

SSB 6231 - H COMM AMD
By Committee on Transportation

NOT CONSIDERED 03/11/2010

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 46.61.212 and 2007 c 83 s 1 are each amended to read
4 as follows:

5 (1) The driver of any motor vehicle, upon approaching an emergency
6 zone, which is defined as the adjacent lanes of the roadway two hundred
7 feet before and after (a) a stationary authorized emergency vehicle
8 that is making use of audible and/or visual signals meeting the
9 requirements of RCW 46.37.190, (b) a tow truck that is making use of
10 visual red lights meeting the requirements of RCW 46.37.196, (c) other
11 vehicles providing roadside assistance that are making use of warning
12 lights with three hundred sixty degree visibility, or (d) a police
13 vehicle properly and lawfully displaying a flashing, blinking, or
14 alternating emergency light or lights, shall:

15 ~~((+1))~~ (i) On a highway having four or more lanes, at least two of
16 which are intended for traffic proceeding in the same direction as the
17 approaching vehicle, proceed with caution and, if reasonable, with due
18 regard for safety and traffic conditions, yield the right-of-way by
19 making a lane change or moving away from the lane or shoulder occupied
20 by the stationary authorized emergency vehicle or police vehicle;

21 ~~((+2))~~ (ii) On a highway having less than four lanes, proceed with
22 caution, reduce the speed of the vehicle, and, if reasonable, with due
23 regard for safety and traffic conditions, and under the rules of this
24 chapter, yield the right-of-way by passing to the left at a safe
25 distance and simultaneously yield the right-of-way to all vehicles
26 traveling in the proper direction upon the highway; or

27 ~~((+3))~~ (iii) If changing lanes or moving away would be
28 unreasonable or unsafe, proceed with due caution and reduce the speed
29 of the vehicle.

1 (2) A person may not drive a vehicle in an emergency zone at a
2 speed greater than the posted speed limit.

3 (3) A person found to be in violation of this section, or any
4 infraction relating to speed restrictions in an emergency zone, must be
5 assessed a monetary penalty equal to twice the penalty assessed under
6 RCW 46.63.110.

7 (4) A person who drives a vehicle in an emergency zone in such a
8 manner as to endanger or be likely to endanger any emergency zone
9 worker or property is guilty of reckless endangerment of emergency zone
10 workers. A violation of this subsection is a gross misdemeanor
11 punishable under chapter 9A.20 RCW.

12 (5) The department shall suspend for sixty days the driver's
13 license, permit to drive, or nonresident driving privilege of a person
14 convicted of reckless endangerment of emergency zone workers.

15 NEW SECTION. Sec. 2. (1) Within existing resources, the state
16 patrol and the department of transportation shall conduct education and
17 outreach efforts regarding emergency zones, including drivers'
18 obligations in emergency zones and the penalties for violating these
19 obligations, for at least ninety days after the effective date of this
20 act. The education and outreach efforts must include the use of
21 department of transportation variable message signs.

22 (2) This section expires June 30, 2011.

23 **Sec. 3.** RCW 46.63.020 and 2009 c 485 s 6 are each amended to read
24 as follows:

25 Failure to perform any act required or the performance of any act
26 prohibited by this title or an equivalent administrative regulation or
27 local law, ordinance, regulation, or resolution relating to traffic
28 including parking, standing, stopping, and pedestrian offenses, is
29 designated as a traffic infraction and may not be classified as a
30 criminal offense, except for an offense contained in the following
31 provisions of this title or a violation of an equivalent administrative
32 regulation or local law, ordinance, regulation, or resolution:

33 (1) RCW 46.09.120(2) relating to the operation of a nonhighway
34 vehicle while under the influence of intoxicating liquor or a
35 controlled substance;

36 (2) RCW 46.09.130 relating to operation of nonhighway vehicles;

