

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5723

Chapter 403, Laws of 2019

66th Legislature
2019 Regular Session

VULNERABLE ROADWAY USERS--SAFETY

EFFECTIVE DATE: January 1, 2020

Passed by the Senate April 22, 2019
Yeas 43 Nays 5

CYRUS HABIB

President of the Senate

Passed by the House April 9, 2019
Yeas 70 Nays 26

FRANK CHOPP

Speaker of the House of Representatives

Approved May 13, 2019 4:54 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5723** as passed by the Senate and the House of Representatives on the dates hereon set forth.

BRAD HENDRICKSON

Secretary

FILED

May 16, 2019

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5723

AS AMENDED BY THE HOUSE

Passed Legislature - 2019 Regular Session

State of Washington

66th Legislature

2019 Regular Session

By Senate Transportation (originally sponsored by Senators Randall, Saldaña, Lias, Rolfes, Billig, and Nguyen)

READ FIRST TIME 03/01/19.

1 AN ACT Relating to increasing safety on roadways for pedestrians,
2 bicyclists, and other roadway users; amending RCW 46.04.071,
3 46.61.110, 46.61.145, 46.61.180, 46.61.185, 46.61.190, 46.61.205,
4 46.61.250, 46.61.770, 3.62.090, 2.68.040, and 46.63.110; reenacting
5 and amending RCW 43.84.092; creating a new section; prescribing
6 penalties; and providing an effective date.

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

8 NEW SECTION. **Sec. 1.** The legislature finds that a number of the
9 collision types that have resulted in a high number of serious
10 injuries and deaths of vulnerable roadway users can be associated
11 with certain types of traffic infractions. To address the heightened
12 risk to vulnerable roadway users when violations of these traffic
13 infractions occur, the legislature intends to: (1) Introduce an
14 additional fine as a penalty for drivers who commit these violations
15 against a vulnerable roadway user; (2) modify when certain vulnerable
16 roadway users may be passed by motor vehicles; and (3) clarify when
17 and how pedestrians and bicyclists may use the roadway. To increase
18 enforcement of all traffic infractions and offenses committed against
19 vulnerable roadway users, the legislature intends for revenue that is
20 collected from the new fine to be dedicated to the education of law
21 enforcement officers, prosecutors, and judges about opportunities for

1 the enforcement of traffic violations committed against vulnerable
2 roadway users, with any remaining funds to be used to increase
3 awareness by the public of the risks and penalties associated with
4 these traffic violations. The goals of this act are to achieve a
5 reduction in the frequency with which drivers violate traffic laws
6 that endanger vulnerable roadway users and to encourage safe sharing
7 of the roadway by drivers, bicyclists, pedestrians, and other
8 vulnerable roadway users.

9 **Sec. 2.** RCW 46.04.071 and 2018 c 60 s 2 are each amended to read
10 as follows:

11 "Bicycle" means every device propelled solely by human power, or
12 an electric-assisted bicycle as defined in RCW 46.04.169, upon which
13 a person or persons may ride, having two tandem wheels either of
14 which is sixteen inches or more in diameter, or three wheels, any one
15 of which is (~~more than~~) twenty inches or more in diameter.

16 **Sec. 3.** RCW 46.61.110 and 2005 c 396 s 1 are each amended to
17 read as follows:

18 The following rules shall govern the overtaking and passing of
19 vehicles proceeding in the same direction(~~(, subject to those~~
20 ~~limitations, exceptions and special rules hereinafter stated)~~):

21 (1) (a) The driver of a vehicle overtaking other traffic
22 proceeding in the same direction shall pass to the left (~~(thereof)~~)
23 of it at a safe distance and shall not again drive to the right side
24 of the roadway until safely clear of the overtaken traffic.

25 (b) (i) When the vehicle being overtaken is a motorcycle, motor-
26 driven cycle, or moped, a driver of a motor vehicle found to be in
27 violation of (a) of this subsection must be assessed an additional
28 fine equal to the base penalty assessed under RCW 46.63.110(3). This
29 fine may not be waived, reduced, or suspended, unless the court finds
30 the offender to be indigent, and is not subject to the additional
31 fees and assessments that the base penalty for this violation is
32 subject to under RCW 2.68.040, 3.62.090, and 46.63.110.

33 (ii) The additional fine imposed under (b) (i) of this subsection
34 must be deposited into the vulnerable roadway user education account
35 created in RCW 46.61.145.

