S-5191.1

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**SENATE BILL 6153**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**State of Washington 66th Legislature 2020 Regular Session**

**By** Senators Salomon, Saldaña, Nguyen, Wilson, C., Keiser, Das, Kuderer, Lovelett, Pedersen, and Randall

AN ACT Relating to driver's license suspensions and revocations; amending RCW 46.16A.040, 46.16A.110, 46.20.245, 46.20.285, 46.20.289, 46.20.291, 46.20.341, 46.20.342, 10.37.015, 46.20.005, 46.20.391, 46.55.113, 46.63.020, and 46.64.025; reenacting and amending RCW 10.31.100 and 46.63.110; adding a new section to chapter 46.20 RCW; adding a new section to chapter 46.63 RCW; adding a new section to chapter 46.64 RCW; creating new sections; providing an effective date; and declaring an emergency.

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

**PART I: DRIVER'S LICENSE SUSPENSION CRITERIA AND NOTICE**

**Sec.**  RCW 46.16A.040 and 2017 c 147 s 4 are each amended to read as follows:

(1) An owner or the owner's authorized representative must apply for an original vehicle registration to the department, county auditor or other agent, or subagent appointed by the director on a form furnished by the department. The application must contain:

(a) A description of the vehicle, including its make, model, vehicle identification number, type of body, and power to be used;

(b) The name and address of the person who is the registered owner of the vehicle and, if the vehicle is subject to a security interest, the name and address of the secured party;

(c) The purpose for which the vehicle is to be used;

(d) The licensed gross weight for the vehicle, which is:

(i) The adult seating capacity, including the operator, as provided for in RCW 46.16A.455(1) if the vehicle will be operated as a for hire vehicle or auto stage and has a seating capacity of more than six; or

(ii) The gross weight declared by the applicant as required in RCW 46.16A.455(2) if the vehicle will be operated as a motor truck, tractor, or truck tractor;

(e) The empty scale weight of the vehicle; ((~~and~~))

(f) The Washington state driver's license number of the registered owner of the vehicle, unless the registered owner is not required to have a Washington state driver's license under RCW 46.16A.050(1)(b); and

(g) Other information that the department may require.

(2) The registered owner or the registered owner's authorized representative shall sign the application for an original vehicle registration and certify that the statements on the application are true to the best of the applicant's knowledge.

(3) The application for an original vehicle registration must be accompanied by a draft, money order, certified bank check, or cash for all fees and taxes due for the application for an original vehicle registration.

(4) Whenever any person, after applying for or receiving a vehicle registration, moves from the address named in the application or in the registration issued to him or her, or changes his or her name of record, the person shall, within ten days thereafter, notify the department of the name or address change as provided in RCW 46.08.195.

**Sec.**  RCW 46.16A.110 and 2014 c 80 s 3 are each amended to read as follows:

(1) A registered owner or the registered owner's authorized representative must apply for a renewal vehicle registration to the department, county auditor or other agent, or subagent appointed by the director on a form approved by the director. The application for a renewal vehicle registration must be accompanied by:

(a) A draft, money order, certified bank check, or cash for all fees and taxes required by law for the application for a renewal vehicle registration; and

(b) The Washington state driver's license number of the registered owner of the vehicle, unless the registered owner is not required to have a Washington state driver's license under RCW 46.16A.050(1)(b).

(2)(a) When a vehicle changes ownership, the person taking ownership or his or her authorized representative must apply for a renewal vehicle registration as provided in subsection (1) of this section and, except as provided in (b) of this subsection, pay all the taxes and fees that are due at the time of registration renewal. For the purposes of this section, when a vehicle is sold to a vehicle dealer for resale, the application for a renewal registration need not be made until the vehicle is sold by the vehicle dealer.

(b) The person taking ownership or his or her authorized representative must be given credit for the portion of a motor vehicle excise tax, including the motor vehicle excise tax collected under RCW 81.104.160, that reflects the remaining period for which the tax was initially paid by the previous owner.

(3) An application and the fees and taxes for a renewal vehicle registration must be handled in the same manner as an original vehicle registration application. The registration does not need to show the name of the lienholder when the application for renewal vehicle registration becomes the renewal registration upon validation.

(4) A person expecting to be out of state during the normal renewal period of a vehicle registration may renew a vehicle registration and have license plates or tabs preissued by applying for a renewal as described in subsection (1) of this section. A vehicle registration may be renewed for the subsequent registration year up to eighteen months before the current expiration date and must be displayed from the date of issue or from the day of the expiration of the current registration year, whichever date is later.

(5) An application for a renewal vehicle registration is not required for those vehicles owned, rented, or leased by:

(a) The state of Washington, or by any county, city, town, school district, or other political subdivision of the state of Washington; or

(b) A governing body of an Indian tribe located within this state and recognized as a governmental entity by the United States department of the interior.

**Sec.**  RCW 46.20.245 and 2005 c 288 s 1 are each amended to read as follows:

(1) Whenever the department proposes to withhold the driving privilege of a person or disqualify a person from operating a commercial motor vehicle, and this action is made mandatory by the provisions of this chapter or other law, the department must give notice to the person in writing by posting in the United States mail, appropriately addressed, postage prepaid, or by personal service. Notice by mail is given upon deposit in the United States mail. Notice given under this subsection must specify the date upon which the driving privilege is to be withheld which shall not be less than ((~~forty-five~~)) ninety days after the original notice is given. Notice by mail must also include information on local and consolidated payment plan opportunities that may be available to the recipient, including the department web site address required under section 18 of this act.

(2) Within fifteen days after notice has been given to a person under subsection (1) of this section, the person may request in writing an administrative review before the department. If the request is mailed, it must be postmarked within fifteen days after the date the department has given notice. If a person fails to request an administrative review within fifteen days after the date the department gives notice, the person is considered to have defaulted and loses his or her right to an administrative review unless the department finds good cause for a request after the fifteen-day period.

(a) An administrative review under this subsection shall consist solely of an internal review of documents and records submitted or available to the department, unless the person requests an interview before the department, in which case all or any part of the administrative review may, at the discretion of the department, be conducted by telephone or other electronic means.

(b) The only issues to be addressed in the administrative review are:

(i) Whether the records relied on by the department identify the correct person; and

(ii) Whether the information transmitted from the court or other reporting agency or entity regarding the person accurately describes the action taken by the court or other reporting agency or entity.

(c) For the purposes of this section, the notice received from a court or other reporting agency or entity, regardless of form or format, is prima facie evidence that the information from the court or other reporting agency or entity regarding the person is accurate. A person requesting administrative review has the burden of showing by a preponderance of the evidence that the person is not subject to the withholding of the driving privilege.

(d) The action subject to the notification requirements of subsection (1) of this section shall be stayed during the administrative review process.

(e) Judicial review of a department order affirming the action subject to the notification requirements of subsection (1) of this section after an administrative review shall be available in the same manner as provided in RCW 46.20.308((~~(9)~~)) (8). The department shall certify its record to the court within thirty days after service upon the department of the petition for judicial review. The action subject to the notification requirements of subsection (1) of this section shall not automatically be stayed during the judicial review. If judicial relief is sought for a stay or other temporary remedy from the department's action, the court shall not grant relief unless the court finds that the appellant is likely to prevail in the appeal and that without a stay the appellant will suffer irreparable injury.

