

2 **SSB 5309** - H COMM AMD **ADOPTED 4/11/01**  
3 By Committee on Appropriations

4

5 Strike everything after the enacting clause and insert the  
6 following:

7 "**Sec. 1.** RCW 3.62.090 and 1997 c 331 s 4 are each amended to read  
8 as follows:

9 (1) There shall be assessed and collected in addition to any fines,  
10 forfeitures, or penalties assessed, other than for parking infractions,  
11 by all courts organized under Title 3 or 35 RCW a public safety and  
12 education assessment equal to sixty percent of such fines, forfeitures,  
13 or penalties, which shall be remitted as provided in chapters 3.46,  
14 3.50, 3.62, and 35.20 RCW. The assessment required by this section  
15 shall not be suspended or waived by the court.

16 (2) There shall be assessed and collected in addition to any fines,  
17 forfeitures, or penalties assessed, other than for parking infractions  
18 and for fines levied under RCW 46.61.5055, and in addition to the  
19 public safety and education assessment required under subsection (1) of  
20 this section, by all courts organized under Title 3 or 35 RCW, an  
21 additional public safety and education assessment equal to fifty  
22 percent of the public safety and education assessment required under  
23 subsection (1) of this section, which shall be remitted to the state  
24 treasurer and deposited as provided in RCW 43.08.250. The additional  
25 assessment required by this subsection shall not be suspended or waived  
26 by the court.

27 (3) This section does not apply to the fee imposed under RCW  
28 (~~43.63.110(6)~~) 46.63.110(6) or the penalty imposed under RCW  
29 46.63.110(7).

30 **Sec. 2.** RCW 46.63.110 and 1997 c 331 s 3 are each amended to read  
31 as follows:

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

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

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

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

22 (5) Whenever a monetary penalty is imposed by a court under this  
23 chapter it is immediately payable. If the person is unable to pay at  
24 that time the court may, in its discretion, grant an extension of the  
25 period in which the penalty may be paid. If the penalty is not paid on  
26 or before the time established for payment the court shall notify the  
27 department of the failure to pay the penalty, and the department shall  
28 suspend the person's driver's license or driving privilege until the  
29 penalty has been paid and the penalty provided in subsection (3) of  
30 this section has been paid.

31 (6) In addition to any other penalties imposed under this section  
32 and not subject to the limitation of subsection (1) of this section, a  
33 person found to have committed a traffic infraction shall be assessed  
34 a fee of five dollars per infraction. Under no circumstances shall  
35 this fee be reduced or waived. Revenue from this fee shall be  
36 forwarded to the state treasurer for deposit in the emergency medical  
37 services and trauma care system trust account under RCW 70.168.040.

38 (7)(a) In addition to any other penalties imposed under this  
39 section and not subject to the limitation of subsection (1) of this

1 section, a person found to have committed a traffic infraction other  
2 than of RCW 46.61.527 shall be assessed an additional penalty of ten  
3 dollars. The court may not reduce, waive, or suspend the additional  
4 penalty unless the court finds the offender to be indigent. If a  
5 community service program for offenders is available in the  
6 jurisdiction, the court shall allow offenders to offset all or a part  
7 of the penalty due under this subsection (7) by participation in the  
8 community service program.

9 (b) Revenue from the additional penalty must be remitted under  
10 chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted  
11 under this subsection to the state treasurer must be deposited as  
12 provided in RCW 43.08.250. The balance of the revenue received by the  
13 county or city treasurer under this subsection must be deposited into  
14 the county or city current expense fund. Moneys retained by the city  
15 or county under this subsection shall constitute reimbursement for any  
16 liabilities under RCW 43.135.060.

17 NEW SECTION. Sec. 3. A new section is added to chapter 46.64 RCW  
18 to read as follows:

19 (1) In addition to any other penalties imposed for conviction of a  
20 violation of this title that is a misdemeanor, gross misdemeanor, or  
21 felony, the court shall impose an additional penalty of fifty dollars.  
22 The court may not reduce, waive, or suspend the additional penalty  
23 unless the court finds the offender to be indigent. If a community  
24 service program for offenders is available in the jurisdiction, the  
25 court shall allow offenders to offset all or a part of the penalty due  
26 under this section by participation in the community service program.

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

35 **Sec. 4.** RCW 43.08.250 and 2000 2nd sp.s. c 1 s 911 are each  
36 amended to read as follows:

1       The money received by the state treasurer from fees, fines,  
2 forfeitures, penalties, reimbursements or assessments by any court  
3 organized under Title 3 or 35 RCW, or chapter 2.08 RCW, shall be  
4 deposited in the public safety and education account which is hereby  
5 created in the state treasury. The legislature shall appropriate the  
6 funds in the account to promote traffic safety education, highway  
7 safety, criminal justice training, crime victims' compensation,  
8 judicial education, the judicial information system, civil  
9 representation of indigent persons, winter recreation parking, drug  
10 court operations, and state game programs. During the fiscal biennium  
11 ending June 30, 2001, the legislature may appropriate moneys from the  
12 public safety and education account for purposes of appellate indigent  
13 defense and other operations of the office of public defense, the  
14 criminal litigation unit of the attorney general's office, the  
15 treatment alternatives to street crimes program, crime victims advocacy  
16 programs, justice information network telecommunication planning,  
17 sexual assault treatment, operations of the office of administrator for  
18 the courts, security in the common schools, alternative school start-up  
19 grants, programs for disruptive students, criminal justice data  
20 collection, Washington state patrol criminal justice activities, drug  
21 court operations, department of ecology methamphetamine-related  
22 activities, financial assistance to local jurisdictions for  
23 extraordinary costs incurred in the adjudication of criminal cases,  
24 domestic violence treatment and related services, the department of  
25 corrections' costs in implementing chapter 196, Laws of 1999,  
26 reimbursement of local governments for costs associated with  
27 implementing criminal and civil justice legislation, and the  
28 replacement of the department of corrections' offender-based tracking  
29 system."

30       Correct the title.

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