

RCW 46.63.110 Monetary penalties. (1)(a) A person found to have committed a traffic infraction shall be assessed a monetary penalty. No penalty may exceed \$250 for each offense unless authorized by this chapter or title.

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

(2) The monetary penalty for a violation of (a) RCW 46.55.105(2) is \$250 for each offense; (b) RCW 46.61.210(1) is \$500 for each offense. No penalty assessed under this subsection (2) may be reduced.

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

(4) There shall be a penalty of \$25 for failure to respond to a notice of traffic infraction except where the infraction relates to parking as defined by local law, ordinance, regulation, or resolution or failure to pay a monetary penalty imposed pursuant to this chapter. A local legislative body may set a monetary penalty not to exceed \$25 for failure to respond to a notice of traffic infraction relating to parking as defined by local law, ordinance, regulation, or resolution. The local court, whether a municipal, police, or district court, shall impose the monetary penalty set by the local legislative body.

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

(6) Whenever a monetary penalty, fee, cost, assessment, or other monetary obligation is imposed by a court under this chapter, it is immediately payable and is enforceable as a civil judgment under Title 6 RCW. If the court determines that a person is not able to pay a monetary obligation in full, the court shall enter into a payment plan with the person in accordance with RCW 46.63.190 and standards that may be set out in court rule.

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

(a) A fee of \$5 per infraction. Under no circumstances shall this fee be reduced or waived. Revenue from this fee shall be forwarded to the state treasurer for deposit in the emergency medical services and trauma care system trust account under RCW 70.168.040;

(b) A fee of \$10 per infraction. Under no circumstances shall this fee be reduced or waived. Revenue from this fee shall be forwarded to the state treasurer for deposit in the general fund; and

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

(8)(a) In addition to any other penalties imposed under this section and not subject to the limitation of subsection (1) of this section, a person found to have committed a traffic infraction other than of RCW 46.61.527 or 46.61.212 shall be assessed an additional penalty of \$24. The court may not reduce, waive, or suspend the

additional penalty unless the court finds the offender to be indigent. If a court authorized community restitution program for offenders is available in the jurisdiction, the court shall allow offenders to offset all or a part of the penalty due under this subsection (8) by participation in the court authorized community restitution program.

(b) \$12.50 of the additional penalty under (a) of this subsection shall be remitted to the state treasurer. The remaining revenue from the additional penalty must be remitted under chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted under this subsection to the state treasurer must be deposited as follows: \$8.50 in the state general fund and \$4 in the driver licensing technology support account created under RCW 46.68.067. The moneys deposited into the driver licensing technology support account must be used to support information technology systems used by the department to communicate with the judicial information system, manage driving records, and implement court orders. The balance of the revenue received by the county or city treasurer under this subsection must be deposited into the county or city current expense fund. Moneys retained by the city or county under this subsection shall constitute reimbursement for any liabilities under RCW 43.135.060.

(9) If a legal proceeding, such as garnishment, has commenced to collect any delinquent amount owed by the person for any penalty imposed by the court under this section, the person may request a payment plan pursuant to RCW 46.63.190.

(10) The monetary penalty for violating RCW 46.37.395 is: (a) \$250 for the first violation; (b) \$500 for the second violation; and (c) \$750 for each violation thereafter.

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

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

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

(14) The monetary penalty for a violation of RCW 46.63.200 is not subject to assessments or fees provided under this section. [2024 c 308 s 3; 2023 c 388 s 2; 2021 c 240 s 3. Prior: 2019 c 467 s 4; 2019 c 403 s 13; 2019 c 181 s 1; 2019 c 65 s 7; 2012 c 82 s 1; 2010 c 252 s 5; 2009 c 479 s 39; prior: 2007 c 356 s 8; 2007 c 199 s 28; prior: 2005 c 413 s 2; 2005 c 320 s 2; 2005 c 288 s 8; 2003 c 380 s 2; prior: 2002 c 279 s 15; 2002 c 175 s 36; 2001 c 289 s 2; 1997 c 331 s 3; 1993 c 501 s 11; 1986 c 213 s 2; 1984 c 258 s 330; prior: 1982 1st ex.s. c 14 s 4; 1982 1st ex.s. c 12 s 1; 1982 c 10 s 13; prior: 1981 c 330 s 7; 1981 c 19 s 6; 1980 c 128 s 4; 1979 ex.s. c 136 s 13.]

Rules of court: Monetary penalty schedule—IRLJ 6.2.

Findings—Intent—2023 c 388: "The Washington auto theft prevention authority account was created in 2007 to provide dedicated funding from traffic infraction collections to support programs designed to prevent and prosecute motor vehicle theft. The legislature finds that over the years, funding from the account has been diverted to other nonauto theft uses such as department of corrections' operations and youth gang prevention programs. The legislature further

finds that revenues from traffic infractions have decreased as more drivers access diversion and deferral programs designed to assist people with retaining their licenses. Fund diversions and decreasing traffic infraction revenue threaten the viability of motor vehicle theft prevention programs at a time when the number of motor vehicle thefts have increased 88 percent between the year 2021 and 2022. In order to provide more secure funding to combat and prevent motor vehicle theft, the legislature intends each fiscal year to deposit into the Washington auto theft prevention authority account \$7,000,000 of insurance premium tax collections that would otherwise be deposited to the general fund and to have this deposit grow by inflation. The legislature further intends for moneys collected from the traffic infraction surcharge in RCW 46.63.110(7)(b) to be deposited into the state general fund." [2023 c 388 s 1.]

Effective date—2023 c 388: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2023." [2023 c 388 s 5.]

Effective date—2021 c 240: See note following RCW 46.63.060.

Finding—Intent—2019 c 467: See note following RCW 46.20.289.

Finding—Intent—Effective date—2019 c 403: See notes following RCW 46.04.071.

Finding—Effective date—2019 c 65: See notes following RCW 46.81A.020.

Effective date—Contingency—2012 c 82: "Except for section 4 of this act, this act takes effect June 1, 2013. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2012, in the transportation appropriations act, this act is null and void." [2012 c 82 s 6.] Funding was provided in the transportation appropriations act (section 208(15), chapter 86, Laws of 2012).

Effective date—2010 c 252: See note following RCW 46.61.212.

Effective date—2009 c 479: See note following RCW 2.56.030.

Short title—2007 c 356: See note following RCW 74.31.005.

Findings—Intent—Short title—2007 c 199: See notes following RCW 9A.56.065.

Effective date—2005 c 288: See note following RCW 46.20.245.

Effective date—2002 c 175: See note following RCW 7.80.130.

Effective date—1997 c 331: See note following RCW 70.168.135.

Court Improvement Act of 1984—Effective dates—Severability—Short title—1984 c 258: See notes following RCW 3.30.010.

Intent—1984 c 258: See note following RCW 3.34.130.

Effective date—Severability—1982 1st ex.s. c 14: See notes following RCW 46.63.060.

Severability—1982 c 10: See note following RCW 6.13.080.

Severability—1981 c 330: See note following RCW 3.62.060.

Severability—1981 c 19: See note following RCW 46.63.020.

Effective date—Severability—1980 c 128: See notes following RCW 46.63.060.

Effective date—Severability—1979 ex.s. c 136: See notes following RCW 46.63.010.

Additional statutory assessments: RCW 3.62.090, 46.64.055.