
SUBSTITUTE HOUSE BILL 1601

State of Washington

63rd Legislature

2013 Regular Session

By House Public Safety (originally sponsored by Representatives Goodman, Pettigrew, Moscoso, Habib, Pedersen, Jenkins, Roberts, Orwall, Appleton, Upthegrove, Pollet, Freeman, and Ryu)

READ FIRST TIME 02/22/13.

1 AN ACT Relating to providing alternatives for penalties stemming
2 from traffic infractions; amending RCW 46.63.060, 46.63.110, and
3 46.63.120; adding a new section to chapter 46.04 RCW; creating a new
4 section; providing an effective date; and declaring an emergency.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that many people have
7 difficulty satisfying civil penalties stemming from traffic
8 infractions. Therefore, it is the intent of the legislature to
9 encourage satisfaction of such penalties by providing alternatives. It
10 is the intent of the legislature to increase the number of people who
11 pay their traffic tickets through payment in full, through a payment
12 plan, or through a community restitution plan. Furthermore, the
13 legislature finds that expanding the ability of all persons to satisfy
14 the penalties stemming from traffic infractions will increase the
15 likelihood that a person facing a traffic infraction will appear for
16 court, thus encouraging greater respect for judicial institutions, as
17 well as decreasing cases of failure to appear and failure to pay.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.04 RCW
2 to read as follows:

3 "Community restitution" means the performance of a number of hours
4 of community service in lieu of all or part of a monetary penalty, at
5 the rate of the then state minimum wage per hour.

6 **Sec. 3.** RCW 46.63.060 and 2011 c 233 s 1 are each amended to read
7 as follows:

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

11 (2) The form for the notice of traffic infraction shall be
12 prescribed by rule of the supreme court and shall include the
13 following:

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

18 (b) A statement that a traffic infraction is a noncriminal offense
19 for which imprisonment may not be imposed as a sanction; that the
20 penalty for a traffic infraction may include sanctions against the
21 person's driver's license including suspension, revocation, or denial;
22 that the penalty for a traffic infraction related to standing,
23 stopping, or parking may include nonrenewal of the vehicle (~~license~~)
24 registration;

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

27 (d) A statement of the monetary penalty established for the traffic
28 infraction;

29 (e) A statement of the options provided in this chapter for
30 responding to the notice and the procedures necessary to exercise these
31 options;

32 (f) A statement that at any hearing to contest the determination
33 the state has the burden of proving, by a preponderance of the
34 evidence, that the infraction was committed; and that the person may
35 subpoena witnesses including the officer who issued the notice of
36 infraction;

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

5 (h) A statement that the person must respond to the notice as
6 provided in this chapter within fifteen days or the person's driver's
7 license or driving privilege will be suspended by the department until
8 any penalties imposed pursuant to this chapter have been satisfied; and

9 (i) A statement that failure to appear at a hearing requested for
10 the purpose of contesting the determination or for the purpose of
11 explaining mitigating circumstances will result in the suspension of
12 the person's driver's license or driving privilege, or in the case of
13 a standing, stopping, or parking violation, refusal of the department
14 to renew the vehicle ((license)) registration, until any penalties
15 imposed pursuant to this chapter have been satisfied.

16 (3) A form for a notice of traffic infraction printed after ((July
17 22, 2011)) June 1, 2013, must include a statement that the person
18 ((may)) shall be able to ((enter)) request entry into a payment plan or
19 community restitution plan with the court under RCW 7.80.130 or
20 46.63.110.

21 **Sec. 4.** RCW 46.63.110 and 2012 c 82 s 1 are each amended to read
22 as follows:

