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HOUSE BILL 1741

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State of Washington                      53rd Legislature                      1993 Regular Session

By Representatives Appelwick, Ludwig, Johanson and Orr

Read first time 02/08/93. Referred to Committee on Judiciary.

1            AN ACT Relating to enforcement of traffic laws; amending RCW  
2 46.20.031, 46.20.207, 46.20.291, 46.20.311, 46.20.342, 46.61.515,  
3 46.63.020, 46.63.060, 46.63.070, and 46.63.110; adding a new section to  
4 chapter 46.20 RCW; repealing RCW 46.64.020 and 46.64.027; and  
5 prescribing penalties.

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

7            NEW SECTION.    **Sec. 1.** A new section is added to chapter 46.20 RCW  
8 to read as follows:

9            The department shall suspend all driving privileges of a person  
10 when the department receives notice from a court under RCW 46.63.070(5)  
11 or 46.64.025 that the person has failed to respond to a notice of  
12 traffic infraction, failed to appear at a requested hearing, violated  
13 a written promise to appear in court, or has failed to comply with the  
14 terms of a notice of traffic infraction or citation, other than for a  
15 notice of a standing, stopping, or parking violation. A suspension  
16 under this section remains in effect until the department has received  
17 a certificate from the court showing that the case has been  
18 adjudicated, and until the person meets the requirements of RCW  
19 46.20.311.

1       **Sec. 2.** RCW 46.20.031 and 1985 c 101 s 1 are each amended to read  
2 as follows:

3       The department shall not issue a driver's license hereunder:

4       (1) To any person who is under the age of sixteen years;

5       (2) To any person whose license has been suspended during such  
6 suspension, nor to any person whose license has been revoked, except as  
7 provided in RCW 46.20.311;

8       ~~(3) ((To any person when the department has been notified by a  
9 court that such person has violated his written promise to appear in  
10 court, unless the department has received a certificate from the court  
11 in which such person promised to appear, showing that the case has been  
12 adjudicated. The deposit of bail by a person charged with a violation  
13 of any law regulating the operation of motor vehicles on highways shall  
14 be deemed an appearance in court for the purpose of this section;~~

15       ~~(4))~~ To any person who has been evaluated by a program approved by  
16 the department of social and health services as being an alcoholic,  
17 drug addict, alcohol abuser and/or drug abuser: PROVIDED, That a  
18 license may be issued if the department determines that such person has  
19 been granted a deferred prosecution, pursuant to chapter 10.05 RCW, or  
20 is satisfactorily participating in or has successfully completed an  
21 alcohol or drug abuse treatment program approved by the department of  
22 social and health services and has established control of his or her  
23 alcohol and/or drug abuse problem;

24       ~~((+5))~~ (4) To any person who has previously been adjudged to be  
25 mentally ill or insane, or to be incompetent due to any mental  
26 disability or disease, and who has not at the time of application been  
27 restored to competency by the methods provided by law: PROVIDED,  
28 HOWEVER, That no person so adjudged shall be denied a license for such  
29 cause if the superior court should find him able to operate a motor  
30 vehicle with safety upon the highways during such incompetency;

31       ~~((+6))~~ (5) To any person who is required by this chapter to take  
32 an examination, unless such person shall have successfully passed such  
33 examination;

34       ~~((+7))~~ (6) To any person who is required under the laws of this  
35 state to deposit proof of financial responsibility and who has not  
36 deposited such proof;

37       ~~((+8))~~ (7) To any person when the department has good and  
38 substantial evidence to reasonably conclude that such person by reason  
39 of physical or mental disability would not be able to operate a motor

1 vehicle with safety upon the highways; subject to review by a court of  
2 competent jurisdiction.

