
SENATE BILL 5226

State of Washington

67th Legislature

2021 Regular Session

By Senators Salomon, Saldaña, Das, Frockt, Hasegawa, Kuderer, Lias, Lovelett, Muzzall, Nguyen, Nobles, Pedersen, Randall, and Wilson, C.

Read first time 01/14/21. Referred to Committee on Law & Justice.

1 AN ACT Relating to the suspension of licenses for traffic
2 infractions; amending RCW 46.63.060, 46.63.070, 46.20.285, 46.20.285,
3 46.20.289, 46.20.291, 46.20.342, 46.20.391, and 46.64.025; reenacting
4 and amending RCW 46.63.110 and 2.68.040; adding a new section to
5 chapter 46.63 RCW; adding new sections to chapter 46.20 RCW; adding a
6 new section to chapter 46.68 RCW; prescribing penalties; providing an
7 effective date; and providing an expiration date.

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

9 **Sec. 1.** RCW 46.63.060 and 2013 c 170 s 1 are each amended to
10 read as follows:

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

14 (2) The form for the notice of traffic infraction shall be
15 prescribed by rule of the supreme court and shall include the
16 following:

17 (a) A statement that the notice represents a determination that a
18 traffic infraction has been committed by the person named in the
19 notice and that the determination shall be final unless contested as
20 provided in this chapter;

1 (b) A statement that a traffic infraction is a noncriminal
2 offense for which imprisonment may not be imposed as a sanction;
3 (~~that the penalty for a traffic infraction may include sanctions~~
4 ~~against the person's driver's license including suspension,~~
5 ~~revocation, or denial;~~) that the penalty for a traffic infraction
6 related to standing, stopping, or parking may include nonrenewal of
7 the vehicle registration;

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

10 (d) A statement of the monetary penalty established for the
11 traffic infraction;

12 (e) (i) A statement of the options provided in this chapter for
13 responding to the notice and the procedures necessary to exercise
14 these options;

15 (ii) One of the options must allow a person to admit
16 responsibility for the infraction and attest that the person does not
17 have the current ability to pay the infraction in full. The person
18 must receive information on how to obtain a payment plan from the
19 court and be informed that failure to pay may result in collection
20 action;

21 (f) A statement that at any hearing to contest the determination
22 the state has the burden of proving, by a preponderance of the
23 evidence, that the infraction was committed; and that the person may
24 subpoena witnesses including the officer who issued the notice of
25 infraction;

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

30 (~~(A statement that the person must respond to the notice as~~
31 ~~provided in this chapter within fifteen days or the person's driver's~~
32 ~~license or driving privilege may be suspended by the department until~~
33 ~~any penalties imposed pursuant to this chapter have been satisfied;~~
34 ~~and~~

35 ~~(i))~~) A statement that failure to appear at a hearing requested
36 for the purpose of contesting the determination or for the purpose of
37 explaining mitigating circumstances may result in (~~the suspension of~~
38 ~~the person's driver's license or driving privilege)) additional
39 financial penalties, or in the case of a standing, stopping, or
40 parking violation, refusal of the department to renew the vehicle~~

1 registration, until any penalties imposed pursuant to this chapter
2 have been satisfied.

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

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

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

10 (1) Any person who receives a notice of traffic infraction shall
11 respond to such notice as provided in this section within ~~((fifteen))~~
12 30 days of the date of the notice.

13 (2) If the person determined to have committed the infraction
14 does not contest the determination the person shall respond by
15 completing the appropriate portion of the notice of infraction and
16 submitting it, either by mail or in person, to the court specified on
17 the notice. A check or money order in the amount of the penalty
18 prescribed for the infraction must be submitted with the response,
19 unless the person selects the option attesting that the person does
20 not have the current ability to pay the infraction in full. When a
21 response which does not contest the determination is received, an
22 appropriate order shall be entered in the court's records, and a
23 record of the response and order shall be furnished to the department
24 in accordance with RCW 46.20.270.

25 (3) If the person determined to have committed the infraction
26 wishes to contest the determination the person shall respond by
27 completing the portion of the notice of infraction requesting a
28 hearing and submitting it, either by mail or in person, to the court
29 specified on the notice. The court shall notify the person in writing
30 of the time, place, and date of the hearing, and that date shall not
31 be sooner than seven days from the date of the notice, except by
32 agreement.

