

SSB 5226 - S AMD 396

By Senator Pedersen

PULLED 03/05/2021

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

3 **"Sec. 1.** RCW 46.63.060 and 2013 c 170 s 1 are each amended to
4 read as follows:

5 (1) A notice of traffic infraction represents a determination
6 that an infraction has been committed. The determination will be
7 final unless contested as provided in this chapter.

8 (2) The form for the notice of traffic infraction shall be
9 prescribed by rule of the supreme court and shall include the
10 following:

11 (a) A statement that the notice represents a determination that a
12 traffic infraction has been committed by the person named in the
13 notice and that the determination shall be final unless contested as
14 provided in this chapter;

15 (b) A statement that a traffic infraction is a noncriminal
16 offense for which imprisonment may not be imposed as a sanction;
17 (~~that the penalty for a traffic infraction may include sanctions~~
18 ~~against the person's driver's license including suspension,~~
19 ~~revocation, or denial;~~) that the penalty for a traffic infraction
20 related to standing, stopping, or parking may include nonrenewal of
21 the vehicle registration;

22 (c) A statement of the specific traffic infraction for which the
23 notice was issued;

24 (d) A statement of the monetary penalty established for the
25 traffic infraction;

26 (e) (i) A statement of the options provided in this chapter for
27 responding to the notice and the procedures necessary to exercise
28 these options;

29 (ii) One of the options must allow a person to admit
30 responsibility for the infraction and attest that the person does not
31 have the current ability to pay the infraction in full. The person
32 must receive information on how to submit evidence of inability to

1 pay, obtain a payment plan pursuant to section 4 of this act, and be
2 informed that failure to pay or enter into a payment plan may result
3 in collection action, including garnishment of wages or other assets;

4 (f) A statement that at any hearing to contest the determination
5 the state has the burden of proving, by a preponderance of the
6 evidence, that the infraction was committed; and that the person may
7 subpoena witnesses including the officer who issued the notice of
8 infraction;

9 (g) A statement that at any hearing requested for the purpose of
10 explaining mitigating circumstances surrounding the commission of the
11 infraction the person will be deemed to have committed the infraction
12 and may not subpoena witnesses; and

13 (h) A statement that the person must respond to the notice as
14 provided in this chapter within (~~fifteen~~) 30 days or the person's
15 driver's license or driving privilege may be suspended by the
16 department until any penalties imposed pursuant to this chapter have
17 been satisfied; and

18 (i) A statement that failure to appear at a hearing requested for
19 the purpose of contesting the determination or for the purpose of
20 explaining mitigating circumstances may result in the suspension of
21 the person's driver's license or driving privilege, or in the case of
22 a standing, stopping, or parking violation, refusal of the department
23 to renew the vehicle registration, until any penalties imposed
24 pursuant to this chapter have been satisfied.

25 (~~(3)(a) A form for a notice of traffic infraction printed after~~
26 ~~July 22, 2011, must include a statement that the person may be able~~
27 ~~to enter into a payment plan with the court under RCW 46.63.110.~~

28 (~~(b) The forms for a notice of traffic infraction must include the~~
29 ~~changes in section 1, chapter 170, Laws of 2013 by July 1, 2015.)~~)

30 **Sec. 2.** RCW 46.63.070 and 2011 c 372 s 3 are each amended to
31 read as follows:

32 (1) Any person who receives a notice of traffic infraction shall
33 respond to such notice as provided in this section within (~~fifteen~~)
34 30 days of the date of the notice.

35 (2) If the person determined to have committed the infraction
36 does not contest the determination the person shall respond by
37 completing the appropriate portion of the notice of infraction and
38 submitting it, either by mail or in person, to the court specified on
39 the notice. A check or money order in the amount of the penalty

1 prescribed for the infraction must be submitted with the response,
2 unless the person selects the option attesting that the person does
3 not have the current ability to pay the infraction in full. When a
4 response which does not contest the determination is received, an
5 appropriate order shall be entered in the court's records, and a
6 record of the response and order shall be furnished to the department
7 in accordance with RCW 46.20.270.

8 (3) If the person determined to have committed the infraction
9 wishes to contest the determination the person shall respond by
10 completing the portion of the notice of infraction requesting a
11 hearing and submitting it, either by mail or in person, to the court
12 specified on the notice. The court shall notify the person in writing
13 of the time, place, and date of the hearing, and that date shall not
14 be sooner than seven days from the date of the notice, except by
15 agreement.

