

---

HOUSE BILL 2331

---

State of Washington

58th Legislature

2004 Regular Session

By Representatives Roach and Shabro

Prefiled 1/5/2004. Read first time 01/12/2004. Referred to  
Committee on Judiciary.

1 AN ACT Relating to payment of traffic infraction and misdemeanor  
2 penalties; and amending RCW 46.63.110 and 46.64.025.

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

4 **Sec. 1.** RCW 46.63.110 and 2003 c 380 s 2 are each amended to read  
5 as follows:

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

10 (2) The monetary penalty for a violation of RCW 46.55.105(2) is two  
11 hundred fifty dollars for each offense. No penalty assessed under this  
12 subsection (2) may be reduced.

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

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

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

16 (6) Whenever a monetary penalty is imposed by a court under this  
17 chapter it is immediately payable. If the person is unable to pay at  
18 that time the court may, in its discretion, grant an extension of the  
19 period in which the penalty may be paid. If ~~((the penalty is not paid  
20 on or before the time established for payment))~~ a person is not able to  
21 pay a monetary penalty in full, the court shall enter into a payment  
22 plan with the person. "Payment plan," as used in this section, means  
23 a plan that requires a person to pay an initial payment of not less  
24 than five percent of the total owed, followed by reasonable payments in  
25 an amount established by the court. The initial payment amount  
26 required by the court may be no greater than thirty dollars, but the  
27 person may voluntarily pay a higher amount. No required payment may  
28 exceed ten percent of the original amount owed; however, the person may  
29 voluntarily pay any amount at any time in addition to these payments.

30 (a) If a payment required to be made under the payment plan is  
31 delinquent by thirty days, the court shall notify the department of the  
32 failure to pay the penalty, and the department shall suspend the  
33 person's driver's license or driving privilege until the penalty has  
34 been paid ~~((and)), including the penalty provided in subsection (4) of  
35 this section ~~((has been paid))~~.~~

36 (b) If a person has not entered into a payment plan with the court  
37 and has not paid the penalty in full on or before the time established  
38 for payment, the court shall notify the department of the delinquency,

1 and the department shall suspend the person's driver's license or  
2 driving privilege until the penalty has been paid, including the  
3 penalty provided in subsection (3) of this section, or until the person  
4 has entered into a payment plan under this section and has paid the  
5 initial payment.

6 (c) If a community service program for offenders is available in  
7 the jurisdiction, the court shall offer to convert all or part of the  
8 monetary penalties due under this subsection (5) to community service  
9 if the person is unable to make reasonable time payments.

10 (7) In addition to any other penalties imposed under this section  
11 and not subject to the limitation of subsection (1) of this section, a  
12 person found to have committed a traffic infraction shall be assessed  
13 a fee of five dollars per infraction. Under no circumstances shall  
14 this fee be reduced or waived. Revenue from this fee shall be  
15 forwarded to the state treasurer for deposit in the emergency medical  
16 services and trauma care system trust account under RCW 70.168.040.

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

27 (b) Eight dollars and fifty cents of the additional penalty under  
28 (a) of this subsection shall be remitted to the state treasurer. The  
29 remaining revenue from the additional penalty must be remitted under  
30 chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted  
31 under this subsection to the state treasurer must be deposited as  
32 provided in RCW 43.08.250. The balance of the revenue received by the  
33 county or city treasurer under this subsection must be deposited into  
34 the county or city current expense fund. Moneys retained by the city  
35 or county under this subsection shall constitute reimbursement for any  
36 liabilities under RCW 43.135.060.

1       **Sec. 2.** RCW 46.64.025 and 1999 c 86 s 7 are each amended to read  
2 as follows:

3       (1) Whenever any person violates his or her written promise to  
4 appear in court, (~~or~~) fails to appear for a scheduled court hearing,  
5 or fails to comply with the terms of a citation, the court in which the  
6 defendant failed to appear or comply shall promptly give notice of such  
7 fact to the department of licensing. Whenever thereafter the case in  
8 which the defendant failed to appear or comply is adjudicated, the  
9 court hearing the case shall promptly file with the department a  
10 certificate showing that the case has been adjudicated.

11       (2) Where compliance with the terms of a misdemeanor citation is  
12 limited to the payment of a monetary penalty, and a person is not able  
13 to pay the monetary penalty in full, the court shall enter into a  
14 payment plan with the person. "Payment plan," as used in this section,  
15 means a plan that requires a person to pay an initial payment of not  
16 less than five percent of the total owed, followed by reasonable  
17 payments in an amount established by the court. No required payment  
18 may exceed ten percent of the original amount owed. The person may  
19 voluntarily pay any amount at any time in addition to these payments.  
20 If a person has entered into a payment plan under this subsection, the  
21 court shall not notify the department of licensing that the person has  
22 failed to comply with the terms of a citation as it applies to payment  
23 of the monetary penalty unless a payment required to be made under the  
24 payment plan is delinquent by thirty days.

--- END ---