

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 1033

58th Legislature
2003 Regular Session

Passed by the House April 23, 2003
Yeas 98 Nays 0

Speaker of the House of Representatives

Passed by the Senate April 26, 2003
Yeas 48 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Cynthia Zehnder, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1033** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 1033

AS AMENDED BY THE SENATE

Passed Legislature - 2003 Regular Session

State of Washington 58th Legislature 2003 Regular Session

By House Committee on Judiciary (originally sponsored by
Representatives Kirby, Cooper, Sullivan and Lantz)

READ FIRST TIME 01/28/03.

1 AN ACT Relating to driver's licenses; amending RCW 46.64.025; and
2 reenacting and amending RCW 46.20.391 and 46.63.110.

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

4 **Sec. 1.** RCW 46.20.391 and 1999 c 274 s 4 and 1999 c 272 s 1 are
5 each reenacted and amended to read as follows:

6 (1) Any person licensed under this chapter who is convicted of an
7 offense relating to motor vehicles for which suspension or revocation
8 of the driver's license is mandatory, other than vehicular homicide or
9 vehicular assault, or who has had his or her license suspended under
10 RCW 46.20.3101 (2)(a) or (3)(a), may submit to the department an
11 application for an occupational driver's license. The department, upon
12 receipt of the prescribed fee and upon determining that the petitioner
13 is engaged in an occupation or trade that makes it essential that the
14 petitioner operate a motor vehicle, may issue an occupational driver's
15 license and may set definite restrictions as provided in RCW 46.20.394.
16 No person may petition for, and the department shall not issue, an
17 occupational driver's license that is effective during the first thirty
18 days of any suspension or revocation imposed either for a violation of
19 RCW 46.61.502 or 46.61.504 or under RCW 46.20.3101 (2)(a) or (3)(a), or

1 for both a violation of RCW 46.61.502 or 46.61.504 and under RCW
2 46.20.3101 (2)(a) or (3)(a) where the action arises from the same
3 incident. A person aggrieved by the decision of the department on the
4 application for an occupational driver's license may request a hearing
5 as provided by rule of the department.

6 (2)(a) A person licensed under this chapter whose driver's license
7 is suspended administratively due to failure to appear or pay a traffic
8 ticket under RCW 46.20.289; a violation of the financial responsibility
9 laws under chapter 46.29 RCW; or for multiple violations within a
10 specified period of time under RCW 46.20.291, may apply to the
11 department for an occupational driver's license if the applicant
12 demonstrates to the satisfaction of the department that one of the
13 following additional conditions are met:

14 (i) The applicant is in an apprenticeship program (~~((or))~~), an on-
15 the-job training program (~~((for which))~~), or is gainfully employed and a
16 driver's license is required;

17 (ii) The applicant presents evidence that he or she has applied for
18 a position in an apprenticeship or on-the-job training program and the
19 program has certified that a driver's license is required to begin the
20 program, provided that a license granted under this provision shall be
21 in effect no longer than fourteen days;

22 (iii) The applicant is in a program that assists persons who are
23 enrolled in a WorkFirst program pursuant to chapter 74.08A RCW to
24 become gainfully employed and the program requires a driver's license;
25 or

26 (iv) The applicant is undergoing substance abuse treatment or is
27 participating in meetings of a twelve-step group such as alcoholics
28 anonymous.

29 (b) If the suspension is for failure to respond, pay, or comply
30 with a notice of traffic infraction or conviction, (~~((the))~~) applicants
31 must be offered the opportunity to enter into a payment plan with the
32 court, subject to the court's discretion as to the individual
33 applicant.

34 (c) An occupational driver's license issued to an applicant
35 described in (a) of this subsection shall be valid for the period of
36 the suspension or revocation but not more than two years. The
37 suspension or revocation of the regular driver's license shall not be
38 affected by the issuance of an occupational license. The two-year

1 period is to provide an opportunity for the applicant to work in order
2 to satisfy any penalties or other sanctions imposed by the court which
3 are the causes of the suspension or revocation of his or her regular
4 driver's license.