16 (4) If the person determined to have committed the infraction
17 does not contest the determination but wishes to explain mitigating
18 circumstances surrounding the infraction the person shall respond by
19 completing the portion of the notice of infraction requesting a
20 hearing for that purpose and submitting it, either by mail or in
21 person, to the court specified on the notice. The court shall notify
22 the person in writing of the time, place, and date of the hearing.

23 (5) (a) Except as provided in (b), (c), and (d) of this
24 subsection, in hearings conducted pursuant to subsections (3) and (4)
25 of this section, the court may defer findings, or in a hearing to
26 explain mitigating circumstances may defer entry of its order, for up
27 to one year and impose conditions upon the defendant the court deems
28 appropriate. Upon deferring findings, the court may assess costs as
29 the court deems appropriate for administrative processing. If at the
30 end of the deferral period the defendant has met all conditions and
31 has not been determined to have committed another traffic infraction,
32 the court may dismiss the infraction.

33 (b) A person may not receive more than one deferral within a
34 seven-year period for traffic infractions for moving violations and
35 more than one deferral within a seven-year period for traffic
36 infractions for nonmoving violations.

37 (c) A person who is the holder of a commercial driver's license
38 or who was operating a commercial motor vehicle at the time of the
39 violation may not receive a deferral under this section.

1 (d) A person who commits negligent driving in the second degree
2 with a vulnerable user victim may not receive a deferral for this
3 infraction under this section.

4 (6) If any person issued a notice of traffic infraction:

5 (a) Fails to respond to the notice of traffic infraction as
6 provided in subsection (2) of this section; or

7 (b) Fails to appear at a hearing requested pursuant to subsection
8 (3) or (4) of this section;

9 the court shall enter an appropriate order assessing the monetary
10 penalty prescribed for the traffic infraction and any other penalty
11 authorized by this chapter and shall notify the department in
12 accordance with RCW 46.20.270, of the failure to respond to the
13 notice of infraction or to appear at a requested hearing.

14 **Sec. 3.** RCW 46.63.110 and 2019 c 467 s 4, 2019 c 403 s 13, 2019
15 c 181 s 1, and 2019 c 65 s 7 are each reenacted and amended to read
16 as follows:

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

21 (b) The court may waive or remit any monetary penalty, fee, cost,
22 assessment, or other monetary obligation associated with a traffic
23 infraction unless the specific monetary obligation in question is
24 prohibited from being waived or remitted by state law.

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

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

35 (4) There shall be a penalty of twenty-five dollars for failure
36 to respond to a notice of traffic infraction except where the
37 infraction relates to parking as defined by local law, ordinance,
38 regulation, or resolution or failure to pay a monetary penalty
39 imposed pursuant to this chapter. A local legislative body may set a

1 monetary penalty not to exceed twenty-five dollars for failure to
2 respond to a notice of traffic infraction relating to parking as
3 defined by local law, ordinance, regulation, or resolution. The local
4 court, whether a municipal, police, or district court, shall impose
5 the monetary penalty set by the local legislative body.

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

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

33 ~~(a) If a payment required to be made under the payment plan is~~
34 ~~delinquent or the person fails to complete a community restitution~~
35 ~~program on or before the time established under the payment plan,~~
36 ~~unless the court determines good cause therefor and adjusts the~~
37 ~~payment plan or the community restitution plan accordingly, the court~~
38 ~~may refer the unpaid monetary penalty, fee, cost, assessment, or~~
39 ~~other monetary obligation for civil enforcement until all monetary~~
40 ~~obligations, including those imposed under subsections (3) and (4) of~~

1 ~~this section, have been paid, and court authorized community~~
2 ~~restitution has been completed, or until the court has entered into a~~
3 ~~new time payment or community restitution agreement with the person.~~
4 ~~For those infractions subject to suspension under RCW 46.20.289, the~~
5 ~~court shall notify the department of the person's failure to meet the~~
6 ~~conditions of the plan, and the department shall suspend the person's~~
7 ~~driver's license or driving privileges.~~

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

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

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

30 ~~(e) If a court authorized community restitution program for~~
31 ~~offenders is available in the jurisdiction, the court may allow~~
32 ~~conversion of all or part of the monetary obligations due under this~~
33 ~~section to court authorized community restitution in lieu of time~~
34 ~~payments if the person is unable to make reasonable time payments))~~
35 ~~in accordance with section 4 of this act and standards that may be~~
36 ~~set out in court rule.~~

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

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

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

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

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

24 (b) (~~Eight dollars and fifty cents~~) \$12.50 of the additional
25 penalty under (a) of this subsection shall be remitted to the state
26 treasurer. The remaining revenue from the additional penalty must be
27 remitted under chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW.
28 Money remitted under this subsection to the state treasurer must be
29 deposited as follows: \$8.50 in the state general fund and \$4 in the
30 driver licensing technology support account created under section 15
31 of this act. The moneys deposited into the driver licensing
32 technology support account must be used to support information
33 technology systems used by the department to communicate with the
34 judicial information system, manage driving records, and implement
35 court orders. The balance of the revenue received by the county or
36 city treasurer under this subsection must be deposited into the
37 county or city current expense fund. Moneys retained by the city or
38 county under this subsection shall constitute reimbursement for any
39 liabilities under RCW 43.135.060.

