
SUBSTITUTE SENATE BILL 5936

State of Washington

58th Legislature

2004 Regular Session

By Senate Committee on Highways & Transportation (originally sponsored by Senator Haugen)

READ FIRST TIME 01/29/04.

1 AN ACT Relating to penalties for improper use of high-occupancy
2 vehicle lanes; amending RCW 46.61.165, 46.63.110, and 3.62.090;
3 reenacting and amending RCW 43.84.092 and 43.84.092; adding a new
4 section to chapter 46.68 RCW; prescribing penalties; providing an
5 effective date; and providing an expiration date.

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

7 **Sec. 1.** RCW 46.61.165 and 1999 c 206 s 1 are each amended to read
8 as follows:

9 The state department of transportation and the local authorities
10 are authorized to reserve all or any portion of any highway under their
11 respective jurisdictions, including any designated lane or ramp, for
12 the exclusive or preferential use of public transportation vehicles or
13 private motor vehicles carrying no fewer than a specified number of
14 passengers when such limitation will increase the efficient utilization
15 of the highway or will aid in the conservation of energy resources.
16 Regulations authorizing such exclusive or preferential use of a highway
17 facility may be declared to be effective at all times or at specified
18 times of day or on specified days. Violation of a restriction of

1 highway usage prescribed by the appropriate authority under this
2 section is a traffic infraction subject to monetary penalty as
3 prescribed by RCW 46.63.110.

4 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.68 RCW
5 to read as follows:

6 The high-occupancy vehicle lane enforcement and education account
7 is created in the custody of the state treasurer. The receipts from
8 the additional penalty on high-occupancy vehicle lane violations as
9 distributed under RCW 46.63.110(9) must be deposited into the account.
10 Expenditures from the account may only be used for high-occupancy
11 vehicle lane enforcement and education activities. Moneys in the
12 account may be spent only after appropriation.

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

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

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

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

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

1 municipal, police, or district court, shall impose the monetary penalty
2 set by the local legislative body.

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

8 (6) Whenever a monetary penalty is imposed by a court under this
9 chapter it is immediately payable. If the person is unable to pay at
10 that time the court may, in its discretion, grant an extension of the
11 period in which the penalty may be paid. If the penalty is not paid on
12 or before the time established for payment the court shall notify the
13 department of the failure to pay the penalty, and the department shall
14 suspend the person's driver's license or driving privilege until the
15 penalty has been paid and the penalty provided in subsection (4) of
16 this section has been paid.

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

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

34 (b) Eight dollars and fifty cents of the additional penalty under
35 (a) of this subsection shall be remitted to the state treasurer. The
36 remaining revenue from the additional penalty must be remitted under
37 chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted
38 under this subsection to the state treasurer must be deposited as

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

6 (9)(a) In addition to any other penalties imposed under this
7 section and not subject to the limitation of subsection (1) of this
8 section, a person found to have committed an infraction related to
9 high-occupancy vehicle lane restrictions must be assessed an additional
10 penalty of one hundred dollars. The court may not reduce, waive, or
11 suspend the additional penalty under any circumstances.

12 (b) The additional penalty shall be distributed as follows:

13 (i) Fifty dollars of the additional penalty shall be forwarded to
14 the state treasurer for deposit in the high-occupancy vehicle lane
15 enforcement and education account created in section 2 of this act.

16 (ii) Fifty dollars of the additional penalty shall be forwarded to
17 the state treasurer for deposit in the motor vehicle account.

18 **Sec. 4.** RCW 3.62.090 and 2003 c 380 s 1 are each amended to read
19 as 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 by all courts organized under Title 3 or 35 RCW a public safety and
23 education assessment equal to seventy percent of such fines,
24 forfeitures, or penalties, which shall be remitted as provided in
25 chapters 3.46, 3.50, 3.62, and 35.20 RCW. The assessment required by
26 this section shall not be suspended or waived by the court.

27 (2) There shall be assessed and collected in addition to any fines,
28 forfeitures, or penalties assessed, other than for parking infractions
29 and for fines levied under RCW 46.61.5055, and in addition to the
30 public safety and education assessment required under subsection (1) of
31 this section, by all courts organized under Title 3 or 35 RCW, an
32 additional public safety and education assessment equal to fifty
33 percent of the public safety and education assessment required under
34 subsection (1) of this section, which shall be remitted to the state
35 treasurer and deposited as provided in RCW 43.08.250. The additional
36 assessment required by this subsection shall not be suspended or waived
37 by the court.

