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**SUBSTITUTE SENATE BILL 5303**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** Senate Transportation (originally sponsored by Senators Llias and Saldaña; by request of Department of Licensing and Washington Traffic Safety Commission)

READ FIRST TIME 02/22/19.

1 AN ACT Relating to motorcycle safety; amending RCW 46.81A.020,  
2 46.20.510, 46.20.500, 3.62.090, 2.68.040, and 46.63.110; creating a  
3 new section; prescribing penalties; and providing an effective date.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that target zero is  
6 Washington's strategic highway safety plan of zero traffic fatalities  
7 by 2030 and the number of motorcycle involved fatalities has doubled  
8 since the 1990s and remains at a high level. Motorcycles are involved  
9 in nearly twenty percent of fatal and serious injury crashes while  
10 they make up only three percent of the total registered vehicles.  
11 Motorcyclists are also at fault in seventy-five percent of motorcycle  
12 fatalities. In order to move Washington closer to target zero, the  
13 department of licensing is updating its motorcycle safety program  
14 with feedback from the national highway traffic safety  
15 administration, the Washington traffic safety commission, and other  
16 stakeholders. These changes will improve public safety by creating a  
17 more meaningful and comprehensive motorcycle endorsement test,  
18 providing training programs greater flexibility, increasing penalties  
19 to discourage unendorsed riders, and focusing motorcycle subsidies on  
20 expanding access to motorcycle ridership.

1           **Sec. 2.** RCW 46.81A.020 and 2013 c 33 s 1 are each amended to  
2 read as follows:

3           (1) The director shall administer and enforce the law pertaining  
4 to the motorcycle skills education program as set forth in this  
5 chapter.

6           (2) The director may adopt and enforce reasonable rules that are  
7 consistent with this chapter.

8           (3) The director shall revise the Washington motorcycle safety  
9 program to:

10           (a) Institute separate novice and advanced motorcycle skills  
11 education courses for both two-wheeled and three-wheeled motorcycles  
12 that are each a minimum of eight hours (~~and no more than sixteen~~  
13 ~~hours at a cost, except as provided in subsection (5) of this~~  
14 ~~section, of (i) no more than fifty dollars for Washington state~~  
15 ~~residents under the age of eighteen, and (ii) no more than one~~  
16 ~~hundred twenty-five dollars for Washington state residents who are~~  
17 ~~eighteen years of age or older and military personnel of any age~~  
18 ~~stationed in Washington state));~~

19           (b) Encourage the use of loaned or used motorcycles for use in  
20 the motorcycle skills education course if the instructor approves  
21 them;

22           (c) Require all instructors for two-wheeled motorcycles to  
23 conduct at least three classes in a one-year period, and all  
24 instructors for three-wheeled motorcycles to conduct at least one  
25 class in a one-year period, to maintain their teaching eligibility.

26           (4) The department may enter into agreements to review and  
27 certify that a private motorcycle skills education course meets  
28 educational standards equivalent to those required of courses  
29 conducted under the motorcycle skills education program. An agreement  
30 entered into under this subsection must provide that the department  
31 may conduct periodic audits to ensure that educational standards  
32 continue to meet those required for courses conducted under the  
33 motorcycle skills education program, and that the costs of the  
34 review, certification, and audit process will be borne by the party  
35 seeking certification.

36           (5) (~~Subject to the requirements provided in this subsection,~~  
37 ~~the department must allow private motorcycle skills education~~  
38 ~~programs to offer motorcycle safety education where students pay the~~  
39 ~~full cost for the training. After the department has reviewed and~~  
40 ~~certified that a private motorcycle skills education course proposed~~

1 ~~under this subsection meets educational standards equivalent to those~~  
2 ~~offered under subsection (3) (a) of this section, the department must~~  
3 ~~enter into an agreement with the private motorcycle skills education~~  
4 ~~program. An agreement entered into under this subsection must provide~~  
5 ~~that (a) the department may conduct periodic audits to ensure that~~  
6 ~~educational standards continue to meet those of other programs~~  
7 ~~approved by the department, and (b) the costs of the review,~~  
8 ~~certification, and audit process will be borne by the program seeking~~  
9 ~~certification)) The department shall adopt rules to establish a  
10 motorcycle operator subsidy program, which may address testing costs,  
11 offer financial need-based subsidies for motorcycle training, and  
12 employ other strategies to improve access to motorcycle ridership.~~

13 (6) The department shall obtain and compile information from  
14 applicants for a motorcycle endorsement regarding whether they have  
15 completed a state approved or certified motorcycle skills education  
16 course.