36 (2) (a) The driver of a vehicle approaching an individual who is
37 traveling as a pedestrian or on a bicycle ((that)), riding an animal,
38 or using a farm tractor or implement of husbandry without an enclosed

1 shell, and who is ((en)) traveling in the right lane of a roadway or
2 on the right-hand shoulder or bicycle lane of the roadway, shall
3 ((pass to the left at a safe distance to clearly avoid coming into
4 contact with the pedestrian or bicyclist, and shall not again drive
5 to the right side of the roadway until safely clear of the overtaken
6 pedestrian or bicyclist)):

7 (i) On a roadway with two lanes or more for traffic moving in the
8 direction of travel, before passing and until safely clear of the
9 individual, move completely into a lane to the left of the right lane
10 when it is safe to do so;

11 (ii) On a roadway with only one lane for traffic moving in the
12 direction of travel:

13 (A) When there is sufficient room to the left of the individual
14 in the lane for traffic moving in the direction of travel, before
15 passing and until safely clear of the individual:

16 (I) Reduce speed to a safe speed for passing relative to the
17 speed of the individual; and

18 (II) Pass at a safe distance, where practicable of at least three
19 feet, to clearly avoid coming into contact with the individual or the
20 individual's vehicle or animal; or

21 (B) When there is insufficient room to the left of the individual
22 in the lane for traffic moving in the direction of travel to comply
23 with (a)(ii)(A) of this subsection, before passing and until safely
24 clear of the individual, move completely into the lane for traffic
25 moving in the opposite direction when it is safe to do so and in
26 compliance with RCW 46.61.120 and 46.61.125.

27 (b) A driver of a motor vehicle found to be in violation of this
28 subsection (2) must be assessed an additional fine equal to the base
29 penalty assessed under RCW 46.63.110(3). This fine may not be waived,
30 reduced, or suspended, unless the court finds the offender to be
31 indigent, and is not subject to the additional fees and assessments
32 that the base penalty for this violation is subject to under RCW
33 2.68.040, 3.62.090, and 46.63.110.

34 (c) The additional fine imposed under (b) of this subsection must
35 be deposited into the vulnerable roadway user education account
36 created in RCW 46.61.145.

37 (d) For the purposes of this section, "vulnerable user of a
38 public way" has the same meaning as provided in RCW 46.61.526(11)(c).

39 (3) Except when overtaking and passing on the right is permitted,
40 overtaken traffic shall give way to the right in favor of an

1 overtaking vehicle on audible signal and shall not increase speed
2 until completely passed by the overtaking vehicle.

3 **Sec. 4.** RCW 46.61.145 and 1965 ex.s. c 155 s 24 are each amended
4 to read as follows:

5 (1) The driver of a motor vehicle shall not follow another
6 vehicle more closely than is reasonable and prudent, having due
7 regard for the speed of such vehicles and the traffic upon and the
8 condition of the highway.

9 (2) The driver of any motor truck or motor vehicle drawing
10 another vehicle when traveling upon a roadway outside of a business
11 or residence district and which is following another motor truck or
12 motor vehicle drawing another vehicle shall, whenever conditions
13 permit, leave sufficient space so that an overtaking vehicle may
14 enter and occupy such space without danger, except that this shall
15 not prevent a motor truck or motor vehicle drawing another vehicle
16 from overtaking and passing any like vehicle or other vehicle.

17 (3) Motor vehicles being driven upon any roadway outside of a
18 business or residence district in a caravan or motorcade whether or
19 not towing other vehicles shall be so operated as to allow sufficient
20 space between each such vehicle or combination of vehicles so as to
21 enable any other vehicle to enter and occupy such space without
22 danger. This provision shall not apply to funeral processions.

23 (4) (a) When the vehicle being followed is a vulnerable user of a
24 public way, a driver of a motor vehicle found to be in violation of
25 this section must be assessed an additional fine equal to the base
26 penalty assessed under RCW 46.63.110(3). This fine may not be waived,
27 reduced, or suspended, unless the court finds the offender to be
28 indigent, and is not subject to the additional fees and assessments
29 that the base penalty for this violation is subject to under RCW
30 2.68.040, 3.62.090, and 46.63.110.

31 (b) For the purposes of this section, "vulnerable user of a
32 public way" has the same meaning as provided in RCW 46.61.526(11) (c).

33 (5) The additional fine imposed under subsection (4) of this
34 section must be deposited into the vulnerable roadway user education
35 account created in subsection (6) of this section.

36 (6) The vulnerable roadway user education account is created in
37 the state treasury. All receipts from the additional fine in
38 subsection (4) of this section must be deposited into the account.
39 Moneys in the account may be spent only after appropriation.