(3) The department may adopt rules that are considered necessary or convenient by the department for purposes of administering this section, including, but not limited to, rules regarding expedited procedures for issuing orders and expedited notice procedures.

(4) This section does not apply where an opportunity for an informal settlement, driver improvement interview, or formal hearing is otherwise provided by law or rule of the department.

**Sec.**  RCW 46.20.285 and 2005 c 288 s 4 are each amended to read as follows:

The department shall revoke the license of any driver for the period of one calendar year unless otherwise provided in this section, upon receiving a record of the driver's conviction or determination that an infraction has been committed of any of the following offenses, when the conviction or determination that an infraction has been committed has become final:

(1) For vehicular homicide the period of revocation shall be two years. The revocation period shall be tolled during any period of total confinement for the offense;

(2) Vehicular assault. The revocation period shall be tolled during any period of total confinement for the offense;

(3) Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug, or under the influence of any other drug to a degree which renders the driver incapable of safely driving a motor vehicle, for the period prescribed in RCW 46.61.5055;

(4) Any felony in the commission of which a motor vehicle is used;

(5) Failure to stop and give information or render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another or resulting in damage to a vehicle that is driven or attended by another;

(6) Perjury or the making of a false affidavit or statement under oath to the department under Title 46 RCW or under any other law relating to the ownership or operation of motor vehicles;

(7) Reckless driving upon a showing by the department's records that the conviction is the third such conviction for the driver within a period of two years;

(8) Four or more moving violations within a one-year period or five or more moving violations within a two-year period require a sixty-day suspension with a three hundred sixty-five day period of probation that begins when the period of suspension ends. During the period of probation, a person must not be determined to have committed additional moving violations. "Moving violation" is defined by rule pursuant to RCW 46.20.2891.

**Sec.**  RCW 46.20.289 and 2019 c 467 s 2 are each amended to read as follows:

((~~Except for traffic violations committed under RCW 46.61.165, the~~)) (1) The department shall suspend all driving privileges of a person when the department receives notice from a court under RCW 46.64.025 that the person has failed to comply with the terms of a traffic-related criminal complaint or criminal citation.

(2) Except for traffic violations committed under RCW 46.61.165, the department shall suspend all driving privileges of a person when the following criteria are met:

(a) The department receives notice from a court under RCW 46.63.070(6), 46.63.110(6), ((~~or~~)) 46.64.025, or section 18(9) of this act that the person has ((~~failed~~)):

(i) Failed to respond to a notice of traffic infraction for a moving violation((~~, failed~~));

(ii) Failed to appear at a requested hearing for a moving violation((~~, violated~~));

(iii) Violated a written promise to appear in court for a notice of infraction for a moving violation((~~,~~)); or ((~~has failed~~))

(iv) Failed to comply with the terms of a notice of traffic infraction((~~, criminal complaint, or citation for a moving violation, or when~~)); and

(b) The person has received four or more other traffic infractions for moving violations issued under RCW 46.63.030 for four or more incidents that are separate and distinct from the incident for which the traffic infraction was issued under RCW 46.63.030 for which the notice under (a) of this subsection was issued that have not been adjudicated for which the person failed to respond to a notice of traffic infraction, failed to appear at a requested hearing, violated a written promise to appear in court for a notice of traffic infraction, or failed to comply with the terms of a notice of traffic infraction, provided the person is not in compliance with a payment plan for the infractions under RCW 46.63.110(6) or section 18(9) of this act, at the time the determination of qualification to receive a driver's license suspension occurs.

(3) The department shall suspend all driving privileges of a person when the department receives notice from another state under Article IV of the nonresident violator compact under RCW 46.23.010 or from a jurisdiction that has entered into an agreement with the department under RCW 46.23.020, other than for a standing, stopping, or parking violation, provided that the traffic infraction or traffic offense is committed on or after July 1, 2005.

(4) A suspension under this section takes effect pursuant to the provisions of RCW 46.20.245, and remains in effect until the department has received a certificate from the court showing that the case has been adjudicated, and until the person meets the requirements of RCW 46.20.311. In the case of failure to respond to a traffic infraction issued under RCW 46.55.105, the department shall suspend all driving privileges in accordance with subsection (2) of this section until the person provides evidence from the court that all penalties and restitution have been paid.

(5) A suspension under this section does not take effect if, prior to the effective date of the suspension, the department receives a certificate from the court showing that the case has been adjudicated.

**Sec.**  RCW 46.20.291 and 2016 c 203 s 5 are each amended to read as follows:

The department is authorized to suspend the license of a driver upon a showing by its records or other sufficient evidence that the licensee:

(1) Has committed an offense or infractions for which mandatory revocation or suspension of license is provided by law;

(2) Has, by reckless or unlawful operation of a motor vehicle, caused or contributed to an accident resulting in death or injury to any person or serious property damage;

(3) Has been ((~~convicted of offenses against traffic regulations governing the movement of vehicles, or~~)) found to have committed traffic infractions((~~,~~)) with such frequency as to indicate a disrespect for traffic laws or a disregard for the safety of other persons on the highways;

(4) Is incompetent to drive a motor vehicle under RCW 46.20.031(3);

(5) Has failed to respond to a notice of traffic infraction, failed to appear at a requested hearing, violated a written promise to appear in court, or has failed to comply with the terms of a notice of traffic infraction, criminal complaint, or citation, ((~~as~~)) and has met the additional criteria for driver's license and driving privileges suspension provided in RCW 46.20.289(2), where applicable;

(6) Is subject to suspension under RCW 46.20.305 or 9A.56.078;

(7) Has committed one of the prohibited practices relating to drivers' licenses defined in RCW 46.20.0921; or

(8) Has been certified by the department of social and health services as a person who is not in compliance with a child support order or a residential or visitation order as provided in RCW 74.20A.320.

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

(1) The department is authorized to administratively reinstate all licenses suspended pursuant to section 5, chapter . . ., Laws of 2020 (section 5 of this act) that would not have been eligible for driver's license suspension under section 2, chapter 467, Laws of 2019.

(2) No later than thirty days after the effective date of this section, the department shall notify any person whose driver's license was suspended pursuant to section 2, chapter 467, Laws of 2019 prior to the effective date of section 5, chapter . . ., Laws of 2020 (section 5 of this act), that he or she may be eligible for reinstatement of his or her license, specifying that the reinstatement is not available for licenses suspended that meet the criteria for suspension under section 5, chapter . . ., Laws of 2020 (section 5 of this act).

(3) No later than thirty days after the effective date of this section, the department shall create an online application process available for people who had their licenses suspended pursuant to section 5, chapter . . ., Laws of 2020 (section 5 of this act) prior to the effective date of section 5, chapter . . ., Laws of 2020 (section 5 of this act). This online application process shall allow a person to determine whether they are eligible to have their license reinstated and explain the process for reinstatement. A reissue fee as provided in RCW 46.20.311 shall apply.