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

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

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

13 (12) The additional monetary fine for a violation of RCW
14 46.61.110, 46.61.145, 46.61.180, 46.61.185, 46.61.190, and 46.61.205
15 is not subject to assessments or fees provided under this section.

16 (13) The additional monetary penalties for a violation of RCW
17 46.61.165 are not subject to assessments or fees provided under this
18 section.

19 NEW SECTION. Sec. 4. A new section is added to chapter 46.63
20 RCW to read as follows:

21 (1) (a) A person may request a payment plan at any time for the
22 payment of any monetary penalty, fee, cost, assessment, or other
23 monetary obligation associated with a traffic infraction. If the
24 person does not have the ability to pay the monetary obligation in
25 full and the person has not previously been granted a payment plan
26 for the same monetary obligation, the court shall enter into a
27 payment plan with the individual.

28 (b) 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 (2) The person may voluntarily pay an amount at any time in
34 addition to the payments required under the payment plan.

35 (3) If a payment required to be made under the payment plan is
36 delinquent or the person fails to complete a community restitution
37 program on or before the time established under the payment plan,
38 unless the court determines good cause therefor and adjusts the
39 payment plan or the community restitution plan accordingly, the court

1 may refer the unpaid monetary penalty, fee, cost, assessment, or
2 other monetary obligation for civil enforcement until all monetary
3 obligations have been paid and court authorized community restitution
4 has been completed, or until the court has entered into a new payment
5 plan or community restitution agreement with the person.

6 (4) (a) If a person has not entered into a payment plan with the
7 court and has not paid the monetary obligation in full, no sooner
8 than 120 days from the date of the infraction the court may refer the
9 unpaid monetary penalty, fee, cost, assessment, or other monetary
10 obligation to a collections agency until all monetary obligations
11 have been paid or until the person has entered into a payment plan
12 under this section.

13 (b) If a person responded to a traffic infraction for a moving
14 violation attesting that the person did not have the ability to pay
15 the infraction in full, the court must attempt to enter into a
16 payment plan with the person prior to referring the monetary
17 obligation to a collections agency.

18 (5) 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 \$10 per infraction or \$25 per
22 payment plan, whichever is less.

23 (6) 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 (7) The court may modify a payment plan at any time.

30 (8) For the purposes of this section, "payment plan" means a plan
31 that requires reasonable payments based on the financial ability of
32 the person to pay as determined by court rule.

33 **Sec. 5.** RCW 46.20.289 and 2019 c 467 s 2 are each amended to
34 read as follows:

35 (1) Except for traffic violations committed under RCW 46.61.165,
36 the department shall suspend all driving privileges of a person when
37 the department receives notice from a court under RCW 46.63.070(6),
38 46.63.110(6), or 46.64.025 that the person has failed to respond to a
39 notice of traffic infraction for a moving violation, failed to appear

1 at a requested hearing for a moving violation, (~~violated a written~~
2 ~~promise to appear in court for a notice of infraction for a moving~~
3 ~~violation, or has~~) or failed to comply with the terms of a (~~notice~~
4 ~~of traffic infraction,~~) criminal complaint(~~(7)~~) or criminal citation
5 for a moving violation(~~(7-0#)~~).

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

13 (3) A suspension under this section takes effect pursuant to the
14 provisions of RCW 46.20.245, and remains in effect until the
15 department has received a certificate from the court showing that the
16 case has been adjudicated, and until the person meets the
17 requirements of RCW 46.20.311. (~~In the case of failure to respond to~~
18 ~~a traffic infraction issued under RCW 46.55.105, the department shall~~
19 ~~suspend all driving privileges until the person provides evidence~~
20 ~~from the court that all penalties and restitution have been paid.))~~