33 (4) If the person determined to have committed the infraction
34 does not contest the determination but wishes to explain mitigating
35 circumstances surrounding the infraction the person shall respond by
36 completing the portion of the notice of infraction requesting a
37 hearing for that purpose and submitting it, either by mail or in
38 person, to the court specified on the notice. The court shall notify
39 the person in writing of the time, place, and date of the hearing.

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

11 (b) A person may not receive more than one deferral within a
12 seven-year period for traffic infractions for moving violations and
13 more than one deferral within a seven-year period for traffic
14 infractions for nonmoving violations.

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

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

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

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

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

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

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

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

38 (b) The court may waive or remit any monetary penalty, fee, cost,
39 assessment, or other monetary obligation associated with a traffic

1 infraction unless the specific monetary obligation in question is
2 prohibited from being waived or remitted by state law.

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~~
33 ~~more than one year has passed since the later of July 1, 2005, or the~~
34 ~~date the monetary obligation initially became due and payable)~~), the
35 court shall enter into a payment plan with the person(~~(, unless the~~
36 ~~person has previously been granted a payment plan with respect to the~~
37 ~~same monetary obligation, or unless the person is in noncompliance of~~
38 ~~any existing or prior payment plan, in which case the court may, at~~
39 ~~its discretion, implement a payment plan. If the court has notified~~
40 ~~the department that the person has failed to pay or comply and the~~

1 ~~person has subsequently entered into a payment plan and made an~~
2 ~~initial payment, the court shall notify the department that the~~
3 ~~infraction has been adjudicated, and the department shall rescind any~~
4 ~~suspension of the person's driver's license or driver's privilege~~
5 ~~based on failure to respond to that infraction. "Payment plan," as~~
6 ~~used in this section, means a plan that requires reasonable payments~~
7 ~~based on 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.~~

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

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

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

7 ~~(e) If a court authorized community restitution program for~~
8 ~~offenders is available in the jurisdiction, the court may allow~~
9 ~~conversion of all or part of the monetary obligations due under this~~
10 ~~section to court authorized community restitution in lieu of time~~
11 ~~payments if the person is unable to make reasonable time payments))~~
12 in accordance with section 4 of this act and standards that may be
13 set out in court rule.

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 five dollars per infraction. Under no circumstances
27 shall this fee be reduced or waived. Revenue from this fee shall be
28 forwarded to the state treasurer for deposit in the traumatic brain
29 injury account established in RCW 74.31.060.

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

1 (b) (~~Eight dollars and fifty cents~~) \$10.50 of the additional
2 penalty under (a) of this subsection shall be remitted to the state
3 treasurer. The remaining revenue from the additional penalty must be
4 remitted under chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW.
5 Money remitted under this subsection to the state treasurer must be
6 deposited as follows: \$6.50 in the state general fund and \$4 in the
7 driver licensing technology support account created under section 15
8 of this act. The moneys deposited into the driver licensing
9 technology support account must be used to support information
10 technology systems used by the department to communicate with the
11 judicial information system, manage driving records, and implement
12 court orders. The balance of the revenue received by the county or
13 city treasurer under this subsection must be deposited into the
14 county or city current expense fund. Moneys retained by the city or
15 county under this subsection shall constitute reimbursement for any
16 liabilities under RCW 43.135.060.

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

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

26 (11) The additional monetary penalty for a violation of RCW
27 46.20.500 is not subject to assessments or fees provided under this
28 section.

29 (12) The additional monetary fine for a violation of RCW
30 46.61.110, 46.61.145, 46.61.180, 46.61.185, 46.61.190, and 46.61.205
31 is not subject to assessments or fees provided under this section.

32 (13) The additional monetary penalties for a violation of RCW
33 46.61.165 are not subject to assessments or fees provided under this
34 section.

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

37 (1)(a) A person may request a payment plan at any time for the
38 payment of any monetary penalty, fee, cost, assessment, or other

1 monetary obligation associated with a traffic infraction. The court
2 shall enter into a payment plan with the individual.