- 1 (3) RCW 46.10.090(2) relating to the operation of a snowmobile
2 while under the influence of intoxicating liquor or narcotics or habit-
3 forming drugs or in a manner endangering the person of another;
- 4 (4) RCW 46.10.130 relating to the operation of snowmobiles;
- 5 (5) Chapter 46.12 RCW relating to certificates of ownership and
6 registration and markings indicating that a vehicle has been destroyed
7 or declared a total loss;
- 8 (6) RCW 46.16.010 relating to the nonpayment of taxes and fees by
9 failure to register a vehicle and falsifying residency when registering
10 a motor vehicle;
- 11 (7) RCW 46.16.011 relating to permitting unauthorized persons to
12 drive;
- 13 (8) RCW 46.16.160 relating to vehicle trip permits;
- 14 (9) RCW 46.16.381(2) relating to knowingly providing false
15 information in conjunction with an application for a special placard or
16 license plate for disabled persons' parking;
- 17 (10) RCW 46.20.005 relating to driving without a valid driver's
18 license;
- 19 (11) RCW 46.20.091 relating to false statements regarding a
20 driver's license or instruction permit;
- 21 (12) RCW 46.20.0921 relating to the unlawful possession and use of
22 a driver's license;
- 23 (13) RCW 46.20.342 relating to driving with a suspended or revoked
24 license or status;
- 25 (14) RCW 46.20.345 relating to the operation of a motor vehicle
26 with a suspended or revoked license;
- 27 (15) RCW 46.20.410 relating to the violation of restrictions of an
28 occupational driver's license, temporary restricted driver's license,
29 or ignition interlock driver's license;
- 30 (16) RCW 46.20.740 relating to operation of a motor vehicle without
31 an ignition interlock device in violation of a license notation that
32 the device is required;
- 33 (17) RCW 46.20.750 relating to circumventing an ignition interlock
34 device;
- 35 (18) RCW 46.25.170 relating to commercial driver's licenses;
- 36 (19) Chapter 46.29 RCW relating to financial responsibility;
- 37 (20) RCW 46.30.040 relating to providing false evidence of
38 financial responsibility;

1 (21) RCW 46.37.435 relating to wrongful installation of
2 sunscreening material;

3 (22) RCW 46.37.650 relating to the sale, resale, distribution, or
4 installation of a previously deployed air bag;

5 (23) RCW 46.37.671 through 46.37.675 relating to signal preemption
6 devices;

7 (24) RCW 46.44.180 relating to operation of mobile home pilot
8 vehicles;

9 (25) RCW 46.48.175 relating to the transportation of dangerous
10 articles;

11 (26) RCW 46.52.010 relating to duty on striking an unattended car
12 or other property;

13 (27) RCW 46.52.020 relating to duty in case of injury to or death
14 of a person or damage to an attended vehicle;

15 (28) RCW 46.52.090 relating to reports by repairmen, storagemen,
16 and appraisers;

17 (29) RCW 46.52.130 relating to confidentiality of the driving
18 record to be furnished to an insurance company, an employer, and an
19 alcohol/drug assessment or treatment agency;

20 (30) RCW 46.55.020 relating to engaging in the activities of a
21 registered tow truck operator without a registration certificate;

22 (31) RCW 46.55.035 relating to prohibited practices by tow truck
23 operators;

24 (32) RCW 46.55.300 relating to vehicle immobilization;

25 (33) RCW 46.61.015 relating to obedience to police officers,
26 flaggers, or firefighters;

27 (34) RCW 46.61.020 relating to refusal to give information to or
28 cooperate with an officer;

29 (35) RCW 46.61.022 relating to failure to stop and give
30 identification to an officer;

31 (36) RCW 46.61.024 relating to attempting to elude pursuing police
32 vehicles;

33 (37) RCW 46.61.212(4) relating to reckless endangerment of
34 emergency zone workers;

35 (38) RCW 46.61.500 relating to reckless driving;

36 ~~((+38))~~ (39) RCW 46.61.502 and 46.61.504 relating to persons under
37 the influence of intoxicating liquor or drugs;