1 (3) This section does not apply to the fee imposed under RCW
2 46.63.110(7) or the penalty imposed under RCW 46.63.110 (8) or (9).

3 **Sec. 5.** RCW 43.84.092 and 2003 c 361 s 602, 2003 c 324 s 1, and
4 2003 c 48 s 2 are each reenacted and amended to read as follows:

5 (1) All earnings of investments of surplus balances in the state
6 treasury shall be deposited to the treasury income account, which
7 account is hereby established in the state treasury.

8 (2) The treasury income account shall be utilized to pay or receive
9 funds associated with federal programs as required by the federal cash
10 management improvement act of 1990. The treasury income account is
11 subject in all respects to chapter 43.88 RCW, but no appropriation is
12 required for refunds or allocations of interest earnings required by
13 the cash management improvement act. Refunds of interest to the
14 federal treasury required under the cash management improvement act
15 fall under RCW 43.88.180 and shall not require appropriation. The
16 office of financial management shall determine the amounts due to or
17 from the federal government pursuant to the cash management improvement
18 act. The office of financial management may direct transfers of funds
19 between accounts as deemed necessary to implement the provisions of the
20 cash management improvement act, and this subsection. Refunds or
21 allocations shall occur prior to the distributions of earnings set
22 forth in subsection (4) of this section.

23 (3) Except for the provisions of RCW 43.84.160, the treasury income
24 account may be utilized for the payment of purchased banking services
25 on behalf of treasury funds including, but not limited to, depository,
26 safekeeping, and disbursement functions for the state treasury and
27 affected state agencies. The treasury income account is subject in all
28 respects to chapter 43.88 RCW, but no appropriation is required for
29 payments to financial institutions. Payments shall occur prior to
30 distribution of earnings set forth in subsection (4) of this section.

31 (4) Monthly, the state treasurer shall distribute the earnings
32 credited to the treasury income account. The state treasurer shall
33 credit the general fund with all the earnings credited to the treasury
34 income account except:

35 (a) The following accounts and funds shall receive their
36 proportionate share of earnings based upon each account's and fund's
37 average daily balance for the period: The capitol building

1 construction account, the Cedar River channel construction and
2 operation account, the Central Washington University capital projects
3 account, the charitable, educational, penal and reformatory
4 institutions account, the common school construction fund, the county
5 criminal justice assistance account, the county sales and use tax
6 equalization account, the data processing building construction
7 account, the deferred compensation administrative account, the deferred
8 compensation principal account, the department of retirement systems
9 expense account, the drinking water assistance account, the drinking
10 water assistance administrative account, the drinking water assistance
11 repayment account, the Eastern Washington University capital projects
12 account, the education construction fund, the election account, the
13 emergency reserve fund, The Evergreen State College capital projects
14 account, the federal forest revolving account, the health services
15 account, the public health services account, the health system capacity
16 account, the personal health services account, the state higher
17 education construction account, the higher education construction
18 account, the high-occupancy vehicle lane enforcement and education
19 account, the highway infrastructure account, the industrial insurance
20 premium refund account, the judges' retirement account, the judicial
21 retirement administrative account, the judicial retirement principal
22 account, the local leasehold excise tax account, the local real estate
23 excise tax account, the local sales and use tax account, the medical
24 aid account, the mobile home park relocation fund, the multimodal
25 transportation account, the municipal criminal justice assistance
26 account, the municipal sales and use tax equalization account, the
27 natural resources deposit account, the oyster reserve land account, the
28 perpetual surveillance and maintenance account, the public employees'
29 retirement system plan 1 account, the public employees' retirement
30 system combined plan 2 and plan 3 account, the public facilities
31 construction loan revolving account beginning July 1, 2004, the public
32 health supplemental account, the Puyallup tribal settlement account,
33 the regional transportation investment district account, the resource
34 management cost account, the site closure account, the special wildlife
35 account, the state employees' insurance account, the state employees'
36 insurance reserve account, the state investment board expense account,
37 the state investment board commingled trust fund accounts, the
38 supplemental pension account, the Tacoma Narrows toll bridge account,