3 **Sec. 3.** RCW 46.20.207 and 1991 c 293 s 4 are each amended to read  
4 as follows:

5 (1) The department is authorized to cancel any driver's license  
6 upon determining that the licensee was not entitled to the issuance of  
7 the license, or that the licensee failed to give the required or  
8 correct information in his or her application, or that the licensee is  
9 incompetent to drive a motor vehicle for any of the reasons under RCW  
10 46.20.031 (~~((5) and (8))~~) (4) and (7).

11 (2) Upon such cancellation, the licensee must surrender the license  
12 so canceled to the department.

13 **Sec. 4.** RCW 46.20.291 and 1991 c 293 s 5 are each amended to read  
14 as follows:

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

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

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

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

28 (4) Is incompetent to drive a motor vehicle (~~((for any of the~~  
29 ~~reasons enumerated in subsection (4) of))~~ under RCW 46.20.031(3)); or

30 (5) Has failed to respond to a notice of traffic infraction, failed  
31 to appear at a requested hearing, violated a written promise to appear  
32 in court, or has failed to comply with the terms of a notice of traffic  
33 infraction or citation, as provided in section 1 of this act; or

34 (6) Has committed one of the prohibited practices relating to  
35 drivers' licenses defined in RCW 46.20.336.

1       **Sec. 5.** RCW 46.20.311 and 1990 c 250 s 45 are each amended to read  
2 as follows:

3       (1) The department shall not suspend a driver's license or  
4 privilege to drive a motor vehicle on the public highways for a fixed  
5 period of more than one year, except as permitted under RCW 46.20.342  
6 or 46.61.515. Except for a suspension under section 1 of this act,  
7 whenever the license or driving privilege of any person is suspended by  
8 reason of a conviction, a finding that a traffic infraction has been  
9 committed, pursuant to chapter 46.29 RCW, or pursuant to RCW 46.20.291,  
10 the suspension shall remain in effect until the person gives and  
11 thereafter maintains proof of financial responsibility for the future  
12 as provided in chapter 46.29 RCW. The department shall not issue to  
13 the person a new, duplicate, or renewal license until the person pays  
14 a reissue fee of twenty dollars. If the suspension is the result of a  
15 violation of RCW 46.61.502 or 46.61.504, the reissue fee shall be fifty  
16 dollars.

17       (2) Any person whose license or privilege to drive a motor vehicle  
18 on the public highways has been revoked, unless the revocation was for  
19 a cause which has been removed, is not entitled to have the license or  
20 privilege renewed or restored until: (a) After the expiration of one  
21 year from the date the license or privilege to drive was revoked; (b)  
22 after the expiration of the applicable revocation period provided by  
23 RCW 46.61.515(3) (b) or (c); (c) after the expiration of two years for  
24 persons convicted of vehicular homicide; (d) after the expiration of  
25 one year in cases of revocation for the first refusal within five years  
26 to submit to a chemical test under RCW 46.20.308; (e) after the  
27 expiration of two years in cases of revocation for the second or  
28 subsequent refusal within five years to submit to a chemical test under  
29 RCW 46.20.308; or (f) after the expiration of the applicable revocation  
30 period provided by RCW 46.20.265. After the expiration of the  
31 appropriate period, the person may make application for a new license  
32 as provided by law together with a reissue fee in the amount of twenty  
33 dollars, but if the revocation is the result of a violation of RCW  
34 46.20.308, 46.61.502, or 46.61.504, the reissue fee shall be fifty  
35 dollars. Except for a revocation under RCW 46.20.265, the department  
36 shall not then issue a new license unless it is satisfied after  
37 investigation of the driving ability of the person that it will be safe  
38 to grant the privilege of driving a motor vehicle on the public  
39 highways, and until the person gives and thereafter maintains proof of

1 financial responsibility for the future as provided in chapter 46.29  
2 RCW. For a revocation under RCW 46.20.265, the department shall not  
3 issue a new license unless it is satisfied after investigation of the  
4 driving ability of the person that it will be safe to grant that person  
5 the privilege of driving a motor vehicle on the public highways.

