

CERTIFICATION OF ENROLLMENT

ENGROSSED SECOND SUBSTITUTE SENATE BILL 6284

Chapter 82, Laws of 2012

62nd Legislature
2012 Regular Session

NONSAFETY CIVIL TRAFFIC INFRACTIONS--PROCESS

EFFECTIVE DATE: 06/07/12 (Contingent) - Except sections 1-3 and 5
which take effect 06/01/13.

Passed by the Senate February 11, 2012
YEAS 35 NAYS 11

BRAD OWEN

President of the Senate

Passed by the House March 8, 2012
YEAS 69 NAYS 29

FRANK CHOPP

Speaker of the House of Representatives

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE SENATE BILL 6284** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

Approved March 23, 2012, 12:11 p.m.

FILED

March 23, 2012

CHRISTINE GREGOIRE

Governor of the State of Washington

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE SENATE BILL 6284

Passed Legislature - 2012 Regular Session

State of Washington

62nd Legislature

2012 Regular Session

By Senate Transportation (originally sponsored by Senators Kline, Harper, Litzow, Kohl-Welles, Keiser, and Hargrove)

READ FIRST TIME 02/07/12.

1 AN ACT Relating to reforming Washington's approach to certain
2 nonsafety civil traffic infractions by authorizing a civil collection
3 process for unpaid traffic fines and removing the requirement for law
4 enforcement intervention for the failure to appear and pay a traffic
5 ticket; amending RCW 46.63.110, 46.20.391, 46.20.289, and 46.64.025;
6 adding a new section to chapter 46.20 RCW; and providing an effective
7 date.

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

9 **Sec. 1.** RCW 46.63.110 and 2010 c 252 s 5 are each amended to read
10 as follows:

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

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

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

7 (4) There shall be a penalty of twenty-five dollars for failure to
8 respond to a notice of traffic infraction except where the infraction
9 relates to parking as defined by local law, ordinance, regulation, or
10 resolution or failure to pay a monetary penalty imposed pursuant to
11 this chapter. A local legislative body may set a monetary penalty not
12 to exceed twenty-five dollars for failure to respond to a notice of
13 traffic infraction relating to parking as defined by local law,
14 ordinance, regulation, or resolution. The local court, whether a
15 municipal, police, or district court, shall impose the monetary penalty
16 set by the local legislative body.

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

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

1 respond to that infraction. "Payment plan," as used in this section,
2 means a plan that requires reasonable payments based on the financial
3 ability of the person to pay. The person may voluntarily pay an amount
4 at any time in addition to the payments required under the payment
5 plan.

6 (a) If a payment required to be made under the payment plan is
7 delinquent or the person fails to complete a community restitution
8 program on or before the time established under the payment plan,
9 unless the court determines good cause therefor and adjusts the payment
10 plan or the community restitution plan accordingly, the court (~~shall~~
11 ~~notify the department of the person's failure to meet the conditions of~~
12 ~~the plan, and the department shall suspend the person's driver's~~
13 ~~license or driving privilege~~) may refer the unpaid monetary penalty,
14 fee, cost, assessment, or other monetary obligation for civil
15 enforcement until all monetary obligations, including those imposed
16 under subsections (3) and (4) of this section, have been paid, and
17 court authorized community restitution has been completed, or until the
18 (~~department has been notified that the~~) court has entered into a new
19 time payment or community restitution agreement with the person. For
20 those infractions subject to suspension under RCW 46.20.289, the court
21 shall notify the department of the person's failure to meet the
22 conditions of the plan, and the department shall suspend the person's
23 driver's license or driving privileges.

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

1 wholly retained by the city or county with jurisdiction. The
2 administrative fee shall not exceed ten dollars per infraction or
3 twenty-five dollars per payment plan, whichever is less.

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

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

15 (7) In addition to any other penalties imposed under this section
16 and not subject to the limitation of subsection (1) of this section, a
17 person found to have committed a traffic infraction shall be 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 two dollars per infraction. Revenue from this fee
27 shall be forwarded to the state treasurer for deposit in the traumatic
28 brain injury account established in RCW 74.31.060.

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

1 subsection (8) by participation in the court authorized community
2 restitution program.

3 (b) Eight dollars and fifty cents of the additional penalty under
4 (a) of this subsection shall be remitted to the state treasurer. The
5 remaining revenue from the additional penalty must be remitted under
6 chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted
7 under this subsection to the state treasurer must be deposited in the
8 state general fund. The balance of the revenue received by the county
9 or city treasurer under this subsection must be deposited into the
10 county or city current expense fund. Moneys retained by the city or
11 county under this subsection shall constitute reimbursement for any
12 liabilities under RCW 43.135.060.

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

17 (10) The monetary penalty for violating RCW 46.37.395 is: (a) Two
18 hundred fifty dollars for the first violation; (b) five hundred dollars
19 for the second violation; and (c) seven hundred fifty dollars for each
20 violation thereafter.

21 **Sec. 2.** RCW 46.20.391 and 2010 c 269 s 2 are each amended to read
22 as follows:

23 (1) Any person licensed under this chapter who is convicted of an
24 offense relating to motor vehicles for which suspension or revocation
25 of the driver's license is mandatory, other than vehicular homicide,
26 vehicular assault, driving while under the influence of intoxicating
27 liquor or any drug, or being in actual physical control of a motor
28 vehicle while under the influence of intoxicating liquor or any drug,
29 may submit to the department an application for a temporary restricted
30 driver's license. The department, upon receipt of the prescribed fee
31 and upon determining that the petitioner is eligible to receive the
32 license, may issue a temporary restricted driver's license and may set
33 definite restrictions as provided in RCW 46.20.394.