1 Expenditures from the account may be used only by the Washington
2 traffic safety commission solely to:

3 (a) Support programs dedicated to increasing awareness by law
4 enforcement officers, prosecutors, and judges of opportunities for
5 the enforcement of traffic infractions and offenses committed against
6 vulnerable roadway users; and

7 (b) With any funds remaining once the program support specified
8 in (a) of this subsection has been provided, support programs
9 dedicated to increasing awareness by the public of the risks and
10 penalties associated with traffic infractions and offenses committed
11 against vulnerable roadway users.

12 **Sec. 5.** RCW 46.61.180 and 1975 c 62 s 26 are each amended to
13 read as follows:

14 (1) When two vehicles approach or enter an intersection from
15 different highways at approximately the same time, the driver of the
16 vehicle on the left shall yield the right-of-way to the vehicle on
17 the right.

18 (2) The right-of-way rule declared in subsection (1) of this
19 section is modified at arterial highways and otherwise as stated in
20 this chapter.

21 (3)(a) When the vehicle on the right approaching the intersection
22 is a vulnerable user of a public way, a driver of a motor vehicle
23 found to be in violation of this section must be assessed an
24 additional fine equal to the base penalty assessed under RCW
25 46.63.110(3). This fine may not be waived, reduced, or suspended,
26 unless the court finds the offender to be indigent, and is not
27 subject to the additional fees and assessments that the base penalty
28 for this violation is subject to under RCW 2.68.040, 3.62.090, and
29 46.63.110.

30 (b) For the purposes of this section, "vulnerable user of a
31 public way" has the same meaning as provided in RCW 46.61.526(11)(c).

32 (4) The additional fine imposed under subsection (3) of this
33 section must be deposited into the vulnerable roadway user education
34 account created in RCW 46.61.145.

35 **Sec. 6.** RCW 46.61.185 and 1965 ex.s. c 155 s 29 are each amended
36 to read as follows:

37 (1) The driver of a vehicle intending to turn to the left within
38 an intersection or into an alley, private road, or driveway shall

1 yield the right-of-way to any vehicle approaching from the opposite
2 direction which is within the intersection or so close thereto as to
3 constitute an immediate hazard.

4 (2)(a) When the vehicle approaching from the opposite direction
5 within the intersection or so close that it constitutes an immediate
6 hazard is a vulnerable user of a public way, a driver of a motor
7 vehicle found to be in violation of this section must be assessed an
8 additional fine equal to the base penalty assessed under RCW
9 46.63.110(3). This fine may not be waived, reduced, or suspended,
10 unless the court finds the offender to be indigent, and is not
11 subject to the additional fees and assessments that the base penalty
12 for this violation is subject to under RCW 2.68.040, 3.62.090, and
13 46.63.110.

14 (b) For the purposes of this section, "vulnerable user of a
15 public way" has the same meaning as provided in RCW 46.61.526(11)(c).

16 (3) The additional fine imposed under subsection (2) of this
17 section must be deposited into the vulnerable roadway user education
18 account created in RCW 46.61.145.

19 **Sec. 7.** RCW 46.61.190 and 2000 c 239 s 5 are each amended to
20 read as follows:

21 (1) Preferential right-of-way may be indicated by stop signs or
22 yield signs as authorized in RCW 47.36.110.

23 (2) Except when directed to proceed by a duly authorized flagger,
24 or a police officer, or a firefighter vested by law with authority to
25 direct, control, or regulate traffic, every driver of a vehicle
26 approaching a stop sign shall stop at a clearly marked stop line, but
27 if none, before entering a marked crosswalk on the near side of the
28 intersection or, if none, then at the point nearest the intersecting
29 roadway where the driver has a view of approaching traffic on the
30 intersecting roadway before entering the roadway, and after having
31 stopped shall yield the right-of-way to any vehicle in the
32 intersection or approaching on another roadway so closely as to
33 constitute an immediate hazard during the time when such driver is
34 moving across or within the intersection or junction of roadways.

35 (3) The driver of a vehicle approaching a yield sign shall in
36 obedience to such sign slow down to a speed reasonable for the
37 existing conditions and if required for safety to stop, shall stop at
38 a clearly marked stop line, but if none, before entering a marked
39 crosswalk on the near side of the intersection or if none, then at

1 the point nearest the intersecting roadway where the driver has a
2 view of approaching traffic on the intersecting roadway before
3 entering the roadway, and then after slowing or stopping, the driver
4 shall yield the right-of-way to any vehicle in the intersection or
5 approaching on another roadway so closely as to constitute an
6 immediate hazard during the time such driver is moving across or
7 within the intersection or junction of roadways: PROVIDED, That if
8 such a driver is involved in a collision with a vehicle in the
9 intersection or junction of roadways, after driving past a yield sign
10 without stopping, such collision shall be deemed prima facie evidence
11 of the driver's failure to yield right-of-way.

