
ENGROSSED SUBSTITUTE SENATE BILL 5226

State of Washington

67th Legislature

2021 Regular Session

By Senate Law & Justice (originally sponsored by Senators Salomon, Saldaña, Das, Frockt, Hasegawa, Kuderer, Lias, Lovelett, Muzzall, Nguyen, Nobles, Pedersen, Randall, and Wilson, C.)

READ FIRST TIME 02/15/21.

1 AN ACT Relating to the suspension of licenses for traffic
2 infractions; amending RCW 46.63.060, 46.63.070, 46.20.289, 46.20.291,
3 46.20.311, 46.20.342, 46.20.391, and 46.64.025; reenacting and
4 amending RCW 46.63.110 and 2.68.040; adding a new section to chapter
5 46.63 RCW; adding new sections to chapter 46.20 RCW; adding a new
6 section to chapter 46.68 RCW; prescribing penalties; and providing an
7 effective date.

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

9 **Sec. 1.** RCW 46.63.060 and 2013 c 170 s 1 are each amended to
10 read as follows:

11 (1) A notice of traffic infraction represents a determination
12 that an infraction has been committed. The determination will be
13 final unless contested as provided in this chapter.

14 (2) The form for the notice of traffic infraction shall be
15 prescribed by rule of the supreme court and shall include the
16 following:

17 (a) A statement that the notice represents a determination that a
18 traffic infraction has been committed by the person named in the
19 notice and that the determination shall be final unless contested as
20 provided in this chapter;

1 (b) A statement that a traffic infraction is a noncriminal
2 offense for which imprisonment may not be imposed as a sanction;
3 (~~that the penalty for a traffic infraction may include sanctions~~
4 ~~against the person's driver's license including suspension,~~
5 ~~revocation, or denial;~~) that the penalty for a traffic infraction
6 related to standing, stopping, or parking may include nonrenewal of
7 the vehicle registration;

8 (c) A statement of the specific traffic infraction for which the
9 notice was issued;

10 (d) A statement of the monetary penalty established for the
11 traffic infraction;

12 (e) (i) A statement of the options provided in this chapter for
13 responding to the notice and the procedures necessary to exercise
14 these options;

15 (ii) One of the options must allow a person to admit
16 responsibility for the infraction and attest that the person does not
17 have the current ability to pay the infraction in full. The person
18 must receive information on how to submit evidence of inability to
19 pay, obtain a payment plan pursuant to section 4 of this act, and be
20 informed that failure to pay or enter into a payment plan may result
21 in collection action, including garnishment of wages or other assets;

22 (f) A statement that at any hearing to contest the determination
23 the state has the burden of proving, by a preponderance of the
24 evidence, that the infraction was committed; and that the person may
25 subpoena witnesses including the officer who issued the notice of
26 infraction;

27 (g) A statement that at any hearing requested for the purpose of
28 explaining mitigating circumstances surrounding the commission of the
29 infraction the person will be deemed to have committed the infraction
30 and may not subpoena witnesses; and

31 (h) A statement that the person must respond to the notice as
32 provided in this chapter within (~~fifteen~~) 30 days or the person's
33 driver's license or driving privilege may be suspended by the
34 department until any penalties imposed pursuant to this chapter have
35 been satisfied; and

36 (i) A statement that failure to appear at a hearing requested for
37 the purpose of contesting the determination or for the purpose of
38 explaining mitigating circumstances may result in the suspension of
39 the person's driver's license or driving privilege, or in the case of
40 a standing, stopping, or parking violation, refusal of the department

1 to renew the vehicle registration, until any penalties imposed
2 pursuant to this chapter have been satisfied.

3 ~~((3)(a) A form for a notice of traffic infraction printed after
4 July 22, 2011, must include a statement that the person may be able
5 to enter into a payment plan with the court under RCW 46.63.110.~~

6 ~~(b) The forms for a notice of traffic infraction must include the
7 changes in section 1, chapter 170, Laws of 2013 by July 1, 2015.)~~

8 **Sec. 2.** RCW 46.63.070 and 2011 c 372 s 3 are each amended to
9 read as follows:

10 (1) Any person who receives a notice of traffic infraction shall
11 respond to such notice as provided in this section within ~~((fifteen))~~
12 30 days of the date of the notice.

13 (2) If the person determined to have committed the infraction
14 does not contest the determination the person shall respond by
15 completing the appropriate portion of the notice of infraction and
16 submitting it, either by mail or in person, to the court specified on
17 the notice. A check or money order in the amount of the penalty
18 prescribed for the infraction must be submitted with the response,
19 unless the person selects the option attesting that the person does
20 not have the current ability to pay the infraction in full. When a
21 response which does not contest the determination is received, an
22 appropriate order shall be entered in the court's records, and a
23 record of the response and order shall be furnished to the department
24 in accordance with RCW 46.20.270.