5 (d) Upon receipt of evidence that a holder of an occupational
6 driver's license granted under this subsection is no longer enrolled in
7 an apprenticeship (~~(or)~~) program, on-the-job training program, or is no
8 longer gainfully employed, the director shall give written notice by
9 first class mail to the driver that the occupational driver's license
10 shall be canceled. The effective date of cancellation shall be fifteen
11 days from the date of mailing the notice. If at any time before the
12 cancellation goes into effect the driver submits evidence of continued
13 enrollment in the program or continued employment, the cancellation
14 shall be stayed. If the cancellation becomes effective, the driver may
15 obtain, at no additional charge, a new occupational driver's license
16 upon submittal of evidence of enrollment in another program that meets
17 the criteria set forth in this subsection.

18 (e) The department shall not issue an occupational driver's license
19 under (a)(iv) of this subsection if the applicant is able to receive
20 transit services sufficient to allow for the applicant's participation
21 in the programs referenced under (a)(iv) of this subsection.

22 (3) An applicant for an occupational driver's license is eligible
23 to receive such license only if:

24 (a) Within one year immediately preceding the date of the offense
25 that gave rise to the present conviction, the applicant has not
26 committed any offense relating to motor vehicles for which suspension
27 or revocation of a driver's license is mandatory; and

28 (b) Within seven years immediately preceding the date of the
29 offense that gave rise to the present conviction or incident, the
30 applicant has not committed any of the following offenses: (i) Driving
31 or being in actual physical control of a motor vehicle while under the
32 influence of intoxicating liquor; (ii) vehicular homicide under RCW
33 46.61.520; or (iii) vehicular assault under RCW 46.61.522; and

34 (c) The applicant is engaged in an occupation or trade that makes
35 it essential that he or she operate a motor vehicle, except as allowed
36 under subsection (2)(a) of this section; and

37 (d) The applicant files satisfactory proof of financial
38 responsibility under chapter 46.29 RCW; and

1 (e) The applicant, if the suspension or revocation is a result of
2 a conviction of RCW 46.61.502 or 46.61.504 or administrative action
3 under RCW 46.20.3101, submits written verification of installation of
4 an ignition interlock or other biological or technical device on the
5 vehicle he or she intends to operate.

6 (4) The director shall cancel an occupational driver's license upon
7 receipt of notice that the holder thereof has been convicted of
8 operating a motor vehicle in violation of its restrictions, or of a
9 separate offense that under chapter 46.20 RCW would warrant suspension
10 or revocation of a regular driver's license. The cancellation is
11 effective as of the date of the conviction, and continues with the same
12 force and effect as any suspension or revocation under this title.

13 (5) No person may petition for, and the department shall not issue,
14 an occupational driver's license to any person if the person previously
15 entered into a payment plan under subsection (2)(b) of this section and
16 the person has failed to satisfy payment of all obligations included in
17 the payment plan.

18 (6) Any person issued an occupational driver's license whose
19 license suspension or revocation is a result of a conviction of RCW
20 46.61.502 or 46.61.504 or administrative action under RCW 46.20.3101
21 may drive only a motor vehicle equipped with a functioning ignition
22 interlock or other biological or technical device for the duration of
23 the period for which the occupational driver's license is valid.

24 **Sec. 2.** RCW 46.63.110 and 2002 c 279 s 15 and 2002 c 175 s 36 are
25 each reenacted and amended to read as follows:

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

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

33 (3) The supreme court shall prescribe by rule a schedule of
34 monetary penalties for designated traffic infractions. This rule shall
35 also specify the conditions under which local courts may exercise
36 discretion in assessing fines and penalties for traffic infractions.