12 (4) (a) When right-of-way has not been yielded in accordance with
13 this section to a vehicle that is a vulnerable user of a public way,
14 a driver of a motor vehicle found to be in violation of this section
15 must be assessed an additional fine equal to the base penalty
16 assessed under RCW 46.63.110(3). This fine may not be waived,
17 reduced, or suspended, unless the court finds the offender to be
18 indigent, and is not subject to the additional fees and assessments
19 that the base penalty for this violation is subject to under RCW
20 2.68.040, 3.62.090, and 46.63.110.

21 (b) For the purposes of this section, "vulnerable user of a
22 public way" has the same meaning as provided in RCW 46.61.526(11) (c).

23 (5) The additional fine imposed under subsection (4) of this
24 section must be deposited into the vulnerable roadway user education
25 account created in RCW 46.61.145.

26 **Sec. 8.** RCW 46.61.205 and 1990 c 250 s 88 are each amended to
27 read as follows:

28 (1) The driver of a vehicle about to enter or cross a highway
29 from a private road or driveway shall yield the right-of-way to all
30 vehicles lawfully approaching on said highway.

31 (2) (a) When right-of-way has not been yielded in accordance with
32 this section to a vehicle that is a vulnerable user of a public way,
33 a driver of a motor vehicle found to be in violation of this section
34 must be assessed an additional fine equal to the base penalty
35 assessed under RCW 46.63.110(3). This fine may not be waived,
36 reduced, or suspended, unless the court finds the offender to be
37 indigent, and is not subject to the additional fees and assessments
38 that the base penalty for this violation is subject to under RCW
39 2.68.040, 3.62.090, and 46.63.110.

1 (b) For the purposes of this section, "vulnerable user of a
2 public way" has the same meaning as provided in RCW 46.61.526(11)(c).

3 (3) The additional fine imposed under subsection (2) of this
4 section must be deposited into the vulnerable roadway user education
5 account created in RCW 46.61.145.

6 **Sec. 9.** RCW 46.61.250 and 1990 c 241 s 6 are each amended to
7 read as follows:

8 (1) Where sidewalks are provided and are accessible, it is
9 unlawful for any pedestrian to walk or otherwise move along and upon
10 an adjacent roadway. Where sidewalks are provided but wheelchair
11 access is not available, ~~((disabled))~~ persons with disabilities who
12 require such access may walk or otherwise move along and upon an
13 adjacent roadway until they reach an access point in the sidewalk.

14 (2) Where sidewalks are not provided ~~((any))~~ or are inaccessible,
15 a pedestrian walking or otherwise moving along and upon a highway
16 shall~~((τ))~~:

17 (a) When ~~((practicable))~~ shoulders are provided and are
18 accessible, walk ~~((or move only))~~ on the ~~((left side of the roadway~~
19 ~~or its))~~ shoulder ~~((facing traffic which may approach from the~~
20 ~~opposite direction and))~~ of the roadway as far as is practicable from
21 the edge of the roadway, facing traffic when a shoulder is available
22 in this direction; or

23 (b) When shoulders are not provided or are inaccessible, walk as
24 near as is practicable to the outside edge of the roadway facing
25 traffic, and when practicable, move clear of the roadway upon meeting
26 an oncoming vehicle ~~((shall move clear of the roadway))~~.

27 (3) A pedestrian traveling to the nearest emergency reporting
28 device on a one-way roadway of a controlled access highway is not
29 required to travel facing traffic as otherwise required by subsection
30 (2) of this section.

31 **Sec. 10.** RCW 46.61.770 and 1982 c 55 s 7 are each amended to
32 read as follows:

33 (1) Every person operating a bicycle upon a roadway at a rate of
34 speed less than the normal flow of traffic at the particular time and
35 place shall ride as near to the right side of the right through lane
36 as is safe except ~~((as may be appropriate))~~:

37 (a) While preparing to make or while making turning movements~~((τ~~
38 or)) at an intersection or into a private road or driveway;

1 (b) When approaching an intersection where right turns are
2 permitted and there is a dedicated right turn lane, in which case a
3 person may operate a bicycle in this lane even if the operator does
4 not intend to turn right;

5 (c) While overtaking and passing another bicycle or vehicle
6 proceeding in the same direction; and

7 (d) When reasonably necessary to avoid unsafe conditions
8 including, but not limited to, fixed or moving objects, parked or
9 moving vehicles, bicyclists, pedestrians, animals, and surface
10 hazards.

