

**SSB 5226 - S AMD 249**

By Senator Cleveland

WITHDRAWN 03/08/2021

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

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

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

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

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

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

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

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

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

29 (ii) One of the options must allow a person to admit  
30 responsibility for the infraction and attest that the person does not  
31 have the current ability to pay the infraction in full. The person

1 must receive information on how to submit evidence of inability to  
2 pay or obtain a payment plan pursuant to RCW 46.63.110(6);

3 (f) A statement that at any hearing to contest the determination  
4 the state has the burden of proving, by a preponderance of the  
5 evidence, that the infraction was committed; and that the person may  
6 subpoena witnesses including the officer who issued the notice of  
7 infraction;

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

12 (h) A statement that the person must respond to the notice as  
13 provided in this chapter within (~~(fifteen))~~ 30 days or the person's  
14 driver's license or driving privilege may be suspended by the  
15 department until any penalties imposed pursuant to this chapter have  
16 been satisfied; and

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

24 (3) (~~(a)~~) A form for a notice of traffic infraction printed  
25 after (~~(July 22, 2011))~~ June 1, 2022, must include (~~a statement that~~  
26 ~~the person may be able to enter into a payment plan with the court~~  
27 ~~under RCW 46.63.110.~~

28 (~~(b) The forms for a notice of traffic infraction must include~~)  
29 the changes in subsection (2)(e)(ii) of this section (~~(1, chapter~~  
30 ~~170, Laws of 2013 by July 1, 2015))~~).

31 **Sec. 2.** RCW 46.63.070 and 2011 c 372 s 3 are each amended to  
32 read as follows:

33 (1) Any person who receives a notice of traffic infraction shall  
34 respond to such notice as provided in this section within (~~(fifteen))~~  
35 30 days of the date of the notice.

36 (2) If the person determined to have committed the infraction  
37 does not contest the determination the person shall respond by  
38 completing the appropriate portion of the notice of infraction and  
39 submitting it, either by mail or in person, to the court specified on

1 the notice. A check or money order in the amount of the penalty  
2 prescribed for the infraction must be submitted with the response,  
3 unless the person selects the option attesting that the person does  
4 not have the current ability to pay the infraction in full. When a  
5 response which does not contest the determination is received, an  
6 appropriate order shall be entered in the court's records, and a  
7 record of the response and order shall be furnished to the department  
8 in accordance with RCW 46.20.270.

9 (3) If the person determined to have committed the infraction  
10 wishes to contest the determination the person shall respond by  
11 completing the portion of the notice of infraction requesting a  
12 hearing and submitting it, either by mail or in person, to the court  
13 specified on the notice. The court shall notify the person in writing  
14 of the time, place, and date of the hearing, and that date shall not  
15 be sooner than seven days from the date of the notice, except by  
16 agreement.

17 (4) If the person determined to have committed the infraction  
18 does not contest the determination but wishes to explain mitigating  
19 circumstances surrounding the infraction the person shall respond by  
20 completing the portion of the notice of infraction requesting a  
21 hearing for that purpose and submitting it, either by mail or in  
22 person, to the court specified on the notice. The court shall notify  
23 the person in writing of the time, place, and date of the hearing.

24 (5)(a) Except as provided in (b), (c), and (d) of this  
25 subsection, in hearings conducted pursuant to subsections (3) and (4)  
26 of this section, the court may defer findings, or in a hearing to  
27 explain mitigating circumstances may defer entry of its order, for up  
28 to one year and impose conditions upon the defendant the court deems  
29 appropriate. Upon deferring findings, the court may assess costs as  
30 the court deems appropriate for administrative processing. If at the  
31 end of the deferral period the defendant has met all conditions and  
32 has not been determined to have committed another traffic infraction,  
33 the court may dismiss the infraction.

34 (b) A person may not receive more than one deferral within a  
35 seven-year period for traffic infractions for moving violations and  
36 more than one deferral within a seven-year period for traffic  
37 infractions for nonmoving violations.

38 (c) A person who is the holder of a commercial driver's license  
39 or who was operating a commercial motor vehicle at the time of the  
40 violation may not receive a deferral under this section.

1 (d) A person who commits negligent driving in the second degree  
2 with a vulnerable user victim may not receive a deferral for this  
3 infraction under this section.