**PART II: DRIVING WHILE DRIVER'S LICENSE SUSPENDED**

**Sec.**  RCW 46.20.341 and 2009 c 490 s 1 are each amended to read as follows:

(1)(a) A person who violates RCW 46.20.342(1)(c)((~~(iv)~~)) or (d) in a jurisdiction that does not have a relicensing ((~~diversion~~)) program shall be provided with an abstract of his or her driving record by the court or the prosecuting attorney, in addition to a list of his or her unpaid traffic offense related fines and the contact information for each jurisdiction or collection agency to which money is owed.

(b) A fee of up to twenty dollars may be imposed by the court in addition to any fee required by the department for provision of the driving abstract.

(2)(a) Superior courts or courts of limited jurisdiction in counties or cities are authorized to participate or provide relicensing ((~~diversion~~)) programs to persons who violate RCW 46.20.342(1)(c)((~~(iv)~~)) or (d).

(b) Eligibility for the relicensing ((~~diversion~~)) program shall be limited to violators with no more than four convictions or infractions under RCW 46.20.342(1)(c)((~~(iv)~~)) or (d) in the ten years preceding the date of entering the relicensing ((~~diversion~~)) program, subject to a less restrictive rule imposed by the presiding judge of the county district court or municipal court. People subject to arrest under a warrant are not eligible for the ((~~diversion~~)) relicensing program.

(c) ((~~The diversion option~~)) Participation in a relicensing program may be offered at the discretion of the prosecuting attorney or municipal prosecuting authority before charges are filed, or by the court after charges are filed or when a person is found to have violated RCW 46.20.342(1)(d).

(d) A person who is the holder of a commercial driver's license or who was operating a commercial motor vehicle at the time of the violation of RCW 46.20.342(1)(c)((~~(iv)~~)) or (d) may not participate in the ((~~diversion~~)) relicensing program under this section.

(e) A relicensing ((~~diversion~~)) program that is structured to occur after charges are filed may charge participants a one-time fee of up to one hundred dollars, which is not subject to chapters 3.50, 3.62, and 35.20 RCW, and shall be used to support administration of the program. The fee of up to one hundred dollars shall be included in the total to be paid by the participant in the relicensing ((~~diversion~~)) program.

(3) A relicensing ((~~diversion~~)) program shall be designed to assist suspended drivers to regain their license and insurance and pay outstanding fines.

(4)(a) Counties and cities that operate relicensing ((~~diversion~~)) programs shall, subject to available funds, provide information to the administrative office of the courts on an annual basis regarding the eligibility criteria used for the program, the number of referrals from law enforcement, the number of participants accepted into the program, the number of participants who regain their driver's license and insurance, the total amount of fines collected, the costs associated with the program, and other information as determined by the office.

(b) The administrative office of the courts is directed, subject to available funds, to compile and analyze the data required to be submitted in this section and develop recommendations for a best practices model for relicensing ((~~diversion~~)) programs.

**Sec.**  RCW 46.20.342 and 2015 c 149 s 1 are each amended to read as follows:

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

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

(b) A person who violates this section while an order of suspension or revocation prohibiting such operation is in effect and while the person is not eligible to reinstate his or her driver's license or driving privilege, other than for a suspension for the reasons described in (c) or (d) of this subsection, is guilty of driving while license suspended or revoked in the second degree, a gross misdemeanor. For the purposes of this subsection, a person is not considered to be eligible to reinstate his or her driver's license or driving privilege if the person is eligible to obtain an ignition interlock driver's license but did not obtain such a license. This subsection applies when a person's driver's license or driving privilege has been suspended or revoked by reason of:

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

(ii) A previous conviction under this section;

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

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

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

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

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

(viii) A conviction of RCW 46.61.212((~~(4)~~)) (5), relating to reckless endangerment of emergency zone workers;

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

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

(xi) A conviction of RCW 46.61.520, relating to vehicular homicide;

(xii) A conviction of RCW 46.61.522, relating to vehicular assault;

(xiii) A conviction of RCW 46.61.527(4), relating to reckless endangerment of roadway workers;

(xiv) A conviction of RCW 46.61.530, relating to racing of vehicles on highways;

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

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

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

(xviii) An administrative action taken by the department under chapter 46.20 RCW;

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

(xx) A finding that a person has committed a traffic infraction under RCW 46.61.526 and suspension of driving privileges pursuant to RCW 46.61.526 (4)(b) or (7)(a)(ii).

(c) A person who violates this section when his or her driver's license or driving privilege is, at the time of the violation, suspended or revoked solely because (i) the person must furnish proof of satisfactory progress in a required alcoholism or drug treatment program, (ii) the person must furnish proof of financial responsibility for the future as provided by chapter 46.29 RCW, (iii) the person has failed to comply with the provisions of chapter 46.29 RCW relating to uninsured accidents, (iv) the person has failed to ((~~respond to a notice of traffic infraction, failed to appear at a requested hearing, violated a written promise to appear in court, or has failed to~~)) comply with the terms of a notice of ((~~traffic infraction~~)) a criminal complaint, or criminal citation, as provided in RCW 46.20.289(1)(a), (v) ((~~the person has committed an offense in another state that, if committed in this state, would not be grounds for the suspension or revocation of the person's driver's license, (vi) the person has been suspended or revoked by reason of one or more of the items listed in (b) of this subsection, but was eligible to reinstate his or her driver's license or driving privilege at the time of the violation, (vii) the person has received traffic citations or notices of traffic infraction that have resulted in a suspension under RCW 46.20.267 relating to intermediate drivers' licenses, or (viii)~~)) the person has been certified by the department of social and health services as a person who is not in compliance with a child support order as provided in RCW 74.20A.320, or (vi) the person drives a motor vehicle while his or her driver's license is suspended or revoked for any of the reasons listed in (d) of this subsection and the person has three or more prior violations for driving while license suspended or revoked in the fourth degree within the past four years, or any combination of (c)(i) through ((~~(viii)~~)) (vi) of this subsection, is guilty of driving while license suspended or revoked in the third degree, a misdemeanor. ((~~For the purposes of this subsection, a person is not considered to be eligible to reinstate his or her driver's license or driving privilege if the person is eligible to obtain an ignition interlock driver's license but did not obtain such a license.~~))

(d) A person who violates this section when his or her driver's license or driving privilege is, at the time of the violation, suspended or revoked solely because (i) the person has failed to respond to a notice of traffic infraction, failed to appear at a requested hearing, violated a written promise to appear in court, or has failed to comply with the terms of a notice of traffic infraction or citation, and has met the additional criteria for driver's license and driving privileges suspension provided in RCW 46.20.289(2), where applicable; (ii) the department receives notice from another state under Article IV of the nonresident violator compact under RCW 46.23.010 or from a jurisdiction that has entered into an agreement with the department under RCW 46.23.020, other than for a standing, stopping, or parking violation as provided in RCW 46.20.289(1)(b); (iii) the person has committed an offense in another state that, if committed in this state, would not be grounds for the suspension or revocation of the person's driver's license; (iv) the person's driver's license or driving privilege has been suspended or revoked by reason of one or more of the items listed in (b) or (c) of this subsection or for failure to respond to a notice of traffic infraction, failure to appear at a requested hearing for a noncriminal moving violation, or violation of a written promise to appear in court for a notice of infraction, but was eligible to reinstate his or her driver's license or driving privilege at the time of the violation; or (v) the person has received traffic citations or notices of traffic infraction that have resulted in a suspension under RCW 46.20.267 relating to intermediate drivers' licenses, or any combination of (d)(i) through (v) of this subsection, has committed driving while license suspended or revoked in the fourth degree, a traffic infraction subject to a penalty of two hundred fifty dollars. If the person appears in person before the court or submits by mail written proof that he or she has reinstated his or her license after being cited, the court shall reduce the penalty to fifty dollars. For the purposes of this subsection, a person is not considered to be eligible to reinstate his or her driver's license or driving privilege if the person is eligible to obtain an ignition interlock driver's license but did not obtain such a license.