11 (2) A person operating a bicycle upon a roadway or highway other
12 than a limited-access highway, which roadway or highway carries
13 traffic in one direction only and has two or more marked traffic
14 lanes, may ride as near to the left side of the left through lane as
15 is safe.

16 (3) A person operating a bicycle upon a roadway may use the
17 shoulder of the roadway or any specially designated bicycle lane (~~if~~
18 such exists)).

19 ~~((2))~~ (4) When the operator of a bicycle is using the travel
20 lane of a roadway with only one lane for traffic moving in the
21 direction of travel and it is wide enough for a bicyclist and a
22 vehicle to travel safely side-by-side within it, the bicycle operator
23 shall operate far enough to the right to facilitate the movement of
24 an overtaking vehicle unless other conditions make it unsafe to do so
25 or unless the bicyclist is preparing to make a turning movement or
26 while making a turning movement.

27 (5) Persons riding bicycles upon a roadway shall not ride more
28 than two abreast except on paths or parts of roadways set aside for
29 the exclusive use of bicycles.

30 **Sec. 11.** RCW 3.62.090 and 2004 c 15 s 5 are each amended to read
31 as follows:

32 (1) There shall be assessed and collected in addition to any
33 fines, forfeitures, or penalties assessed, other than for parking
34 infractions, by all courts organized under Title 3 or 35 RCW a public
35 safety and education assessment equal to seventy percent of such
36 fines, forfeitures, or penalties, which shall be remitted as provided
37 in chapters 3.46, 3.50, 3.62, and 35.20 RCW. The assessment required
38 by this section shall not be suspended or waived by the court.

1 (2) There shall be assessed and collected in addition to any
2 fines, forfeitures, or penalties assessed, other than for parking
3 infractions and for fines levied under RCW 46.61.5055, and in
4 addition to the public safety and education assessment required under
5 subsection (1) of this section, by all courts organized under Title 3
6 or 35 RCW, an additional public safety and education assessment equal
7 to fifty percent of the public safety and education assessment
8 required under subsection (1) of this section, which shall be
9 remitted to the state treasurer and deposited as provided in RCW
10 43.08.250. The additional assessment required by this subsection
11 shall not be suspended or waived by the court.

12 (3) This section does not apply to the fee imposed under RCW
13 46.63.110(7), the penalty imposed under RCW 46.63.110(8), the
14 additional fine imposed under RCW 46.61.110, 46.61.145, 46.61.180,
15 46.61.185, 46.61.190, and 46.61.205, or the penalty assessment
16 imposed under RCW 10.99.080.

17 **Sec. 12.** RCW 2.68.040 and 1994 c 8 s 2 are each amended to read
18 as follows:

19 (1) To support the judicial information system account provided
20 for in RCW 2.68.020, the supreme court may provide by rule for an
21 increase in fines, penalties, and assessments, and the increased
22 amount shall be forwarded to the state treasurer for deposit in the
23 account:

24 (a) Pursuant to the authority of RCW 46.63.110(~~((2))~~) (3), the
25 sum of ten dollars to any penalty collected by a court pursuant to
26 supreme court infraction rules for courts of limited jurisdiction;

27 (b) Pursuant to RCW 3.62.060, a mandatory appearance cost in the
28 initial sum of ten dollars to be assessed on all defendants; and

29 (c) Pursuant to RCW 46.63.110(~~((5))~~) (6), a ten-dollar assessment
30 for each account for which a person requests a time payment schedule.

31 (2) Notwithstanding a provision of law or rule to the contrary,
32 the assessments provided for in this section may not be waived or
33 suspended and shall be immediately due and payable upon forfeiture,
34 conviction, deferral of prosecution, or request for time payment, as
35 each shall occur.

36 (3) The supreme court is requested to adjust these assessments
37 for inflation.

1 (4) This section does not apply to the additional monetary fine
2 under RCW 46.61.110, 46.61.145, 46.61.180, 46.61.185, 46.61.190, and
3 46.61.205.