4 (6) If any person issued a notice of traffic infraction:

5 (a) Fails to respond to the notice of traffic infraction as  
6 provided in subsection (2) of this section; or

7 (b) Fails to appear at a hearing requested pursuant to subsection  
8 (3) or (4) of this section;

9 the court shall enter an appropriate order assessing the monetary  
10 penalty prescribed for the traffic infraction and any other penalty  
11 authorized by this chapter and shall notify the department in  
12 accordance with RCW 46.20.270, of the failure to respond to the  
13 notice of infraction or to appear at a requested hearing.

14 **Sec. 3.** RCW 46.63.110 and 2019 c 467 s 4, 2019 c 403 s 13, 2019  
15 c 181 s 1, and 2019 c 65 s 7 are each reenacted and amended to read  
16 as follows:

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

21 (b) The court may waive or remit any monetary penalty, fee, cost,  
22 assessment, or other monetary obligation associated with a traffic  
23 infraction unless the specific monetary obligation in question is  
24 prohibited from being waived or remitted by state law.

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

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

35 (4) There shall be a penalty of twenty-five dollars for failure  
36 to respond to a notice of traffic infraction except where the  
37 infraction relates to parking as defined by local law, ordinance,  
38 regulation, or resolution or failure to pay a monetary penalty  
39 imposed pursuant to this chapter. A local legislative body may set a

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

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

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

33 (a) If a payment required to be made under the payment plan is  
34 delinquent or the person fails to complete a community restitution  
35 program on or before the time established under the payment plan,  
36 unless the court determines good cause therefor and adjusts the  
37 payment plan or the community restitution plan accordingly, the court  
38 may refer the unpaid monetary penalty, fee, cost, assessment, or  
39 other monetary obligation for civil enforcement until all monetary  
40 obligations, including those imposed under subsections (3) and (4) of

1 this section, have been paid, and court authorized community  
2 restitution has been completed, or until the court has entered into a  
3 new time payment or community restitution agreement with the person.  
4 For those infractions subject to suspension under RCW 46.20.289, the  
5 court shall notify the department of the person's failure to meet the  
6 conditions of the plan, and the department shall suspend the person's  
7 driver's license or driving privileges when the requirements listed  
8 for suspension in RCW 46.20.289 are met.

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

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

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

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

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

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

5 (b) A fee of ten 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 Washington auto  
8 theft prevention authority account; and

9 (c) A fee of five 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 traumatic brain  
12 injury account established in RCW 74.31.060.

13 (8)(a) In addition to any other penalties imposed under this  
14 section and not subject to the limitation of subsection (1) of this  
15 section, a person found to have committed a traffic infraction other  
16 than of RCW 46.61.527 or 46.61.212 shall be assessed an additional  
17 penalty of (~~twenty dollars~~) \$24. The court may not reduce, waive,  
18 or suspend the additional penalty unless the court finds the offender  
19 to be indigent. If a court authorized community restitution program  
20 for offenders is available in the jurisdiction, the court shall allow  
21 offenders to offset all or a part of the penalty due under this  
22 subsection (8) by participation in the court authorized community  
23 restitution program.

24 (b) (~~Eight dollars and fifty cents~~) \$12.50 of the additional  
25 penalty under (a) of this subsection shall be remitted to the state  
26 treasurer. The remaining revenue from the additional penalty must be  
27 remitted under chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW.  
28 Money remitted under this subsection to the state treasurer must be  
29 deposited as follows: \$8.50 in the state general fund and \$4 in the  
30 driver licensing technology support account created under section 13  
31 of this act. The moneys deposited into the driver licensing  
32 technology support account must be used to support information  
33 technology systems used by the department to communicate with the  
34 judicial information system, manage driving records, and implement  
35 court orders. The balance of the revenue received by the county or  
36 city treasurer under this subsection must be deposited into the  
37 county or city current expense fund. Moneys retained by the city or  
38 county under this subsection shall constitute reimbursement for any  
39 liabilities under RCW 43.135.060.

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

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

9 (11) The additional monetary penalty for a violation of RCW  
10 46.20.500 is not subject to assessments or fees provided under this  
11 section.

12 (12) The additional monetary fine for a violation of RCW  
13 46.61.110, 46.61.145, 46.61.180, 46.61.185, 46.61.190, and 46.61.205  
14 is not subject to assessments or fees provided under this section.