6 (3) Whenever the driver's license of any person is suspended  
7 pursuant to Article IV of the nonresident violators compact or RCW  
8 46.23.020 or section 1 of this act, the department shall not issue to  
9 the person any new or renewal license until the person pays a reissue  
10 fee of twenty dollars. If the suspension is the result of a violation  
11 of the laws of (~~another~~) this or any other state, province, or other  
12 jurisdiction involving (a) the operation or physical control of a motor  
13 vehicle upon the public highways while under the influence of  
14 intoxicating liquor or drugs, or (b) the refusal to submit to a  
15 chemical test of the driver's blood alcohol content, the reissue fee  
16 shall be fifty dollars.

17 **Sec. 6.** RCW 46.20.342 and 1992 c 130 s 1 are each amended to read  
18 as follows:

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

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

1 conviction under this subsection does not prevent a person from  
2 petitioning for reinstatement as provided by RCW 46.65.080.

3 (b) A person who violates this section while an order of suspension  
4 or revocation prohibiting such operation is in effect and while the  
5 person is not eligible to reinstate his or her driver's license or  
6 driving privilege, other than for a suspension for the reasons  
7 described in (c) of this subsection, is guilty of driving while license  
8 suspended or revoked in the second degree, a gross misdemeanor. This  
9 subsection applies when a person's driver's license or driving  
10 privilege has been suspended or revoked by reason of:

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

13 (ii) A previous conviction under this section;

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

19 (iv) A conviction of RCW 46.20.410, relating to the violation of  
20 restrictions of an occupational driver's license;

21 (v) A conviction of RCW 46.20.420, 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 46.61.500, relating to reckless driving;

28 (ix) A conviction of RCW 46.61.502 or 46.61.504, relating to a  
29 person under the influence of intoxicating liquor or drugs;

30 (x) A conviction of RCW 46.61.520, relating to vehicular homicide;

31 (xi) A conviction of RCW 46.61.522, relating to vehicular assault;

32 (xii) A conviction of RCW 46.61.530, relating to racing of vehicles  
33 on highways;

34 (xiii) A conviction of RCW 46.61.685, relating to leaving children  
35 in an unattended vehicle with motor running;

36 (xiv) A conviction of RCW 46.64.048, relating to attempting,  
37 aiding, abetting, coercing, and committing crimes; or

38 (xv) An administrative action taken by the department under chapter  
39 46.20 RCW.

1 (c) A person who violates this section when his or her driver's  
2 license or driving privilege is, at the time of the violation,  
3 suspended or revoked solely because (i) the person must furnish proof  
4 of satisfactory progress in a required alcoholism or drug treatment  
5 program, (ii) the person must furnish proof of financial responsibility  
6 for the future as provided by chapter 46.29 RCW, (iii) the person has  
7 failed to comply with the provisions of chapter 46.29 RCW relating to  
8 uninsured accidents, (iv) the person has failed to respond to a notice  
9 of traffic infraction, failed to appear at a requested hearing,  
10 violated a written promise to appear in court, or has failed to comply  
11 with the terms of a notice of traffic infraction or citation, as  
12 provided in section 1 of this act, (v) the person has committed an  
13 offense in another state that, if committed in this state, would not be  
14 grounds for the suspension or revocation of the person's driver's  
15 license, or (~~(v)~~) (vi) the person has been suspended or revoked by  
16 reason of one or more of the items listed in (b) of this subsection,  
17 but was eligible to reinstate his or her driver's license or driving  
18 privilege at the time of the violation, or any combination of (i)  
19 through (~~(v)~~) (vi), is guilty of driving while license suspended or  
20 revoked in the third degree, a misdemeanor.