4 **Sec. 13.** RCW 46.63.110 and 2012 c 82 s 1 are each amended to
5 read as follows:

6 (1) A person found to have committed a traffic infraction shall
7 be 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 (a) RCW 46.55.105(2)
11 is two hundred fifty dollars for each offense; (b) RCW 46.61.210(1)
12 is five hundred dollars for each offense. No penalty assessed under
13 this subsection (2) may be reduced.

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

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

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

35 (6) Whenever a monetary penalty, fee, cost, assessment, or other
36 monetary obligation is imposed by a court under this chapter, it is
37 immediately payable and is enforceable as a civil judgment under
38 Title 6 RCW. If the court determines, in its discretion, that a
39 person is not able to pay a monetary obligation in full, and not more

1 than one year has passed since the later of July 1, 2005, or the date
2 the monetary obligation initially became due and payable, the court
3 shall enter into a payment plan with the person, unless the person
4 has previously been granted a payment plan with respect to the same
5 monetary obligation, or unless the person is in noncompliance of any
6 existing or prior payment plan, in which case the court may, at its
7 discretion, implement a payment plan. If the court has notified the
8 department that the person has failed to pay or comply and the person
9 has subsequently entered into a payment plan and made an initial
10 payment, the court shall notify the department that the infraction
11 has been adjudicated, and the department shall rescind any suspension
12 of the person's driver's license or driver's privilege based on
13 failure to respond to that infraction. "Payment plan," as used in
14 this section, means a plan that requires reasonable payments based on
15 the financial ability of the person to pay. The person may
16 voluntarily pay an amount at any time in addition to the payments
17 required under the payment plan.

18 (a) If a payment required to be made under the payment plan is
19 delinquent or the person fails to complete a community restitution
20 program on or before the time established under the payment plan,
21 unless the court determines good cause therefor and adjusts the
22 payment plan or the community restitution plan accordingly, the court
23 may refer the unpaid monetary penalty, fee, cost, assessment, or
24 other monetary obligation for civil enforcement until all monetary
25 obligations, including those imposed under subsections (3) and (4) of
26 this section, have been paid, and court authorized community
27 restitution has been completed, or until the court has entered into a
28 new time payment or community restitution agreement with the person.
29 For those infractions subject to suspension under RCW 46.20.289, the
30 court shall notify the department of the person's failure to meet the
31 conditions of the plan, and the department shall suspend the person's
32 driver's license or driving privileges.

33 (b) If a person has not entered into a payment plan with the
34 court and has not paid the monetary obligation in full on or before
35 the time established for payment, the court may refer the unpaid
36 monetary penalty, fee, cost, assessment, or other monetary obligation
37 to a collections agency until all monetary obligations have been
38 paid, including those imposed under subsections (3) and (4) of this
39 section, or until the person has entered into a payment plan under
40 this section. For those infractions subject to suspension under RCW

1 46.20.289, the court shall notify the department of the person's
2 delinquency, and the department shall suspend the person's driver's
3 license or driving privileges.

4 (c) 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 (d) Nothing in this section precludes a court from contracting
10 with outside entities to administer its payment plan system. When
11 outside entities are used for the administration of a payment plan,
12 the court may assess the person a reasonable fee for such
13 administrative services, which fee may be calculated on a periodic,
14 percentage, or other basis.

15 (e) If a court authorized community restitution program for
16 offenders is available in the jurisdiction, the court may allow
17 conversion of all or part of the monetary obligations due under this
18 section to court authorized community restitution in lieu of time
19 payments if the person is unable to make reasonable time 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,
22 a person found to have committed a traffic infraction shall be
23 assessed:

24 (a) A fee of five dollars per infraction. Under no circumstances
25 shall this fee be reduced or waived. Revenue from this fee shall be
26 forwarded to the state treasurer for deposit in the emergency medical
27 services and trauma care system trust account under RCW 70.168.040;

28 (b) A fee of ten dollars per infraction. Under no circumstances
29 shall this fee be reduced or waived. Revenue from this fee shall be
30 forwarded to the state treasurer for deposit in the Washington auto
31 theft prevention authority account; and

32 (c) A fee of two dollars per infraction. Revenue from this fee
33 shall be forwarded to the state treasurer for deposit in the
34 traumatic brain injury account established in RCW 74.31.060.

35 (8)(a) In addition to any other penalties imposed under this
36 section and not subject to the limitation of subsection (1) of this
37 section, a person found to have committed a traffic infraction other
38 than of RCW 46.61.527 or 46.61.212 shall be assessed an additional
39 penalty of twenty dollars. The court may not reduce, waive, or
40 suspend the additional penalty unless the court finds the offender to

1 be indigent. If a court authorized community restitution program for
2 offenders is available in the jurisdiction, the court shall allow
3 offenders to offset all or a part of the penalty due under this
4 subsection (8) by participation in the court authorized community
5 restitution program.