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

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

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

(c) Not extend the period of suspension or revocation ((~~if the~~)) for a conviction ((~~was~~)) under subsection (1)(c) of this section or an infraction under subsection (1)(d) of this section. ((~~If the~~)) For a conviction ((~~was~~)) under subsection (1)(a) or (b) of this section ((~~and~~)), if the court recommends against the extension and the convicted person has obtained a valid driver's license, the period of suspension or revocation shall not be extended.

**Sec.**  RCW 10.31.100 and 2019 c 263 s 911, 2019 c 246 s 6, 2019 c 46 s 5013, and 2019 c 18 s 1 are each reenacted and amended to read as follows:

A police officer having probable cause to believe that a person has committed or is committing a felony shall have the authority to arrest the person without a warrant. A police officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of an officer, except as provided in subsections (1) through (11) of this section.

(1) Any police officer having probable cause to believe that a person has committed or is committing a misdemeanor or gross misdemeanor, involving physical harm or threats of harm to any person or property or the unlawful taking of property or involving the use or possession of cannabis, or involving the acquisition, possession, or consumption of alcohol by a person under the age of twenty-one years under RCW 66.44.270, or involving criminal trespass under RCW 9A.52.070 or 9A.52.080, shall have the authority to arrest the person.

(2) A police officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) An order has been issued of which the person has knowledge under RCW 26.44.063, or chapter 7.92, 7.90, 9A.40, 9A.46, 9A.88, 10.99, 26.09, 26.10, 26.26A, 26.26B, 26.50, or 74.34 RCW restraining the person and the person has violated the terms of the order restraining the person from acts or threats of violence, or restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location or, in the case of an order issued under RCW 26.44.063, imposing any other restrictions or conditions upon the person;

(b) An extreme risk protection order has been issued against the person under RCW 7.94.040, the person has knowledge of the order, and the person has violated the terms of the order prohibiting the person from having in his or her custody or control, purchasing, possessing, accessing, or receiving a firearm or concealed pistol license;

(c) A foreign protection order, as defined in RCW 26.52.010, or a Canadian domestic violence protection order, as defined in RCW 26.55.010, has been issued of which the person under restraint has knowledge and the person under restraint has violated a provision of the foreign protection order or the Canadian domestic violence protection order prohibiting the person under restraint from contacting or communicating with another person, or excluding the person under restraint from a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, or a violation of any provision for which the foreign protection order or the Canadian domestic violence protection order specifically indicates that a violation will be a crime; or

(d) The person is eighteen years or older and within the preceding four hours has assaulted a family or household member as defined in RCW 10.99.020 and the officer believes: (i) A felonious assault has occurred; (ii) an assault has occurred which has resulted in bodily injury to the victim, whether the injury is observable by the responding officer or not; or (iii) that any physical action has occurred which was intended to cause another person reasonably to fear imminent serious bodily injury or death. Bodily injury means physical pain, illness, or an impairment of physical condition. When the officer has probable cause to believe that family or household members have assaulted each other, the officer is not required to arrest both persons. The officer shall arrest the person whom the officer believes to be the primary physical aggressor. In making this determination, the officer shall make every reasonable effort to consider: (A) The intent to protect victims of domestic violence under RCW 10.99.010; (B) the comparative extent of injuries inflicted or serious threats creating fear of physical injury; and (C) the history of domestic violence of each person involved, including whether the conduct was part of an ongoing pattern of abuse.

(3) Any police officer having probable cause to believe that a person has committed or is committing a violation of any of the following traffic laws shall have the authority to arrest the person:

(a) RCW 46.52.010, relating to duty on striking an unattended car or other property;

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

(c) RCW 46.61.500 or 46.61.530, relating to reckless driving or racing of vehicles;

(d) RCW 46.61.502 or 46.61.504, relating to persons under the influence of intoxicating liquor or drugs;

(e) RCW 46.61.503 or 46.25.110, relating to persons having alcohol or THC in their system;

(f) RCW 46.20.342(1) (a), (b), or (c), relating to driving a motor vehicle while operator's license is suspended or revoked;

(g) RCW 46.61.5249, relating to operating a motor vehicle in a negligent manner.

(4) A law enforcement officer investigating at the scene of a motor vehicle accident may arrest the driver of a motor vehicle involved in the accident if the officer has probable cause to believe that the driver has committed in connection with the accident a violation of any traffic law or regulation.

(5)(a) A law enforcement officer investigating at the scene of a motor vessel accident may arrest the operator of a motor vessel involved in the accident if the officer has probable cause to believe that the operator has committed, in connection with the accident, a criminal violation of chapter 79A.60 RCW.

(b) A law enforcement officer investigating at the scene of a motor vessel accident may issue a citation for an infraction to the operator of a motor vessel involved in the accident if the officer has probable cause to believe that the operator has committed, in connection with the accident, a violation of any boating safety law of chapter 79A.60 RCW.

(6) Any police officer having probable cause to believe that a person has committed or is committing a violation of RCW 79A.60.040 shall have the authority to arrest the person.

(7) An officer may act upon the request of a law enforcement officer in whose presence a traffic infraction was committed, to stop, detain, arrest, or issue a notice of traffic infraction to the driver who is believed to have committed the infraction. The request by the witnessing officer shall give an officer the authority to take appropriate action under the laws of the state of Washington.

(8) Any police officer having probable cause to believe that a person has committed or is committing any act of indecent exposure, as defined in RCW 9A.88.010, may arrest the person.

(9) A police officer may arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that an order has been issued of which the person has knowledge under chapter 10.14 RCW and the person has violated the terms of that order.

(10) Any police officer having probable cause to believe that a person has, within twenty-four hours of the alleged violation, committed a violation of RCW 9A.50.020 may arrest such person.

(11) A police officer having probable cause to believe that a person illegally possesses or illegally has possessed a firearm or other dangerous weapon on private or public elementary or secondary school premises shall have the authority to arrest the person.

For purposes of this subsection, the term "firearm" has the meaning defined in RCW 9.41.010 and the term "dangerous weapon" has the meaning defined in RCW 9.41.250 and 9.41.280(1) (c) through (e).

(12) A law enforcement officer having probable cause to believe that a person has committed a violation under RCW 77.15.160(5) may issue a citation for an infraction to the person in connection with the violation.

(13) A law enforcement officer having probable cause to believe that a person has committed a criminal violation under RCW 77.15.809 or 77.15.811 may arrest the person in connection with the violation.

(14) Except as specifically provided in subsections (2), (3), (4), and (7) of this section, nothing in this section extends or otherwise affects the powers of arrest prescribed in Title 46 RCW.