25 (3) If the person determined to have committed the infraction
26 wishes to contest the determination the person shall respond by
27 completing the portion of the notice of infraction requesting a
28 hearing and submitting it, either by mail or in person, to the court
29 specified on the notice. The court shall notify the person in writing
30 of the time, place, and date of the hearing, and that date shall not
31 be sooner than seven days from the date of the notice, except by
32 agreement.

33 (4) If the person determined to have committed the infraction
34 does not contest the determination but wishes to explain mitigating
35 circumstances surrounding the infraction the person shall respond by
36 completing the portion of the notice of infraction requesting a
37 hearing for that purpose and submitting it, either by mail or in
38 person, to the court specified on the notice. The court shall notify
39 the person in writing of the time, place, and date of the hearing.

1 (5) (a) Except as provided in (b), (c), and (d) of this
2 subsection, in hearings conducted pursuant to subsections (3) and (4)
3 of this section, the court may defer findings, or in a hearing to
4 explain mitigating circumstances may defer entry of its order, for up
5 to one year and impose conditions upon the defendant the court deems
6 appropriate. Upon deferring findings, the court may assess costs as
7 the court deems appropriate for administrative processing. If at the
8 end of the deferral period the defendant has met all conditions and
9 has not been determined to have committed another traffic infraction,
10 the court may dismiss the infraction.

11 (b) A person may not receive more than one deferral within a
12 seven-year period for traffic infractions for moving violations and
13 more than one deferral within a seven-year period for traffic
14 infractions for nonmoving violations.

15 (c) A person who is the holder of a commercial driver's license
16 or who was operating a commercial motor vehicle at the time of the
17 violation may not receive a deferral under this section.

18 (d) A person who commits negligent driving in the second degree
19 with a vulnerable user victim may not receive a deferral for this
20 infraction under this section.

21 (6) If any person issued a notice of traffic infraction:

22 (a) Fails to respond to the notice of traffic infraction as
23 provided in subsection (2) of this section; or

24 (b) Fails to appear at a hearing requested pursuant to subsection
25 (3) or (4) of this section;

26 the court shall enter an appropriate order assessing the monetary
27 penalty prescribed for the traffic infraction and any other penalty
28 authorized by this chapter and shall notify the department in
29 accordance with RCW 46.20.270, of the failure to respond to the
30 notice of infraction or to appear at a requested hearing.

31 **Sec. 3.** RCW 46.63.110 and 2019 c 467 s 4, 2019 c 403 s 13, 2019
32 c 181 s 1, and 2019 c 65 s 7 are each reenacted and amended to read
33 as follows:

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

38 (b) The court may waive or remit any monetary penalty, fee, cost,
39 assessment, or other monetary obligation associated with a traffic

1 infraction unless the specific monetary obligation in question is
2 prohibited from being waived or remitted by state law.

3 (2) The monetary penalty for a violation of (a) RCW 46.55.105(2)
4 is two hundred fifty dollars for each offense; (b) RCW 46.61.210(1)
5 is five hundred dollars for each offense. No penalty assessed under
6 this subsection (2) may be reduced.

7 (3) The supreme court shall prescribe by rule a schedule of
8 monetary penalties for designated traffic infractions. This rule
9 shall also specify the conditions under which local courts may
10 exercise discretion in assessing fines and penalties for traffic
11 infractions. The legislature respectfully requests the supreme court
12 to adjust this schedule every two years for inflation.

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

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

28 (6) Whenever a monetary penalty, fee, cost, assessment, or other
29 monetary obligation is imposed by a court under this chapter, it is
30 immediately payable and is enforceable as a civil judgment under
31 Title 6 RCW. If the court determines(~~(, in its discretion,)~~) that a
32 person is not able to pay a monetary obligation in full(~~(, and not~~
33 ~~more than one year has passed since the later of July 1, 2005, or the~~
34 ~~date the monetary obligation initially became due and payable)~~), the
35 court shall enter into a payment plan with the person(~~(, unless the~~
36 ~~person has previously been granted a payment plan with respect to the~~
37 ~~same monetary obligation, or unless the person is in noncompliance of~~
38 ~~any existing or prior payment plan, in which case the court may, at~~
39 ~~its discretion, implement a payment plan. If the court has notified~~
40 ~~the department that the person has failed to pay or comply and the~~

1 person has subsequently entered into a payment plan and made an
2 initial payment, the court shall notify the department that the
3 infraction has been adjudicated, and the department shall rescind any
4 suspension of the person's driver's license or driver's privilege
5 based on failure to respond to that infraction. "Payment plan," as
6 used in this section, means a plan that requires reasonable payments
7 based on the financial ability of the person to pay. The person may
8 voluntarily pay an amount at any time in addition to the payments
9 required under the payment plan.