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

25 (a) For a conviction of driving while suspended or revoked in the  
26 first degree, as provided by subsection (1)(a) of this section, extend  
27 the period of administrative revocation imposed under chapter 46.65 RCW  
28 for an 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 (b) For a conviction of driving while suspended or revoked in the  
32 second degree, as provided by subsection (1)(b) of this section, not  
33 issue a new license or restore the driving privilege for an additional  
34 period of one year from and after the date the person would otherwise  
35 have been entitled to apply for a new license or have his or her  
36 driving privilege restored; or

37 (c) Not extend the period of suspension or revocation if the  
38 conviction was under subsection (1)(c) of this section. If the  
39 conviction was under subsection (1) (a) or (b) of this section and the

1 court recommends against the extension and the convicted person has  
2 obtained a valid driver's license, the period of suspension or  
3 revocation shall not be extended.

4 **Sec. 7.** RCW 46.61.515 and 1985 c 352 s 1 are each amended to read  
5 as follows:

6 (1) Every person who is convicted of a violation of RCW 46.61.502  
7 or 46.61.504 shall be punished by imprisonment for not less than  
8 twenty-four consecutive hours nor more than one year, and by a fine of  
9 not less than two hundred fifty dollars and not more than ~~((one))~~ five  
10 thousand dollars. Unless the judge finds the person to be indigent,  
11 two hundred fifty dollars of the fine shall not be suspended or  
12 deferred. Twenty-four consecutive hours of the jail sentence shall not  
13 be suspended or deferred unless the judge finds that the imposition of  
14 the jail sentence will pose a substantial risk to the defendant's  
15 physical or mental well-being. Whenever the mandatory jail sentence is  
16 suspended or deferred, the judge must state, in writing, the reason for  
17 granting the suspension or deferral and the facts upon which the  
18 suspension or deferral is based. The court may impose conditions of  
19 probation that may include nonrepetition, alcohol or drug treatment,  
20 supervised probation, or other conditions that may be appropriate. The  
21 convicted person shall, in addition, be required to complete a course  
22 in an alcohol information school approved by the department of social  
23 and health services or more intensive treatment in a program approved  
24 by the department of social and health services, as determined by the  
25 court. A diagnostic evaluation and treatment recommendation shall be  
26 prepared under the direction of the court by an alcoholism agency  
27 approved by the department of social and health services or a qualified  
28 probation department approved by the department of social and health  
29 services. A copy of the report shall be forwarded to the department of  
30 licensing. Based on the diagnostic evaluation, the court shall  
31 determine whether the convicted person shall be required to complete a  
32 course in an alcohol information school approved by the department of  
33 social and health services or more intensive treatment in a program  
34 approved by the department of social and health services. Standards  
35 for approval for alcohol treatment programs shall be prescribed by rule  
36 under the administrative procedure act, chapter 34.05 RCW. The  
37 ~~((courts))~~ department of social and health services shall periodically



1 review the costs of alcohol information schools and treatment programs  
2 (~~within their jurisdictions~~) as part of the approval process.

3 (2) On a second or subsequent conviction for driving or being in  
4 physical control of a motor vehicle while under the influence of  
5 intoxicating liquor or drugs within a five-year period a person shall  
6 be punished by imprisonment for not less than seven days nor more than  
7 one year and by a fine of not less than five hundred dollars and not  
8 more than (~~two~~) five thousand dollars. District courts and courts  
9 organized under chapter 35.20 RCW are authorized to impose such fine.  
10 Unless the judge finds the person to be indigent, five hundred dollars  
11 of the fine shall not be suspended or deferred. The minimum jail  
12 sentence shall not be suspended or deferred unless the judge finds that  
13 the imposition of the jail sentence will pose a substantial risk to the  
14 defendant's physical or mental well-being. Whenever the mandatory jail  
15 sentence is suspended or deferred, the judge must state, in writing,  
16 the reason for granting the suspension or deferral and the facts upon  
17 which the suspension or deferral is based. If, at the time of the  
18 arrest on a second or subsequent (~~conviction~~) offense, the driver is  
19 without a license or permit because of a previous suspension or  
20 revocation for a violation of RCW 46.20.342(1) (a) or (b), the minimum  
21 mandatory sentence shall be ninety days in jail and a (~~two~~) five  
22 hundred dollar fine. The penalty so imposed shall not be suspended or  
23 deferred. The person shall, in addition, be required to complete a  
24 diagnostic evaluation by an alcoholism agency approved by the  
25 department of social and health services or a qualified probation  
26 department approved by the department of social and health services.  
27 The report shall be forwarded to the department of licensing. If the  
28 person is found to have an alcohol or drug problem requiring treatment,  
29 the person shall complete treatment at an approved alcoholism treatment  
30 (~~facility~~) program or approved drug treatment center.

