
SUBSTITUTE SENATE BILL 6564

State of Washington

58th Legislature

2004 Regular Session

By Senate Committee on Judiciary (originally sponsored by Senators Kline, Esser, Franklin, Roach, Berkey, Shin, Kastama, Prentice, Brandland, Regala, Johnson, Keiser, Thibaudeau and Winsley)

READ FIRST TIME 02/06/04.

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

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-the-~~
15 ~~job training program for which~~) is gainfully employed and a driver's
16 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 applicant must
31 enter into a payment plan with the court unless such a plan is not
32 available.

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

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

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

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

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

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

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

33 (d) The applicant files satisfactory proof of financial
34 responsibility under chapter 46.29 RCW.

35 (4) The director shall cancel an occupational driver's license upon
36 receipt of notice that the holder thereof has been convicted of
37 operating a motor vehicle in violation of its restrictions, or of a
38 separate offense that under chapter 46.20 RCW would warrant suspension

1 or revocation of a regular driver's license. The cancellation is
2 effective as of the date of the conviction, and continues with the same
3 force and effect as any suspension or revocation under this title.

4 **Sec. 2.** RCW 46.63.110 and 2003 c 380 s 2 are each amended to read
5 as follows:

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

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

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

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

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

34 (6) Whenever a monetary penalty, fee, cost, assessment, or other
35 monetary obligation is imposed by a court under this chapter it is
36 immediately payable. If the ~~((person is unable to pay at that time the~~
37 ~~court may, in its discretion, grant an extension of the period in which~~

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

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

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

35 (c) If the payment plan is to be administered by the court, the
36 court may assess the person a reasonable administrative fee to be
37 wholly retained by the city or county with jurisdiction. The

1 administrative fee shall not exceed ten dollars per infraction or
2 twenty-five dollars per payment plan, whichever is less.

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

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

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 court
30 authorized community restitution program for offenders is available in
31 the jurisdiction, the court (~~shall~~) may allow offenders to offset all
32 or a part of the penalty due under this subsection (8) by participation
33 in the court authorized 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 person may not enter into a second or subsequent payment plan
7 if the person is in noncompliance with the terms of any existing or
8 prior plan.

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

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

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

23 (2)(a) Where compliance with the terms of a misdemeanor citation is
24 limited to the payment of a monetary penalty, fee, cost, assessment, or
25 other monetary obligation, and the court determines, in its discretion,
26 that a person is not able to pay the monetary obligation in full, and
27 not more than one year has passed since the effective date of this act
28 or the date the monetary obligation initially became due and payable,
29 the court shall enter into a payment plan with the person, unless the
30 person has previously been granted a payment plan with respect to the
31 same monetary obligation, in which case the court may, at its
32 discretion, implement a payment plan. "Payment plan," as used in this
33 section, means a plan that requires reasonable payments based on the
34 financial ability of the person to pay. The person may voluntarily pay
35 any amount at any time in addition to these payments. If a person has
36 entered into a payment plan under this subsection, the court shall not
37 notify the department of licensing that the person has failed to comply

1 with the terms of a citation as it applies to payment of the monetary
2 obligation unless a payment required to be made under the payment plan
3 is delinquent.

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

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

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

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

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