15 (13) The additional monetary penalties for a violation of RCW  
16 46.61.165 are not subject to assessments or fees provided under this  
17 section.

18 **Sec. 4.** RCW 46.20.245 and 2020 c 330 s 5 are each amended to  
19 read as follows:

20 (1) Whenever the department proposes to withhold the driving  
21 privilege of a person or disqualify a person from operating a  
22 commercial motor vehicle and this action is made mandatory by the  
23 provisions of this chapter or other law, the department must give  
24 notice to the person in writing by posting in the United States mail,  
25 appropriately addressed, postage prepaid, or by personal service.  
26 Notice by mail is given upon deposit in the United States mail.  
27 Notice given under this subsection must specify the date upon which  
28 the driving privilege is to be withheld which shall not be less than  
29 (~~forty-five~~) 90 days after the original notice is given. Notice by  
30 mail must also include the following:

31 (a) An advisory that, where suspension is due to the failure to  
32 reply, appear, pay, or otherwise comply regarding traffic infractions  
33 or criminal moving violations, the person can contact the court with  
34 jurisdiction over the civil infractions or criminal moving violations  
35 for available payment options, including a payment plan or community  
36 service opportunities; and

37 (b) The department website address required under RCW 46.63.110.

38 (2) For persons subject to suspension, revocation, or denial of a  
39 driver's license who are eligible for full credit under RCW



1 46.61.5055(9)(b)(ii), the notice in subsection (1) of this section  
2 must also notify the person of the obligation to complete the  
3 requirements under RCW 46.20.311 and pay the probationary license fee  
4 under RCW 46.20.355 by the date specified in the notice in order to  
5 avoid license suspension.

6 (3) Within (~~fifteen~~) 30 days after notice has been given to a  
7 person under subsection (1) of this section, the person may request  
8 in writing an administrative review before the department. If the  
9 request is mailed, it must be postmarked within (~~fifteen~~) 30 days  
10 after the date the department has given notice. If a person fails to  
11 request an administrative review within (~~fifteen~~) 30 days after the  
12 date the department gives notice, the person is considered to have  
13 defaulted and loses his or her right to an administrative review  
14 unless the department finds good cause for a request after the  
15 (~~fifteen-day~~) 30-day period.

16 (a) An administrative review under this subsection shall consist  
17 solely of an internal review of documents and records submitted or  
18 available to the department, unless the person requests an interview  
19 before the department, in which case all or any part of the  
20 administrative review may, at the discretion of the department, be  
21 conducted by telephone or other electronic means.

22 (b) The only issues to be addressed in the administrative review  
23 are:

24 (i) Whether the records relied on by the department identify the  
25 correct person; and

26 (ii) Whether the information transmitted from the court or other  
27 reporting agency or entity regarding the person accurately describes  
28 the action taken by the court or other reporting agency or entity.

29 (c) For the purposes of this section, the notice received from a  
30 court or other reporting agency or entity, regardless of form or  
31 format, is prima facie evidence that the information from the court  
32 or other reporting agency or entity regarding the person is accurate.  
33 A person requesting administrative review has the burden of showing  
34 by a preponderance of the evidence that the person is not subject to  
35 the withholding of the driving privilege.

36 (d) The action subject to the notification requirements of  
37 subsection (1) of this section shall be stayed during the  
38 administrative review process.

39 (e) Judicial review of a department order affirming the action  
40 subject to the notification requirements of subsection (1) of this

1 section after an administrative review shall be available in the same  
2 manner as provided in RCW 46.20.308(8). The department shall certify  
3 its record to the court within (~~thirty~~) 30 days after service upon  
4 the department of the petition for judicial review. The action  
5 subject to the notification requirements of subsection (1) of this  
6 section shall not automatically be stayed during the judicial review.  
7 If judicial relief is sought for a stay or other temporary remedy  
8 from the department's action, the court shall not grant relief unless  
9 the court finds that the appellant is likely to prevail in the appeal  
10 and that without a stay the appellant will suffer irreparable injury.

11 (4) The department may adopt rules that are considered necessary  
12 or convenient by the department for purposes of administering this  
13 section, including, but not limited to, rules regarding expedited  
14 procedures for issuing orders and expedited notice procedures.

15 (5) This section does not apply where an opportunity for an  
16 informal settlement, driver improvement interview, or formal hearing  
17 is otherwise provided by law or rule of the department.