21 (4) 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. 6.** 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,
4 failed to appear at a requested hearing, (~~(violated a written promise~~
5 ~~to appear in court,~~) or has failed to comply with the terms of a
6 (~~notice of traffic infraction,~~) criminal complaint(~~(7)~~) or criminal
7 citation for a moving violation, 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 NEW SECTION. **Sec. 7.** A new section is added to chapter 46.20
16 RCW to read as follows:

17 (1) Whenever the official records of the department show that a
18 person has committed a traffic infraction for a moving violation on
19 three or more occasions within a one-year period, or on four or more
20 occasions within a two-year period, the department must suspend the
21 license of the driver for a period of 60 days and establish a period
22 of probation for one calendar year to begin when the suspension ends.
23 Prior to reinstatement of a license, the person must complete a safe
24 driving course as recommended by the department. During the period of
25 probation, the person must not be convicted of any additional traffic
26 infractions for moving violations. Any traffic infraction for a
27 moving violation committed during the period of probation shall
28 result in an additional 30-day suspension to run consecutively with
29 any suspension already being served.

30 (2) When a person has committed a traffic infraction for a moving
31 violation on two occasions within a one-year period or three
32 occasions within a two-year period, the department shall send the
33 person a notice that an additional infraction will result in
34 suspension of the person's license for a period of 60 days.

35 (3) The department may not charge a reissue fee at the end of the
36 term of suspension under this section.

37 (4) For purposes of this section, multiple traffic infractions
38 issued during or as the result of a single traffic stop constitute
39 one occasion.

1 **Sec. 8.** RCW 46.20.311 and 2020 c 330 s 7 are each amended to
2 read as follows:

3 (1)(a) The department shall not suspend a driver's license or
4 privilege to drive a motor vehicle on the public highways for a fixed
5 period of more than one year, except as specifically permitted under
6 RCW 46.20.267, 46.20.342, or other provision of law.

7 (b) Except for a suspension under RCW 46.20.267, 46.20.289,
8 46.20.291(5), 46.61.740, or 74.20A.320, whenever the license or
9 driving privilege of any person is suspended by reason of a
10 conviction, a finding that a traffic infraction has been committed,
11 pursuant to chapter 46.29 RCW, or pursuant to RCW 46.20.291 or
12 46.20.308, the suspension shall remain in effect until the person
13 gives and thereafter maintains proof of financial responsibility for
14 the future as provided in chapter 46.29 RCW.

15 (c) If the suspension is the result of a nonfelony violation of
16 RCW 46.61.502 or 46.61.504, the department shall determine the
17 person's eligibility for licensing based upon the reports provided by
18 the substance use disorder agency or probation department designated
19 under RCW 46.61.5056 and shall deny reinstatement until enrollment
20 and participation in an approved program has been established and the
21 person is otherwise qualified. If the suspension is the result of a
22 violation of RCW 46.61.502(6) or 46.61.504(6), the department shall
23 determine the person's eligibility for licensing based upon the
24 reports provided by the substance use disorder agency required under
25 RCW 46.61.524 and shall deny reinstatement until satisfactory
26 progress in an approved program has been established and the person
27 is otherwise qualified. If the suspension is the result of a
28 violation of RCW 46.61.502 or 46.61.504, and the person is required
29 pursuant to RCW 46.20.720 to drive only a motor vehicle equipped with
30 a functioning ignition interlock, the department shall determine the
31 person's eligibility for licensing based upon written verification by
32 a company doing business in the state that it has installed the
33 required device on a vehicle owned or operated by the person seeking
34 reinstatement. The department may waive the requirement for written
35 verification under this subsection if it determines to its
36 satisfaction that a device previously verified as having been
37 installed on a vehicle owned or operated by the person is still
38 installed and functioning or as permitted by RCW 46.20.720(8). If,
39 based upon notification from the interlock provider or otherwise, the
40 department determines that an interlock required under RCW 46.20.720

1 is no longer installed or functioning as required, the department
2 shall suspend the person's license or privilege to drive. Whenever
3 the license or driving privilege of any person is suspended or
4 revoked as a result of noncompliance with an ignition interlock
5 requirement, the suspension shall remain in effect until the person
6 provides notice issued by a company doing business in the state that
7 a vehicle owned or operated by the person is equipped with a
8 functioning ignition interlock device.

9 (d) Whenever the license or driving privilege of any person is
10 suspended as a result of certification of noncompliance with a child
11 support order under chapter 74.20A RCW, the suspension shall remain
12 in effect until the person provides a release issued by the
13 department of social and health services stating that the person is
14 in compliance with the order.

15 (e) (i) (~~The~~) Except as provided in section 7(3) of this act,
16 the department shall not issue to the person a new, duplicate, or
17 renewal license until the person pays a reissue fee of seventy-five
18 dollars.