31 In addition to any nonsuspendable and nondeferrable jail sentence  
32 required by this subsection, whenever the court imposes less than one  
33 year in jail, the court shall (~~sentence a person to a term of~~  
34 ~~imprisonment not exceeding one hundred eighty days and shall~~) also  
35 suspend but shall not defer (~~the sentence~~) a period of confinement  
36 for a period not exceeding two years. The suspension of the sentence  
37 may be conditioned upon nonrepetition, alcohol or drug treatment,  
38 supervised probation, or other conditions that may be appropriate. The

1 sentence may be imposed in whole or in part upon violation of a  
2 condition of suspension during the suspension period.

3 (3) The license or permit to drive or any nonresident privilege of  
4 any person convicted of driving or being in physical control of a motor  
5 vehicle while under the influence of intoxicating liquor or drugs  
6 shall:

7 (a) On the first conviction under either offense, be suspended by  
8 the department until the person reaches age nineteen or for ninety  
9 days, whichever is longer. The department of licensing shall determine  
10 the person's eligibility for licensing based upon the reports provided  
11 by the designated alcoholism agency or probation department and shall  
12 deny reinstatement until enrollment and participation in an approved  
13 program has been established and the person is otherwise qualified;

14 (b) On a second conviction under either offense within a five-year  
15 period, be revoked by the department for one year. The department of  
16 licensing shall determine the person's eligibility for licensing based  
17 upon the reports provided by the designated alcoholism agency or  
18 probation department and shall deny reinstatement until satisfactory  
19 progress in an approved program has been established and the person is  
20 otherwise qualified;

21 (c) On a third or subsequent conviction of driving or being in  
22 physical control of a motor vehicle while under the influence of  
23 intoxicating liquor or drugs, vehicular homicide, or vehicular assault,  
24 or any combination thereof within a five-year period, be revoked by the  
25 department for two years.

26 (4) In any case provided for in this section, where a driver's  
27 license is to be revoked or suspended, the revocation or suspension  
28 shall be stayed and shall not take effect until after the determination  
29 of any appeal from the conviction which may lawfully be taken, but in  
30 case the conviction is sustained on appeal the revocation or suspension  
31 takes effect as of the date that the conviction becomes effective for  
32 other purposes.

33 **Sec. 8.** RCW 46.63.020 and 1992 c 32 s 4 are each amended to read  
34 as follows:

35 Failure to perform any act required or the performance of any act  
36 prohibited by this title or an equivalent administrative regulation or  
37 local law, ordinance, regulation, or resolution relating to traffic  
38 including parking, standing, stopping, and pedestrian offenses, is

1 designated as a traffic infraction and may not be classified as a  
2 criminal offense, except for an offense contained in the following  
3 provisions of this title or a violation of an equivalent administrative  
4 regulation or local law, ordinance, regulation, or resolution:

5 (1) RCW 46.09.120(2) relating to the operation of a nonhighway  
6 vehicle while under the influence of intoxicating liquor or a  
7 controlled substance;

8 (2) RCW 46.09.130 relating to operation of nonhighway vehicles;

9 (3) RCW 46.10.090(2) relating to the operation of a snowmobile  
10 while under the influence of intoxicating liquor or narcotics or habit-  
11 forming drugs or in a manner endangering the person of another;

12 (4) RCW 46.10.130 relating to the operation of snowmobiles;

