
SUBSTITUTE HOUSE BILL 1031

State of Washington 58th Legislature 2003 Regular Session

By House Committee on Judiciary (originally sponsored by Representatives Lovick, O'Brien, Sullivan and Lantz)

READ FIRST TIME 02/27/03.

1 AN ACT Relating to payment of traffic infraction and misdemeanor
2 penalties; amending RCW 46.64.025; reenacting and amending RCW
3 46.63.110; and providing an effective date.

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

5 **Sec. 1.** RCW 46.63.110 and 2002 c 279 s 15 and 2002 c 175 s 36 are
6 each reenacted and amended to read as follows:

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

11 (2) The monetary penalty for a violation of RCW 46.55.105(2) is two
12 hundred fifty dollars for each offense. No penalty assessed under this
13 subsection (2) may be reduced.

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

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

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

16 (6) Whenever a monetary penalty is imposed by a court under this
17 chapter it is immediately payable. ~~If ((the person is unable to pay at
18 that time the court may, in its discretion, grant an extension of the
19 period in which the penalty may be paid. If the penalty is not paid on
20 or before the time established for payment the court shall notify the
21 department of the failure to pay the penalty))~~ a person is not able to
22 pay a monetary penalty in full, and not more than one year has passed
23 since the later of the effective date of this act or the date the
24 penalty became payable, the court shall offer to enter into a payment
25 plan with the person, unless the person has previously been granted a
26 payment plan with respect to the same monetary penalty, in which case
27 the court may, at its discretion, implement a payment plan. Once a
28 person has entered into a payment plan and made an initial payment, the
29 court shall notify the department that the infraction has been
30 adjudicated, and the department shall rescind any suspension of the
31 person's driver's license or driver's privilege based on failure to
32 respond to that infraction. "Payment plan," as used in this section,
33 means a plan that requires reasonable payments based on the financial
34 ability of the person to pay. The person may voluntarily pay an amount
35 at any time in addition to the payments required under the payment
36 plan:

37 (a) If a payment required to be made under the payment plan is
38 delinquent or the person fails to complete a community restitution

1 program on or before the time established under the payment plan,
2 unless the court determines good cause therefore and adjusts the
3 payment plan or the community restitution plan accordingly, the court
4 shall notify the department of the person's failure to meet the
5 conditions of the plan, and the department shall suspend the person's
6 driver's license or driving privilege until the penalty has been paid
7 ((and the penalty provided in subsection (4) of this section has been
8 paid)), including penalties imposed under subsection (4) of this
9 section, or until the court notifies the department that the person is
10 again participating in a payment plan or community restitution plan
11 approved by the court.

12 (b) If a person has not entered into a payment plan with the court
13 and has not paid the penalty in full on or before the time established
14 for payment, the court shall notify the department of the delinquency.
15 The department shall suspend the person's driver's license or driving
16 privilege until the penalty has been paid, including the penalty in
17 subsection (4) of this section, or until the person has entered into a
18 payment plan or community restitution plan under this section.

19 (c) If the payment plan is to be administered by the court, the
20 court may assess the person a reasonable administrative fee to be
21 wholly retained by the city or county with jurisdiction. The
22 administrative fee shall not exceed ten dollars per infraction.

23 (d) Nothing in this section precludes a court from contracting with
24 an outside entity to administer a payment plan. When an outside entity
25 is used for the administration of a plan, the court may assess the
26 person a reasonable fee for those administrative services. Fees
27 collected under this subsection shall be wholly retained by the city or
28 county with jurisdiction, for payment of costs of administration.

29 (e) If a community restitution program for offenders is available
30 in the jurisdiction, the court shall allow conversion of all or part of
31 the monetary penalties due under this subsection (6) to community
32 restitution if the person is unable to make reasonable time payments.

33 (f) No person may enter into a second or subsequent payment plan if
34 he or she is failing to meet the conditions of a prior plan.

35 (7) In addition to any other penalties imposed under this section
36 and not subject to the limitation of subsection (1) of this section, a
37 person found to have committed a traffic infraction shall be assessed
38 a fee of five dollars per infraction. Under no circumstances shall

1 this fee be reduced or waived. Revenue from this fee shall be
2 forwarded to the state treasurer for deposit in the emergency medical
3 services and trauma care system trust account under RCW 70.168.040.

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

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

22 **Sec. 2.** RCW 46.64.025 and 1999 c 86 s 7 are each amended to read
23 as follows:

24 (1) Whenever any person violates his or her written promise to
25 appear in court, ((or)) fails to appear for a scheduled court hearing,
26 or fails to comply with the terms of a citation, the court in which the
27 defendant failed to appear or comply shall promptly give notice of such
28 fact to the department of licensing. Whenever thereafter the case in
29 which the defendant failed to appear or comply is adjudicated, the
30 court hearing the case shall promptly file with the department a
31 certificate showing that the case has been adjudicated.

32 (2)(a) Where compliance with the terms of a misdemeanor citation
33 includes the payment of a monetary penalty, and a person is not able to
34 pay the monetary penalty in full, and not more than one year has passed
35 since the later of the effective date of this act or the date payment
36 of the penalty became due, the court shall offer to enter into a
37 payment plan with the person, unless the person has previously been

1 granted a payment plan with respect to the same monetary penalty, in
2 which case the court may, at its discretion, implement a payment plan.
3 "Payment plan," as used in this section, means a plan that requires
4 reasonable payments based on the financial ability of the person to
5 pay. The person may voluntarily pay any amount at any time in addition
6 to these payments. If a person has entered into a payment plan under
7 this subsection, the court shall not notify the department of licensing
8 that the person has failed to comply with the terms of a citation as it
9 applies to payment of the monetary penalty unless a payment required to
10 be made under the payment plan is delinquent and the court has not
11 determined good cause therefore and adjusted the payment plan or the
12 community restitution plan accordingly.

13 (b) If the payment plan is to be administered by the court, the
14 court may assess the person a reasonable administrative fee to be
15 wholly retained by the city or county with jurisdiction. The
16 administrative fee shall not exceed ten dollars per misdemeanor.

17 (c) Nothing in this section precludes a court from contracting with
18 an outside entity to administer a payment plan. When an outside entity
19 is used for the administration of a plan, the court may assess the
20 person a reasonable fee for those administrative services. Fees
21 collected under this subsection shall be wholly retained by the city or
22 county with jurisdiction, for payment of costs of administration.

23 (d) No person may enter into a second or subsequent payment plan if
24 he or she is failing to comply with the terms of a prior plan.

25 NEW SECTION. Sec. 3. This act takes effect January 1, 2004.

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