19 (ii) Except as provided in subsection (4) of this section, if the
20 suspension is the result of a violation of RCW 46.61.502 or
21 46.61.504, or is the result of administrative action under RCW
22 46.20.308, the reissue fee shall be one hundred seventy dollars.

23 (2) (a) Any person whose license or privilege to drive a motor
24 vehicle on the public highways has been revoked, unless the
25 revocation was for a cause which has been removed, is not entitled to
26 have the license or privilege renewed or restored until: (i) After
27 the expiration of one year from the date the license or privilege to
28 drive was revoked; (ii) after the expiration of the applicable
29 revocation period provided by RCW 46.20.3101 or 46.61.5055; (iii)
30 after the expiration of two years for persons convicted of vehicular
31 homicide; or (iv) after the expiration of the applicable revocation
32 period provided by RCW 46.20.265.

33 (b) (i) After the expiration of the appropriate period, the person
34 may make application for a new license as provided by law together
35 with a reissue fee in the amount of seventy-five dollars.

36 (ii) Except as provided in subsection (4) of this section, if the
37 revocation is the result of a violation of RCW 46.20.308, 46.61.502,
38 or 46.61.504, the reissue fee shall be one hundred seventy dollars.
39 If the revocation is the result of a nonfelony violation of RCW
40 46.61.502 or 46.61.504, the department shall determine the person's

1 eligibility for licensing based upon the reports provided by the
2 substance use disorder agency or probation department designated
3 under RCW 46.61.5056 and shall deny reissuance of a license, permit,
4 or privilege to drive until enrollment and participation in an
5 approved program has been established and the person is otherwise
6 qualified. If the suspension is the result of a violation of RCW
7 46.61.502(6) or 46.61.504(6), the department shall determine the
8 person's eligibility for licensing based upon the reports provided by
9 the substance use disorder agency required under RCW 46.61.524 and
10 shall deny reinstatement until satisfactory progress in an approved
11 program has been established and the person is otherwise qualified.
12 If the revocation is the result of a violation of RCW 46.61.502 or
13 46.61.504, and the person is required pursuant to RCW 46.20.720 to
14 drive only a motor vehicle equipped with a functioning ignition
15 interlock or other biological or technical device, the department
16 shall determine the person's eligibility for licensing based upon
17 written verification by a company doing business in the state that it
18 has installed the required device on a vehicle owned or operated by
19 the person applying for a new license. The department may waive the
20 requirement for written verification under this subsection if it
21 determines to its satisfaction that a device previously verified as
22 having been installed on a vehicle owned or operated by the person is
23 still installed and functioning or as permitted by RCW 46.20.720(8).
24 If, following issuance of a new license, the department determines,
25 based upon notification from the interlock provider or otherwise,
26 that an interlock required under RCW 46.20.720 is no longer
27 functioning, the department shall suspend the person's license or
28 privilege to drive until the department has received written
29 verification from an interlock provider that a functioning interlock
30 is installed.

31 (c) Except for a revocation under RCW 46.20.265, the department
32 shall not then issue a new license unless it is satisfied after
33 investigation of the driving ability of the person that it will be
34 safe to grant the privilege of driving a motor vehicle on the public
35 highways, and until the person gives and thereafter maintains proof
36 of financial responsibility for the future as provided in chapter
37 46.29 RCW. For a revocation under RCW 46.20.265, the department shall
38 not issue a new license unless it is satisfied after investigation of
39 the driving ability of the person that it will be safe to grant that

1 person the privilege of driving a motor vehicle on the public
2 highways.

3 (3) (a) Whenever the driver's license of any person is suspended
4 pursuant to Article IV of the nonresident violators compact or RCW
5 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not
6 issue to the person any new or renewal license until the person pays
7 a reissue fee of seventy-five dollars.

8 (b) Except as provided in subsection (4) of this section, if the
9 suspension is the result of a violation of the laws of this or any
10 other state, province, or other jurisdiction involving (i) the
11 operation or physical control of a motor vehicle upon the public
12 highways while under the influence of intoxicating liquor or drugs,
13 or (ii) the refusal to submit to a chemical test of the driver's
14 blood alcohol content, the reissue fee shall be one hundred seventy
15 dollars.

16 (4) When the department reinstates a person's driver's license
17 following a suspension, revocation, or denial under RCW 46.20.3101 or
18 46.61.5055, and the person is entitled to full day-for-day credit
19 under RCW 46.20.3101(4) or 46.61.5055(9)(b)(ii) for an additional
20 restriction arising from the same incident, the department shall
21 impose no additional reissue fees under subsection (1)(e)(ii),
22 (2)(b)(ii), or (3)(b) of this section associated with the additional
23 restriction.

