

2SSB 6189 - S AMD 843

By Senator Takko

PULLED 03/03/2018

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 46.20.289 and 2016 c 203 s 6 are each amended to
4 read as follows:

5 (1) The department shall suspend all driving privileges of a
6 person when the department receives notice from a court under RCW
7 46.63.070(6), 46.63.110(6), or 46.64.025 that the person has:

8 (a) Failed to respond to a notice of traffic infraction for a
9 moving violation((~~τ~~)) when the person has received one or more other
10 traffic infractions for moving violations that remain outstanding at
11 the time the determination of qualification to receive a driver's
12 license suspension occurs;

13 (b) Failed to appear at a requested hearing for a moving
14 violation((~~τ~~));

15 (c) Violated a written promise to appear in court for a notice of
16 infraction for a moving violation((~~τ~~, ~~or has~~)); or

17 (d) Failed to comply with the terms of a notice of traffic
18 infraction((~~τ~~, ~~criminal complaint, or citation for a moving violation,~~
19 ~~or~~)) when the person has received one or more other traffic
20 infractions for moving violations that remain outstanding at the time
21 the determination of qualification to receive a driver's license
22 suspension occurs.

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

30 (3) A suspension under this section takes effect pursuant to the
31 provisions of RCW 46.20.245, and remains in effect until the
32 department has received a certificate from the court showing that the

1 case has been adjudicated, and until the person meets the
2 requirements of RCW 46.20.311.

3 (4) In the case of failure to respond to a traffic infraction
4 issued under RCW 46.55.105, the department shall suspend all driving
5 privileges until the person provides evidence from the court that all
6 penalties and restitution have been paid.

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

11 **Sec. 2.** RCW 46.20.291 and 2016 c 203 s 5 are each amended to
12 read as follows:

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

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

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

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

26 (4) Is incompetent to drive a motor vehicle under RCW
27 46.20.031(3);

28 (5) Has failed to respond to a notice of traffic infraction(~~(τ)~~)
29 failed to appear at a requested hearing(~~(τ)~~)
30 promise to appear in court(~~(τ)~~)
31 terms of a notice of traffic infraction, criminal complaint, or
32 citation, (~~as provided~~) and has met any other necessary conditions
33 listed in RCW 46.20.289(1);

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

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

37 (8) Has been certified by the department of social and health
38 services as a person who is not in compliance with a child support

1 order or a residential or visitation order as provided in RCW
2 74.20A.320.

3 **Sec. 3.** RCW 46.20.342 and 2015 c 149 s 1 are each amended to
4 read as follows:

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

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

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

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

- 1 (ii) A previous conviction under this section;
- 2 (iii) A notice received by the department from a court or
3 diversion unit as provided by RCW 46.20.265, relating to a minor who
4 has committed, or who has entered a diversion unit concerning an
5 offense relating to alcohol, legend drugs, controlled substances, or
6 imitation controlled substances;
- 7 (iv) A conviction of RCW 46.20.410, relating to the violation of
8 restrictions of an occupational driver's license, a temporary
9 restricted driver's license, or an ignition interlock driver's
10 license;
- 11 (v) A conviction of RCW 46.20.345, relating to the operation of a
12 motor vehicle with a suspended or revoked license;
- 13 (vi) A conviction of RCW 46.52.020, relating to duty in case of
14 injury to or death of a person or damage to an attended vehicle;
- 15 (vii) A conviction of RCW 46.61.024, relating to attempting to
16 elude pursuing police vehicles;
- 17 (viii) A conviction of RCW 46.61.212(4), relating to reckless
18 endangerment of emergency zone workers;
- 19 (ix) A conviction of RCW 46.61.500, relating to reckless driving;
- 20 (x) A conviction of RCW 46.61.502 or 46.61.504, relating to a
21 person under the influence of intoxicating liquor or drugs;
- 22 (xi) A conviction of RCW 46.61.520, relating to vehicular
23 homicide;
- 24 (xii) A conviction of RCW 46.61.522, relating to vehicular
25 assault;
- 26 (xiii) A conviction of RCW 46.61.527(4), relating to reckless
27 endangerment of roadway workers;
- 28 (xiv) A conviction of RCW 46.61.530, relating to racing of
29 vehicles on highways;
- 30 (xv) A conviction of RCW 46.61.685, relating to leaving children
31 in an unattended vehicle with motor running;
- 32 (xvi) A conviction of RCW 46.61.740, relating to theft of motor
33 vehicle fuel;
- 34 (xvii) A conviction of RCW 46.64.048, relating to attempting,
35 aiding, abetting, coercing, and committing crimes;
- 36 (xviii) An administrative action taken by the department under
37 chapter 46.20 RCW;
- 38 (xix) A conviction of a local law, ordinance, regulation, or
39 resolution of a political subdivision of this state, the federal