(15) No police officer may be held criminally or civilly liable for making an arrest pursuant to subsection (2) or (9) of this section if the police officer acts in good faith and without malice.

(16)(a) Except as provided in (b) of this subsection, a police officer shall arrest and keep in custody, until release by a judicial officer on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that the person has violated RCW 46.61.502 or 46.61.504 or an equivalent local ordinance and the police officer: (i) Has knowledge that the person has a prior offense as defined in RCW 46.61.5055 within ten years; or (ii) has knowledge, based on a review of the information available to the officer at the time of arrest, that the person is charged with or is awaiting arraignment for an offense that would qualify as a prior offense as defined in RCW 46.61.5055 if it were a conviction.

(b) A police officer is not required to keep in custody a person under (a) of this subsection if the person requires immediate medical attention and is admitted to a hospital.

**Sec.**  RCW 10.37.015 and 2011 c 46 s 1 are each amended to read as follows:

((~~(1)~~)) No person shall be held to answer in any court for an alleged crime or offense, unless upon an information filed by the prosecuting attorney, or upon an indictment by a grand jury, except in cases of misdemeanor or gross misdemeanor before a district or municipal judge, or before a court martial((~~, except as provided in subsection (2) of this section.~~

~~(2) Violations of RCW 46.20.342(1)(c)(iv) may be required by the prosecuting attorney to be referred to his or her office for consideration of filing an information or for entry into a precharge diversion program~~)).

**Sec.**  RCW 46.20.005 and 1997 c 66 s 1 are each amended to read as follows:

Except as expressly exempted by this chapter, it is a misdemeanor for a person to drive any motor vehicle upon a highway in this state without a valid driver's license issued to Washington residents under this chapter. This section does not apply if at the time of the stop the person is not in violation of RCW 46.20.342(1) or ((~~46.20.420~~)) 46.20.345 and has in his or her possession an expired driver's license or other valid identifying documentation under RCW 46.20.035. A violation of this section is a lesser included offense within the offenses described in RCW 46.20.342(1) (a), (b), and (c) and ((~~or 46.20.420~~)) 46.20.345.

**Sec.**  RCW 46.20.391 and 2012 c 82 s 2 are each amended to read as follows:

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

(2)(a) A person licensed under this chapter whose driver's license is suspended administratively ((~~due to failure to appear or pay a traffic ticket~~)) under RCW 46.20.289 due to failure to respond to a notice of traffic infraction, failure to appear at a requested hearing, violation of a written promise to appear in court, or failure to comply with the terms of a notice of traffic infraction, criminal complaint, or citation, and who met the additional criteria for driver's license and driving privilege suspension provided in RCW 46.20.289(2), where required; a violation of the financial responsibility laws under chapter 46.29 RCW; or for multiple violations within a specified period of time under RCW 46.20.291, may apply to the department for an occupational driver's license.

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

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

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

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

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

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

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

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

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

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

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

(viii) Presents evidence that he or she has applied for a position in an apprenticeship or on-the-job training program for which a driver's license is required to begin the program, provided that a license granted under this provision shall be in effect for no longer than fourteen days; and

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

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

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

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

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

**Sec.**  RCW 46.55.113 and 2011 c 167 s 6 are each amended to read as follows:

(1) Whenever the driver of a vehicle is arrested for a violation of RCW 46.20.342(1) (a), (b), or (c) or 46.20.345, the vehicle is subject to summary impoundment, pursuant to the terms and conditions of an applicable local ordinance or state agency rule at the direction of a law enforcement officer.

(2) In addition, a police officer may take custody of a vehicle, at his or her discretion, and provide for its prompt removal to a place of safety under any of the following circumstances:

(a) Whenever a police officer finds a vehicle standing upon the roadway in violation of any of the provisions of RCW 46.61.560, the officer may provide for the removal of the vehicle or require the driver or other person in charge of the vehicle to move the vehicle to a position off the roadway;

(b) Whenever a police officer finds a vehicle unattended upon a highway where the vehicle constitutes an obstruction to traffic or jeopardizes public safety;

(c) Whenever a police officer finds an unattended vehicle at the scene of an accident or when the driver of a vehicle involved in an accident is physically or mentally incapable of deciding upon steps to be taken to protect his or her property;

(d) Whenever the driver of a vehicle is arrested and taken into custody by a police officer;

(e) Whenever a police officer discovers a vehicle that the officer determines to be a stolen vehicle;

(f) Whenever a vehicle without a special license plate, placard, or decal indicating that the vehicle is being used to transport a person with disabilities under RCW 46.19.010 is parked in a stall or space clearly and conspicuously marked under RCW 46.61.581 which space is provided on private property without charge or on public property;

(g) Upon determining that a person is operating a motor vehicle without a valid and, if required, a specially endorsed driver's license or with a license that has been expired for ninety days or more;

(h) When a vehicle is illegally occupying a truck, commercial loading zone, restricted parking zone, bus, loading, hooded-meter, taxi, street construction or maintenance, or other similar zone where, by order of the director of transportation or chiefs of police or fire or their designees, parking is limited to designated classes of vehicles or is prohibited during certain hours, on designated days or at all times, if the zone has been established with signage for at least twenty-four hours and where the vehicle is interfering with the proper and intended use of the zone. Signage must give notice to the public that a vehicle will be removed if illegally parked in the zone;

(i) When a vehicle with an expired registration of more than forty‑five days is parked on a public street.

(3) When an arrest is made for a violation of RCW 46.20.342(1) (a), (b), or (c), if the vehicle is a commercial vehicle or farm transport vehicle and the driver of the vehicle is not the owner of the vehicle, before the summary impoundment directed under subsection (1) of this section, the police officer shall attempt in a reasonable and timely manner to contact the owner of the vehicle and may release the vehicle to the owner if the owner is reasonably available, as long as the owner was not in the vehicle at the time of the stop and arrest and the owner has not received a prior release under this subsection or RCW 46.55.120(1)((~~(a)~~)) (b)(ii).

(4) Nothing in this section may derogate from the powers of police officers under the common law. For the purposes of this section, a place of safety may include the business location of a registered tow truck operator.

(5) For purposes of this section "farm transport vehicle" means a motor vehicle owned by a farmer and that is being actively used in the transportation of the farmer's or another farmer's farm, orchard, aquatic farm, or dairy products, including livestock and plant or animal wastes, from point of production to market or disposal, or supplies or commodities to be used on the farm, orchard, aquatic farm, or dairy, and that has a gross vehicle weight rating of 7,258 kilograms (16,001 pounds) or more.