24 **Sec. 9.** RCW 46.20.342 and 2015 c 149 s 1 are each amended to
25 read as follows:

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

31 (a) A person found to be a habitual offender under chapter 46.65
32 RCW, who violates this section while an order of revocation issued
33 under chapter 46.65 RCW prohibiting such operation is in effect, is
34 guilty of driving while license suspended or revoked in the first
35 degree, a gross misdemeanor. Upon the first such conviction, the
36 person shall be punished by imprisonment for not less than ten days.
37 Upon the second conviction, the person shall be punished by
38 imprisonment for not less than ninety days. Upon the third or
39 subsequent conviction, the person shall be punished by imprisonment

1 for not less than one hundred eighty days. If the person is also
2 convicted of the offense defined in RCW 46.61.502 or 46.61.504, when
3 both convictions arise from the same event, the minimum sentence of
4 confinement shall be not less than ninety days. The minimum sentence
5 of confinement required shall not be suspended or deferred. A
6 conviction under this subsection does not prevent a person from
7 petitioning for reinstatement as provided by RCW 46.65.080.

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

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

22 (ii) A previous conviction under this section;

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

28 (iv) A conviction of RCW 46.20.410, relating to the violation of
29 restrictions of an occupational driver's license, a temporary
30 restricted driver's license, or an ignition interlock driver's
31 license;

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

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

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

38 (viii) A conviction of RCW 46.61.212(~~((4))~~) (5), relating to
39 reckless endangerment of emergency zone workers;

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

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

1 criminal citation for a moving violation, as provided in RCW
2 46.20.289((~~τ~~))(1);

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

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

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

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

20 (d) For the purposes of this subsection, a person is not
21 considered to be eligible to reinstate his or her driver's license or
22 driving privilege if the person is eligible to obtain an ignition
23 interlock driver's license but did not obtain such a license.

24 (2) Upon receiving a record of conviction of any person or upon
25 receiving an order by any juvenile court or any duly authorized court
26 officer of the conviction of any juvenile under this section, the
27 department shall:

28 (a) For a conviction of driving while suspended or revoked in the
29 first degree, as provided by subsection (1)(a) of this section,
30 extend the period of administrative revocation imposed under chapter
31 46.65 RCW for an additional period of one year from and after the
32 date the person would otherwise have been entitled to apply for a new
33 license or have his or her driving privilege restored; or

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

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

7 **Sec. 10.** RCW 46.20.391 and 2012 c 82 s 2 are each amended to
8 read as follows:

9 (1) Any person licensed under this chapter who is convicted of an
10 offense relating to motor vehicles for which suspension or revocation
11 of the driver's license is mandatory, other than vehicular homicide,
12 vehicular assault, driving while under the influence of intoxicating
13 liquor or any drug, or being in actual physical control of a motor
14 vehicle while under the influence of intoxicating liquor or any drug,
15 may submit to the department an application for a temporary
16 restricted driver's license. The department, upon receipt of the
17 prescribed fee and upon determining that the petitioner is eligible
18 to receive the license, may issue a temporary restricted driver's
19 license and may set definite restrictions as provided in RCW
20 46.20.394.

21 (2)(a) A person licensed under this chapter whose driver's
22 license is suspended administratively due to failure to appear or
23 (~~pay a traffic ticket under~~) respond pursuant to RCW 46.20.289; a
24 violation of the financial responsibility laws under chapter 46.29
25 RCW; or for multiple violations within a specified period of time
26 under RCW 46.20.291, may apply to the department for an occupational
27 driver's license.

28 (b) An occupational driver's license issued to an applicant
29 described in (a) of this subsection shall be valid for the period of
30 the suspension or revocation.