1 the teachers' retirement system plan 1 account, the teachers'
2 retirement system combined plan 2 and plan 3 account, the tobacco
3 prevention and control account, the tobacco settlement account, the
4 transportation infrastructure account, the tuition recovery trust fund,
5 the University of Washington bond retirement fund, the University of
6 Washington building account, the volunteer fire fighters' and reserve
7 officers' relief and pension principal fund, the volunteer fire
8 fighters' and reserve officers' administrative fund, the Washington
9 fruit express account, the Washington judicial retirement system
10 account, the Washington law enforcement officers' and fire fighters'
11 system plan 1 retirement account, the Washington law enforcement
12 officers' and fire fighters' system plan 2 retirement account, the
13 Washington school employees' retirement system combined plan 2 and 3
14 account, the Washington state health insurance pool account, the
15 Washington state patrol retirement account, the Washington State
16 University building account, the Washington State University bond
17 retirement fund, the water pollution control revolving fund, and the
18 Western Washington University capital projects account. Earnings
19 derived from investing balances of the agricultural permanent fund, the
20 normal school permanent fund, the permanent common school fund, the
21 scientific permanent fund, and the state university permanent fund
22 shall be allocated to their respective beneficiary accounts. All
23 earnings to be distributed under this subsection (4)(a) shall first be
24 reduced by the allocation to the state treasurer's service fund
25 pursuant to RCW 43.08.190.

26 (b) The following accounts and funds shall receive eighty percent
27 of their proportionate share of earnings based upon each account's or
28 fund's average daily balance for the period: The aeronautics account,
29 the aircraft search and rescue account, the county arterial
30 preservation account, the department of licensing services account, the
31 essential rail assistance account, the ferry bond retirement fund, the
32 grade crossing protective fund, the high capacity transportation
33 account, the highway bond retirement fund, the highway safety account,
34 the motor vehicle fund, the motorcycle safety education account, the
35 pilotage account, the public transportation systems account, the Puget
36 Sound capital construction account, the Puget Sound ferry operations
37 account, the recreational vehicle account, the rural arterial trust
38 account, the safety and education account, the special category C

1 account, the state patrol highway account, the transportation 2003
2 account (nickel account), the transportation equipment fund, the
3 transportation fund, the transportation improvement account, the
4 transportation improvement board bond retirement account, and the urban
5 arterial trust account.

6 (5) In conformance with Article II, section 37 of the state
7 Constitution, no treasury accounts or funds shall be allocated earnings
8 without the specific affirmative directive of this section.

9 **Sec. 6.** RCW 43.84.092 and 2003 c 361 s 602, 2003 c 324 s 1, 2003
10 c 150 s 2, and 2003 c 48 s 2 are each reenacted and amended to read as
11 follows:

12 (1) All earnings of investments of surplus balances in the state
13 treasury shall be deposited to the treasury income account, which
14 account is hereby established in the state treasury.

15 (2) The treasury income account shall be utilized to pay or receive
16 funds associated with federal programs as required by the federal cash
17 management improvement act of 1990. The treasury income account is
18 subject in all respects to chapter 43.88 RCW, but no appropriation is
19 required for refunds or allocations of interest earnings required by
20 the cash management improvement act. Refunds of interest to the
21 federal treasury required under the cash management improvement act
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23 office of financial management shall determine the amounts due to or
24 from the federal government pursuant to the cash management improvement
25 act. The office of financial management may direct transfers of funds
26 between accounts as deemed necessary to implement the provisions of the
27 cash management improvement act, and this subsection. Refunds or
28 allocations shall occur prior to the distributions of earnings set
29 forth in subsection (4) of this section.

30 (3) Except for the provisions of RCW 43.84.160, the treasury income
31 account may be utilized for the payment of purchased banking services
32 on behalf of treasury funds including, but not limited to, depository,
33 safekeeping, and disbursement functions for the state treasury and
34 affected state agencies. The treasury income account is subject in all
35 respects to chapter 43.88 RCW, but no appropriation is required for
36 payments to financial institutions. Payments shall occur prior to
37 distribution of earnings set forth in subsection (4) of this section.