13 (5) Chapter 46.12 RCW relating to certificates of ownership and  
14 registration;

15 (6) RCW 46.16.010 relating to initial registration of motor  
16 vehicles;

17 (7) RCW 46.16.011 relating to permitting unauthorized persons to  
18 drive;

19 (8) RCW 46.16.160 relating to vehicle trip permits;

20 (9) RCW 46.16.381 (6) or (8) relating to unauthorized use or  
21 acquisition of a special placard or license plate for disabled persons'  
22 parking;

23 (10) RCW 46.20.021 relating to driving without a valid driver's  
24 license;

25 (11) RCW 46.20.336 relating to the unlawful possession and use of  
26 a driver's license;

27 (12) RCW 46.20.342 relating to driving with a suspended or revoked  
28 license or status;

29 (13) RCW 46.20.410 relating to the violation of restrictions of an  
30 occupational driver's license;

31 (14) RCW 46.20.420 relating to the operation of a motor vehicle  
32 with a suspended or revoked license;

33 (15) RCW 46.20.750 relating to assisting another person to start a  
34 vehicle equipped with an ignition interlock device;

35 (16) RCW 46.25.170 relating to commercial driver's licenses;

36 (17) Chapter 46.29 RCW relating to financial responsibility;

37 (18) RCW 46.30.040 relating to providing false evidence of  
38 financial responsibility;

1 (19) RCW 46.37.435 relating to wrongful installation of  
2 sunscreening material;  
3 (20) RCW 46.44.180 relating to operation of mobile home pilot  
4 vehicles;  
5 (21) RCW 46.48.175 relating to the transportation of dangerous  
6 articles;  
7 (22) RCW 46.52.010 relating to duty on striking an unattended car  
8 or other property;  
9 (23) RCW 46.52.020 relating to duty in case of injury to or death  
10 of a person or damage to an attended vehicle;  
11 (24) RCW 46.52.090 relating to reports by repairmen, storagemen,  
12 and appraisers;  
13 (25) RCW 46.52.100 relating to driving under the influence of  
14 liquor or drugs;  
15 (26) RCW 46.52.130 relating to confidentiality of the driving  
16 record to be furnished to an insurance company, an employer, and an  
17 alcohol/drug assessment or treatment agency;  
18 (27) RCW 46.55.020 relating to engaging in the activities of a  
19 registered tow truck operator without a registration certificate;  
20 (28) RCW 46.55.035 relating to prohibited practices by tow truck  
21 operators;  
22 (29) RCW 46.61.015 relating to obedience to police officers,  
23 flagmen, or fire fighters;  
24 (30) RCW 46.61.020 relating to refusal to give information to or  
25 cooperate with an officer;  
26 (31) RCW 46.61.022 relating to failure to stop and give  
27 identification to an officer;  
28 (32) RCW 46.61.024 relating to attempting to elude pursuing police  
29 vehicles;  
30 (33) RCW 46.61.500 relating to reckless driving;  
31 (34) RCW 46.61.502 and 46.61.504 relating to persons under the  
32 influence of intoxicating liquor or drugs;  
33 (35) RCW 46.61.520 relating to vehicular homicide by motor vehicle;  
34 (36) RCW 46.61.522 relating to vehicular assault;  
35 (37) RCW 46.61.525 relating to negligent driving;  
36 (38) RCW 46.61.530 relating to racing of vehicles on highways;  
37 (39) RCW 46.61.685 relating to leaving children in an unattended  
38 vehicle with the motor running;

1 (40) RCW 46.64.010 relating to unlawful cancellation of or attempt  
2 to cancel a traffic citation;

3 (~~(41)~~ (~~RCW 46.64.020 relating to nonappearance after a written~~  
4 ~~promise~~;

5 ~~(42)~~ RCW 46.64.027 relating to failure to comply;

6 ~~(43)~~) RCW 46.64.048 relating to attempting, aiding, abetting,  
7 coercing, and committing crimes;