31 (3) An applicant for an occupational or temporary restricted
32 driver's license who qualifies under subsection (1) or (2) of this
33 section is eligible to receive such license only if:

34 (a) Within seven years immediately preceding the date of the
35 offense that gave rise to the present conviction or incident, the
36 applicant has not committed vehicular homicide under RCW 46.61.520 or
37 vehicular assault under RCW 46.61.522; and

38 (b) The applicant demonstrates that it is necessary for him or
39 her to operate a motor vehicle because he or she:

- 1 (i) Is engaged in an occupation or trade that makes it essential
2 that he or she operate a motor vehicle;
- 3 (ii) Is undergoing continuing health care or providing continuing
4 care to another who is dependent upon the applicant;
- 5 (iii) Is enrolled in an educational institution and pursuing a
6 course of study leading to a diploma, degree, or other certification
7 of successful educational completion;
- 8 (iv) Is undergoing substance abuse treatment or is participating
9 in meetings of a twelve-step group such as Alcoholics Anonymous that
10 requires the petitioner to drive to or from the treatment or
11 meetings;
- 12 (v) Is fulfilling court-ordered community service
13 responsibilities;
- 14 (vi) Is in a program that assists persons who are enrolled in a
15 WorkFirst program pursuant to chapter 74.08A RCW to become gainfully
16 employed and the program requires a driver's license;
- 17 (vii) Is in an apprenticeship, on-the-job training, or welfare-
18 to-work program; or
- 19 (viii) Presents evidence that he or she has applied for a
20 position in an apprenticeship or on-the-job training program for
21 which a driver's license is required to begin the program, provided
22 that a license granted under this provision shall be in effect for no
23 longer than fourteen days; and
- 24 (c) The applicant files satisfactory proof of financial
25 responsibility under chapter 46.29 RCW; and
- 26 (d) Upon receipt of evidence that a holder of an occupational
27 driver's license granted under this subsection is no longer enrolled
28 in an apprenticeship or on-the-job training program, the director
29 shall give written notice by first-class mail to the driver that the
30 occupational driver's license shall be canceled. If at any time
31 before the cancellation goes into effect the driver submits evidence
32 of continued enrollment in the program, the cancellation shall be
33 stayed. If the cancellation becomes effective, the driver may obtain,
34 at no additional charge, a new occupational driver's license upon
35 submittal of evidence of enrollment in another program that meets the
36 criteria set forth in this subsection; and
- 37 (e) The department shall not issue an occupational driver's
38 license under (b)(iv) of this subsection if the applicant is able to
39 receive transit services sufficient to allow for the applicant's

1 participation in the programs referenced under (b)(iv) of this
2 subsection.

3 (4) A person aggrieved by the decision of the department on the
4 application for an occupational or temporary restricted driver's
5 license may request a hearing as provided by rule of the department.

6 (5) The director shall cancel an occupational or temporary
7 restricted driver's license after receiving notice that the holder
8 thereof has been convicted of operating a motor vehicle in violation
9 of its restrictions, no longer meets the eligibility requirements, or
10 has been convicted of or found to have committed a separate offense
11 or any other act or omission that under this chapter would warrant
12 suspension or revocation of a regular driver's license. The
13 department must give notice of the cancellation as provided under RCW
14 46.20.245. A person whose occupational or temporary restricted
15 driver's license has been canceled under this section may reapply for
16 a new occupational or temporary restricted driver's license if he or
17 she is otherwise qualified under this section and pays the fee
18 required under RCW 46.20.380.

19 NEW SECTION. **Sec. 11.** A new section is added to chapter 46.20
20 RCW to read as follows:

21 (1) The department is authorized to administratively reinstate
22 the license of a person suspended pursuant to RCW 46.20.289(1) prior
23 to the effective date of this section because the person:

24 (a) Failed to respond to a notice of traffic infraction for a
25 moving violation;

26 (b) Failed to appear at a requested hearing for a moving
27 violation;

28 (c) Violated a written promise to appear in court for a notice of
29 infraction for a moving violation; or

30 (d) Failed to comply with the terms of a notice of traffic
31 infraction.

32 (2) No later than 90 days after the effective date of this
33 section, the department shall:

34 (a) Take reasonable steps to publicize the availability of relief
35 to reinstate a suspended license as provided in this section; and

36 (b) Create an online application process for persons whose
37 licenses are suspended and may be eligible for reinstatement as
38 provided in this section. The online application process shall allow
39 a person to determine whether the person is eligible to have his or

1 her license reinstated and explain the process for reinstatement. A
2 reissue fee as provided in RCW 46.20.311 shall apply.

3 (3) A reissue fee as provided in RCW 46.20.311 shall apply to any
4 license reinstated under this section.

5 **Sec. 12.** RCW 46.64.025 and 2017 c 336 s 11 are each amended to
6 read as follows:

7 Whenever any person (~~(served with, or provided notice of, a~~
8 ~~traffic infraction or a traffic-related criminal complaint~~
9 ~~willfully)~~ fails to respond to a notice of traffic information for a
10 moving violation, fails to appear at a requested hearing for a moving
11 violation, or fails to comply with the terms of a (~~notice of~~
12 ~~infraction for a moving violation or a traffic-related)~~) criminal
13 complaint or criminal citation for a moving violation, the court with
14 jurisdiction over the traffic infraction, or traffic-related criminal
15 complaint or criminal citation shall promptly give notice of such
16 fact to the department of licensing. Whenever thereafter the case in
17 which the defendant failed to appear or comply is adjudicated, the
18 court hearing the case shall promptly file with the department a
19 certificate showing that the case has been adjudicated.