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2 credited to the treasury income account. The state treasurer shall
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4 income account except:

5 (a) The following accounts and funds shall receive their
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8 construction account, the Cedar River channel construction and
9 operation account, the Central Washington University capital projects
10 account, the charitable, educational, penal and reformatory
11 institutions account, the common school construction fund, the county
12 criminal justice assistance account, the county sales and use tax
13 equalization account, the data processing building construction
14 account, the deferred compensation administrative account, the deferred
15 compensation principal account, the department of retirement systems
16 expense account, the drinking water assistance account, the drinking
17 water assistance administrative account, the drinking water assistance
18 repayment account, the Eastern Washington University capital projects
19 account, the education construction fund, the election account, the
20 emergency reserve fund, The Evergreen State College capital projects
21 account, the federal forest revolving account, the health services
22 account, the public health services account, the health system capacity
23 account, the personal health services account, the state higher
24 education construction account, the higher education construction
25 account, the high-occupancy vehicle lane enforcement and education
26 account, the highway infrastructure account, the industrial insurance
27 premium refund account, the judges' retirement account, the judicial
28 retirement administrative account, the judicial retirement principal
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30 excise tax account, the local sales and use tax account, the medical
31 aid account, the mobile home park relocation fund, the multimodal
32 transportation account, the municipal criminal justice assistance
33 account, the municipal sales and use tax equalization account, the
34 natural resources deposit account, the oyster reserve land account, the
35 perpetual surveillance and maintenance account, the public employees'
36 retirement system plan 1 account, the public employees' retirement
37 system combined plan 2 and plan 3 account, the public facilities
38 construction loan revolving account beginning July 1, 2004, the public

1 health supplemental account, the public works assistance account, the
2 Puyallup tribal settlement account, the regional transportation
3 investment district account, the resource management cost account, the
4 site closure account, the special wildlife account, the state
5 employees' insurance account, the state employees' insurance reserve
6 account, the state investment board expense account, the state
7 investment board commingled trust fund accounts, the supplemental
8 pension account, the Tacoma Narrows toll bridge account, the teachers'
9 retirement system plan 1 account, the teachers' retirement system
10 combined plan 2 and plan 3 account, the tobacco prevention and control
11 account, the tobacco settlement account, the transportation
12 infrastructure account, the tuition recovery trust fund, the University
13 of Washington bond retirement fund, the University of Washington
14 building account, the volunteer fire fighters' and reserve officers'
15 relief and pension principal fund, the volunteer fire fighters' and
16 reserve officers' administrative fund, the Washington fruit express
17 account, the Washington judicial retirement system account, the
18 Washington law enforcement officers' and fire fighters' system plan 1
19 retirement account, the Washington law enforcement officers' and fire
20 fighters' system plan 2 retirement account, the Washington school
21 employees' retirement system combined plan 2 and 3 account, the
22 Washington state health insurance pool account, the Washington state
23 patrol retirement account, the Washington State University building
24 account, the Washington State University bond retirement fund, the
25 water pollution control revolving fund, and the Western Washington
26 University capital projects account. Earnings derived from investing
27 balances of the agricultural permanent fund, the normal school
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31 distributed under this subsection (4)(a) shall first be reduced by the
32 allocation to the state treasurer's service fund pursuant to RCW
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38 preservation account, the department of licensing services account, the

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3 account, the highway bond retirement fund, the highway safety account,
4 the motor vehicle fund, the motorcycle safety education account, the
5 pilotage account, the public transportation systems account, the Puget
6 Sound capital construction account, the Puget Sound ferry operations
7 account, the recreational vehicle account, the rural arterial trust
8 account, the safety and education account, the special category C
9 account, the state patrol highway account, the transportation 2003
10 account (nickel account), the transportation equipment fund, the
11 transportation fund, the transportation improvement account, the
12 transportation improvement board bond retirement account, and the urban
13 arterial trust account.

14 (5) In conformance with Article II, section 37 of the state
15 Constitution, no treasury accounts or funds shall be allocated earnings
16 without the specific affirmative directive of this section.

17 NEW SECTION. **Sec. 7.** Section 5 of this act expires July 1, 2005.

18 NEW SECTION. **Sec. 8.** Section 6 of this act takes effect July 1,
19 2005.

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