8 (~~(44)~~) (42) Chapter 46.65 RCW relating to habitual traffic  
9 offenders;

10 (~~(45)~~) (43) Chapter 46.70 RCW relating to unfair motor vehicle  
11 business practices, except where that chapter provides for the  
12 assessment of monetary penalties of a civil nature;

13 (~~(46)~~) (44) Chapter 46.72 RCW relating to the transportation of  
14 passengers in for hire vehicles;

15 (~~(47)~~) (45) Chapter 46.80 RCW relating to motor vehicle wreckers;

16 (~~(48)~~) (46) Chapter 46.82 RCW relating to driver's training  
17 schools;

18 (~~(49)~~) (47) RCW 46.87.260 relating to alteration or forgery of a  
19 cab card, letter of authority, or other temporary authority issued  
20 under chapter 46.87 RCW;

21 (~~(50)~~) (48) RCW 46.87.290 relating to operation of an  
22 unregistered or unlicensed vehicle under chapter 46.87 RCW.

23 **Sec. 9.** RCW 46.63.060 and 1984 c 224 s 2 are each amended to read  
24 as follows:

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

28 (2) The form for the notice of traffic infraction shall be  
29 prescribed by rule of the supreme court and shall include the  
30 following:

31 (a) A statement that the notice represents a determination that a  
32 traffic infraction has been committed by the person named in the notice  
33 and that the determination shall be final unless contested as provided  
34 in this chapter;

35 (b) A statement that a traffic infraction is a noncriminal offense  
36 for which imprisonment may not be imposed as a sanction; that the  
37 penalty for a traffic infraction may include sanctions against the  
38 person's driver's license including suspension, revocation, or denial;

1 that the penalty for a traffic infraction related to standing,  
2 stopping, or parking may include nonrenewal of the vehicle license;

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

5 (d) A statement of the monetary penalty established for the traffic  
6 infraction;

7 (e) A statement of the options provided in this chapter for  
8 responding to the notice and the procedures necessary to exercise these  
9 options;

10 (f) A statement that at any hearing to contest the determination  
11 the state has the burden of proving, by a preponderance of the  
12 evidence, that the infraction was committed; and that the person may  
13 subpoena witnesses including the officer who issued the notice of  
14 infraction;

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

19 (h) A statement that the person must respond to the notice as  
20 provided in this chapter within fifteen days or the person's driver's  
21 license or driving privilege will ~~((not))~~ be ~~((renewed))~~ suspended by  
22 the department until any penalties imposed pursuant to this chapter  
23 have been satisfied;

24 (i) A statement that failure to appear at a hearing requested for  
25 the purpose of contesting the determination or for the purpose of  
26 explaining mitigating circumstances will result in the ~~((refusal of the  
27 department to renew))~~ suspension of the person's driver's license or  
28 driving privilege, or in the case of a standing, stopping, or parking  
29 violation, refusal of the department to renew the vehicle license,  
30 until any penalties imposed pursuant to this chapter have been  
31 satisfied;

32 (j) A statement, which the person shall sign, that the person  
33 promises to respond to the notice of infraction in one of the ways  
34 provided in this chapter(~~(/~~

35 ~~(k) A statement that failure to respond to a notice of infraction  
36 as promised is a misdemeanor and may be punished by a fine or  
37 imprisonment in jail)).~~

1       **Sec. 10.** RCW 46.63.070 and 1984 c 224 s 3 are each amended to read  
2 as follows:

3       (1) Any person who receives a notice of traffic infraction shall  
4 respond to such notice as provided in this section within fifteen days  
5 of the date of the notice.

6       (2) If the person determined to have committed the infraction does  
7 not contest the determination the person shall respond by completing  
8 the appropriate portion of the notice of infraction and submitting it,  
9 either by mail or in person, to the court specified on the notice. A  
10 check or money order in the amount of the penalty prescribed for the  
11 infraction must be submitted with the response. When a response which  
12 does not contest the determination is received, an appropriate order  
13 shall be entered in the court's records, and a record of the response  
14 and order shall be furnished to the department in accordance with RCW  
15 46.20.270.