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

16 (9) If a legal proceeding, such as garnishment, has commenced to
17 collect any delinquent amount owed by the person for any penalty
18 imposed by the court under this section, the court may, at its
19 discretion, enter into a payment plan.

20 (10) The monetary penalty for violating RCW 46.37.395 is: (a) Two
21 hundred fifty dollars for the first violation; (b) five hundred
22 dollars for the second violation; and (c) seven hundred fifty dollars
23 for each violation thereafter.

24 (11) The additional monetary fine for a violation of RCW
25 46.61.110, 46.61.145, 46.61.180, 46.61.185, 46.61.190, and 46.61.205
26 is not subject to assessments or fees provided under this section.

27 **Sec. 14.** RCW 43.84.092 and 2018 c 287 s 7, 2018 c 275 s 10, and
28 2018 c 203 s 14 are each reenacted and amended to read as follows:

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

32 (2) The treasury income account shall be utilized to pay or
33 receive funds associated with federal programs as required by the
34 federal cash management improvement act of 1990. The treasury income
35 account is subject in all respects to chapter 43.88 RCW, but no
36 appropriation is required for refunds or allocations of interest
37 earnings required by the cash management improvement act. Refunds of
38 interest to the federal treasury required under the cash management
39 improvement act fall under RCW 43.88.180 and shall not require

1 appropriation. The office of financial management shall determine the
2 amounts due to or from the federal government pursuant to the cash
3 management improvement act. The office of financial management may
4 direct transfers of funds between accounts as deemed necessary to
5 implement the provisions of the cash management improvement act, and
6 this subsection. Refunds or allocations shall occur prior to the
7 distributions of earnings set forth in subsection (4) of this
8 section.

9 (3) Except for the provisions of RCW 43.84.160, the treasury
10 income account may be utilized for the payment of purchased banking
11 services on behalf of treasury funds including, but not limited to,
12 depository, safekeeping, and disbursement functions for the state
13 treasury and affected state agencies. The treasury income account is
14 subject in all respects to chapter 43.88 RCW, but no appropriation is
15 required for payments to financial institutions. Payments shall occur
16 prior to distribution of earnings set forth in subsection (4) of this
17 section.

18 (4) Monthly, the state treasurer shall distribute the earnings
19 credited to the treasury income account. The state treasurer shall
20 credit the general fund with all the earnings credited to the
21 treasury income account except:

22 (a) The following accounts and funds shall receive their
23 proportionate share of earnings based upon each account's and fund's
24 average daily balance for the period: The abandoned recreational
25 vehicle disposal account, the aeronautics account, the aircraft
26 search and rescue account, the Alaskan Way viaduct replacement
27 project account, the brownfield redevelopment trust fund account, the
28 budget stabilization account, the capital vessel replacement account,
29 the capitol building construction account, the Cedar River channel
30 construction and operation account, the Central Washington University
31 capital projects account, the charitable, educational, penal and
32 reformatory institutions account, the Chehalis basin account, the
33 cleanup settlement account, the Columbia river basin water supply
34 development account, the Columbia river basin taxable bond water
35 supply development account, the Columbia river basin water supply
36 revenue recovery account, the common school construction fund, the
37 community forest trust account, the connecting Washington account,
38 the county arterial preservation account, the county criminal justice
39 assistance account, the deferred compensation administrative account,
40 the deferred compensation principal account, the department of

