

SHB 2660 - H AMD 940

By Representative G. Simpson

WITHDRAWN 02/17/2004

1 On page 29, after line 19, insert the following:

2 "Sec. 14. RCW 46.63.110 and 2003 c 380 s 2 are each amended to
3 read as follows:

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

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

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

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

1 (6) Whenever a monetary penalty, fee, cost, assessment, or other
2 monetary obligation is imposed by a court under this chapter it is
3 immediately payable. ~~If the ((person is unable to pay at that time the~~
4 ~~court may, in its discretion, grant an extension of the period in which~~
5 ~~the penalty may be paid. If the penalty is not paid on or before the~~
6 ~~time established for payment the court shall notify the department of~~
7 ~~the failure to pay the penalty))~~ court determines, in its discretion
8 that a person is not able to pay a monetary obligation in full, and not
9 more than one year has passed since the effective date of this act or
10 the date the monetary obligation initially became due and payable, the
11 court shall enter into a payment plan with the person, unless the
12 person has previously been granted a payment plan with respect to the
13 same monetary obligation, in which case the court may, at its
14 discretion, implement a payment plan. "Payment plan," as used in this
15 section, means a plan that requires reasonable payments based on the
16 financial ability of the person to pay. The person may voluntarily pay
17 an amount at any time in addition to the payments required under the
18 payment plan:

19 (a) If a payment required to be made under the payment plan is
20 delinquent or the person fails to complete a community restitution
21 program on or before the time established under the payment plan, the
22 court shall notify the department of the person's failure to meet the
23 conditions of the plan, and the department shall suspend the person's
24 driver's license or driving privilege until ((the penalty has)) all
25 monetary obligations, including those imposed under subsections (3) and
26 (4) of this section, have been paid ((and the penalty provided in
27 subsection (4) of this section has been paid)), and court authorized
28 community restitution has been completed or until the department has
29 been notified that the court has entered into a new time payment or
30 community restitution agreement with the person.

31 (b) If a person has not entered into a payment plan with the court
32 and has not paid the monetary obligation in full on or before the time
33 established for payment, the court shall notify the department of the
34 delinquency. The department shall suspend the person's driver's
35 license or driving privilege until all monetary obligations have been
36 paid, including those imposed under subsections (3) and (4) of this

1 section, or until the person has entered into a payment plan under this
2 section.

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

8 (d) Nothing in this section precludes a court from contracting with
9 outside entities to administer its payment plan system. When outside
10 entities are used for the administration of a payment plan, the court
11 may assess the person a reasonable fee for such administrative
12 services, which fee may be calculated on a periodic, percentage, or
13 other basis. Fees collected under this subsection shall be wholly
14 retained by the city or county with jurisdiction, for payment to its
15 outside entity.

16 (e) If a court authorized community restitution program for
17 offenders is available in the jurisdiction, the court may allow
18 conversion of all or part of the monetary obligations due under
19 subsection (5) of this section to court authorized community
20 restitution in lieu of time payments if the person is unable to make
21 reasonable time payments.

22 (7) In addition to any other penalties imposed under this section
23 and not subject to the limitation of subsection (1) of this section, a
24 person found to have committed a traffic infraction shall be assessed
25 a fee of five dollars per infraction. Under no circumstances shall
26 this fee be reduced or waived. Revenue from this fee shall be
27 forwarded to the state treasurer for deposit in the emergency medical
28 services and trauma care system trust account under RCW 70.168.040.

29 (8)(a) In addition to any other penalties imposed under this
30 section and not subject to the limitation of subsection (1) of this
31 section, a person found to have committed a traffic infraction other
32 than of RCW 46.61.527 shall be assessed an additional penalty of twenty
33 dollars. The court may not reduce, waive, or suspend the additional
34 penalty unless the court finds the offender to be indigent. If a court
35 authorized community restitution program for offenders is available in
36 the jurisdiction, the court (~~shall~~) may allow offenders to offset all

1 or a part of the penalty due under this subsection (8) by participation
2 in the court authorized community restitution program.

3 (b) Eight dollars and fifty cents of the additional penalty under
4 (a) of this subsection shall be remitted to the state treasurer. The
5 remaining revenue from the additional penalty must be remitted under
6 chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted
7 under this subsection to the state treasurer must be deposited as
8 provided in RCW 43.08.250. The balance of the revenue received by the
9 county or city treasurer under this subsection must be deposited into
10 the county or city current expense fund. Moneys retained by the city
11 or county under this subsection shall constitute reimbursement for any
12 liabilities under RCW 43.135.060.

13 (9) A person may not enter into a second or subsequent payment plan
14 if the person is in noncompliance with the terms of any existing or
15 prior plan.

16 (10) A person is not eligible to enter into a payment plan if any
17 delinquent amount owed by the person for any penalty imposed by the
18 court under this section has been assigned to a collection agency and
19 legal action has commenced to collect the delinquent amount.

20 **Sec. 15.** RCW 46.64.025 and 1999 c 86 s 7 are each amended to read
21 as follows:

22 (1) Whenever any person violates his or her written promise to
23 appear in court, ((or)) fails to appear for a scheduled court hearing,
24 or fails to comply with the terms of a citation, the court in which the
25 defendant failed to appear or comply shall promptly give notice of such
26 fact to the department of licensing. Whenever thereafter the case in
27 which the defendant failed to appear or comply is adjudicated, the
28 court hearing the case shall promptly file with the department a
29 certificate showing that the case has been adjudicated.

30 (2)(a) Where compliance with the terms of a misdemeanor citation is
31 limited to the payment of a monetary penalty, fee, cost, assessment, or
32 other monetary obligation, and the court determines, in its discretion,
33 that a person is not able to pay the monetary obligation in full, and
34 not more than one year has passed since the effective date of this act
35 or the date the monetary obligation initially became due and payable,
36 the court shall enter into a payment plan with the person, unless the

1 person has previously been granted a payment plan with respect to the
2 same monetary obligation, in which case the court may, at its
3 discretion, implement a payment plan. "Payment plan," as used in this
4 section, means a plan that requires reasonable payments based on the
5 financial ability of the person to pay. The person may voluntarily pay
6 any amount at any time in addition to these payments. If a person has
7 entered into a payment plan under this subsection, the court shall not
8 notify the department of licensing that the person has failed to comply
9 with the terms of a citation as it applies to payment of the monetary
10 obligation unless a payment required to be made under the payment plan
11 is delinquent.

12 (b) If the payment plan is to be administered by the court, the
13 court may assess the person a reasonable administrative fee to be
14 wholly retained by the city or county with jurisdiction. The
15 administrative fee shall not exceed ten dollars per infraction or
16 twenty-five dollars per payment plan, whichever is less.

17 (c) Nothing in this section precludes a court from contracting with
18 outside entities to administer its payment plan system. When outside
19 entities are used for the administration of a payment plan, the court
20 may assess the person a reasonable fee for such administrative
21 services, which fee may be calculated on a periodic, percentage, or
22 other basis. Fees collected under this subsection shall be wholly
23 retained by the city or county with jurisdiction, for payment to its
24 outside entity.

25 (d) A person may not enter into a second or subsequent payment plan
26 if the person is in noncompliance with the terms of any existing or
27 prior plan.

28 (e) A person is not eligible to enter into a payment plan if any
29 delinquent amount owed by the person for any penalty imposed by the
30 court under this section has been assigned to a collection agency and
31 legal action has commenced to collect the delinquent amount."

32 Renumber the remaining sections consecutively, correct any internal
33 references accordingly, and correct the title.

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