1 ~~((+39+))~~ (40) RCW 46.61.503 relating to a person under age twenty-
2 one driving a motor vehicle after consuming alcohol;
3 ~~((+40+))~~ (41) RCW 46.61.520 relating to vehicular homicide by motor
4 vehicle;
5 ~~((+41+))~~ (42) RCW 46.61.522 relating to vehicular assault;
6 ~~((+42+))~~ (43) RCW 46.61.5249 relating to first degree negligent
7 driving;
8 ~~((+43+))~~ (44) RCW 46.61.527(4) relating to reckless endangerment of
9 roadway workers;
10 ~~((+44+))~~ (45) RCW 46.61.530 relating to racing of vehicles on
11 highways;
12 ~~((+45+))~~ (46) RCW 46.61.655(7) (a) and (b) relating to failure to
13 secure a load;
14 ~~((+46+))~~ (47) RCW 46.61.685 relating to leaving children in an
15 unattended vehicle with the motor running;
16 ~~((+47+))~~ (48) RCW 46.61.740 relating to theft of motor vehicle
17 fuel;
18 ~~((+48+))~~ (49) RCW 46.64.010 relating to unlawful cancellation of or
19 attempt to cancel a traffic citation;
20 ~~((+49+))~~ (50) RCW 46.64.048 relating to attempting, aiding,
21 abetting, coercing, and committing crimes;
22 ~~((+50+))~~ (51) Chapter 46.65 RCW relating to habitual traffic
23 offenders;
24 ~~((+51+))~~ (52) RCW 46.68.010 relating to false statements made to
25 obtain a refund;
26 ~~((+52+))~~ (53) RCW 46.35.030 relating to recording device
27 information;
28 ~~((+53+))~~ (54) Chapter 46.70 RCW relating to unfair motor vehicle
29 business practices, except where that chapter provides for the
30 assessment of monetary penalties of a civil nature;
31 ~~((+54+))~~ (55) Chapter 46.72 RCW relating to the transportation of
32 passengers in for hire vehicles;
33 ~~((+55+))~~ (56) RCW 46.72A.060 relating to limousine carrier
34 insurance;
35 ~~((+56+))~~ (57) RCW 46.72A.070 relating to operation of a limousine
36 without a vehicle certificate;
37 ~~((+57+))~~ (58) RCW 46.72A.080 relating to false advertising by a
38 limousine carrier;

1 (~~(+58+)~~) (59) Chapter 46.80 RCW relating to motor vehicle wreckers;
2 (~~(+59+)~~) (60) Chapter 46.82 RCW relating to driver's training
3 schools;
4 (~~(+60+)~~) (61) RCW 46.87.260 relating to alteration or forgery of a
5 cab card, letter of authority, or other temporary authority issued
6 under chapter 46.87 RCW;
7 (~~(+61+)~~) (62) RCW 46.87.290 relating to operation of an
8 unregistered or unlicensed vehicle under chapter 46.87 RCW.

9 **Sec. 4.** RCW 46.20.342 and 2008 c 282 s 4 are each amended to read
10 as follows:

11 (1) It is unlawful for any person to drive a motor vehicle in this
12 state while that person is in a suspended or revoked status or when his
13 or her privilege to drive is suspended or revoked in this or any other
14 state. Any person who has a valid Washington driver's license is not
15 guilty of a violation of this section.

16 (a) A person found to be a habitual offender under chapter 46.65
17 RCW, who violates this section while an order of revocation issued
18 under chapter 46.65 RCW prohibiting such operation is in effect, is
19 guilty of driving while license suspended or revoked in the first
20 degree, a gross misdemeanor. Upon the first such conviction, the
21 person shall be punished by imprisonment for not less than ten days.
22 Upon the second conviction, the person shall be punished by
23 imprisonment for not less than ninety days. Upon the third or
24 subsequent conviction, the person shall be punished by imprisonment for
25 not less than one hundred eighty days. If the person is also convicted
26 of the offense defined in RCW 46.61.502 or 46.61.504, when both
27 convictions arise from the same event, the minimum sentence of
28 confinement shall be not less than ninety days. The minimum sentence
29 of confinement required shall not be suspended or deferred. A
30 conviction under this subsection does not prevent a person from
31 petitioning for reinstatement as provided by RCW 46.65.080.