3 (b) If a court authorized community restitution program for
4 offenders is available in the jurisdiction, the court may allow
5 conversion of all or part of the monetary obligations due under this
6 section to court authorized community restitution in lieu of time
7 payments if the person is unable to make reasonable time payments.

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

10 (3) 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 have been paid and court authorized community restitution
18 has been completed, or until the court has entered into a new payment
19 plan or community restitution agreement with the person.

20 (4) If a person has not entered into a payment plan with the
21 court and has not paid the monetary obligation in full, no sooner
22 than 120 days from the date of the infraction the court may refer the
23 unpaid monetary penalty, fee, cost, assessment, or other monetary
24 obligation to a collections agency until all monetary obligations
25 have been paid or until the person has entered into a payment plan
26 under this section.

27 (5) If the payment plan is to be administered by the court, the
28 court may assess the person a reasonable administrative fee to be
29 wholly retained by the city or county with jurisdiction. The
30 administrative fee shall not exceed \$10 per infraction or \$25 per
31 payment plan, whichever is less.

32 (6) Nothing in this section precludes a court from contracting
33 with outside entities to administer its payment plan system. When
34 outside entities are used for the administration of a payment plan,
35 the court may assess the person a reasonable fee for such
36 administrative services, which fee may be calculated on a periodic,
37 percentage, or other basis.

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

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

4 **Sec. 5.** RCW 46.20.285 and 2005 c 288 s 4 are each amended to
5 read as follows:

6 (1) The department shall revoke the license of any driver for the
7 period of one calendar year unless otherwise provided in this
8 section, upon receiving a record of the driver's conviction of any of
9 the following offenses, when the conviction has become final:

10 ~~((1))~~ (a) For vehicular homicide the period of revocation shall
11 be two years. The revocation period shall be tolled during any period
12 of total confinement for the offense;

13 ~~((2))~~ (b) Vehicular assault. The revocation period shall be
14 tolled during any period of total confinement for the offense;

15 ~~((3))~~ (c) Driving a motor vehicle while under the influence of
16 intoxicating liquor or a narcotic drug, or under the influence of any
17 other drug to a degree which renders the driver incapable of safely
18 driving a motor vehicle, for the period prescribed in RCW 46.61.5055;

19 ~~((4))~~ (d) Any felony in the commission of which a motor vehicle
20 is used;

21 ~~((5))~~ (e) Failure to stop and give information or render aid as
22 required under the laws of this state in the event of a motor vehicle
23 accident resulting in the death or personal injury of another or
24 resulting in damage to a vehicle that is driven or attended by
25 another;

26 ~~((6))~~ (f) Perjury or the making of a false affidavit or
27 statement under oath to the department under ~~((Title 46 RCW))~~ this
28 title or under any other law relating to the ownership or operation
29 of motor vehicles;

30 ~~((7))~~ (g) Reckless driving upon a showing by the department's
31 records that the conviction is the third such conviction for the
32 driver within a period of two years.

33 (2)(a) Whenever the official records of the department show that
34 a person has committed a traffic infraction for a moving violation on
35 three or more occasions within a one-year period, or on four or more
36 occasions within a two-year period, the department shall revoke the
37 license of the driver for a period of 60 days and establish a period
38 of probation for one calendar year to begin when the suspension ends.
39 During the period of probation, the person must not be convicted of

1 any additional traffic infractions for moving violations and must
2 complete a safe driving course as recommended by the department. Any
3 traffic infraction for a moving violation committed during the period
4 of probation or failure to complete the required safe driving course
5 shall result in an additional 30-day suspension to run consecutively
6 with any suspension already being served.

7 (b) When a person has committed a traffic infraction for a moving
8 violation on two occasions within a one-year period or three
9 occasions within a two-year period, the department shall send the
10 person a notice that an additional infraction will result in
11 suspension of the person's license for a period of 60 days.

12 (c) The department may not charge a reinstatement fee at the end
13 of the term of revocation under this subsection.

14 (d) For purposes of this subsection, multiple traffic infractions
15 committed within a six-hour period constitutes one occasion.