**Sec.**  RCW 46.63.020 and 2018 c 18 s 4 are each amended to read as follows:

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

(1) RCW 46.09.457(1)(b)(i) relating to a false statement regarding the inspection of and installation of equipment on wheeled all-terrain vehicles;

(2) RCW 46.09.470(2) relating to the operation of a nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance;

(3) RCW 46.09.480 relating to operation of nonhighway vehicles;

(4) RCW 46.10.490(2) relating to the operation of a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs or in a manner endangering the person of another;

(5) RCW 46.10.495 relating to the operation of snowmobiles;

(6) Chapter 46.12 RCW relating to certificates of title, registration certificates, and markings indicating that a vehicle has been destroyed or declared a total loss;

(7) RCW 46.16A.030 and 46.16A.050(3) relating to the nonpayment of taxes and fees by failure to register a vehicle and falsifying residency when registering a motor vehicle;

(8) RCW 46.16A.520 relating to permitting unauthorized persons to drive;

(9) RCW 46.16A.320 relating to vehicle trip permits;

(10) RCW 46.19.050(1) relating to knowingly providing false information in conjunction with an application for a special placard or license plate for disabled persons' parking;

(11) RCW 46.19.050(8) relating to illegally obtaining a parking placard, special license plate, special year tab, or identification card;

(12) RCW 46.19.050(9) relating to sale of a parking placard, special license plate, special year tab, or identification card;

(13) RCW 46.20.005 relating to driving without a valid driver's license;

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

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

(16) RCW 46.20.342(1) (a), (b), and (c) relating to driving with a suspended or revoked license or status;

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

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

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

(20) RCW 46.20.750 relating to circumventing an ignition interlock device;

(21) RCW 46.25.170 relating to commercial driver's licenses;

(22) Chapter 46.29 RCW relating to financial responsibility;

(23) RCW 46.30.040 relating to providing false evidence of financial responsibility;

(24) RCW 46.35.030 relating to recording device information;

(25) RCW 46.37.435 relating to wrongful installation of sunscreening material;

(26) RCW 46.37.650 relating to the manufacture, importation, sale, distribution, or installation of a counterfeit air bag, nonfunctional air bag, or previously deployed or damaged air bag;

(27) RCW 46.37.660 relating to the sale or installation of a device that causes a vehicle's diagnostic system to inaccurately indicate that the vehicle has a functional air bag when a counterfeit air bag, nonfunctional air bag, or no air bag is installed;

(28) RCW 46.37.671 through 46.37.675 relating to signal preemption devices;

(29) RCW 46.37.685 relating to switching or flipping license plates, utilizing technology to flip or change the appearance of a license plate, selling a license plate flipping device or technology used to change the appearance of a license plate, or falsifying a vehicle registration;

(30) RCW 46.44.180 relating to operation of mobile home pilot vehicles;

(31) RCW 46.48.175 relating to the transportation of dangerous articles;

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

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

(34) RCW 46.52.090 relating to reports by repairers, storage persons, and appraisers;

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

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

(37) RCW 46.55.035 relating to prohibited practices by tow truck operators;

(38) RCW 46.55.300 relating to vehicle immobilization;

(39) RCW 46.61.015 relating to obedience to police officers, flaggers, or firefighters;

(40) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;

(41) RCW 46.61.022 relating to failure to stop and give identification to an officer;

(42) RCW 46.61.024 relating to attempting to elude pursuing police vehicles;

(43) RCW 46.61.212((~~(4)~~)) (5) relating to reckless endangerment of emergency or work zone workers;

(44) RCW 46.61.500 relating to reckless driving;

(45) RCW 46.61.502 and 46.61.504 relating to persons under the influence of intoxicating liquor or drugs;

(46) RCW 46.61.503 relating to a person under age twenty-one driving a motor vehicle after consuming alcohol;

(47) RCW 46.61.520 relating to vehicular homicide by motor vehicle;

(48) RCW 46.61.522 relating to vehicular assault;

(49) RCW 46.61.5249 relating to first degree negligent driving;

(50) RCW 46.61.527(4) relating to reckless endangerment of roadway workers;

(51) RCW 46.61.530 relating to racing of vehicles on highways;

(52) RCW 46.61.655(7) (a) and (b) relating to failure to secure a load;

(53) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;

(54) RCW 46.61.740 relating to theft of motor vehicle fuel;

(55) RCW 46.64.010 relating to unlawful cancellation of or attempt to cancel a traffic citation;

(56) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;

(57) Chapter 46.65 RCW relating to habitual traffic offenders;

(58) RCW 46.68.010 relating to false statements made to obtain a refund;

(59) Chapter 46.70 RCW relating to unfair motor vehicle business practices, except where that chapter provides for the assessment of monetary penalties of a civil nature;

(60) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;

(61) RCW 46.72A.060 relating to limousine carrier insurance;

(62) RCW 46.72A.070 relating to operation of a limousine without a vehicle certificate;

(63) RCW 46.72A.080 relating to false advertising by a limousine carrier;

(64) Chapter 46.80 RCW relating to motor vehicle wreckers;

(65) Chapter 46.82 RCW relating to driver's training schools;

(66) RCW 46.87.260 relating to alteration or forgery of a cab card, letter of authority, or other temporary authority issued under chapter 46.87 RCW;

(67) RCW 46.87.290 relating to operation of an unregistered or unlicensed vehicle under chapter 46.87 RCW.

**Sec.**  RCW 46.64.025 and 2017 c 336 s 11 are each amended to read as follows:

Whenever any person served with, or provided notice of, a traffic infraction or a traffic-related criminal complaint willfully fails to appear at a requested hearing for a moving violation, or fails to comply with the terms of a notice of infraction for a moving violation or a traffic-related criminal complaint or criminal citation, and meets the additional criteria for driver's license and driving privileges suspension provided in RCW 46.20.289(2), where applicable, the court with jurisdiction over the traffic infraction or traffic-related criminal complaint or criminal citation shall promptly give notice of such fact to the department of licensing. Whenever thereafter the case in which the defendant failed to appear or comply is adjudicated, the court hearing the case shall promptly file with the department a certificate showing that the case has been adjudicated. For the purposes of this section, "moving violation" is defined by rule pursuant to RCW 46.20.2891.

**PART III: PROGRAM TO CONSOLIDATE TRAFFIC OBLIGATIONS TO AVOID DRIVER'S LICENSE SUSPENSION DUE TO FAILURE TO PAY**

NEW SECTION. **Sec.**  The legislature finds that suspension of driving privileges is a consequence when a person fails to pay certain civil or criminal traffic fines. The legislature also finds that the failure to pay fines is sometimes caused by a person's inability to pay all outstanding financial obligations at once. Moreover, creating and maintaining an affordable payment plan to satisfy such outstanding obligations can be complicated when a person faces fines from multiple jurisdictions simultaneously, especially if such jurisdictions use different entities for collection services. The legislature desires to establish an efficient and economical means by which persons with suspended driving privileges due to unpaid fines in multiple jurisdictions can consolidate the unpaid fines into a single affordable payment plan, which will allow persons to reinstate their driving privileges while still holding them responsible for their unlawful behavior and accountable for payment of the fines imposed.

NEW SECTION. **Sec.**  A new section is added to chapter 46.63 RCW to read as follows:

(1) There is created a program for the consolidation of traffic-based financial obligations from multiple courts of limited jurisdiction into a consolidated payment plan, to provide a path for the reinstatement of driving privileges that are or may be suspended because of failure to comply with the terms of a notice of traffic infraction, criminal complaint, or citation for a moving violation.

(a) The administrative office of the courts shall oversee the program created by this section, and shall contract with a private agency or entity to act as program administrator to implement, administer, and service the consolidated payment plans authorized under the program created by this section.

