
HOUSE BILL 2464

State of Washington

61st Legislature

2010 Regular Session

By Representatives Lias, Johnson, O'Brien, Morrell, Maxwell, Sullivan, Simpson, Van De Wege, Kenney, Ericks, and Sells; by request of Washington State Patrol

Prefiled 12/18/09. Read first time 01/11/10. Referred to Committee on Transportation.

1 AN ACT Relating to approaching certain emergency, roadside
2 assistance, or police vehicles in emergency zones; amending RCW
3 46.61.212, 46.63.020, 46.20.342, and 46.63.110; prescribing penalties;
4 and providing an effective date.

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

6 **Sec. 1.** RCW 46.61.212 and 2007 c 83 s 1 are each amended to read
7 as follows:

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

18 ~~((1+))~~ (i) On a highway having four or more lanes, at least two of
19 which are intended for traffic proceeding in the same direction as the

1 approaching vehicle, proceed with caution and, if reasonable, with due
2 regard for safety and traffic conditions, yield the right-of-way by
3 making a lane change or moving away from the lane or shoulder occupied
4 by the stationary authorized emergency vehicle or police vehicle;

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

11 ~~((3))~~ (iii) If changing lanes or moving away would be
12 unreasonable or unsafe, proceed with due caution and reduce the speed
13 of the vehicle.

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

16 (3) A person found to be in violation of this section, or any
17 infraction relating to speed restrictions in an emergency zone, must be
18 assessed a monetary penalty equal to twice the penalty assessed under
19 RCW 46.63.110. This penalty may not be waived, reduced, or suspended.

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

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

28 **Sec. 2.** RCW 46.63.020 and 2009 c 485 s 6 are each amended to read
29 as follows:

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

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

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

5 (3) RCW 46.10.090(2) relating to the operation of a snowmobile
6 while under the influence of intoxicating liquor or narcotics or habit-
7 forming drugs or in a manner endangering the person of another;

8 (4) RCW 46.10.130 relating to the operation of snowmobiles;

9 (5) Chapter 46.12 RCW relating to certificates of ownership and
10 registration and markings indicating that a vehicle has been destroyed
11 or declared a total loss;

12 (6) RCW 46.16.010 relating to the nonpayment of taxes and fees by
13 failure to register a vehicle and falsifying residency when registering
14 a motor vehicle;

15 (7) RCW 46.16.011 relating to permitting unauthorized persons to
16 drive;

17 (8) RCW 46.16.160 relating to vehicle trip permits;

18 (9) RCW 46.16.381(2) relating to knowingly providing false
19 information in conjunction with an application for a special placard or
20 license plate for disabled persons' parking;

21 (10) RCW 46.20.005 relating to driving without a valid driver's
22 license;

23 (11) RCW 46.20.091 relating to false statements regarding a
24 driver's license or instruction permit;

25 (12) RCW 46.20.0921 relating to the unlawful possession and use of
26 a driver's license;

27 (13) RCW 46.20.342 relating to driving with a suspended or revoked
28 license or status;

29 (14) RCW 46.20.345 relating to the operation of a motor vehicle
30 with a suspended or revoked license;

31 (15) RCW 46.20.410 relating to the violation of restrictions of an
32 occupational driver's license, temporary restricted driver's license,
33 or ignition interlock driver's license;

34 (16) RCW 46.20.740 relating to operation of a motor vehicle without
35 an ignition interlock device in violation of a license notation that
36 the device is required;

37 (17) RCW 46.20.750 relating to circumventing an ignition interlock
38 device;

1 (18) RCW 46.25.170 relating to commercial driver's licenses;
2 (19) Chapter 46.29 RCW relating to financial responsibility;
3 (20) RCW 46.30.040 relating to providing false evidence of
4 financial responsibility;
5 (21) RCW 46.37.435 relating to wrongful installation of
6 sunscreening material;
7 (22) RCW 46.37.650 relating to the sale, resale, distribution, or
8 installation of a previously deployed air bag;
9 (23) RCW 46.37.671 through 46.37.675 relating to signal preemption
10 devices;
11 (24) RCW 46.44.180 relating to operation of mobile home pilot
12 vehicles;
13 (25) RCW 46.48.175 relating to the transportation of dangerous
14 articles;
15 (26) RCW 46.52.010 relating to duty on striking an unattended car
16 or other property;
17 (27) RCW 46.52.020 relating to duty in case of injury to or death
18 of a person or damage to an attended vehicle;
19 (28) RCW 46.52.090 relating to reports by repairmen, storagemen,
20 and appraisers;
21 (29) RCW 46.52.130 relating to confidentiality of the driving
22 record to be furnished to an insurance company, an employer, and an
23 alcohol/drug assessment or treatment agency;
24 (30) RCW 46.55.020 relating to engaging in the activities of a
25 registered tow truck operator without a registration certificate;
26 (31) RCW 46.55.035 relating to prohibited practices by tow truck
27 operators;
28 (32) RCW 46.55.300 relating to vehicle immobilization;
29 (33) RCW 46.61.015 relating to obedience to police officers,
30 flaggers, or firefighters;
31 (34) RCW 46.61.020 relating to refusal to give information to or
32 cooperate with an officer;
33 (35) RCW 46.61.022 relating to failure to stop and give
34 identification to an officer;
35 (36) RCW 46.61.024 relating to attempting to elude pursuing police
36 vehicles;
37 (37) RCW 46.61.212(4) relating to reckless endangerment of
38 emergency workers;