16 **Sec. 6.** RCW 46.20.285 and 2020 c 16 s 1 are each amended to read
17 as follows:

18 (1) The department shall revoke the license of any driver for the
19 period of one calendar year unless otherwise provided in this
20 section, upon receiving a record of the driver's conviction of any of
21 the following offenses, when the conviction has become final:

22 ~~((1))~~ (a) For vehicular homicide the period of revocation shall
23 be two years. The revocation period shall be tolled during any period
24 of total confinement for the offense;

25 ~~((2))~~ (b) Vehicular assault. The revocation period shall be
26 tolled during any period of total confinement for the offense;

27 ~~((3))~~ (c) Driving a motor vehicle while under the influence of
28 intoxicating liquor or a narcotic drug, or under the influence of any
29 other drug to a degree which renders the driver incapable of safely
30 driving a motor vehicle, for the period prescribed in RCW 46.61.5055;

31 ~~((4))~~ (d) Any felony where the sentencing court determines that
32 in the commission of the offense a motor vehicle was used in a manner
33 that endangered persons or property;

34 ~~((5))~~ (e) Failure to stop and give information or render aid as
35 required under the laws of this state in the event of a motor vehicle
36 accident resulting in the death or personal injury of another or
37 resulting in damage to a vehicle that is driven or attended by
38 another;

1 ~~((6))~~ (f) Perjury or the making of a false affidavit or
2 statement under oath to the department under ~~((Title 46 RCW))~~ this
3 title or under any other law relating to the ownership or operation
4 of motor vehicles;

5 ~~((7))~~ (g) Reckless driving upon a showing by the department's
6 records that the conviction is the third such conviction for the
7 driver within a period of two years.

8 (2) (a) Whenever the official records of the department show that
9 a person has committed a traffic infraction for a moving violation on
10 three or more occasions within a one-year period, or on four or more
11 occasions within a two-year period, the department shall revoke the
12 license of the driver for a period of 60 days and establish a period
13 of probation for one calendar year to begin when the suspension ends.
14 During the period of probation, the person must not be convicted of
15 any additional traffic infractions for moving violations and must
16 complete a safe driving course as recommended by the department. Any
17 traffic infraction for a moving violation committed during the period
18 of probation or failure to complete the required safe driving course
19 shall result in an additional 30-day suspension to run consecutively
20 with any suspension already being served.

21 (b) When a person has committed a traffic infraction for a moving
22 violation on two occasions within a one-year period or three
23 occasions within a two-year period, the department shall send the
24 person a notice that an additional infraction will result in
25 suspension of the person's license for a period of 60 days.

26 (c) The department may not charge a reinstatement fee at the end
27 of the term of revocation under this subsection.

28 (d) For purposes of this subsection, multiple traffic infractions
29 committed within a six-hour period constitutes one occasion.

30 **Sec. 7.** RCW 46.20.289 and 2019 c 467 s 2 are each amended to
31 read as follows:

32 (1) Except for traffic violations committed under RCW 46.61.165,
33 the department shall suspend all driving privileges of a person when
34 the department receives notice from a court under RCW ~~((46.63.070(6),~~
35 46.63.110(6), or)) 46.64.025 that the person has ~~((failed to respond~~
36 to a notice of traffic infraction for a moving violation, failed to
37 appear at a requested hearing for a moving violation, violated a
38 written promise to appear in court for a notice of infraction for a
39 moving violation, or has)) failed to comply with the terms of a

1 (~~notice of traffic infraction~~) criminal complaint(~~(7)~~) or criminal
2 citation for a moving violation(~~(7-0#)~~).

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

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

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

22 **Sec. 8.** RCW 46.20.291 and 2016 c 203 s 5 are each amended to
23 read as follows:

24 The department is authorized to suspend the license of a driver
25 upon a showing by its records or other sufficient evidence that the
26 licensee:

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

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

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

37 (4) Is incompetent to drive a motor vehicle under RCW
38 46.20.031(3);

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

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

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

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

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

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

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

36 (b) A person who violates this section while an order of
37 suspension or revocation prohibiting such operation is in effect and
38 while the person is not eligible to reinstate his or her driver's
39 license or driving privilege, other than for a suspension for the

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

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

11 (ii) A previous conviction under this section;

