
HOUSE BILL 2155

State of Washington

53rd Legislature

1994 Regular Session

By Representatives Ogden and H. Myers

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1 AN ACT Relating to traffic infraction penalties to be used for
2 police reserve officer retirement systems; and amending RCW 46.63.110,
3 3.62.020, 3.62.040, 3.50.100, and 3.46.120.

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

5 **Sec. 1.** RCW 46.63.110 and 1993 c 501 s 11 are each amended to read
6 as follows:

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

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

17 (b) A local legislative body that has established a retirement
18 program for reserve law enforcement officers may set a monetary penalty

1 of not more than two dollars for each traffic infraction to be used
2 exclusively for funding the retirement program.

3 (3) There shall be a penalty of twenty-five dollars for failure to
4 respond to a notice of traffic infraction except where the infraction
5 relates to parking as defined by local law, ordinance, regulation, or
6 resolution or failure to pay a monetary penalty imposed pursuant to
7 this chapter. A local legislative body may set a monetary penalty not
8 to exceed twenty-five dollars for failure to respond to a notice of
9 traffic infraction relating to parking as defined by local law,
10 ordinance, regulation, or resolution. The local court, whether a
11 municipal, police, or district court, shall impose the monetary penalty
12 set by the local legislative body.

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

18 (5) Whenever a monetary penalty is imposed by a court under this
19 chapter it is immediately payable. If the person is unable to pay at
20 that time the court may, in its discretion, grant an extension of the
21 period in which the penalty may be paid. If the penalty is not paid on
22 or before the time established for payment the court shall notify the
23 department of the failure to pay the penalty, and the department shall
24 suspend the person's driver's license or driving privilege until the
25 penalty has been paid and the penalty provided in subsection (3) of
26 this section has been paid.

27 **Sec. 2.** RCW 3.62.020 and 1988 c 169 s 3 are each amended to read
28 as follows:

29 (1) Except as provided in subsection (4) of this section, all
30 costs, fees, fines, forfeitures and penalties assessed and collected in
31 whole or in part by district courts, except costs, fines, forfeitures
32 and penalties assessed and collected, in whole or in part, because of
33 the violation of city ordinances, shall be remitted by the clerk of the
34 district court to the county treasurer at least monthly, together with
35 a financial statement as required by the division of municipal
36 corporations, noting the information necessary for crediting of such
37 funds as required by law.

1 (2) The county treasurer shall remit thirty-two percent of the
2 money received under subsection (1) of this section except certain
3 costs to the state treasurer. "Certain costs" as used in this
4 subsection, means those costs awarded to prevailing parties in civil
5 actions under RCW 4.84.010 or 36.18.040, or those costs awarded against
6 convicted defendants in criminal actions under RCW 10.01.160,
7 10.46.190, or 36.18.040, or other similar statutes if such costs are
8 specifically designated as costs by the court and are awarded for the
9 specific reimbursement of costs incurred by the state or county in the
10 prosecution of the case, including the fees of defense counsel. Money
11 remitted under this subsection to the state treasurer shall be
12 deposited as provided in RCW 43.08.250.

13 (3) The balance of the money received by the county treasurer under
14 subsection (1) of this section shall be deposited in the county current
15 expense fund.

16 (4)(a) All money collected for county parking infractions shall be
17 remitted by the clerk of the district court at least monthly, with the
18 information required under subsection (1) of this section, to the
19 county treasurer for deposit in the county current expense fund.

20 (b) All money collected as the result of a penalty imposed by a
21 county pursuant to RCW 46.63.110(2) for the purpose of funding a
22 reserve law enforcement officer retirement program shall be remitted by
23 the clerk of the district court at least monthly, with the information
24 required under subsection (1) of this section, to the county treasurer
25 for deposit in a separate fund created by the county to be used
26 exclusively for funding the retirement program.

27 **Sec. 3.** RCW 3.62.040 and 1988 c 169 s 4 are each amended to read
28 as follows:

29 (1) Except as provided in subsection (4) of this section, all
30 costs, fines, forfeitures and penalties assessed and collected, in
31 whole or in part, by district courts because of violations of city
32 ordinances shall be remitted by the clerk of the district court at
33 least monthly directly to the treasurer of the city wherein the
34 violation occurred.