32 (b) A person who violates this section while an order of suspension
33 or revocation prohibiting such operation is in effect and while the
34 person is not eligible to reinstate his or her driver's license or
35 driving privilege, other than for a suspension for the reasons
36 described in (c) of this subsection, is guilty of driving while license

1 suspended or revoked in the second degree, a gross misdemeanor. This
2 subsection applies when a person's driver's license or driving
3 privilege has been suspended or revoked by reason of:

4 (i) A conviction of a felony in the commission of which a motor
5 vehicle was used;

6 (ii) A previous conviction under this section;

7 (iii) A notice received by the department from a court or diversion
8 unit as provided by RCW 46.20.265, relating to a minor who has
9 committed, or who has entered a diversion unit concerning an offense
10 relating to alcohol, legend drugs, controlled substances, or imitation
11 controlled substances;

12 (iv) A conviction of RCW 46.20.410, relating to the violation of
13 restrictions of an occupational driver's license, a temporary
14 restricted driver's license, or an ignition interlock driver's license;

15 (v) A conviction of RCW 46.20.345, relating to the operation of a
16 motor vehicle with a suspended or revoked license;

17 (vi) A conviction of RCW 46.52.020, relating to duty in case of
18 injury to or death of a person or damage to an attended vehicle;

19 (vii) A conviction of RCW 46.61.024, relating to attempting to
20 elude pursuing police vehicles;

21 (viii) A conviction of RCW 46.61.212(4), relating to reckless
22 endangerment of emergency zone workers;

23 (ix) A conviction of RCW 46.61.500, relating to reckless driving;

24 ~~((+ix))~~ (x) A conviction of RCW 46.61.502 or 46.61.504, relating
25 to a person under the influence of intoxicating liquor or drugs;

26 ~~((+x))~~ (xi) A conviction of RCW 46.61.520, relating to vehicular
27 homicide;

28 ~~((+xi))~~ (xii) A conviction of RCW 46.61.522, relating to vehicular
29 assault;

30 ~~((+xii))~~ (xiii) A conviction of RCW 46.61.527(4), relating to
31 reckless endangerment of roadway workers;

32 ~~((+xiii))~~ (xiv) A conviction of RCW 46.61.530, relating to racing
33 of vehicles on highways;

34 ~~((+xiv))~~ (xv) A conviction of RCW 46.61.685, relating to leaving
35 children in an unattended vehicle with motor running;

36 ~~((+xv))~~ (xvi) A conviction of RCW 46.61.740, relating to theft of
37 motor vehicle fuel;

1 (~~(xvi)~~) (xvii) A conviction of RCW 46.64.048, relating to
2 attempting, aiding, abetting, coercing, and committing crimes;

3 (~~(xvii)~~) (xviii) An administrative action taken by the department
4 under chapter 46.20 RCW; or

5 (~~(xviii)~~) (xix) A conviction of a local law, ordinance,
6 regulation, or resolution of a political subdivision of this state, the
7 federal government, or any other state, of an offense substantially
8 similar to a violation included in this subsection.

9 (c) A person who violates this section when his or her driver's
10 license or driving privilege is, at the time of the violation,
11 suspended or revoked solely because (i) the person must furnish proof
12 of satisfactory progress in a required alcoholism or drug treatment
13 program, (ii) the person must furnish proof of financial responsibility
14 for the future as provided by chapter 46.29 RCW, (iii) the person has
15 failed to comply with the provisions of chapter 46.29 RCW relating to
16 uninsured accidents, (iv) the person has failed to respond to a notice
17 of traffic infraction, failed to appear at a requested hearing,
18 violated a written promise to appear in court, or has failed to comply
19 with the terms of a notice of traffic infraction or citation, as
20 provided in RCW 46.20.289, (v) the person has committed an offense in
21 another state that, if committed in this state, would not be grounds
22 for the suspension or revocation of the person's driver's license, (vi)
23 the person has been suspended or revoked by reason of one or more of
24 the items listed in (b) of this subsection, but was eligible to
25 reinstate his or her driver's license or driving privilege at the time
26 of the violation, or (vii) the person has received traffic citations or
27 notices of traffic infraction that have resulted in a suspension under
28 RCW 46.20.267 relating to intermediate drivers' licenses, or any
29 combination of (c)(i) through (vii) of this subsection, is guilty of
30 driving while license suspended or revoked in the third degree, a
31 misdemeanor.