17 **Sec. 3.** RCW 46.20.510 and 2011 c 246 s 1 are each amended to  
18 read as follows:

19 (1) **Motorcycle instruction permit.** A person holding a valid  
20 driver's license who wishes to learn to ride a motorcycle may apply  
21 for a motorcycle instruction permit. The department may issue a  
22 motorcycle instruction permit after the applicant has successfully  
23 passed all ~~((parts of the motorcycle examination other than the~~  
24 ~~driving test)) knowledge and skills examinations required and  
25 approved by the department. The director shall collect a fee of  
26 fifteen dollars for the motorcycle instruction permit or renewal, and  
27 deposit the fee in the motorcycle safety education account of the  
28 highway safety fund.~~

29 (a) The examination for a two-wheeled motorcycle instruction  
30 permit and the examination for a three-wheeled motorcycle instruction  
31 permit must be separate and distinct examinations.

32 (b) The department may authorize an entity that has entered into  
33 a contract authorized under RCW 46.20.520 to administer the  
34 motorcycle instruction permit examinations.

35 (c) If a motorcyclist fails the motorcycle endorsement skills  
36 test, but demonstrates a level of riding skill consistent with a  
37 motorcycle instruction permit, the department may waive any further  
38 skills testing required to obtain a motorcycle instruction permit.

1 (2) **Effect of motorcycle instruction permit.** A person holding a  
2 motorcycle instruction permit may drive a motorcycle upon the public  
3 highways if the person has immediate possession of the permit and a  
4 valid driver's license. An individual with a motorcyclist's  
5 instruction permit may not carry passengers and may not operate a  
6 motorcycle during the hours of darkness.

7 (3) **Term of motorcycle instruction permit.** A motorcycle  
8 instruction permit is valid for (~~ninety~~) one hundred eighty days  
9 from the date of issue.

10 (a) The department may issue one additional (~~ninety~~) one  
11 hundred eighty-day permit.

12 (~~The department may issue a third motorcycle instruction~~  
13 ~~permit upon presentation of documented evidence that the permittee is~~  
14 ~~enrolled in a motorcycle skills education program as authorized in~~  
15 ~~RCW 46.81A.020 with a class start date prior to the expiration of the~~  
16 ~~third permit.~~) The department may not issue more than (~~three~~) two  
17 motorcycle instruction permits to an applicant within a five-year  
18 period.

19 (4) The director may adopt and enforce reasonable rules that are  
20 consistent with this section.

21 **Sec. 4.** RCW 46.20.500 and 2018 c 60 s 4 are each amended to read  
22 as follows:

23 (1) No person may drive either a two-wheeled or a three-wheeled  
24 motorcycle, or a motor-driven cycle unless such person has a valid  
25 driver's license specially endorsed by the director to enable the  
26 holder to drive such vehicles. A person who violates this section  
27 commits a traffic infraction and is subject to: (a) The base penalty  
28 provided under RCW 46.63.110; and (b) an additional monetary penalty  
29 of two hundred fifty dollars, which must be deposited in the  
30 motorcycle safety education account under RCW 46.68.065.

31 (2) However, a person sixteen years of age or older, holding a  
32 valid driver's license of any class issued by the state of the  
33 person's residence, may operate a moped without taking any special  
34 examination for the operation of a moped.

35 (3) No driver's license is required for operation of an electric-  
36 assisted bicycle. Persons under sixteen years of age may not operate  
37 a class 3 electric-assisted bicycle.

38 (4) No driver's license is required to operate an electric  
39 personal assistive mobility device or a power wheelchair.

1 (5) No driver's license is required to operate a motorized foot  
2 scooter. Motorized foot scooters may not be operated at any time from  
3 a half hour after sunset to a half hour before sunrise without  
4 reflectors of a type approved by the state patrol.

5 (6) A person holding a valid driver's license may operate a  
6 motorcycle as defined under RCW 46.04.330(2) without a motorcycle  
7 endorsement.

8 (7) A person operating a motorcycle with a stabilizing conversion  
9 kit must have a valid driver's license specially endorsed by the  
10 director for a three-wheeled motorcycle to enable the holder to  
11 operate such a motorcycle.