1 licensing services account, the department of licensing tuition
2 recovery trust fund, the department of retirement systems expense
3 account, the developmental disabilities community trust account, the
4 diesel idle reduction account, the drinking water assistance account,
5 the drinking water assistance administrative account, the early
6 learning facilities development account, the early learning
7 facilities revolving account, the Eastern Washington University
8 capital projects account, the Interstate 405 express toll lanes
9 operations account, the education construction fund, the education
10 legacy trust account, the election account, the electric vehicle
11 charging infrastructure account, the energy freedom account, the
12 energy recovery act account, the essential rail assistance account,
13 The Evergreen State College capital projects account, the federal
14 forest revolving account, the ferry bond retirement fund, the freight
15 mobility investment account, the freight mobility multimodal account,
16 the grade crossing protective fund, the public health services
17 account, the high capacity transportation account, the state higher
18 education construction account, the higher education construction
19 account, the highway bond retirement fund, the highway infrastructure
20 account, the highway safety fund, the high occupancy toll lanes
21 operations account, the hospital safety net assessment fund, the
22 industrial insurance premium refund account, the judges' retirement
23 account, the judicial retirement administrative account, the judicial
24 retirement principal account, the local leasehold excise tax account,
25 the local real estate excise tax account, the local sales and use tax
26 account, the marine resources stewardship trust account, the medical
27 aid account, the mobile home park relocation fund, the money-purchase
28 retirement savings administrative account, the money-purchase
29 retirement savings principal account, the motor vehicle fund, the
30 motorcycle safety education account, the multimodal transportation
31 account, the multiuse roadway safety account, the municipal criminal
32 justice assistance account, the natural resources deposit account,
33 the oyster reserve land account, the pension funding stabilization
34 account, the perpetual surveillance and maintenance account, the
35 pollution liability insurance agency underground storage tank
36 revolving account, the public employees' retirement system plan 1
37 account, the public employees' retirement system combined plan 2 and
38 plan 3 account, the public facilities construction loan revolving
39 account beginning July 1, 2004, the public health supplemental
40 account, the public works assistance account, the Puget Sound capital

1 construction account, the Puget Sound ferry operations account, the
2 Puget Sound taxpayer accountability account, the real estate
3 appraiser commission account, the recreational vehicle account, the
4 regional mobility grant program account, the resource management cost
5 account, the rural arterial trust account, the rural mobility grant
6 program account, the rural Washington loan fund, the sexual assault
7 prevention and response account, the site closure account, the
8 skilled nursing facility safety net trust fund, the small city
9 pavement and sidewalk account, the special category C account, the
10 special wildlife account, the state employees' insurance account, the
11 state employees' insurance reserve account, the state investment
12 board expense account, the state investment board commingled trust
13 fund accounts, the state patrol highway account, the state route
14 number 520 civil penalties account, the state route number 520
15 corridor account, the state wildlife account, the statewide tourism
16 marketing account, the student achievement council tuition recovery
17 trust fund, the supplemental pension account, the Tacoma Narrows toll
18 bridge account, the teachers' retirement system plan 1 account, the
19 teachers' retirement system combined plan 2 and plan 3 account, the
20 tobacco prevention and control account, the tobacco settlement
21 account, the toll facility bond retirement account, the
22 transportation 2003 account (nickel account), the transportation
23 equipment fund, the transportation future funding program account,
24 the transportation improvement account, the transportation
25 improvement board bond retirement account, the transportation
26 infrastructure account, the transportation partnership account, the
27 traumatic brain injury account, the tuition recovery trust fund, the
28 University of Washington bond retirement fund, the University of
29 Washington building account, the volunteer firefighters' and reserve
30 officers' relief and pension principal fund, the volunteer
31 firefighters' and reserve officers' administrative fund, the
32 vulnerable roadway user education account, the Washington judicial
33 retirement system account, the Washington law enforcement officers'
34 and firefighters' system plan 1 retirement account, the Washington
35 law enforcement officers' and firefighters' system plan 2 retirement
36 account, the Washington public safety employees' plan 2 retirement
37 account, the Washington school employees' retirement system combined
38 plan 2 and 3 account, the Washington state health insurance pool
39 account, the Washington state patrol retirement account, the
40 Washington State University building account, the Washington State

1 University bond retirement fund, the water pollution control
2 revolving administration account, the water pollution control
3 revolving fund, the Western Washington University capital projects
4 account, the Yakima integrated plan implementation account, the
5 Yakima integrated plan implementation revenue recovery account, and
6 the Yakima integrated plan implementation taxable bond account.
7 Earnings derived from investing balances of the agricultural
8 permanent fund, the normal school permanent fund, the permanent
9 common school fund, the scientific permanent fund, the state
10 university permanent fund, and the state reclamation revolving
11 account shall be allocated to their respective beneficiary accounts.

12 (b) Any state agency that has independent authority over accounts
13 or funds not statutorily required to be held in the state treasury
14 that deposits funds into a fund or account in the state treasury
15 pursuant to an agreement with the office of the state treasurer shall
16 receive its proportionate share of earnings based upon each account's
17 or fund's average daily balance for the period.

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

21 NEW SECTION. **Sec. 15.** This act takes effect January 1, 2020.

Passed by the Senate April 22, 2019.

Passed by the House April 9, 2019.

Approved by the Governor May 13, 2019.

Filed in Office of Secretary of State May 16, 2019.

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