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

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

30       (5) (~~(a)~~) If any person issued a notice of traffic infraction:

31       (~~(i)~~) (a) Fails to respond to the notice of traffic infraction as  
32 provided in subsection (2) of this section; or

33       (~~(ii)~~) (b) Fails to appear at a hearing requested pursuant to  
34 subsection (3) or (4) of this section;

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

1       (~~(b) The department may not renew the driver's license, or in the~~  
2 ~~case of a standing, stopping, or parking violation the vehicle license,~~  
3 ~~of any person for whom the court has entered an order pursuant to (a)~~  
4 ~~of this subsection until any penalties imposed pursuant to this chapter~~  
5 ~~have been satisfied. For purposes of driver's license nonrenewal only,~~  
6 ~~the lessee of a vehicle shall be considered to be the person to whom a~~  
7 ~~notice of a standing, stopping, or parking violation has been issued~~  
8 ~~for such violations of the vehicle incurred while the vehicle was~~  
9 ~~leased or rented under a bona fide commercial lease or rental agreement~~  
10 ~~between a lessor engaged in the business of leasing vehicles and a~~  
11 ~~lessee who is not the vehicle's registered owner, if the lease~~  
12 ~~agreement contains a provision prohibiting anyone other than the lessee~~  
13 ~~from operating the vehicle. Such a lessor shall, upon the request of~~  
14 ~~the municipality issuing the notice of infraction, supply the~~  
15 ~~municipality with the name and driver's license number of the person~~  
16 ~~leasing the vehicle at the time of the infraction.))~~

17       **Sec. 11.** RCW 46.63.110 and 1986 c 213 s 2 are each amended to read  
18 as follows:

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

23       (2) The supreme court shall prescribe by rule a schedule of  
24 monetary penalties for designated traffic infractions. This rule shall  
25 also specify the conditions under which local courts may exercise  
26 discretion in assessing fines and penalties for traffic infractions.  
27 The legislature respectfully requests the supreme court to adjust this  
28 schedule every two years for inflation.

29       (3) There shall be a penalty of twenty-five dollars for failure to  
30 respond to a notice of traffic infraction except where the infraction  
31 relates to parking as defined by local law, ordinance, regulation, or  
32 resolution or failure to pay a monetary penalty imposed pursuant to  
33 this chapter. A local legislative body may set a monetary penalty not  
34 to exceed twenty-five dollars for failure to respond to a notice of  
35 traffic infraction relating to parking as defined by local law,  
36 ordinance, regulation, or resolution. The local court, whether a  
37 municipal, police, or district court, shall impose the monetary penalty  
38 set by the local legislative body.



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

6 (5) Whenever a monetary penalty is imposed by a court under this  
7 chapter it is immediately payable. If the person is unable to pay at  
8 that time the court may, in its discretion, grant an extension of the  
9 period in which the penalty may be paid. If the penalty is not paid on  
10 or before the time established for payment the court shall notify the  
11 department of the failure to pay the penalty, and the department (~~may~~  
12 ~~not renew~~) shall suspend the person's driver's license or driving  
13 privilege until the penalty has been paid and the penalty provided in  
14 subsection (3) of this section has been paid.

15 NEW SECTION. **Sec. 12.** The following acts or parts of acts are  
16 each repealed:

17 (1) RCW 46.64.020 and 1992 c 32 s 1, 1990 c 250 s 61, 1990 c 210 s  
18 1, 1988 c 38 s 1, 1987 c 345 s 1, 1986 c 213 s 1, 1980 c 128 s 8, &  
19 1961 c 12 s 46.64.020; and

20 (2) RCW 46.64.027 and 1992 c 32 s 2.

--- END ---