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

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

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

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

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

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

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

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

32 (xi) A conviction of RCW 46.61.520, relating to vehicular
33 homicide;

34 (xii) A conviction of RCW 46.61.522, relating to vehicular
35 assault;

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

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

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

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

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

7 (xviii) An administrative action taken by the department under
8 chapter 46.20 RCW;

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

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

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

19 (i) ~~((the))~~ The person must furnish proof of satisfactory
20 progress in a required alcoholism or drug treatment program~~((τ))~~;

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

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

25 (iv) ~~((the))~~ The person has failed to ~~((respond to a notice of
26 traffic infraction, failed to appear at a requested hearing, violated
27 a written promise to appear in court, or has failed to))~~ comply with
28 the terms of a ~~((notice of traffic infraction))~~ criminal complaint or
29 criminal citation for a moving violation, as provided in RCW
30 46.20.289~~((τ))~~ (1);

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

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

38 (vii) ~~((the))~~ The person has received traffic citations or
39 notices of traffic infraction that have resulted in a suspension

1 under RCW 46.20.267 relating to intermediate drivers' licenses(~~(r)~~);
2 or

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

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

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

37 (1) Any person licensed under this chapter who is convicted of an
38 offense relating to motor vehicles for which suspension or revocation
39 of the driver's license is mandatory, other than vehicular homicide,

1 vehicular assault, driving while under the influence of intoxicating
2 liquor or any drug, or being in actual physical control of a motor
3 vehicle while under the influence of intoxicating liquor or any drug,
4 may submit to the department an application for a temporary
5 restricted driver's license. The department, upon receipt of the
6 prescribed fee and upon determining that the petitioner is eligible
7 to receive the license, may issue a temporary restricted driver's
8 license and may set definite restrictions as provided in RCW
9 46.20.394.

10 (2) (a) A person licensed under this chapter whose driver's
11 license is suspended administratively (~~due to failure to appear or~~
12 ~~pay a traffic ticket under~~) pursuant to RCW 46.20.289; a violation
13 of the financial responsibility laws under chapter 46.29 RCW; or for
14 multiple violations within a specified period of time under RCW
15 46.20.285(2) or 46.20.291, may apply to the department for an
16 occupational driver's license.

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

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

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

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

29 (i) Is engaged in an occupation or trade that makes it essential
30 that he or she operate a motor vehicle;

31 (ii) Is undergoing continuing health care or providing continuing
32 care to another who is dependent upon the applicant;

33 (iii) Is enrolled in an educational institution and pursuing a
34 course of study leading to a diploma, degree, or other certification
35 of successful educational completion;

36 (iv) Is undergoing substance abuse treatment or is participating
37 in meetings of a twelve-step group such as Alcoholics Anonymous that
38 requires the petitioner to drive to or from the treatment or
39 meetings;

1 (v) Is fulfilling court-ordered community service
2 responsibilities;

3 (vi) Is in a program that assists persons who are enrolled in a
4 WorkFirst program pursuant to chapter 74.08A RCW to become gainfully
5 employed and the program requires a driver's license;

6 (vii) Is in an apprenticeship, on-the-job training, or welfare-
7 to-work program; or

8 (viii) Presents evidence that he or she has applied for a
9 position in an apprenticeship or on-the-job training program for
10 which a driver's license is required to begin the program, provided
11 that a license granted under this provision shall be in effect for no
12 longer than fourteen days; and

13 (c) The applicant files satisfactory proof of financial
14 responsibility under chapter 46.29 RCW; and

15 (d) Upon receipt of evidence that a holder of an occupational
16 driver's license granted under this subsection is no longer enrolled
17 in an apprenticeship or on-the-job training program, the director
18 shall give written notice by first-class mail to the driver that the
19 occupational driver's license shall be canceled. If at any time
20 before the cancellation goes into effect the driver submits evidence
21 of continued enrollment in the program, the cancellation shall be
22 stayed. If the cancellation becomes effective, the driver may obtain,
23 at no additional charge, a new occupational driver's license upon
24 submittal of evidence of enrollment in another program that meets the
25 criteria set forth in this subsection; and

26 (e) The department shall not issue an occupational driver's
27 license under (b)(iv) of this subsection if the applicant is able to
28 receive transit services sufficient to allow for the applicant's
29 participation in the programs referenced under (b)(iv) of this
30 subsection.