34 (2)(a) A person licensed under this chapter whose driver's license
35 is suspended administratively due to failure to appear or pay a traffic
36 ticket under RCW 46.20.289; a violation of the financial responsibility

1 laws under chapter 46.29 RCW; or for multiple violations within a
2 specified period of time under RCW 46.20.291, may apply to the
3 department for an occupational driver's license.

4 ~~(b) ((If the suspension is for failure to respond, pay, or comply~~
5 ~~with a notice of traffic infraction or conviction, the applicant must~~
6 ~~enter into a payment plan with the court.~~

7 ~~(e))~~ An occupational driver's license issued to an applicant
8 described in (a) of this subsection shall be valid for the period of
9 the suspension or revocation.

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

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

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

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

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

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

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

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

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

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

35 (viii) Presents evidence that he or she has applied for a position
36 in an apprenticeship or on-the-job training program for which a
37 driver's license is required to begin the program, provided that a

1 license granted under this provision shall be in effect for no longer
2 than fourteen days; and

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

5 (d) Upon receipt of evidence that a holder of an occupational
6 driver's license granted under this subsection is no longer enrolled in
7 an apprenticeship or on-the-job training program, the director shall
8 give written notice by first-class mail to the driver that the
9 occupational driver's license shall be canceled. If at any time
10 before the cancellation goes into effect the driver submits evidence of
11 continued enrollment in the program, the cancellation shall be stayed.
12 If the cancellation becomes effective, the driver may obtain, at no
13 additional charge, a new occupational driver's license upon submittal
14 of evidence of enrollment in another program that meets the criteria
15 set forth in this subsection; and

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

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

23 (5) The director shall cancel an occupational or temporary
24 restricted driver's license after receiving notice that the holder
25 thereof has been convicted of operating a motor vehicle in violation of
26 its restrictions, no longer meets the eligibility requirements, or has
27 been convicted of or found to have committed a separate offense or any
28 other act or omission that under this chapter would warrant suspension
29 or revocation of a regular driver's license. The department must give
30 notice of the cancellation as provided under RCW 46.20.245. A person
31 whose occupational or temporary restricted driver's license has been
32 canceled under this section may reapply for a new occupational or
33 temporary restricted driver's license if he or she is otherwise
34 qualified under this section and pays the fee required under RCW
35 46.20.380.

36 **Sec. 3.** RCW 46.20.289 and 2005 c 288 s 5 are each amended to read
37 as follows:

1 The department shall suspend all driving privileges of a person
2 when the department receives notice from a court under RCW
3 46.63.070(6), 46.63.110(6), or 46.64.025 that the person has failed to
4 respond to a notice of traffic infraction for a moving violation,
5 failed to appear at a requested hearing for a moving violation,
6 violated a written promise to appear in court for a notice of
7 infraction for a moving violation, or has failed to comply with the
8 terms of a notice of traffic infraction or citation for a moving
9 violation, or when the department receives notice from another state
10 under Article IV of the nonresident violator compact under RCW
11 46.23.010 or from a jurisdiction that has entered into an agreement
12 with the department under RCW 46.23.020, other than for a standing,
13 stopping, or parking violation, provided that the traffic infraction or
14 traffic offense is committed on or after July 1, 2005. A suspension
15 under this section takes effect pursuant to the provisions of RCW
16 46.20.245, and remains in effect until the department has received a
17 certificate from the court showing that the case has been adjudicated,
18 and until the person meets the requirements of RCW 46.20.311. In the
19 case of failure to respond to a traffic infraction issued under RCW
20 46.55.105, the department shall suspend all driving privileges until
21 the person provides evidence from the court that all penalties and
22 restitution have been paid. A suspension under this section does not
23 take effect if, prior to the effective date of the suspension, the
24 department receives a certificate from the court showing that the case
25 has been adjudicated.

26 NEW SECTION. Sec. 4. A new section is added to chapter 46.20 RCW
27 to read as follows:

28 The department of licensing in consultation with the administrative
29 office of the courts must adopt and maintain rules, by November 1,
30 2012, in accordance with chapter 34.05 RCW that define a moving
31 violation for the purposes of this act. "Moving violation" shall be
32 defined pursuant to Title 46 RCW. Upon adoption of these rules, the
33 department must provide written notice to affected parties, the chief
34 clerk of the house of representatives, the secretary of the senate, the
35 office of the code reviser, and others as deemed appropriate by the
36 department.

1 **Sec. 5.** RCW 46.64.025 and 2006 c 270 s 4 are each amended to read
2 as follows:

3 Whenever any person served with a traffic citation willfully fails
4 to appear (~~((for a scheduled court hearing))~~) at a requested hearing for
5 a moving violation or fails to comply with the terms of a notice of
6 traffic citation for a moving violation, the court in which the
7 defendant failed to appear shall promptly give notice of such fact to
8 the department of licensing. Whenever thereafter the case in which the
9 defendant failed to appear is adjudicated, the court hearing the case
10 shall promptly file with the department a certificate showing that the
11 case has been adjudicated. For the purposes of this section, "moving
12 violation" is defined by rule pursuant to section 4 of this act.

13 NEW SECTION. **Sec. 6.** Except for section 4 of this act, this act
14 takes effect June 1, 2013. If specific funding for the purposes of
15 this act, referencing this act by bill or chapter number, is not
16 provided by June 30, 2012, in the transportation appropriations act,
17 this act is null and void.

Passed by the Senate February 11, 2012.

Passed by the House March 8, 2012.

Approved by the Governor March 23, 2012.

Filed in Office of Secretary of State March 23, 2012.