18 **Sec. 5.** RCW 46.20.289 and 2019 c 467 s 2 are each amended to  
19 read as follows:

20 (1) Except for traffic violations committed under RCW 46.61.165,  
21 the department shall suspend all driving privileges of a person when  
22 the department receives notice from a court under RCW 46.63.070(6),  
23 46.63.110(6), or 46.64.025 that the person has (~~failed~~):

24 (a) Failed to respond to a notice of traffic infraction for a  
25 moving violation(~~or failed~~) when the person (i) has failed to  
26 respond to one or more other notices of traffic infractions for a  
27 moving violation or (ii) has one or more other traffic infractions  
28 for a moving violation that remains unresolved;

29 (b) Failed to appear at a requested hearing for a moving  
30 violation(~~or violated~~);

31 (c) Violated a written promise to appear in court for a notice of  
32 infraction for a moving violation(~~or or has failed~~);

33 (d) Failed to comply with the terms of a notice of traffic  
34 infraction(~~or criminal complaint, or citation~~) for a moving  
35 violation(~~or~~) when the person has received one or more other traffic  
36 infractions for moving violations that remain outstanding at the time  
37 the determination of qualification to receive a driver's license  
38 suspension occurs; or

1 (e) Failed to comply with the terms of a criminal complaint or  
2 criminal citation for a moving violation.

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

10 (3) A suspension under this section takes effect pursuant to the  
11 provisions of RCW 46.20.245, and remains in effect until the  
12 department has received a certificate from the court showing that the  
13 case has been adjudicated, and until the person meets the  
14 requirements of RCW 46.20.311. In the case of failure to respond to a  
15 traffic infraction issued under RCW 46.55.105, the department shall  
16 suspend all driving privileges until the person provides evidence  
17 from the court that all penalties and restitution have been paid.

18 (4) A suspension under this section does not take effect if,  
19 prior to the effective date of the suspension, the department  
20 receives a certificate from the court showing that the case ~~((has))~~  
21 or cases have been adjudicated.

22 **Sec. 6.** RCW 46.20.291 and 2016 c 203 s 5 are each amended to  
23 read as follows:

24 The department is authorized to suspend the license of a driver  
25 upon a showing by its records or other sufficient evidence that the  
26 licensee:

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

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

32 (3) Has been convicted of offenses against traffic regulations  
33 governing the movement of vehicles, or found to have committed  
34 traffic infractions, with such frequency as to indicate a disrespect  
35 for traffic laws or a disregard for the safety of other persons on  
36 the highways;

37 (4) Is incompetent to drive a motor vehicle under RCW  
38 46.20.031(3);

1 (5) Has failed to respond to a notice of traffic infraction,  
2 failed to appear at a requested hearing, violated a written promise  
3 to appear in court, or has failed to comply with the terms of a  
4 notice of traffic infraction, criminal complaint, or criminal  
5 citation for a moving violation, as provided in RCW 46.20.289;

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

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

9 (8) Has been certified by the department of social and health  
10 services as a person who is not in compliance with a child support  
11 order or a residential or visitation order as provided in RCW  
12 74.20A.320.

13 **Sec. 7.** RCW 46.20.342 and 2015 c 149 s 1 are each amended to  
14 read as follows:

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

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

36 (b) A person who violates this section while an order of  
37 suspension or revocation prohibiting such operation is in effect and  
38 while the person is not eligible to reinstate his or her driver's  
39 license or driving privilege, other than for a suspension for the

1 reasons described in (c) of this subsection, is guilty of driving  
2 while license suspended or revoked in the second degree, a gross  
3 misdemeanor. For the purposes of this subsection, a person is not  
4 considered to be eligible to reinstate his or her driver's license or  
5 driving privilege if the person is eligible to obtain an ignition  
6 interlock driver's license but did not obtain such a license. This  
7 subsection applies when a person's driver's license or driving  
8 privilege has been suspended or revoked by reason of:

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

11 (ii) A previous conviction under this section;

12 (iii) A notice received by the department from a court or  
13 diversion unit as provided by RCW 46.20.265, relating to a minor who  
14 has committed, or who has entered a diversion unit concerning an  
15 offense relating to alcohol, legend drugs, controlled substances, or  
16 imitation controlled substances;