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

34 (5) The director shall cancel an occupational or temporary
35 restricted driver's license after receiving notice that the holder
36 thereof has been convicted of operating a motor vehicle in violation
37 of its restrictions, no longer meets the eligibility requirements, or
38 has been convicted of or found to have committed a separate offense
39 or any other act or omission that under this chapter would warrant
40 suspension or revocation of a regular driver's license. The

1 department must give notice of the cancellation as provided under RCW
2 46.20.245. A person whose occupational or temporary restricted
3 driver's license has been canceled under this section may reapply for
4 a new occupational or temporary restricted driver's license if he or
5 she is otherwise qualified under this section and pays the fee
6 required under RCW 46.20.380.

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

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

12 (a) Failed to respond to a notice of traffic infraction for a
13 moving violation;

14 (b) Failed to appear at a requested hearing for a moving
15 violation;

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

18 (d) Failed to comply with the terms of a notice of traffic
19 infraction.

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

22 (a) Take reasonable steps to publicize and notify persons who may
23 be eligible for reinstatement of his or her license pursuant to this
24 section; and

25 (b) Create an online application process for persons whose
26 licenses are suspended and may be eligible for reinstatement as
27 provided in this section. The online application process shall allow
28 a person to determine whether the person is eligible to have his or
29 her license reinstated and explain the process for reinstatement. A
30 reissue fee as provided in RCW 46.20.311 shall apply.

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

33 Whenever any person (~~served with, or provided notice of, a~~
34 ~~traffic infraction or a traffic-related criminal complaint willfully~~
35 ~~fails to appear at a requested hearing for a moving violation, or~~)
36 fails to comply with the terms of a (~~notice of infraction for a~~
37 ~~moving violation or~~) a (~~traffic-related~~) criminal complaint or
38 criminal citation for a moving violation, the court with jurisdiction

1 over the (~~traffic infraction or traffic-related~~) criminal complaint
2 or criminal citation shall promptly give notice of such fact to the
3 department of licensing. Whenever thereafter the case in which the
4 defendant failed to appear or comply is adjudicated, the court
5 hearing the case shall promptly file with the department a
6 certificate showing that the case has been adjudicated. For the
7 purposes of this section, "moving violation" is defined by rule
8 pursuant to RCW 46.20.2891.

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

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

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

21 **Sec. 14.** RCW 2.68.040 and 2019 c 467 s 6, 2019 c 403 s 12, and
22 2019 c 65 s 6 are each reenacted and amended to read as follows:

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

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

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

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

35 (2) Notwithstanding a provision of law or rule to the contrary,
36 the assessments provided for in this section may not be waived or
37 suspended and shall be immediately due and payable upon forfeiture,

1 conviction, deferral of prosecution, or request for time payment, as
2 each shall occur.

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

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

7 (5) This section does not apply to the additional monetary fine
8 under RCW 46.61.110, 46.61.145, 46.61.180, 46.61.185, 46.61.190, and
9 46.61.205.

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

12 (7) In addition to any amount proscribed by rule under subsection
13 (1)(a) of this section as an assessment on traffic infractions
14 dedicated for the judicial information system, there shall be
15 assessed \$2 on each traffic infraction. The additional \$2 shall be
16 forwarded to the state treasurer for deposit in the driver licensing
17 technology support account, created under section 15 of this act, to
18 be used to support information technology systems used by the
19 department of licensing to communicate with the judicial information
20 system, manage driving records, and implement court orders.

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

23 The driver licensing technology support account is created as a
24 subaccount in the highway safety fund under RCW 46.68.060. Moneys in
25 the subaccount may be spent only after appropriation. Expenditures
26 from the subaccount may be used only for supporting information
27 technology systems used by the department to communicate with the
28 judicial information system, manage driving records, and implement
29 court orders.

30 NEW SECTION. Sec. 16. Section 5 of this act expires January 1,
31 2022.

32 NEW SECTION. Sec. 17. Section 6 of this act takes effect
33 January 1, 2022.

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