) (~~Eight dollars and fifty cents~~) \$8.50 of the additional
23 penalty under (a) of this subsection shall be remitted to the state
24 treasurer. The remaining revenue from the additional penalty must be
25 remitted under chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW.
26 Money remitted under this subsection to the state treasurer must be
27 deposited in the state general fund. The balance of the revenue
28 received by the county or city treasurer under this subsection must
29 be deposited into the county or city current expense fund. Moneys
30 retained by the city or county under this subsection shall constitute
31 reimbursement for any liabilities under RCW 43.135.060.

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

36 (10) The monetary penalty for violating RCW 46.37.395 is: (a)
37 (~~Two hundred fifty dollars~~) \$250 for the first violation; (b)
38 (~~five hundred dollars~~) \$500 for the second violation; and (c)
39 (~~seven hundred fifty dollars~~) \$750 for each violation thereafter.

1 (11) The additional monetary penalty for a violation of RCW
2 46.20.500 is not subject to assessments or fees provided under this
3 section.

4 (12) The additional monetary fine for a violation of RCW
5 46.61.110, 46.61.145, 46.61.180, 46.61.185, 46.61.190, and 46.61.205
6 is not subject to assessments or fees provided under this section.

7 (13) The additional monetary penalties for a violation of RCW
8 46.61.165 are not subject to assessments or fees provided under this
9 section.

10 NEW SECTION. **Sec. 7.** This act takes effect January 1, 2022."

SSB 5226 - S AMD 289
By Senator Padden

WITHDRAWN 03/08/2021

11 On page 1, line 1 of the title, after "Relating to" strike the
12 remainder of the title and insert "creating a program for the
13 consolidation of traffic-based financial obligations to facilitate
14 reinstatement of driving privileges that are suspended because of
15 failure to pay; amending RCW 46.20.245, 46.20.289, 46.20.291, and
16 46.20.342; reenacting and amending RCW 46.63.110; adding a new
17 section to chapter 46.20 RCW; and providing an effective date."

EFFECT: Replaces the bill with the provisions of SB 5349: Extends time to resolve citation from 45 to 90 days before any suspension; requires two outstanding infractions before a person's license is suspended; reduces maximum penalties for DWLS3; requires dismissal of a DWLS3 matter if the person charged pays the underlying citation or enters into a payment plan; and requires a DWLS3 conviction be vacated one year after successful completion of release conditions.

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