35 (2) The city treasurer shall remit monthly thirty-two percent of
36 the money received under this section, other than for parking
37 infractions and certain costs, to the state treasurer. "Certain costs"
38 as used in this subsection, means those costs awarded to prevailing

1 parties in civil actions under RCW 4.84.010 or 36.18.040, or those
2 costs awarded against convicted defendants in criminal actions under
3 RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if
4 such costs are specifically designated as costs by the court and are
5 awarded for the specific reimbursement of costs incurred by the state,
6 county, city, or town in the prosecution of the case, including the
7 fees of defense counsel. Money remitted under this subsection to the
8 state treasurer shall be deposited as provided in RCW 43.08.250.

9 (3) The balance of the money received under this section shall be
10 retained by the city and deposited as provided by law.

11 (4)(a) All money collected for city parking infractions shall be
12 remitted by the clerk of the district court at least monthly to the
13 city treasurer for deposit in the city's general fund.

14 (b) All money collected as the result of a penalty imposed by a
15 city pursuant to RCW 46.63.110(2) for the purpose of funding a reserve
16 law enforcement officer retirement program shall be remitted by the
17 clerk of the district court at least monthly to the city treasurer for
18 deposit in a separate fund created by the city to be used exclusively
19 for funding the retirement program.

20 **Sec. 4.** RCW 3.50.100 and 1988 c 169 s 2 are each amended to read
21 as follows:

22 (1) Costs in civil and criminal actions may be imposed as provided
23 in district court. All fees, costs, fines, forfeitures and other money
24 imposed by any municipal court for the violation of any municipal or
25 town ordinances shall be collected by the court clerk and, together
26 with any other revenues received by the clerk, shall be deposited with
27 the city or town treasurer as a part of the general fund of the city or
28 town, or deposited in such other fund of the city or town, or deposited
29 in such other funds as may be designated by the laws of the state of
30 Washington.

31 (2) The city treasurer shall remit monthly thirty-two percent of
32 the money received under this section, other than money collected as
33 the result of a penalty imposed pursuant to RCW 46.63.110(2) for the
34 purpose of funding a reserve law enforcement officer retirement program
35 or money collected for parking infractions, and certain costs to the
36 state treasurer. "Certain costs" as used in this subsection, means
37 those costs awarded to prevailing parties in civil actions under RCW
38 4.84.010 or 36.18.040, or those costs awarded against convicted

1 defendants in criminal actions under RCW 10.01.160, 10.46.190, or
2 36.18.040, or other similar statutes if such costs are specifically
3 designated as costs by the court and are awarded for the specific
4 reimbursement of costs incurred by the state, county, city, or town in
5 the prosecution of the case, including the fees of defense counsel.
6 Money remitted under this subsection to the state treasurer shall be
7 deposited as provided in RCW 43.08.250.

8 (3) The balance of the money received under this section shall be
9 retained by the city and deposited as provided by law.

10 **Sec. 5.** RCW 3.46.120 and 1988 c 169 s 1 are each amended to read
11 as follows:

12 (1) All money received by the clerk of a municipal department
13 including penalties, fines, bail forfeitures, fees and costs shall be
14 paid by the clerk to the city treasurer.

15 (2) The city treasurer shall remit monthly thirty-two percent of
16 the money received under this section, other than money collected as
17 the result of a penalty imposed pursuant to RCW 46.63.110(2) for the
18 purpose of funding a reserve law enforcement officer retirement program
19 or money collected for parking infractions, and certain costs to the
20 state treasurer. "Certain costs" as used in this subsection, means
21 those costs awarded to prevailing parties in civil actions under RCW
22 4.84.010 or 36.18.040, or those costs awarded against convicted
23 defendants in criminal actions under RCW 10.01.160, 10.46.190, or
24 36.18.040, or other similar statutes if such costs are specifically
25 designated as costs by the court and are awarded for the specific
26 reimbursement of costs incurred by the state, county, city, or town in
27 the prosecution of the case, including the fees of defense counsel.
28 Money remitted under this subsection to the state treasurer shall be
29 deposited as provided in RCW 43.08.250.

30 (3) The balance of the money received under this section shall be
31 retained by the city and deposited as provided by law.

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