

---

HOUSE BILL 1582

---

State of Washington

64th Legislature

2015 Regular Session

By Representatives Fey, Rodne, Moscoso, Zeiger, Sells, Hurst, and Wylie

Read first time 01/23/15. Referred to Committee on Transportation.

1 AN ACT Relating to modifying penalty amounts and fees for certain  
2 traffic violations; amending RCW 46.63.110, 46.61.165, and 46.61.502;  
3 prescribing penalties; 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 2012 c 82 s 1 are each amended to read  
6 as follows:

7 (1) A person found to have committed a traffic infraction shall  
8 be 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 (a) RCW 46.55.105(2)  
12 is two hundred fifty dollars for each offense; (b) RCW 46.61.210(1)  
13 is five hundred dollars for each offense. No penalty assessed under  
14 this subsection (2) may be reduced.

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

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

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

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

38 (a) If a payment required to be made under the payment plan is  
39 delinquent or the person fails to complete a community restitution  
40 program on or before the time established under the payment plan,

1 unless the court determines good cause therefor and adjusts the  
2 payment plan or the community restitution plan accordingly, the court  
3 may refer the unpaid monetary penalty, fee, cost, assessment, or  
4 other monetary obligation for civil enforcement until all monetary  
5 obligations, including those imposed under subsections (3) and (4) of  
6 this section, have been paid, and court authorized community  
7 restitution has been completed, or until the court has entered into a  
8 new time payment or community restitution agreement with the person.  
9 For those infractions subject to suspension under RCW 46.20.289, the  
10 court shall notify the department of the person's failure to meet the  
11 conditions of the plan, and the department shall suspend the person's  
12 driver's license or driving privileges.

13 (b) If a person has not entered into a payment plan with the  
14 court and has not paid the monetary obligation in full on or before  
15 the time established for payment, the court may refer the unpaid  
16 monetary penalty, fee, cost, assessment, or other monetary obligation  
17 to a collections agency until all monetary obligations have been  
18 paid, including those imposed under subsections (3) and (4) of this  
19 section, or until the person has entered into a payment plan under  
20 this section. For those infractions subject to suspension under RCW  
21 46.20.289, the court shall notify the department of the person's  
22 delinquency, and the department shall suspend the person's driver's  
23 license or driving privileges.

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

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

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

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

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

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

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

16 (d) A fee of twenty-eight dollars per infraction. Revenue from  
17 this fee shall be forwarded to the state treasurer for deposit into  
18 the motor vehicle fund; and

19 (e) For speeding infractions, a sliding scale fee of twenty-five  
20 dollars at each existing bail level that is in rule on January 1,  
21 2015. Revenue from this fee shall be forwarded to the state treasurer  
22 for deposit into the motor vehicle fund.

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

34 (b) Eight dollars and fifty cents of the additional penalty under  
35 (a) of this subsection shall be remitted to the state treasurer. The  
36 remaining revenue from the additional penalty must be remitted under  
37 chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted  
38 under this subsection to the state treasurer must be deposited in the  
39 state general fund. The balance of the revenue received by the county  
40 or city treasurer under this subsection must be deposited into the

1 county or city current expense fund. Moneys retained by the city or  
2 county under this subsection shall constitute reimbursement for any  
3 liabilities under RCW 43.135.060.

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

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

12 **Sec. 2.** RCW 46.61.165 and 2013 c 26 s 2 are each amended to read  
13 as follows:

14 (1) The state department of transportation and the local  
15 authorities are authorized to reserve all or any portion of any  
16 highway under their respective jurisdictions, including any  
17 designated lane or ramp, for the exclusive or preferential use of one  
18 or more of the following: (a) Public transportation vehicles; (b)  
19 motorcycles; (c) private motor vehicles carrying no fewer than a  
20 specified number of passengers; or (d) the following private  
21 transportation provider vehicles if the vehicle has the capacity to  
22 carry eight or more passengers, regardless of the number of  
23 passengers in the vehicle, and if such use does not interfere with  
24 the efficiency, reliability, and safety of public transportation  
25 operations: (i) Auto transportation company vehicles regulated under  
26 chapter 81.68 RCW; (ii) passenger charter carrier vehicles regulated  
27 under chapter 81.70 RCW, except marked or unmarked stretch limousines  
28 and stretch sport utility vehicles as defined under department of  
29 licensing rules; (iii) private nonprofit transportation provider  
30 vehicles regulated under chapter 81.66 RCW; and (iv) private employer  
31 transportation service vehicles, when such limitation will increase  
32 the efficient utilization of the highway or will aid in the  
33 conservation of energy resources.

34 (2) Any transit-only lanes that allow other vehicles to access  
35 abutting businesses that are authorized pursuant to subsection (1) of  
36 this section may not be authorized for the use of private  
37 transportation provider vehicles as described under subsection (1) of  
38 this section.

1 (3) The state department of transportation and the local  
2 authorities authorized to reserve all or any portion of any highway  
3 under their respective jurisdictions, for exclusive or preferential  
4 use, may prohibit the use of a high occupancy vehicle lane by the  
5 following private transportation provider vehicles: (a) Auto  
6 transportation company vehicles regulated under chapter 81.68 RCW;  
7 (b) passenger charter carrier vehicles regulated under chapter 81.70  
8 RCW, and marked or unmarked limousines and stretch sport utility  
9 vehicles as defined under department of licensing rules; (c) private  
10 nonprofit transportation provider vehicles regulated under chapter  
11 81.66 RCW; and (d) private employer transportation service vehicles,  
12 when the average transit speed in the high occupancy vehicle lane  
13 fails to meet department of transportation standards and falls below  
14 forty-five miles per hour at least ninety percent of the time during  
15 the peak hours, as determined by the department of transportation or  
16 the local authority, whichever operates the facility.