(i) For the purposes of this section, the administrative office of the courts shall have authority equivalent to courts of limited jurisdiction as provided in RCW 3.02.045 and 46.63.110 to use one or more attorneys, accounts receivable companies, or collection agencies for purposes of collecting outstanding traffic-based financial obligations or administering payment plans and use credit cards or debit cards for purposes of billing and collecting unpaid traffic-based financial obligations, and, in the case of credit cards, assess as court costs the moneys paid for remuneration for services or charges paid to financial institutions.

(ii) Any program administrator that the administrative office of the courts contracts with under this section shall be licensed to operate in the state, and preference in the awarding of any contract shall be given to private agencies or entities with principals who have experience operating on behalf of one or more courts of limited jurisdiction in Washington.

(iii) Any program administrator that the administrative office of the courts contracts with under this section shall provide at least one payment option for participants that does not require or involve additional payment processing fees.

(b) In consultation with the Washington state district and municipal court judges' association and a statewide association representing collection agencies, the administrative office of the courts shall develop an online and paper application form to be used by applicants for the program created by this section. The application form shall include a section asking a prospective participant to attest, under penalty of perjury, if that person's annual income, after taxes, is one hundred twenty-five percent or less of the current federally established poverty level, or if that person receives one or more of the following types of public assistance: Temporary assistance for needy families; aged, blind, or disabled assistance benefits; medical care services under RCW 74.09.035; pregnant women assistance benefits; poverty-related veterans' benefits; food stamps or food stamp benefits transferred electronically; refugee resettlement benefits; medicaid; or supplemental security income.

(c) The administrative office of the courts may assess program participants a one-time payment plan establishment fee up to the amount allowed under RCW 46.20.341(2)(e). The fee shall be included in the total to be paid by the program participant. The fee hereby authorized is not subject to chapters 3.50, 3.62, and 35.20 RCW, and shall be used by the administrative office of the courts to support oversight of the program, with five percent of the establishment fee deposited into the state general fund to be transmitted by the state treasurer to the department to support public education about the program and what is required for a person to have that person's driving privileges restored. The public education provided by the department must include a department web site that provides individuals with contact information for the administrative office of the courts and courts of limited jurisdiction to obtain information on payment plan opportunities.

(d) The administrative office of the courts may adopt policies that are necessary or convenient for purposes of administering the program created by this section including, but not limited to, policies governing the creation of the application form, payment plan terms, and other procedural rules or administrative matters within the purview of the judiciary. Prior to issuing any new policy for the program, the administrative office of the courts is encouraged to solicit public comment and consult with stakeholders, including, but not limited to, the Washington state district and municipal court judges' association, civil legal aid organizations, and a statewide association representing collection agencies.

(2) A person qualifies for entry into the program created by this section if:

(a) That person's driving privileges have been suspended pursuant to RCW 46.20.289, that person has partially met the criteria for driver's license suspension listed under RCW 46.20.289(2)(a), or that person has received a notice as provided in RCW 46.20.245 of a proposed suspension of driving privileges pursuant to RCW 46.20.289; and

(b) That person has unpaid traffic-based financial obligations imposed by two or more different courts of limited jurisdiction, which could, independently or in combination, serve as a basis for suspension of driving privileges if the person owing does not pay in full or the department does not receive certification from the appropriate court that the case is adjudicated.

(3) Even if a person qualifies under subsection (2) of this section, a person is ineligible to participate in the program created by this section if:

(a) The person has been removed from the program created by this section more than twice in the thirty-six month period preceding the date of application for failing to comply with the terms of a payment plan; or

(b) The unpaid traffic-based financial obligations from different jurisdictions have been referred to the same collecting attorney or collection agency, which is offering payment plan terms equivalent to the payment plan offered under the program created by this section.

(4) Any person qualifying for the program created by this section may enter the program by completing the application developed under subsection (1) of this section, submitting the application to the program administrator, entering into a payment plan with the program administrator, and making the first payment as required under said payment plan.

(5) Upon a person entering the program as provided in subsection (3) of this section, the program administrator shall promptly notify the relevant courts to which the program participant owes traffic-based financial obligations, as well as the collecting attorneys, accounts receivable companies, or collection agencies utilized by those courts, to inform the courts and their contracted collectors of the participant's entry in the program. Upon receiving notice that a person has entered the program created by this section, the courts shall promptly notify the department that the infraction or case for which the participant owes traffic-based financial obligations has been adjudicated, and the court's contracted collecting attorneys, accounts receivable companies, or collection agencies shall suspend collection efforts to allow the program administrator to administer the consolidated payment plan created by this section.

(6) As remuneration for administering the consolidated payment plan, the program administrator shall retain as revenue for itself sixty percent of the unpaid collection fees assessed under RCW 19.16.500, minus any court or legal costs paid by the local collecting attorney or collection agency related to a legal proceeding to collect the delinquent traffic-based financial obligations.

(7) While participating in the program created by this section, a participant must make regular monthly payments pursuant to the payment plan he or she entered into with the program administrator.

(a) The administrative office of the courts shall establish policies governing payment plans offered by the program created by this section.

(b) Through December 31, 2025, the standard payment plan terms offered by the program created by this section shall be as follows:

(i) For balances of five hundred dollars or less, a monthly payment of twenty-five dollars;

(ii) For balances of one thousand dollars or less, but more than five hundred dollars, a monthly payment of thirty-five dollars;

(iii) For balances of more than one thousand dollars, a monthly payment of fifty dollars; and

(iv) A monthly payment of twenty-five dollars, regardless of the outstanding balance, for participants with incomes at or below one hundred twenty-five percent of the current federally established poverty level, or for participants receiving one or more of the following types of public assistance: Temporary assistance for needy families; aged, blind, or disabled assistance benefits; medical care services under RCW 74.09.035; pregnant women assistance benefits; poverty-related veterans' benefits; food stamps or food stamp benefits transferred electronically; refugee resettlement benefits; medicaid; or supplemental security income.

After December 31, 2025, the administrative office of the courts may adopt new standard payment plan terms under the authority provided in this section.

(c) Notwithstanding any other provision in this section, a program participant may at any time elect to pay more than the minimum standard payment amount. In addition, any program participant may petition any court to which the program participant owes traffic-based financial obligations that have been consolidated under the program created by this section, and have that court assess the participant's ability to pay. The court hearing the petition, in its discretion, may order a monthly payment amount lower than the amount of the standard payment plan identified in this section.

(d) Provided a participant continues to comply with the terms of the payment plan, the participant may remain in the program created by this section until such time that all traffic-based financial obligations subject to consolidation are paid in full.

Payment plan terms shall set out the conditions under which a failure to comply with said terms will result in removal from the program, and shall at a minimum include that removal from the program will result if any payment due becomes more than forty-five days delinquent.

(8) While the participant is participating in the program created by this section, all unpaid accrued interest on the participant's traffic-based financial obligations subject to consolidation under the program shall be provisionally suspended.

(a) If a participant satisfies a traffic-based financial obligation subject to consolidation under the program by making all required payments and otherwise meeting the terms of the payment plan, all provisionally suspended unpaid accrued interest on the satisfied traffic-based financial obligation shall be waived.

(b) If a participant is removed from the program, the provisionally suspended unpaid accrued interest on the unsatisfied traffic-based financial obligations subject to consolidation under the program shall be reinstated.