17 (iv) A conviction of RCW 46.20.410, relating to the violation of  
18 restrictions of an occupational driver's license, a temporary  
19 restricted driver's license, or an ignition interlock driver's  
20 license;

21 (v) A conviction of RCW 46.20.345, relating to the operation of a  
22 motor vehicle with a suspended or revoked license;

23 (vi) A conviction of RCW 46.52.020, relating to duty in case of  
24 injury to or death of a person or damage to an attended vehicle;

25 (vii) A conviction of RCW 46.61.024, relating to attempting to  
26 elude pursuing police vehicles;

27 (viii) A conviction of RCW 46.61.212(~~(4)~~) (5), relating to  
28 reckless endangerment of emergency zone workers;

29 (ix) A conviction of RCW 46.61.500, relating to reckless driving;

30 (x) A conviction of RCW 46.61.502 or 46.61.504, relating to a  
31 person under the influence of intoxicating liquor or drugs;

32 (xi) A conviction of RCW 46.61.520, relating to vehicular  
33 homicide;

34 (xii) A conviction of RCW 46.61.522, relating to vehicular  
35 assault;

36 (xiii) A conviction of RCW 46.61.527(4), relating to reckless  
37 endangerment of roadway workers;

38 (xiv) A conviction of RCW 46.61.530, relating to racing of  
39 vehicles on highways;

1 (xv) A conviction of RCW 46.61.685, relating to leaving children  
2 in an unattended vehicle with motor running;

3 (xvi) A conviction of RCW 46.61.740, relating to theft of motor  
4 vehicle fuel;

5 (xvii) A conviction of RCW 46.64.048, relating to attempting,  
6 aiding, abetting, coercing, and committing crimes;

7 (xviii) An administrative action taken by the department under  
8 chapter 46.20 RCW;

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

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

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

19 (i) ~~((the))~~ The person must furnish proof of satisfactory  
20 progress in a required alcoholism or drug treatment program~~((τ))~~;

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

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

25 (iv) ~~((the))~~ The person has failed to respond to a notice of  
26 traffic infraction~~((τ))~~; failed to appear at a requested hearing~~((τ~~  
27 ~~violated a written promise to appear in court,τ))~~; or ~~((has))~~ failed  
28 to comply with the terms of a notice of traffic infraction, criminal  
29 complaint, or criminal citation for a moving violation, as provided  
30 in RCW 46.20.289~~((τ))~~ (1);

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

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

38 (vii) ~~((the))~~ The person has received traffic citations or  
39 notices of traffic infraction that have resulted in a suspension

1 under RCW 46.20.267 relating to intermediate drivers' licenses((~~r~~));  
2 or

3 (viii) ((~~the~~)) The person has been certified by the department of  
4 social and health services as a person who is not in compliance with  
5 a child support order as provided in RCW 74.20A.320, or any  
6 combination of (c) (i) through (viii) of this subsection, is guilty of  
7 driving while license suspended or revoked in the third degree, a  
8 misdemeanor with a maximum penalty of 10 days in jail and a \$600  
9 fine.

10 (d) If a person cited under (c) of this subsection appears in  
11 person before the court and provides written evidence that, after the  
12 time the person was cited, he or she has paid the underlying  
13 citation(s) that suspended his or her license, or has entered into a  
14 payment plan with the respective court or collection agency for the  
15 underlying citation(s), the citation shall be dismissed without cost,  
16 except that the court may assess administrative costs of \$50 and  
17 require payment of same as a condition of dismissal. In lieu of  
18 personal appearance, a person cited under (c) of this subsection may,  
19 before the date scheduled for the person's appearance before the  
20 court, submit by mail to the court written evidence that, after the  
21 time the person was cited, he or she has paid the underlying  
22 citation(s) that suspended his or her license or entered into a  
23 payment plan with the respective court or collection agency for the  
24 underlying citation(s), in which case the citation shall be dismissed  
25 without cost, except that the court may assess administrative costs  
26 of \$50 and require payment of same as a condition of dismissal.