1 government, or any other state, of an offense substantially similar
2 to a violation included in this subsection; or

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

6 (c) A person who violates this section when his or her driver's
7 license or driving privilege is, at the time of the violation,
8 suspended or revoked solely because:

9 (i) The person must furnish proof of satisfactory progress in a
10 required alcoholism or drug treatment program((τ));

11 (ii) The person must furnish proof of financial responsibility
12 for the future as provided by chapter 46.29 RCW((τ));

13 (iii) The person has failed to comply with the provisions of
14 chapter 46.29 RCW relating to uninsured accidents((τ));

15 (iv) The person has failed to respond to a notice of traffic
16 infraction((τ)); failed to appear at a requested hearing((τ));
17 violated a written promise to appear in court((τ)); or ((has)) failed
18 to comply with the terms of a notice of traffic infraction or
19 citation, as provided in RCW 46.20.289((τ))(1);

20 (v) The person has committed an offense in another state that, if
21 committed in this state, would not be grounds for the suspension or
22 revocation of the person's driver's license((τ));

23 (vi) The person has been suspended or revoked by reason of one or
24 more of the items listed in (b) of this subsection, but was eligible
25 to reinstate his or her driver's license or driving privilege at the
26 time of the violation((τ));

27 (vii) The person has received traffic citations or notices of
28 traffic infraction that have resulted in a suspension under RCW
29 46.20.267 relating to intermediate drivers' licenses((τ)); or

30 (viii) The person has been certified by the department of social
31 and health services as a person who is not in compliance with a child
32 support order as provided in RCW 74.20A.320, or any combination of
33 (c)(i) through (viii) of this subsection, is guilty of driving while
34 license suspended or revoked in the third degree, a misdemeanor.

35 (d) If a person cited under (c)(iv) of this subsection appears in
36 person before the court or a violations bureau and provides written
37 evidence that, after the time the person was cited, he or she has
38 paid the underlying citation(s) that suspended his or her license or
39 entered into a payment plan with the respective court or collection
40 agency for the underlying citation(s). In lieu of personal

1 appearance, a person cited under (c)(iv) of this subsection may,
2 before the date scheduled for the person's appearance before the
3 court or violations bureau, submit by mail to the court or violations
4 bureau written evidence that, after the time the person was cited, he
5 or she has paid the underlying citation(s) that suspended his or her
6 license or entered into a payment plan with the respective court or
7 collection agency for the underlying citation(s), in which case the
8 citation shall be dismissed without cost, except that the court or
9 violations bureau may assess court administrative costs of forty-
10 three dollars at the time of dismissal.

11 For the purposes of this subsection, a person is not considered
12 to be eligible to reinstate his or her driver's license or driving
13 privilege if the person is eligible to obtain an ignition interlock
14 driver's license but did not obtain such a license.

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

19 (a) For a conviction of driving while suspended or revoked in the
20 first degree, as provided by subsection (1)(a) of this section,
21 extend the period of administrative revocation imposed under chapter
22 46.65 RCW for an additional period of one year from and after the
23 date the person would otherwise have been entitled to apply for a new
24 license or have his or her driving privilege restored; or

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

31 (c) Not extend the period of suspension or revocation if the
32 conviction was under subsection (1)(c) of this section. If the
33 conviction was under subsection (1)(a) or (b) of this section and the
34 court recommends against the extension and the convicted person has
35 obtained a valid driver's license, the period of suspension or
36 revocation shall not be extended.