32 (2) Upon receiving a record of conviction of any person or upon
33 receiving an order by any juvenile court or any duly authorized court
34 officer of the conviction of any juvenile under this section, the
35 department shall:

36 (a) For a conviction of driving while suspended or revoked in the
37 first degree, as provided by subsection (1)(a) of this section, extend
38 the period of administrative revocation imposed under chapter 46.65 RCW

1 for an additional period of one year from and after the date the person
2 would otherwise have been entitled to apply for a new license or have
3 his or her driving privilege restored; or

4 (b) For a conviction of driving while suspended or revoked in the
5 second degree, as provided by subsection (1)(b) of this section, not
6 issue a new license or restore the driving privilege for an additional
7 period of one year from and after the date the person would otherwise
8 have been entitled to apply for a new license or have his or her
9 driving privilege restored; or

10 (c) Not extend the period of suspension or revocation if the
11 conviction was under subsection (1)(c) of this section. If the
12 conviction was under subsection (1)(a) or (b) of this section and the
13 court recommends against the extension and the convicted person has
14 obtained a valid driver's license, the period of suspension or
15 revocation shall not be extended.

16 **Sec. 5.** RCW 46.63.110 and 2009 c 479 s 39 are each amended to read
17 as follows:

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

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

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

32 (4) There shall be a penalty of twenty-five dollars for failure to
33 respond to a notice of traffic infraction except where the infraction
34 relates to parking as defined by local law, ordinance, regulation, or
35 resolution or failure to pay a monetary penalty imposed pursuant to
36 this chapter. A local legislative body may set a monetary penalty not
37 to exceed twenty-five dollars for failure to respond to a notice of

1 traffic infraction relating to parking as defined by local law,
2 ordinance, regulation, or resolution. The local court, whether a
3 municipal, police, or district court, shall impose the monetary penalty
4 set by the local legislative body.

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

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

31 (a) If a payment required to be made under the payment plan is
32 delinquent or the person fails to complete a community restitution
33 program on or before the time established under the payment plan,
34 unless the court determines good cause therefor and adjusts the payment
35 plan or the community restitution plan accordingly, the court shall
36 notify the department of the person's failure to meet the conditions of
37 the plan, and the department shall suspend the person's driver's
38 license or driving privilege until all monetary obligations, including

1 those imposed under subsections (3) and (4) of this section, have been
2 paid, and court authorized community restitution has been completed, or
3 until the department has been notified that the court has entered into
4 a new time payment or community restitution agreement with the person.

5 (b) If a person has not entered into a payment plan with the court
6 and has not paid the monetary obligation in full on or before the time
7 established for payment, the court shall notify the department of the
8 delinquency. The department shall suspend the person's driver's
9 license or driving privilege until all monetary obligations have been
10 paid, including those imposed under subsections (3) and (4) of this
11 section, or until the person has entered into a payment plan under this
12 section.

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

18 (d) Nothing in this section precludes a court from contracting with
19 outside entities to administer its payment plan system. When outside
20 entities are used for the administration of a payment plan, the court
21 may assess the person a reasonable fee for such administrative
22 services, which fee may be calculated on a periodic, percentage, or
23 other basis.

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

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

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

36 (b) A fee of ten dollars per infraction. Under no circumstances
37 shall this fee be reduced or waived. Revenue from this fee shall be

1 forwarded to the state treasurer for deposit in the Washington auto
2 theft prevention authority account; and

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

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

17 (b) Eight dollars and fifty cents of the additional penalty under
18 (a) of this subsection shall be remitted to the state treasurer. The
19 remaining revenue from the additional penalty must be remitted under
20 chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted
21 under this subsection to the state treasurer must be deposited in the
22 state general fund. The balance of the revenue received by the county
23 or city treasurer under this subsection must be deposited into the
24 county or city current expense fund. Moneys retained by the city or
25 county under this subsection shall constitute reimbursement for any
26 liabilities under RCW 43.135.060.

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

31 (10) The monetary penalty for violating RCW 46.37.395 is: (a) Two
32 hundred fifty dollars for the first violation; (b) five hundred dollars
33 for the second violation; and (c) seven hundred fifty dollars for each
34 violation thereafter.

35 NEW SECTION. **Sec. 6.** This act takes effect January 1, 2011."

36 Correct the title.

EFFECT: Removes the prohibition on waiving, reducing, or suspending the doubled penalty for speeding-related infractions in an emergency zone.

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