1 ~~(38)~~ RCW 46.61.500 relating to reckless driving;
2 ~~((+38+))~~ (39) RCW 46.61.502 and 46.61.504 relating to persons under
3 the influence of intoxicating liquor or drugs;
4 ~~((+39+))~~ (40) RCW 46.61.503 relating to a person under age twenty-
5 one driving a motor vehicle after consuming alcohol;
6 ~~((+40+))~~ (41) RCW 46.61.520 relating to vehicular homicide by motor
7 vehicle;
8 ~~((+41+))~~ (42) RCW 46.61.522 relating to vehicular assault;
9 ~~((+42+))~~ (43) RCW 46.61.5249 relating to first degree negligent
10 driving;
11 ~~((+43+))~~ (44) RCW 46.61.527(4) relating to reckless endangerment of
12 roadway workers;
13 ~~((+44+))~~ (45) RCW 46.61.530 relating to racing of vehicles on
14 highways;
15 ~~((+45+))~~ (46) RCW 46.61.655(7) (a) and (b) relating to failure to
16 secure a load;
17 ~~((+46+))~~ (47) RCW 46.61.685 relating to leaving children in an
18 unattended vehicle with the motor running;
19 ~~((+47+))~~ (48) RCW 46.61.740 relating to theft of motor vehicle
20 fuel;
21 ~~((+48+))~~ (49) RCW 46.64.010 relating to unlawful cancellation of or
22 attempt to cancel a traffic citation;
23 ~~((+49+))~~ (50) RCW 46.64.048 relating to attempting, aiding,
24 abetting, coercing, and committing crimes;
25 ~~((+50+))~~ (51) Chapter 46.65 RCW relating to habitual traffic
26 offenders;
27 ~~((+51+))~~ (52) RCW 46.68.010 relating to false statements made to
28 obtain a refund;
29 ~~((+52+))~~ (53) RCW 46.35.030 relating to recording device
30 information;
31 ~~((+53+))~~ (54) Chapter 46.70 RCW relating to unfair motor vehicle
32 business practices, except where that chapter provides for the
33 assessment of monetary penalties of a civil nature;
34 ~~((+54+))~~ (55) Chapter 46.72 RCW relating to the transportation of
35 passengers in for hire vehicles;
36 ~~((+55+))~~ (56) RCW 46.72A.060 relating to limousine carrier
37 insurance;

1 (~~(+56+)~~) (57) RCW 46.72A.070 relating to operation of a limousine
2 without a vehicle certificate;
3 (~~(+57+)~~) (58) RCW 46.72A.080 relating to false advertising by a
4 limousine carrier;
5 (~~(+58+)~~) (59) Chapter 46.80 RCW relating to motor vehicle wreckers;
6 (~~(+59+)~~) (60) Chapter 46.82 RCW relating to driver's training
7 schools;
8 (~~(+60+)~~) (61) RCW 46.87.260 relating to alteration or forgery of a
9 cab card, letter of authority, or other temporary authority issued
10 under chapter 46.87 RCW;
11 (~~(+61+)~~) (62) RCW 46.87.290 relating to operation of an
12 unregistered or unlicensed vehicle under chapter 46.87 RCW.

13 **Sec. 3.** RCW 46.20.342 and 2008 c 282 s 4 are each amended to read
14 as follows:

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

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

36 (b) A person who violates this section while an order of suspension
37 or revocation prohibiting such operation is in effect and while the

1 person is not eligible to reinstate his or her driver's license or
2 driving privilege, other than for a suspension for the reasons
3 described in (c) of this subsection, is guilty of driving while license
4 suspended or revoked in the second degree, a gross misdemeanor. This
5 subsection applies when a person's driver's license or driving
6 privilege has been suspended or revoked by reason of:

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

9 (ii) A previous conviction under this section;

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

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

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

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

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

24 (viii) A conviction of RCW 46.61.212(4), relating to reckless
25 endangerment of emergency workers;

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

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

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

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

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

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

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

1 (~~(xv)~~) (xvi) A conviction of RCW 46.61.740, relating to theft of
2 motor vehicle fuel;

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

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

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

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

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

1 (a) For a conviction of driving while suspended or revoked in the
2 first degree, as provided by subsection (1)(a) of this section, extend
3 the period of administrative revocation imposed under chapter 46.65 RCW
4 for an additional period of one year from and after the date the person
5 would otherwise have been entitled to apply for a new license or have
6 his or her driving privilege restored; or

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

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

19 **Sec. 4.** RCW 46.63.110 and 2009 c 479 s 39 are each amended to read
20 as follows:

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

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

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

35 (4) There shall be a penalty of twenty-five dollars for failure to
36 respond to a notice of traffic infraction except where the infraction
37 relates to parking as defined by local law, ordinance, regulation, or

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

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

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

34 (a) If a payment required to be made under the payment plan is
35 delinquent or the person fails to complete a community restitution
36 program on or before the time established under the payment plan,
37 unless the court determines good cause therefor and adjusts the payment
38 plan or the community restitution plan accordingly, the court shall

1 notify the department of the person's failure to meet the conditions of
2 the plan, and the department shall suspend the person's driver's
3 license or driving privilege until all monetary obligations, including
4 those imposed under subsections (3) and (4) of this section, have been
5 paid, and court authorized community restitution has been completed, or
6 until the department has been notified that the court has entered into
7 a new time payment or community restitution agreement with the person.

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

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

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

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

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

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

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

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

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

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

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

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

1 NEW SECTION. **Sec. 5.** This act takes effect January 1, 2011.

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