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

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

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

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

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

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

30 (6) Whenever a monetary penalty, fee, cost, assessment, or other
31 monetary obligation is imposed by a court under this chapter, it is
32 immediately payable and is enforceable as a civil judgment under
33 Title 6 RCW. If the court determines, in its discretion, that a
34 person is not able to pay a monetary obligation in full, and not more
35 than one year has passed since the later of July 1, 2005, or the date
36 the monetary obligation initially became due and payable, the court
37 shall enter into a payment plan with the person, unless the person
38 has previously been granted a payment plan with respect to the same
39 monetary obligation, or unless the person is in noncompliance of any
40 existing or prior payment plan, in which case the court may, at its

1 discretion, implement a payment plan. If the court has notified the
2 department that the person has failed to pay or comply and the person
3 has subsequently entered into a payment plan and made an initial
4 payment, the court shall notify the department that the infraction
5 has been adjudicated, and the department shall rescind any suspension
6 of the person's driver's license or driver's privilege based on
7 failure to respond to that infraction. "Payment plan," as used in
8 this section, means a plan that requires reasonable payments based on
9 the financial ability of the person to pay. The person may
10 voluntarily pay an amount at any time in addition to the payments
11 required under the payment plan.

12 (a) If a payment required to be made under the payment plan is
13 delinquent or the person fails to complete a community restitution
14 program on or before the time established under the payment plan,
15 unless the court determines good cause therefor and adjusts the
16 payment plan or the community restitution plan accordingly, the court
17 may refer the unpaid monetary penalty, fee, cost, assessment, or
18 other monetary obligation for civil enforcement until all monetary
19 obligations, including those imposed under subsections (3) and (4) of
20 this section, have been paid, and court authorized community
21 restitution has been completed, or until the court has entered into a
22 new time payment or community restitution agreement with the person.
23 For those infractions subject to suspension under RCW 46.20.289, the
24 court shall notify the department of the person's failure to meet the
25 conditions of the plan, and the department shall suspend the person's
26 driver's license or driving privileges when the requirements listed
27 for suspension in RCW 46.20.289 are met.

28 (b) If a person has not entered into a payment plan with the
29 court and has not paid the monetary obligation in full on or before
30 the time established for payment, the court may refer the unpaid
31 monetary penalty, fee, cost, assessment, or other monetary obligation
32 to a collections agency until all monetary obligations have been
33 paid, including those imposed under subsections (3) and (4) of this
34 section, or until the person has entered into a payment plan under
35 this section. For those infractions subject to suspension under RCW
36 46.20.289, the court shall notify the department of the person's
37 delinquency, and the department shall suspend the person's driver's
38 license or driving privileges when the requirements listed for
39 suspension in RCW 46.20.289 are met.

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

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

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

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

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

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

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

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

1 subsection (8) by participation in the court authorized community
2 restitution program.

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

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

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

21 NEW SECTION. **Sec. 5.** The department of licensing shall convene
22 a work group to provide input and feedback on the development of a
23 plan and program for the efficient statewide handling of the driver's
24 license suspension or revocation of persons whose licenses are
25 suspended solely as a result of a failure to respond to a notice of a
26 traffic infraction for a moving violation, a failure to appear at a
27 requested hearing for a moving violation, or a violation of a written
28 promise to appear in court for a notice of infraction for a moving
29 violation. The membership of the work group must include at a
30 minimum, a representative from the administrative office of the
31 courts, a representative from the Washington association of
32 prosecuting attorneys, a representative of the courts of limited
33 jurisdiction, a representative of a statewide association of
34 collection professionals, and any other representative of a relevant
35 stakeholder group the department deems appropriate to the work of the
36 group. The work group must report back to the legislature by December
37 1, 2018, with any recommended options.

38 NEW SECTION. **Sec. 6.** This act takes effect January 1, 2020."

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By Senator Takko

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1 On page 1, line 2 of the title, after "license;" strike the
2 remainder of the title and insert "amending RCW 46.20.289, 46.20.291,
3 46.20.342, and 46.63.110; creating a new section; and providing an
4 effective date."

--- END ---