27 (e) A person may apply to the sentencing court for a vacation of  
28 the offender's record of conviction for driving while license  
29 suspended or revoked in the third degree one year after successful  
30 completion of all conditions of judgment and sentencing including  
31 payment of financial obligations. If the court finds the offender is  
32 otherwise eligible, the court may clear the record of conviction: (i)  
33 By permitting the offender to withdraw the offender's plea of guilty  
34 and to enter a plea of not guilty; (ii) if the offender has been  
35 convicted after a plea of not guilty, by the court setting aside the  
36 verdict of guilty; or (iii) by dismissing the information or  
37 indictment against the offender. Once the court vacates a record of  
38 conviction under this section, the fact that the offender has been  
39 convicted of the offense shall not be included in the offender's  
40 criminal history for purposes of determining a sentence in any

1 subsequent conviction, and the offender shall be released from all  
2 penalties and disabilities resulting from the offense. For all  
3 purposes, including responding to questions on employment  
4 applications, an offender whose conviction has been vacated may state  
5 that the offender has never been convicted of that crime. For the  
6 purposes of this subsection, a person is not considered to be  
7 eligible to reinstate his or her driver's license or driving  
8 privilege if the person is eligible to obtain an ignition interlock  
9 driver's license but did not obtain such a license.

10 (2) Upon receiving a record of conviction of any person or upon  
11 receiving an order by any juvenile court or any duly authorized court  
12 officer of the conviction of any juvenile under this section, the  
13 department shall:

14 (a) For a conviction of driving while suspended or revoked in the  
15 first degree, as provided by subsection (1)(a) of this section,  
16 extend the period of administrative revocation imposed under chapter  
17 46.65 RCW for an additional period of one year from and after the  
18 date the person would otherwise have been entitled to apply for a new  
19 license or have his or her driving privilege restored; or

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

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

32 **Sec. 8.** RCW 46.20.391 and 2012 c 82 s 2 are each amended to read  
33 as follows:

34 (1) Any person licensed under this chapter who is convicted of an  
35 offense relating to motor vehicles for which suspension or revocation  
36 of the driver's license is mandatory, other than vehicular homicide,  
37 vehicular assault, driving while under the influence of intoxicating  
38 liquor or any drug, or being in actual physical control of a motor  
39 vehicle while under the influence of intoxicating liquor or any drug,



1 may submit to the department an application for a temporary  
2 restricted driver's license. The department, upon receipt of the  
3 prescribed fee and upon determining that the petitioner is eligible  
4 to receive the license, may issue a temporary restricted driver's  
5 license and may set definite restrictions as provided in RCW  
6 46.20.394.

7 (2)(a) A person licensed under this chapter whose driver's  
8 license is suspended administratively due to the failure to respond  
9 to a notice of traffic infraction for a moving violation, failure to  
10 appear at a requested hearing for a moving violation, or (~~pay a~~  
11 ~~traffic ticket~~) failure to comply with the terms of a notice of  
12 traffic infraction for a moving violation under RCW 46.20.289; a  
13 violation of the financial responsibility laws under chapter 46.29  
14 RCW; or for multiple violations within a specified period of time  
15 under RCW 46.20.291, may apply to the department for an occupational  
16 driver's license.

17 (b) An occupational driver's license issued to an applicant  
18 described in (a) of this subsection shall be valid for the period of  
19 the suspension or revocation.

20 (3) An applicant for an occupational or temporary restricted  
21 driver's license who qualifies under subsection (1) or (2) of this  
22 section is eligible to receive such license only if:

23 (a) Within seven years immediately preceding the date of the  
24 offense that gave rise to the present conviction or incident, the  
25 applicant has not committed vehicular homicide under RCW 46.61.520 or  
26 vehicular assault under RCW 46.61.522; and

27 (b) The applicant demonstrates that it is necessary for him or  
28 her to operate a motor vehicle because he or she:

29 (i) Is engaged in an occupation or trade that makes it essential  
30 that he or she operate a motor vehicle;

31 (ii) Is undergoing continuing health care or providing continuing  
32 care to another who is dependent upon the applicant;

33 (iii) Is enrolled in an educational institution and pursuing a  
34 course of study leading to a diploma, degree, or other certification  
35 of successful educational completion;

36 (iv) Is undergoing substance abuse treatment or is participating  
37 in meetings of a twelve-step group such as Alcoholics Anonymous that  
38 requires the petitioner to drive to or from the treatment or  
39 meetings;

1 (v) Is fulfilling court-ordered community service  
2 responsibilities;

3 (vi) Is in a program that assists persons who are enrolled in a  
4 WorkFirst program pursuant to chapter 74.08A RCW to become gainfully  
5 employed and the program requires a driver's license;

