

2SSB 6189 - S AMD 919

By Senator Takko

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 unpaid, or when
11 the individual has not entered into a payment plan with the
12 respective court or collection agency for the unpaid citation(s) at
13 the time the determination of qualification to receive a driver's
14 license suspension occurs;

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

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

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

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

1 (3) A suspension under this section takes effect pursuant to the
2 provisions of RCW 46.20.245, and remains in effect until the
3 department has received a certificate from the court showing that the
4 case has been adjudicated, and until the person meets the
5 requirements of RCW 46.20.311.

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

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

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

16 The department is authorized to suspend the license of a driver
17 upon a showing by its records or other sufficient evidence that the
18 licensee:

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

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

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

29 (4) Is incompetent to drive a motor vehicle under RCW
30 46.20.031(3);

31 (5) Has failed to respond to a notice of traffic infraction(~~(τ)~~);
32 failed to appear at a requested hearing(~~(τ)~~); violated a written
33 promise to appear in court(~~(τ)~~); or (~~has~~) failed to comply with the
34 terms of a notice of traffic infraction, criminal complaint, or
35 citation, (~~as provided~~) or has failed to meet any other necessary
36 conditions listed in RCW 46.20.289(1);

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

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

1 (8) Has been certified by the department of social and health
2 services as a person who is not in compliance with a child support
3 order or a residential or visitation order as provided in RCW
4 74.20A.320.

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

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

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

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

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

1 (xix) A conviction of a local law, ordinance, regulation, or
2 resolution of a political subdivision of this state, the federal
3 government, or any other state, of an offense substantially similar
4 to a violation included in this subsection; or

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

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

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

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

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

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

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

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

29 (vii) The person has received traffic citations or notices of
30 traffic infraction that have resulted in a suspension under RCW
31 46.20.267 relating to intermediate drivers' licenses((τ)); or

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

37 (d) If a person cited under (c)(iv) of this subsection appears in
38 person before the court or a violations bureau and provides written
39 evidence that, after the time the person was cited, he or she has
40 paid the underlying citation(s), the citation for driving with a

1 suspended or revoked license or status shall be dismissed without
2 additional penalties upon payment to the court or violations bureau
3 of an administrative fee of forty-three dollars. In lieu of personal
4 appearance, a person cited under (c)(iv) of this subsection may,
5 before the date scheduled for the person's appearance before the
6 court or violations bureau, submit by mail to the court or violations
7 bureau written evidence that, after the time the person was cited, he
8 or she has paid the underlying citation(s) that suspended his or her
9 license or entered into a payment plan with the respective court or
10 collection agency for the underlying citation(s), the citation for
11 driving with a suspended or revoked license or status shall be
12 dismissed without additional penalties upon payment to the court or
13 violations bureau of an administrative fee of forty-three dollars.

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

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

22 (a) For a conviction of driving while suspended or revoked in the
23 first degree, as provided by subsection (1)(a) of this section,
24 extend the period of administrative revocation imposed under chapter
25 46.65 RCW for an additional period of one year from and after the
26 date the person would otherwise have been entitled to apply for a new
27 license or have his or her driving privilege restored; or

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

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

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

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

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

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

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

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

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

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

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

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

1 license or driving privileges when the requirements listed for
2 suspension in RCW 46.20.289 are met.

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

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

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

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

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

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

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

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

1 offenders is available in the jurisdiction, the court shall allow
2 offenders to offset all or a part of the penalty due under this
3 subsection (8) by participation in the court authorized community
4 restitution program.

5 (b) (~~Eight~~) Ten dollars and fifty cents of the additional
6 penalty under (a) of this subsection shall be remitted to the state
7 treasurer. The remaining revenue from the additional penalty must be
8 remitted under chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW.
9 Money remitted under this subsection to the state treasurer must be
10 deposited as follows: Six dollars and fifty cents in the state
11 general fund and four dollars in the driver licensing technology
12 support account created under section 7 of this act. The moneys
13 deposited into the driver licensing technology support account must
14 be used to support information technology systems used by the
15 department to communicate with the judicial information system,
16 manage driving records, and implement court orders. The balance of
17 the revenue received by the county or city treasurer under this
18 subsection must be deposited into the county or city current expense
19 fund. Moneys retained by the city or county under this subsection
20 shall constitute reimbursement for any liabilities under RCW
21 43.135.060.