(c) Nothing in this section shall be interpreted to limit a court's ability to independently waive, reduce, or suspend a portion or all of a fine or penalty.

(9) If a participant is removed from the program created by this section, the program administrator shall promptly notify the relevant courts to which the program participant still owes traffic-based financial obligations. Upon receiving the notice that the participant was removed from the program, the court shall promptly notify the department of the person's failure to meet the conditions of the payment plan if the criteria in RCW 46.20.289 have otherwise been satisfied, and the department shall suspend the person's driving privileges when notified.

(10) Notwithstanding any other provision in this section, a traffic-based financial obligation shall not be eligible for consolidation under the program if a legal proceeding, such as garnishment, has commenced to collect the delinquent traffic-based financial obligation owed by the person, unless the court, in its discretion, authorizes the traffic-based financial obligation to be included in the consolidated payment plan pursuant to its authority under RCW 46.63.110(9).

(11) Payments made to the program administrator for the consolidated payment plans created by this section shall first be applied to the program establishment fee, with the remainder divided equally among the number of courts of limited jurisdiction that originally ordered the traffic-based financial obligations consolidated under the program. Revenue collected under the program created by this section shall be distributed to the appropriate courts of limited jurisdiction, or to the collecting attorneys, accounts receivable companies, or collection agencies that contract with said courts for distribution to the courts based upon the terms of the applicable contract, on a periodic basis not less frequently than monthly.

(12) For the purposes of this section:

(a) "Participant" means a person who has qualified and entered the program created by this section.

(b) "Payment plan" has the same meaning as in RCW 46.63.110(6).

(c) "Program" means the program for the consolidation of traffic-based financial obligations created by this section.

(d) "Program administrator" means the contracted private agency or entity tasked with implementing, administering, and servicing the consolidated payment plans authorized under the program created by this section.

(e) "Traffic-based financial obligation" means any monetary penalty, fee, cost, assessment, or other monetary obligation imposed when a person is either found to have committed a traffic infraction or convicted of a traffic misdemeanor or gross misdemeanor offense.

**Sec.**  RCW 46.63.110 and 2019 c 467 s 4, 2019 c 403 s 13, 2019 c 181 s 1, and 2019 c 65 s 7 are each reenacted and amended to read as follows:

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

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

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

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

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

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

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

(b) If a person has not entered into a local payment plan with the court and has not paid the monetary obligation in full on or before the time established for payment, the court may refer the unpaid monetary penalty, fee, cost, assessment, or other monetary obligation to a collections agency until all monetary obligations have been paid, including those imposed under subsections (3) and (4) of this section, or until the person has entered into a local payment plan under this section or has entered into a consolidated payment plan as authorized under section 18 of this act. For those infractions subject to suspension under RCW 46.20.289, the court shall notify the department of the person's delinquency, and the department shall suspend the person's driver's license or driving privileges provided the criteria for driving privilege suspension in RCW 46.20.289 have been met.

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

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

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

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

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

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

(c) A fee of five dollars per infraction. Under no circumstances shall this fee be reduced or waived. Revenue from this fee shall be forwarded to the state treasurer for deposit in the traumatic brain injury account established in RCW 74.31.060.

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

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

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

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

(11) The additional monetary penalty for a violation of RCW 46.20.500 is not subject to assessments or fees provided under this section.

(12) The additional monetary fine for a violation of RCW 46.61.110, 46.61.145, 46.61.180, 46.61.185, 46.61.190, and 46.61.205 is not subject to assessments or fees provided under this section.

(13) The additional monetary penalties for a violation of RCW 46.61.165 are not subject to assessments or fees provided under this section.

NEW SECTION. **Sec.**  A new section is added to chapter 46.64 RCW to read as follows:

Whenever a court of limited jurisdiction imposes a monetary penalty, fee, cost, assessment, or other monetary obligation under this chapter for conviction of a violation of this title that is a misdemeanor or gross misdemeanor, the person who owes such obligations, if otherwise eligible, may consolidate the obligations with the program authorized under section 18 of this act.

**PART IV: GENERAL PROVISIONS**

NEW SECTION. **Sec.**  (1)(a) The legislature finds that the current system for addressing unpaid traffic fines is inequitable and disproportionately burdens people with limited economic means. The department of licensing shall convene a work group of stakeholders to explore options for addressing this inequity and disproportionality by reforming the manner in which unpaid traffic fines are collected, the driver's licensing consequences of unpaid traffic fines, and the legal consequences of driving without a valid driver's license. The effort must include an examination of options for consolidated or individual payment plans for unpaid traffic fines, other options for collecting unpaid traffic fines and holding drivers accountable for moving violations without suspending driver's licenses, policies that can increase the rate of drivers who have valid insurance, and the traffic safety risk posed by drivers whose licenses are suspended solely due to unpaid traffic fines compared to the traffic safety risk posed by drivers with an equivalent number of paid moving violations.

(b) The effort must also include an examination of the effectiveness of requiring that the registered vehicle owner's driver's license number be provided at the time of vehicle registration and registration renewal to increase the rate at which driver's license suspension notifications reach driver's license holders, as well as an assessment of the effectiveness of the department of licensing's efforts to provide payment plan information to individuals who receive notices of driver's license suspension and methods in addition to mail that could be used to provide notification of pending driver's license suspension and payment plan options to these individuals.

(2) The following must be invited to participate in the stakeholder work group:

(a) The administrator for the courts or the administrator for the courts' designee;

(b) A district or municipal court judge, appointed by the district and municipal court judges' association;

(c) A prosecutor, appointed by the Washington association of prosecuting attorneys, or the prosecutor's designee;

(d) A municipal prosecutor appointed by the city of Seattle attorney's office;

(e) A public defender, jointly appointed by the Washington defender association and the Washington association of criminal defense lawyers;

(f) A representative of the American civil liberties union;

(g) A district or municipal court administrator or manager, appointed by the district and municipal court management association;

(h) A representative of a civil legal aid organization, appointed by the office of civil legal aid;

(i) A representative of the Washington association of sheriffs and police chiefs;

(j) A representative of a statewide association of police chiefs and sheriffs, selected by the association;

(k) The director of the Washington traffic safety commission or the director's designee;

(l) A representative of a statewide association of city governments, selected by the association;

(m) A representative of a statewide association of counties, selected by the association;

(n) A representative of a statewide association of collection professionals;

(o) A representative of Northwest justice project;

(p) A representative of columbia legal services;

(q) A representative of statewide poverty action network; and

(r) A representative of the faith action network.

(3) The stakeholder work group shall convene as necessary.

(4) The stakeholder work group shall provide final feedback and recommendations to the department of licensing no later than October 1, 2020.

(5) The department of licensing shall submit a report detailing its findings and recommendations to the appropriate committees of the legislature, which must include an assessment of the estimated fiscal impact to government associated with these recommendations, no later than November 1, 2020.

NEW SECTION. **Sec.**  The administrator for the courts and the director of the department of licensing may take the necessary steps to ensure that this act is implemented on its effective date.

NEW SECTION. **Sec.**  Sections 1 through 20 of this act take effect January 1, 2021.

NEW SECTION. **Sec.**  Sections 21 and 22 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately.

**--- END ---**