1 The legislature respectfully requests the supreme court to adjust this
2 schedule every two years for inflation.

3 (4) 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 (5) 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 (6)(a) 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 have
23 available the option of a payment plan by which the penalty is to be
24 paid within eighteen months. However, it is in the court's discretion
25 whether to allow a person, under this section, to enter into a payment
26 plan with the court. The court may allow a person to enter into a
27 payment plan if the person (i) is not able to pay a monetary penalty in
28 full when it is imposed; (ii) has had a monetary penalty imposed within
29 the previous twelve months and the penalty has not been paid in full;
30 or (iii) is currently in a payment plan for a previously imposed
31 penalty and a new monetary penalty is imposed by a court. The court
32 may, but need not, rearrange the earlier payment plan to include the
33 new penalty or may enter into a separate payment plan. In the event
34 that a payment plan is requested by a person owing a monetary penalty
35 and the court, under RCW 3.02.045, has sent the person's existing debt
36 to a collection agency due to the person's failure to satisfy his or
37 her obligations, the court may, but need not, remove the account from

1 the collection agency in order to create a payment plan. Nothing in
2 this act requires the court to remove an account from collection.

3 (b) If a payment required to be made under the payment plan is
4 delinquent by thirty days, the court shall notify the department of the
5 failure to pay the penalty, and the department shall suspend the
6 person's driver's license or driving privilege until the penalty has
7 been paid (~~and~~), including the penalty provided in subsection (4) of
8 this section (~~has been paid~~).

9 (c) If the court requires a person to enter into a payment plan and
10 he or she does not do so or has entered into a payment plan but has not
11 paid the penalty in full within not more than eighteen months of the
12 initial payment, the court shall notify the department of the
13 delinquency, and the department shall suspend the person's driver's
14 license or driving privilege until the penalty has been paid, including
15 the penalty provided in subsection (3) of this section.

16 (d) "Payment plan," as used in this subsection, means a plan that
17 requires a person to pay an initial payment, followed by reasonable
18 payments in an amount established by the court. The person may
19 voluntarily pay any amount at any time in addition to these payments.

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

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

37 (b) Revenue from the additional penalty must be remitted under
38 chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted

1 under this subsection to the state treasurer must be deposited as
2 provided in RCW 43.08.250. The balance of the revenue received by the
3 county or city treasurer under this subsection must be deposited into
4 the county or city current expense fund. Moneys retained by the city
5 or county under this subsection shall constitute reimbursement for any
6 liabilities under RCW 43.135.060.

7 **Sec. 3.** RCW 46.64.025 and 1999 c 86 s 7 are each amended to read
8 as follows:

9 (1) Whenever any person violates his or her written promise to
10 appear in court, ((or)) fails to appear for a scheduled court hearing,
11 or fails to comply with the terms of a citation, the court in which the
12 defendant failed to appear or comply shall promptly give notice of such
13 fact to the department of licensing. Whenever thereafter the case in
14 which the defendant failed to appear or comply is adjudicated, the
15 court hearing the case shall promptly file with the department a
16 certificate showing that the case has been adjudicated.

17 (2)(a) Where compliance with the terms of a misdemeanor citation is
18 limited to the payment of a monetary penalty, and a person is not able
19 to pay the monetary penalty in full, the court may enter into a payment
20 plan with the person. The court shall have available the option of a
21 payment plan. However, it is in the court's discretion whether to
22 allow a person, under this section, to enter into a payment plan with
23 the court. If a person has entered into a payment plan under this
24 subsection, the court shall not notify the department of licensing that
25 the person has failed to comply with the terms of a citation as it
26 applies to payment of the monetary penalty unless a payment required to
27 be made under the payment plan is delinquent by thirty days or the
28 penalty is not paid in full within not more than eighteen months of the
29 initial payment.

30 (b) "Payment plan," as used in this subsection, means a plan that
31 requires a person to pay an initial payment, followed by reasonable
32 payments in an amount established by the court. The person may
33 voluntarily pay any amount at any time in addition to these payments.

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