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

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

31 (3) The supreme court shall prescribe by rule a schedule of
32 monetary penalties for designated traffic infractions. This rule shall
33 also specify the conditions under which local courts may exercise
34 discretion in assessing fines and penalties for traffic infractions.
35 The legislature respectfully requests the supreme court to adjust this
36 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, fee, cost, assessment, or other
17 monetary obligation is imposed by a court under this chapter, it is
18 immediately payable and is enforceable as a civil judgment under Title
19 6 RCW. If the court determines, in its discretion, that a person is
20 not able to pay a monetary obligation in full without undue hardship,
21 and not more than one year has passed since the later of July 1, 2005,
22 or the date the monetary obligation initially became due and payable,
23 the court shall, upon request of the person, enter into a payment plan
24 or a community restitution plan with the person, unless the person has
25 previously been granted a payment plan or a community restitution plan
26 with respect to the same monetary obligation, or unless the person is
27 in noncompliance of any existing or prior payment plan or a community
28 restitution plan, in which case the court may, at its discretion,
29 implement a payment plan or a community restitution plan. If the court
30 has notified the department that the person has failed to pay or comply
31 and the person has subsequently entered into a payment plan and made an
32 initial payment or entered into a community restitution plan and begun
33 performance of the community restitution plan, the court shall timely
34 notify the department that the infraction has been adjudicated, and the
35 department shall immediately rescind any suspension of the person's
36 driver's license or driver's privilege based on failure to respond to
37 that infraction. "Payment plan," as used in this section, means a plan

1 that requires reasonable payments based on the financial ability of the
2 person to pay. The person may voluntarily pay an amount at any time in
3 addition to the payments required under the payment plan.

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

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

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

37 (d) Nothing in this section precludes a court from contracting with
38 outside entities to administer its payment plan system. When outside

1 entities are used for the administration of a payment plan, the court
2 may assess the person a reasonable fee for such administrative
3 services, which fee may be calculated on a periodic, percentage, or
4 other basis.

5 (e) If a court authorized community restitution program for
6 offenders is available in the jurisdiction, the court (~~(may)~~) shall
7 allow conversion of all or part of the monetary obligations due under
8 this section to court authorized community restitution in lieu of time
9 payments 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) A fee of five dollars per infraction. Under no circumstances
14 shall 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 (b) A fee of ten dollars per infraction. Under no circumstances
18 shall this fee be reduced or waived. Revenue from this fee shall be
19 forwarded to the state treasurer for deposit in the Washington auto
20 theft prevention authority account; and

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

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

35 (b) Eight dollars and fifty cents of the additional penalty under
36 (a) of this subsection shall be remitted to the state treasurer. The
37 remaining revenue from the additional penalty must be remitted under
38 chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted

1 under this subsection to the state treasurer must be deposited in the
2 state general fund. The balance of the revenue received by the county
3 or city treasurer under this subsection must be deposited into the
4 county or city current expense fund. Moneys retained by the city or
5 county under this subsection shall constitute reimbursement for any
6 liabilities under RCW 43.135.060.

7 (9) If a legal proceeding, such as garnishment, has commenced to
8 collect any delinquent amount owed by the person for any penalty
9 imposed by the court under this section, the court may, at its
10 discretion, enter into a payment plan or community restitution plan.

11 (10) The monetary penalty for violating RCW 46.37.395 is: (a) Two
12 hundred fifty dollars for the first violation; (b) five hundred dollars
13 for the second violation; and (c) seven hundred fifty dollars for each
14 violation thereafter.

15 **Sec. 5.** RCW 46.63.120 and 2002 c 175 s 37 are each amended to read
16 as follows:

17 (1) An order entered after the receipt of a response which does not
18 contest the determination, or after it has been established at a
19 hearing that the infraction was committed, or after a hearing for the
20 purpose of explaining mitigating circumstances is civil in nature.

21 (2) The court may include in the order the imposition of any
22 penalty authorized by the provisions of this chapter for the commission
23 of an infraction. The court (~~(may, in its discretion,)~~) shall waive,
24 reduce, or suspend the monetary penalty prescribed for the infraction
25 if the court finds the person indigent. At the person's request the
26 court may order performance of a number of hours of community
27 restitution in lieu of all or part of a monetary penalty, at the rate
28 of the then state minimum wage per hour.

29 NEW SECTION. **Sec. 6.** If any provision of this act or its
30 application to any person or circumstance is held invalid, the
31 remainder of the act or the application of the provision to other
32 persons or circumstances is not affected.

33 NEW SECTION. **Sec. 7.** This act is necessary for the immediate
34 preservation of the public peace, health, or safety, or support of the

1 state government and its existing public institutions, and takes effect
2 June 1, 2013.

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