
HOUSE BILL 2310

State of Washington 53rd Legislature 1994 Regular Session

By Representatives Hansen, Rayburn and Roland

Read first time 01/12/94. Referred to Committee on Judiciary.

1 AN ACT Relating to minor speeding infractions; amending RCW
2 3.62.020, 3.62.040, and 3.62.090; adding a new section to chapter 46.04
3 RCW; adding a new section to chapter 46.30 RCW; adding a new section to
4 chapter 46.63 RCW; and prescribing penalties.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 46.04 RCW
7 to read as follows:

8 "Minor speeding infraction" means a violation of the maximum speed
9 limit of ten miles per hour or less, except in a marked school zone or
10 construction zone.

11 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.30 RCW
12 to read as follows:

13 The insurance verification account is created in the state
14 treasury. All receipts directed to it by RCW 3.62.020(5) shall be
15 deposited into the account. Moneys in the account may be spent only
16 after appropriation. Expenditures from the account may be used only
17 for establishment and operation of an on-line system for verification
18 of vehicle liability insurance required by this chapter.

1 NEW SECTION. **Sec. 3.** A new section is added to chapter 46.63 RCW
2 to read as follows:

3 (1) A county, city, town, or the state may elect to use the special
4 procedures authorized by this section for assessing monetary penalties
5 for minor speeding infractions. The decision to use these procedures
6 shall be made by the legislative authority of a county, city, or town,
7 or by the governor in the case of the state.

8 (2) In a jurisdiction electing to use this section, a person who
9 has received a notice of a traffic infraction involving only a minor
10 speeding infraction, may choose not to contest the determination that
11 the infraction has been committed and may pay a total monetary penalty
12 of fifty dollars, including any other fees, costs, or assessments,
13 directly to the jurisdiction that issued the notice. In this case, the
14 jurisdiction shall not report the minor speeding infraction to the
15 department, and the determination that an infraction has been committed
16 shall not become any part of the person's driving record and is not
17 reportable to this state, any other state, any other county, city, or
18 town, or to an insurance company or insurance reporting or underwriting
19 company.

20 (3) If a person chooses to contest the determination that a traffic
21 infraction has been committed, all other provisions of this title
22 apply.

23 **Sec. 4.** RCW 3.62.020 and 1988 c 169 s 3 are each amended to read
24 as follows:

25 (1) Except as provided in subsection (4) or (5) of this section,
26 all costs, fees, fines, forfeitures, and penalties assessed and
27 collected in whole or in part by district courts, except costs, fines,
28 forfeitures, and penalties assessed and collected, in whole or in part,
29 because of the violation of city ordinances, shall be remitted by the
30 clerk of the district court to the county treasurer at least monthly,
31 together with a financial statement as required by the division of
32 municipal corporations, noting the information necessary for crediting
33 of such funds as required by law.

34 (2) The county treasurer shall remit thirty-two percent of the
35 money received under subsection (1) of this section except certain
36 costs to the state treasurer. "Certain costs" as used in this
37 subsection, means those costs awarded to prevailing parties in civil
38 actions under RCW 4.84.010 or 36.18.040, or those costs awarded against

1 convicted defendants in criminal actions under RCW 10.01.160,
2 10.46.190, or 36.18.040, or other similar statutes if such costs are
3 specifically designated as costs by the court and are awarded for the
4 specific reimbursement of costs incurred by the state or county in the
5 prosecution of the case, including the fees of defense counsel. Money
6 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 by the county treasurer under
9 subsection (1) of this section shall be deposited in the county current
10 expense fund.

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

15 (5) Money collected for minor speeding infractions under citations
16 issued by county law enforcement officers of a county electing to
17 proceed under section 3 of this act shall be remitted and deposited in
18 the same manner as provided under subsection (4) of this section. If
19 the governor so elects under section 3 of this act, twenty-five percent
20 of the money collected for minor speeding infractions under citations
21 issued by the Washington state patrol shall be remitted to the state
22 treasurer for deposit in the insurance verification account established
23 under section 2 of this act until the director certifies in writing to
24 the treasurer that an on-line system for verification of motor vehicle
25 insurance is fully operational within this state. The balance of money
26 collected from minor speeding infraction citations issued by the state
27 patrol shall be remitted by the clerk of the district court as
28 otherwise provided in this section.

29 **Sec. 5.** RCW 3.62.040 and 1988 c 169 s 4 are each amended to read
30 as follows:

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

37 (2) The city treasurer shall remit monthly thirty-two percent of
38 the money received under this section, other than for parking

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

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

13 (4) All money collected for city parking infractions, or for minor
14 speeding infractions in a city or town electing to proceed under
15 section 3 of this act, shall be remitted by the clerk of the district
16 court at least monthly to the city treasurer for deposit in the city's
17 general fund.

18 **Sec. 6.** RCW 3.62.090 and 1986 c 98 s 4 are each amended to read as
19 follows:

20 (1) There shall be assessed and collected in addition to any fines,
21 forfeitures, or penalties assessed, other than for parking infractions,
22 or for minor speeding infractions in a jurisdiction electing to proceed
23 under section 3 of this act, by all courts organized under Title 3 or
24 35 RCW a public safety and education assessment equal to sixty percent
25 of such fines, forfeitures, or penalties, which shall be remitted as
26 provided in chapters 3.46, 3.50, 3.62, and 35.20 RCW. The assessment
27 required by this section shall not be suspended or waived by the court.

28 (2) There shall be assessed and collected in addition to any fines,
29 forfeitures, or penalties assessed, other than for parking infractions,
30 or for minor speeding infractions in a jurisdiction electing to proceed
31 under section 3 of this act, and for fines levied under RCW 46.61.515,
32 and in addition to the public safety and education assessment required
33 under subsection (1) of this section, by all courts organized under
34 Title 3 or 35 RCW, an additional public safety and education assessment
35 equal to fifty percent of the public safety and education assessment
36 required under subsection (1) of this section, which shall be remitted
37 to the state treasurer and deposited as provided in RCW 43.08.250. The

1 additional assessment required by this subsection shall not be
2 suspended or waived by the court.

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