17 (4) Regulations authorizing such exclusive or preferential use of  
18 a highway facility may be declared to be effective at all times or at  
19 specified times of day or on specified days. Violation of a  
20 restriction of highway usage prescribed by the appropriate authority  
21 under this section is a traffic infraction with a minimum penalty  
22 amount of two hundred fifty dollars. One hundred twenty-six dollars  
23 of this penalty amount must be deposited into the motor vehicle fund.

24 (5) Local authorities are encouraged to establish a process for  
25 private transportation providers, as described under subsections (1)  
26 and (3) of this section, to apply for the use of public  
27 transportation facilities reserved for the exclusive or preferential  
28 use of public transportation vehicles. The application and review  
29 processes should be uniform and should provide for an expeditious  
30 response by the local authority. Whenever practicable, local  
31 authorities should enter into agreements with such private  
32 transportation providers to allow for the reasonable use of these  
33 facilities.

34 (6) For the purposes of this section, "private employer  
35 transportation service" means regularly scheduled, fixed-route  
36 transportation service that is similarly marked or identified to  
37 display the business name or logo on the driver and passenger sides  
38 of the vehicle, meets the annual certification requirements of the  
39 department of transportation, and is offered by an employer for the  
40 benefit of its employees.

1       **Sec. 3.** RCW 46.61.502 and 2013 c 3 s 33 are each amended to read  
2 as follows:

3       (1) A person is guilty of driving while under the influence of  
4 intoxicating liquor, marijuana, or any drug if the person drives a  
5 vehicle within this state:

6       (a) And the person has, within two hours after driving, an  
7 alcohol concentration of 0.08 or higher as shown by analysis of the  
8 person's breath or blood made under RCW 46.61.506; or

9       (b) The person has, within two hours after driving, a THC  
10 concentration of 5.00 or higher as shown by analysis of the person's  
11 blood made under RCW 46.61.506; or

12       (c) While the person is under the influence of or affected by  
13 intoxicating liquor, marijuana, or any drug; or

14       (d) While the person is under the combined influence of or  
15 affected by intoxicating liquor, marijuana, and any drug.

16       (2) The fact that a person charged with a violation of this  
17 section is or has been entitled to use a drug under the laws of this  
18 state shall not constitute a defense against a charge of violating  
19 this section.

20       (3)(a) It is an affirmative defense to a violation of subsection  
21 (1)(a) of this section, which the defendant must prove by a  
22 preponderance of the evidence, that the defendant consumed a  
23 sufficient quantity of alcohol after the time of driving and before  
24 the administration of an analysis of the person's breath or blood to  
25 cause the defendant's alcohol concentration to be 0.08 or more within  
26 two hours after driving. The court shall not admit evidence of this  
27 defense unless the defendant notifies the prosecution prior to the  
28 omnibus or pretrial hearing in the case of the defendant's intent to  
29 assert the affirmative defense.

30       (b) It is an affirmative defense to a violation of subsection  
31 (1)(b) of this section, which the defendant must prove by a  
32 preponderance of the evidence, that the defendant consumed a  
33 sufficient quantity of marijuana after the time of driving and before  
34 the administration of an analysis of the person's blood to cause the  
35 defendant's THC concentration to be 5.00 or more within two hours  
36 after driving. The court shall not admit evidence of this defense  
37 unless the defendant notifies the prosecution prior to the omnibus or  
38 pretrial hearing in the case of the defendant's intent to assert the  
39 affirmative defense.

1 (4)(a) Analyses of blood or breath samples obtained more than two  
2 hours after the alleged driving may be used as evidence that within  
3 two hours of the alleged driving, a person had an alcohol  
4 concentration of 0.08 or more in violation of subsection (1)(a) of  
5 this section, and in any case in which the analysis shows an alcohol  
6 concentration above 0.00 may be used as evidence that a person was  
7 under the influence of or affected by intoxicating liquor or any drug  
8 in violation of subsection (1)(c) or (d) of this section.

9 (b) Analyses of blood samples obtained more than two hours after  
10 the alleged driving may be used as evidence that within two hours of  
11 the alleged driving, a person had a THC concentration of 5.00 or more  
12 in violation of subsection (1)(b) of this section, and in any case in  
13 which the analysis shows a THC concentration above 0.00 may be used  
14 as evidence that a person was under the influence of or affected by  
15 marijuana in violation of subsection (1)(c) or (d) of this section.

16 (5) Except as provided in subsection (6) of this section, a  
17 violation of this section is a gross misdemeanor.

18 (6) It is a class C felony punishable under chapter 9.94A RCW, or  
19 chapter 13.40 RCW if the person is a juvenile, if:

20 (a) The person has four or more prior offenses within ten years  
21 as defined in RCW 46.61.5055; or

22 (b) The person has ever previously been convicted of:

23 (i) Vehicular homicide while under the influence of intoxicating  
24 liquor or any drug, RCW 46.61.520(1)(a);

25 (ii) Vehicular assault while under the influence of intoxicating  
26 liquor or any drug, RCW 46.61.522(1)(b);

27 (iii) An out-of-state offense comparable to the offense specified  
28 in (b)(i) or (ii) of this subsection; or

29 (iv) A violation of this subsection (6) or RCW 46.61.504(6).

30 (7) There is a fee of five hundred fifty dollars for each alcohol  
31 concentration or THC concentration test administered pursuant to this  
32 section. The fee must be deposited into the motor vehicle fund.

33 NEW SECTION. **Sec. 4.** This act takes effect August 1, 2015.

--- END ---