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

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

30 NEW SECTION. Sec. 5. The department of licensing shall convene
31 a work group to provide input and feedback on the development of a
32 plan and program for the efficient statewide handling of the driver's
33 license suspension or revocation of persons whose licenses are
34 suspended solely as a result of a failure to respond to a notice of a
35 traffic infraction for a moving violation, a failure to appear at a
36 requested hearing for a moving violation, or a violation of a written
37 promise to appear in court for a notice of infraction for a moving
38 violation. The membership of the work group must include at a
39 minimum, a representative from the administrative office of the

1 courts, a representative from the Washington association of
2 prosecuting attorneys, a representative of the courts of limited
3 jurisdiction, a representative of a statewide association of
4 collection professionals, and any other representative of a relevant
5 stakeholder group the department deems appropriate to the work of the
6 group. The work group must report back to the legislature by December
7 1, 2018, with any recommended options.

8 **Sec. 6.** RCW 2.68.040 and 1994 c 8 s 2 are each amended to read
9 as follows:

10 (1) To support the judicial information system account provided
11 for in RCW 2.68.020, the supreme court may provide by rule for an
12 increase in fines, penalties, and assessments, and the increased
13 amount shall be forwarded to the state treasurer for deposit in the
14 account:

15 (a) Pursuant to the authority of RCW 46.63.110(~~((+2))~~) (3), the
16 sum of ten dollars to any penalty collected by a court pursuant to
17 supreme court infraction rules for courts of limited jurisdiction;

18 (b) Pursuant to RCW 3.62.060, a mandatory appearance cost in the
19 initial sum of ten dollars to be assessed on all defendants; and

20 (c) Pursuant to RCW 46.63.110(~~((+5))~~) (6), a ten-dollar assessment
21 for each account for which a person requests a time payment schedule.

22 (2) Notwithstanding a provision of law or rule to the contrary,
23 the assessments provided for in this section may not be waived or
24 suspended and shall be immediately due and payable upon forfeiture,
25 conviction, deferral of prosecution, or request for time payment, as
26 each shall occur.

27 (3) The supreme court is requested to adjust these assessments
28 for inflation.

29 (4) In addition to any amount proscribed by rule under subsection
30 (1)(a) of this section as an assessment on traffic infractions
31 dedicated for the judicial information system, there shall be
32 assessed two dollars on each traffic infraction. The additional two
33 dollars shall be forwarded to the state treasurer for deposit in the
34 driver licensing technology support account, created under section 7
35 of this act, to be used to support information technology systems
36 used by the department of licensing to communicate with the judicial
37 information system, manage driving records, and implement court
38 orders.

1 NEW SECTION. **Sec. 7.** A new section is added to chapter 46.68
2 RCW to read as follows:

3 The driver licensing technology support account is created as a
4 subaccount in the highway safety fund, under RCW 46.68.060. Moneys in
5 the account may be spent only after appropriation. Expenditures from
6 the account may be used only for supporting information technology
7 systems used by the department of licensing to communicate with the
8 judicial information system, manage driving records, and implement
9 court orders.

10 NEW SECTION. **Sec. 8.** A new section is added to chapter 46.20
11 RCW to read as follows:

12 (1) An additional one dollar fee shall be imposed on each
13 application for an original or renewal of a regular driver's license,
14 regular identicard, enhanced driver's license, or enhanced
15 identicard. The entire amount of the fee shall be used to pay for
16 processing costs for driver's license issuance and reinstatements,
17 and information technology upgrades and the ongoing costs to maintain
18 the driver's license and identicard record and issuance system.

19 (2) The department shall forward all funds accruing under this
20 section to the state treasurer who shall deposit such moneys to the
21 credit of the highway safety fund.

22 NEW SECTION. **Sec. 9.** Except for section 8 of this act, this act
23 takes effect January 1, 2020.

24 NEW SECTION. **Sec. 10.** Section 8 of this act takes effect April
25 1, 2019."

2SSB 6189 - S AMD 919
By Senator Takko

26 On page 1, line 2 of the title, after "license;" strike the
27 remainder of the title and insert "amending RCW 46.20.289, 46.20.291,
28 46.20.342, 46.63.110, and 2.68.040; adding a new section to chapter
29 46.68 RCW; adding a new section to chapter 46.20 RCW; creating a new
30 section; and providing effective dates."

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