12 **Sec. 5.** RCW 3.62.090 and 2004 c 15 s 5 are each amended to read  
13 as follows:

14 (1) There shall be assessed and collected in addition to any  
15 fines, forfeitures, or penalties assessed, other than for parking  
16 infractions, by all courts organized under Title 3 or 35 RCW a public  
17 safety and education assessment equal to seventy percent of such  
18 fines, forfeitures, or penalties, which shall be remitted as provided  
19 in chapters 3.46, 3.50, 3.62, and 35.20 RCW. The assessment required  
20 by this section shall not be suspended or waived by the court.

21 (2) There shall be assessed and collected in addition to any  
22 fines, forfeitures, or penalties assessed, other than for parking  
23 infractions and for fines levied under RCW 46.61.5055, and in  
24 addition to the public safety and education assessment required under  
25 subsection (1) of this section, by all courts organized under Title 3  
26 or 35 RCW, an additional public safety and education assessment equal  
27 to fifty percent of the public safety and education assessment  
28 required under subsection (1) of this section, which shall be  
29 remitted to the state treasurer and deposited as provided in RCW  
30 43.08.250. The additional assessment required by this subsection  
31 shall not be suspended or waived by the court.

32 (3) This section does not apply to the fee imposed under RCW  
33 46.63.110(7), the penalty imposed under RCW 46.63.110(8), the  
34 additional penalty imposed under RCW 46.20.500, or the penalty  
35 assessment imposed under RCW 10.99.080.

36 **Sec. 6.** RCW 2.68.040 and 1994 c 8 s 2 are each amended to read  
37 as follows:

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

6 (a) Pursuant to the authority of RCW 46.63.110(~~((2))~~) (3), the  
7 sum of ten dollars to any penalty collected by a court pursuant to  
8 supreme court infraction rules for courts of limited jurisdiction;

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

11 (c) Pursuant to RCW 46.63.110(~~((5))~~) (6), a ten-dollar assessment  
12 for each account for which a person requests a time payment schedule.

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

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

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

22 **Sec. 7.** RCW 46.63.110 and 2012 c 82 s 1 are each amended to read  
23 as follows:

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

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

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

38 (4) There shall be a penalty of twenty-five dollars for failure  
39 to respond to a notice of traffic infraction except where the

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

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

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

36 (a) If a payment required to be made under the payment plan is  
37 delinquent or the person fails to complete a community restitution  
38 program on or before the time established under the payment plan,  
39 unless the court determines good cause therefor and adjusts the  
40 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, including those imposed under subsections (3) and (4) of  
4 this section, have been paid, and court authorized community  
5 restitution has been completed, or until the court has entered into a  
6 new time payment or community restitution agreement with the person.  
7 For those infractions subject to suspension under RCW 46.20.289, the  
8 court shall notify the department of the person's failure to meet the  
9 conditions of the plan, and the department shall suspend the person's  
10 driver's license or driving privileges.

11 (b) If a person has not entered into a payment plan with the  
12 court and has not paid the monetary obligation in full on or before  
13 the time established for payment, the court may refer the unpaid  
14 monetary penalty, fee, cost, assessment, or other monetary obligation  
15 to a collections agency until all monetary obligations have been  
16 paid, including those imposed under subsections (3) and (4) of this  
17 section, or until the person has entered into a payment plan under  
18 this section. For those infractions subject to suspension under RCW  
19 46.20.289, the court shall notify the department of the person's  
20 delinquency, and the department shall suspend the person's driver's  
21 license or driving privileges.

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

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

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

38 (7) In addition to any other penalties imposed under this section  
39 and not subject to the limitation of subsection (1) of this section,



1 a person found to have committed a traffic infraction shall be  
2 assessed:

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

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

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

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

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

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

39 (10) The monetary penalty for violating RCW 46.37.395 is: (a) Two  
40 hundred fifty dollars for the first violation; (b) five hundred

1 dollars for the second violation; and (c) seven hundred fifty dollars  
2 for each violation thereafter.

3 (11) The additional monetary penalty for a violation of RCW  
4 46.20.500 is not subject to assessments or fees provided under this  
5 section.

6 NEW SECTION. **Sec. 8.** This act takes effect January 1, 2020.

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