
HOUSE BILL 2085

State of Washington 64th Legislature 2015 Regular Session

By Representatives Goodman and Ryu

Read first time 02/11/15. Referred to Committee on Public Safety.

1 AN ACT Relating to providing alternatives for penalties stemming
2 from traffic infractions; amending RCW 46.63.060, 46.63.110, and
3 46.63.120; adding a new section to chapter 46.04 RCW; and creating a
4 new section.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that many people
7 have difficulty satisfying civil penalties stemming from traffic
8 infractions. Therefore, it is the intent of the legislature to
9 encourage satisfaction of such penalties by providing alternatives.
10 It is the intent of the legislature to increase the number of people
11 who pay their traffic tickets through payment in full, through a
12 payment plan, or through a community restitution plan. Furthermore,
13 the legislature finds that expanding the ability of all persons to
14 satisfy the penalties stemming from traffic infractions will increase
15 the likelihood that a person facing a traffic infraction will appear
16 for court, thus encouraging greater respect for judicial
17 institutions, as well as decreasing cases of failure to appear and
18 failure to pay.

19 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.04
20 RCW to read as follows:

1 "Community restitution" means the performance of a number of
2 hours of community service in lieu of all or part of a monetary
3 penalty, at the rate of the then state minimum wage per hour.

4 **Sec. 3.** RCW 46.63.060 and 2013 c 170 s 1 are each amended to
5 read as follows:

6 (1) A notice of traffic infraction represents a determination
7 that an infraction has been committed. The determination will be
8 final unless contested as provided in this chapter.

9 (2) The form for the notice of traffic infraction shall be
10 prescribed by rule of the supreme court and shall include the
11 following:

12 (a) A statement that the notice represents a determination that a
13 traffic infraction has been committed by the person named in the
14 notice and that the determination shall be final unless contested as
15 provided in this chapter;

16 (b) A statement that a traffic infraction is a noncriminal
17 offense for which imprisonment may not be imposed as a sanction; that
18 the penalty for a traffic infraction may include sanctions against
19 the person's driver's license including suspension, revocation, or
20 denial; that the penalty for a traffic infraction related to
21 standing, stopping, or parking may include nonrenewal of the vehicle
22 registration;

23 (c) A statement of the specific traffic infraction for which the
24 notice was issued;

25 (d) A statement of the monetary penalty established for the
26 traffic infraction;

27 (e) A statement of the options provided in this chapter for
28 responding to the notice and the procedures necessary to exercise
29 these options;

30 (f) A statement that at any hearing to contest the determination
31 the state has the burden of proving, by a preponderance of the
32 evidence, that the infraction was committed; and that the person may
33 subpoena witnesses including the officer who issued the notice of
34 infraction;

35 (g) A statement that at any hearing requested for the purpose of
36 explaining mitigating circumstances surrounding the commission of the
37 infraction the person will be deemed to have committed the infraction
38 and may not subpoena witnesses;

1 (h) A statement that the person must respond to the notice as
2 provided in this chapter within fifteen days or the person's driver's
3 license or driving privilege may be suspended by the department until
4 any penalties imposed pursuant to this chapter have been satisfied;
5 and

6 (i) A statement that failure to appear at a hearing requested for
7 the purpose of contesting the determination or for the purpose of
8 explaining mitigating circumstances may result in the suspension of
9 the person's driver's license or driving privilege, or in the case of
10 a standing, stopping, or parking violation, refusal of the department
11 to renew the vehicle registration, until any penalties imposed
12 pursuant to this chapter have been satisfied.

13 (3)(a) A form for a notice of traffic infraction printed after
14 (~~July 22, 2011~~) June 1, 2015, must include a statement that the
15 person (~~may~~) shall be able to (~~enter~~) request entry into a
16 payment plan or community restitution plan with the court under RCW
17 7.80.130 or 46.63.110.

18 (b) The forms for a notice of traffic infraction must include the
19 changes in section 1, chapter 170, Laws of 2013 by July 1, 2015.

20 **Sec. 4.** RCW 46.63.110 and 2012 c 82 s 1 are each amended to read
21 as follows:

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

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

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

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

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

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

12 (6) Whenever a monetary penalty, fee, cost, assessment, or other
13 monetary obligation is imposed by a court under this chapter, it is
14 immediately payable and is enforceable as a civil judgment under
15 Title 6 RCW. If the court determines, in its discretion, that a
16 person is not able to pay a monetary obligation in full because he or
17 she is indigent, as defined in RCW 10.101.010, and not more than one
18 year has passed since the later of July 1, 2005, or the date the
19 monetary obligation initially became due and payable, the court
20 shall, upon request of the person, enter into a payment plan or, if
21 the person is otherwise eligible, a community restitution plan with
22 the person, unless the person has previously been granted a payment
23 plan or a community restitution plan with respect to the same
24 monetary obligation, or unless the person is in noncompliance of any
25 existing or prior payment plan or a community restitution plan, in
26 which case the court may, at its discretion, implement a payment plan
27 or a community restitution 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 or entered into a community restitution plan and begun
31 performance of the community restitution plan, the court shall timely
32 notify the department that the infraction has been adjudicated, and
33 the department shall immediately rescind any suspension of the
34 person's driver's license or driver's privilege based on failure to
35 respond to that infraction. "Payment plan," as used in this section,
36 means a plan that requires reasonable payments based on the financial
37 ability of the person to pay. The person may voluntarily pay an
38 amount at any time in addition to the payments required under the
39 payment plan.

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

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

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

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

1 (e) If a court authorized community restitution program for
2 offenders is available in the jurisdiction, the court (~~(may)~~) shall
3 allow conversion of all or part of the monetary obligations due under
4 this section to court authorized community restitution in lieu of
5 time payments if the person is (~~unable to make reasonable time~~
6 ~~payments~~) otherwise eligible to participate in community restitution
7 and the person is indigent, as defined in RCW 10.101.010.

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

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

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

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

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
29 (~~offender~~) person to be indigent, as defined in RCW 10.101.010. If
30 a court (~~authorized~~) authorizes entry into a community restitution
31 program (~~for offenders is available in the jurisdiction~~), the court
32 shall allow (~~offenders to~~) persons an offset of all or a part of
33 the penalty due under this subsection (8) (~~by~~) through
34 participation in the court authorized community restitution program
35 if the person is otherwise eligible to participate in community
36 restitution.

37 (b) Eight dollars and fifty cents of the additional penalty under
38 (a) of this subsection shall be remitted to the state treasurer. The
39 remaining revenue from the additional penalty must be remitted under
40 chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted

1 under this subsection to the state treasurer must be deposited in the
2 state general fund. The balance of the revenue received by the county
3 or city treasurer under this subsection must be deposited into the
4 county or city current expense fund. Moneys retained by the city or
5 county under this subsection shall constitute reimbursement for any
6 liabilities under RCW 43.135.060.

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

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

15 **Sec. 5.** RCW 46.63.120 and 2002 c 175 s 37 are each amended to
16 read as follows:

17 (1) An order entered after the receipt of a response which does
18 not contest the determination, or after it has been established at a
19 hearing that the infraction was committed, or after a hearing for the
20 purpose of explaining mitigating circumstances is civil in nature.

21 (2) The court may include in the order the imposition of any
22 penalty authorized by the provisions of this chapter for the
23 commission of an infraction. The court may, in its discretion, waive,
24 reduce, or suspend the monetary penalty prescribed for the
25 infraction. At the person's request the court may order performance
26 of a number of hours of community restitution in lieu of all or part
27 of a monetary penalty, at the rate of the then state minimum wage per
28 hour.

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