6 (vii) Is in an apprenticeship, on-the-job training, or welfare-  
7 to-work program; or

8 (viii) Presents evidence that he or she has applied for a  
9 position in an apprenticeship or on-the-job training program for  
10 which a driver's license is required to begin the program, provided  
11 that a license granted under this provision shall be in effect for no  
12 longer than fourteen days; and

13 (c) The applicant files satisfactory proof of financial  
14 responsibility under chapter 46.29 RCW; and

15 (d) Upon receipt of evidence that a holder of an occupational  
16 driver's license granted under this subsection is no longer enrolled  
17 in an apprenticeship or on-the-job training program, the director  
18 shall give written notice by first-class mail to the driver that the  
19 occupational driver's license shall be canceled. If at any time  
20 before the cancellation goes into effect the driver submits evidence  
21 of continued enrollment in the program, the cancellation shall be  
22 stayed. If the cancellation becomes effective, the driver may obtain,  
23 at no additional charge, a new occupational driver's license upon  
24 submittal of evidence of enrollment in another program that meets the  
25 criteria set forth in this subsection; and

26 (e) The department shall not issue an occupational driver's  
27 license under (b)(iv) of this subsection if the applicant is able to  
28 receive transit services sufficient to allow for the applicant's  
29 participation in the programs referenced under (b)(iv) of this  
30 subsection.

31 (4) A person aggrieved by the decision of the department on the  
32 application for an occupational or temporary restricted driver's  
33 license may request a hearing as provided by rule of the department.

34 (5) The director shall cancel an occupational or temporary  
35 restricted driver's license after receiving notice that the holder  
36 thereof has been convicted of operating a motor vehicle in violation  
37 of its restrictions, no longer meets the eligibility requirements, or  
38 has been convicted of or found to have committed a separate offense  
39 or any other act or omission that under this chapter would warrant  
40 suspension or revocation of a regular driver's license. The

1 department must give notice of the cancellation as provided under RCW  
2 46.20.245. A person whose occupational or temporary restricted  
3 driver's license has been canceled under this section may reapply for  
4 a new occupational or temporary restricted driver's license if he or  
5 she is otherwise qualified under this section and pays the fee  
6 required under RCW 46.20.380.

7 NEW SECTION. **Sec. 9.** A new section is added to chapter 46.20  
8 RCW to read as follows:

9 (1) The department is authorized to administratively reinstate  
10 the license of a person suspended prior to the effective date of this  
11 section pursuant to section 2, chapter 467, Laws of 2019 that would  
12 not have been eligible for driver's license suspension under RCW  
13 46.20.289.

14 (2) No later than 90 days after the effective date of this  
15 section, the department shall:

16 (a) Take reasonable steps to publicize and notify persons who may  
17 be eligible for reinstatement of his or her license pursuant to this  
18 section; and

19 (b) Create an online application process for persons whose  
20 licenses are suspended and may be eligible for reinstatement as  
21 provided in this section. The online application process shall allow  
22 a person to determine whether the person is eligible to have his or  
23 her license reinstated and explain the process for reinstatement.

24 (3) A reissue fee as provided in RCW 46.20.311 shall apply to any  
25 license reinstated under this section.

26 **Sec. 10.** RCW 46.64.025 and 2017 c 336 s 11 are each amended to  
27 read as follows:

28 Whenever any person served with, or provided notice of, a traffic  
29 infraction or a traffic-related criminal citation or complaint  
30 willfully fails to appear at a requested hearing for a moving  
31 violation, or fails to comply with the terms of a notice of  
32 infraction for a moving violation or a traffic-related criminal  
33 complaint or criminal citation for a moving violation, the court with  
34 jurisdiction over the traffic infraction or traffic-related criminal  
35 complaint or criminal citation shall promptly give notice of such  
36 fact to the department of licensing. Whenever thereafter the case in  
37 which the defendant failed to appear or comply is adjudicated, the

1 court hearing the case shall promptly file with the department a  
2 certificate showing that the case has been adjudicated.