20 For the purposes of this section, "moving violation" is defined
21 by rule pursuant to RCW 46.20.2891.

22 NEW SECTION. **Sec. 13.** A new section is added to chapter 46.20
23 RCW to read as follows:

24 (1) An additional \$1 fee shall be imposed on each application for
25 an original or renewal of a regular driver's license, regular
26 identicard, enhanced driver's license, or enhanced identicard. The
27 entire amount of the fee shall be used to pay for processing costs
28 for driver's license issuance and reinstatements, and information
29 technology upgrades and the ongoing costs to maintain the driver's
30 license and identicard record and issuance system.

31 (2) The department shall forward all funds accruing under this
32 section to the state treasurer who shall deposit the moneys to the
33 credit of the highway safety fund.

34 **Sec. 14.** RCW 2.68.040 and 2019 c 467 s 6, 2019 c 403 s 12, and
35 2019 c 65 s 6 are each reenacted and amended to read as follows:

36 (1) To support the judicial information system account provided
37 for in RCW 2.68.020, the supreme court may provide by rule for an

1 increase in fines, penalties, and assessments, and the increased
2 amount shall be forwarded to the state treasurer for deposit in the
3 account:

4 (a) Pursuant to the authority of RCW 46.63.110(3), the sum of ten
5 dollars to any penalty collected by a court pursuant to supreme court
6 infraction rules for courts of limited jurisdiction;

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

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

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

16 (3) The supreme court is requested to adjust these assessments
17 for inflation.

18 (4) This section does not apply to the additional monetary
19 penalty under RCW 46.20.500.

20 (5) This section does not apply to the additional monetary fine
21 under RCW 46.61.110, 46.61.145, 46.61.180, 46.61.185, 46.61.190, and
22 46.61.205.

23 (6) This section does not apply to the additional monetary
24 penalties under RCW 46.61.165.

25 (7) In addition to any amount prescribed by rule under subsection
26 (1)(a) of this section as an assessment on traffic infractions
27 dedicated for the judicial information system, there shall be
28 assessed \$2 on each traffic infraction. The additional \$2 shall be
29 forwarded to the state treasurer for deposit in the driver licensing
30 technology support account, created under section 15 of this act, to
31 be used to support information technology systems used by the
32 department of licensing to communicate with the judicial information
33 system, manage driving records, and implement court orders.

34 NEW SECTION. Sec. 15. A new section is added to chapter 46.68
35 RCW to read as follows:

36 The driver licensing technology support account is created as a
37 subaccount in the highway safety fund under RCW 46.68.060. Moneys in
38 the subaccount may be spent only after appropriation. Expenditures
39 from the subaccount may be used only for supporting information

1 technology systems used by the department to communicate with the
2 judicial information system, manage driving records, and implement
3 court orders.

4 NEW SECTION. **Sec. 16.** This act takes effect March 1, 2022."

SSB 5226 - S AMD 396
By Senator Pedersen

PULLED 03/05/2021

5 On page 1, line 2 of the title, after "infractions;" strike the
6 remainder of the title and insert "amending RCW 46.63.060, 46.63.070,
7 46.20.289, 46.20.291, 46.20.311, 46.20.342, 46.20.391, and 46.64.025;
8 reenacting and amending RCW 46.63.110 and 2.68.040; adding a new
9 section to chapter 46.63 RCW; adding new sections to chapter 46.20
10 RCW; adding a new section to chapter 46.68 RCW; prescribing
11 penalties; and providing an effective date."

EFFECT: Authorizes the suspension of a person's driver's license or driving privileges if the person has failed to respond to a notice of traffic infraction for a moving violation or failed to appear at a requested hearing for a moving violation. Removes the requirement that the court enter into a payment plan with a person who has failed to pay a monetary obligation associated with a traffic infraction if the court has previously entered into a payment plan with the person for the same monetary obligation. Clarifies that multiple traffic infractions issued during or as the result of a single traffic stop constitute a single occasion for determining the number of infractions a person has committed. Removes the requirement that the Department of Licensing make efforts to personally notify individuals who may qualify for reinstatement but retains the requirement that DOL publicize the availability of relief.

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