3 For the purposes of this section, "moving violation" is defined  
4 by rule pursuant to RCW 46.20.2891.

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

7 (1) An additional \$1 fee shall be imposed on each application for  
8 an original or renewal of a regular driver's license, regular  
9 identicard, enhanced driver's license, or enhanced identicard. The  
10 entire amount of the fee shall be used to pay for processing costs  
11 for driver's license issuance and reinstatements, and information  
12 technology upgrades and the ongoing costs to maintain the driver's  
13 license and identicard record and issuance system.

14 (2) The department shall forward all funds accruing under this  
15 section to the state treasurer who shall deposit the moneys to the  
16 credit of the highway safety fund.

17 **Sec. 12.** RCW 2.68.040 and 2019 c 467 s 6, 2019 c 403 s 12, and  
18 2019 c 65 s 6 are each reenacted and amended to read as follows:

19 (1) To support the judicial information system account provided  
20 for in RCW 2.68.020, the supreme court may provide by rule for an  
21 increase in fines, penalties, and assessments, and the increased  
22 amount shall be forwarded to the state treasurer for deposit in the  
23 account:

24 (a) Pursuant to the authority of RCW 46.63.110(3), the sum of ten  
25 dollars to any penalty collected by a court pursuant to supreme court  
26 infraction rules for courts of limited jurisdiction;

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

29 (c) Pursuant to RCW 46.63.110(6), a ten-dollar assessment for  
30 each account for which a person requests a time payment schedule.

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

36 (3) The supreme court is requested to adjust these assessments  
37 for inflation.

1 (4) This section does not apply to the additional monetary  
2 penalty under RCW 46.20.500.

3 (5) This section does not apply to the additional monetary fine  
4 under RCW 46.61.110, 46.61.145, 46.61.180, 46.61.185, 46.61.190, and  
5 46.61.205.

6 (6) This section does not apply to the additional monetary  
7 penalties under RCW 46.61.165.

8 (7) In addition to any amount prescribed by rule under subsection  
9 (1)(a) of this section as an assessment on traffic infractions  
10 dedicated for the judicial information system, there shall be  
11 assessed \$2 on each traffic infraction. The additional \$2 shall be  
12 forwarded to the state treasurer for deposit in the driver licensing  
13 technology support account, created under section 13 of this act, to  
14 be used to support information technology systems used by the  
15 department of licensing to communicate with the judicial information  
16 system, manage driving records, and implement court orders.

17 NEW SECTION. Sec. 13. A new section is added to chapter 46.68  
18 RCW to read as follows:

19 The driver licensing technology support account is created as a  
20 subaccount in the highway safety fund under RCW 46.68.060. Moneys in  
21 the subaccount may be spent only after appropriation. Expenditures  
22 from the subaccount may be used only for supporting information  
23 technology systems used by the department to communicate with the  
24 judicial information system, manage driving records, and implement  
25 court orders.

26 NEW SECTION. Sec. 14. This act takes effect March 1, 2022."

**SSB 5226 - S AMD 249**  
By Senator Cleveland

**WITHDRAWN 03/08/2021**

27 On page 1, line 2 of the title, after "infractions;" strike the  
28 remainder of the title and insert "amending RCW 46.63.060, 46.63.070,  
29 46.20.245, 46.20.289, 46.20.291, 46.20.342, 46.20.391, and 46.64.025;  
30 reenacting and amending RCW 46.63.110 and 2.68.040; adding new  
31 sections to chapter 46.20 RCW; adding a new section to chapter 46.68  
32 RCW; prescribing penalties; and providing an effective date."

EFFECT: The amendment (1) restores the authority to suspend a person's license for the failure to pay, appear, or respond in connection with a traffic infraction if the person has at least one prior unresolved traffic infraction; (2) extends the time to resolve a citation from 45 to 90 days before any suspension; (3) requires DOL to advise a person they may contact the court for available payment options and provide the DOL website address when giving notice of license suspension; (4) increases the time period from 15 to 30 days for a person to request an administrative review of the suspension notice; (5) reduces maximum penalties for DWLS3 to 10 days in jail and a \$600 fine; (6) requires dismissal of a DWLS3 matter if the person charged pays the underlying citation or enters into a payment plan; (7) requires a DWLS3 conviction be vacated one year after successful completion of release conditions; and (8) retains provisions requiring an infraction to include the option for the person to attest they do not have the ability to pay the infraction in full, authorizing the court to waive or remit any monetary obligation associated with a traffic infraction, and increasing fees and establishing the driver licensing technology support account.

--- END ---