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

25 (b) If a person has not entered into a payment plan with the
26 court and has not paid the monetary obligation in full on or before
27 the time established for payment, the court may refer the unpaid
28 monetary penalty, fee, cost, assessment, or other monetary obligation
29 to a collections agency until all monetary obligations have been
30 paid, including those imposed under subsections (3) and (4) of this
31 section, or until the person has entered into a payment plan under
32 this section. For those infractions subject to suspension under RCW
33 46.20.289, the court shall notify the department of the person's
34 delinquency, and the department shall suspend the person's driver's
35 license or driving privileges.

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

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

7 ~~(e) If a court authorized community restitution program for~~
8 ~~offenders is available in the jurisdiction, the court may allow~~
9 ~~conversion of all or part of the monetary obligations due under this~~
10 ~~section to court authorized community restitution in lieu of time~~
11 ~~payments if the person is unable to make reasonable time payments))~~
12 in accordance with section 4 of this act and standards that may be
13 set out in court rule.

14 (7) In addition to any other penalties imposed under this section
15 and not subject to the limitation of subsection (1) of this section,
16 a person found to have committed a traffic infraction shall be
17 assessed:

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

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

26 (c) A fee of five dollars per infraction. Under no circumstances
27 shall this fee be reduced or waived. Revenue from this fee shall be
28 forwarded to the state treasurer for deposit in the traumatic brain
29 injury account established in RCW 74.31.060.

30 (8)(a) In addition to any other penalties imposed under this
31 section and not subject to the limitation of subsection (1) of this
32 section, a person found to have committed a traffic infraction other
33 than of RCW 46.61.527 or 46.61.212 shall be assessed an additional
34 penalty of ~~((twenty dollars))~~ \$24. The court may not reduce, waive,
35 or suspend the additional penalty unless the court finds the offender
36 to be indigent. If a court authorized community restitution program
37 for offenders is available in the jurisdiction, the court shall allow
38 offenders to offset all or a part of the penalty due under this
39 subsection (8) by participation in the court authorized community
40 restitution program.

1 (b) (~~Eight dollars and fifty cents~~) \$12.50 of the additional
2 penalty under (a) of this subsection shall be remitted to the state
3 treasurer. The remaining revenue from the additional penalty must be
4 remitted under chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW.
5 Money remitted under this subsection to the state treasurer must be
6 deposited as follows: \$8.50 in the state general fund and \$4 in the
7 driver licensing technology support account created under section 15
8 of this act. The moneys deposited into the driver licensing
9 technology support account must be used to support information
10 technology systems used by the department to communicate with the
11 judicial information system, manage driving records, and implement
12 court orders. The balance of the revenue received by the county or
13 city treasurer under this subsection must be deposited into the
14 county or city current expense fund. Moneys retained by the city or
15 county under this subsection shall constitute reimbursement for any
16 liabilities under RCW 43.135.060.

17 (9) If a legal proceeding, such as garnishment, has commenced to
18 collect any delinquent amount owed by the person for any penalty
19 imposed by the court under this section, the (~~court may, at its~~
20 ~~discretion, enter into~~) person may request a payment plan pursuant
21 to section 4 of this act.

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

26 (11) The additional monetary penalty for a violation of RCW
27 46.20.500 is not subject to assessments or fees provided under this
28 section.

29 (12) The additional monetary fine for a violation of RCW
30 46.61.110, 46.61.145, 46.61.180, 46.61.185, 46.61.190, and 46.61.205
31 is not subject to assessments or fees provided under this section.

32 (13) The additional monetary penalties for a violation of RCW
33 46.61.165 are not subject to assessments or fees provided under this
34 section.

35 NEW SECTION. Sec. 4. A new section is added to chapter 46.63
36 RCW to read as follows:

37 (1)(a) A person may request a payment plan at any time for the
38 payment of any monetary penalty, fee, cost, assessment, or other
39 monetary obligation associated with a traffic infraction. If the

1 person does not have the ability to pay the monetary obligation in
2 full, the person has not previously been granted a payment plan for
3 the same monetary obligation, and the court has not authorized its
4 collections agency to take civil legal enforcement action, the court
5 shall enter into a payment plan with the individual. Where the court
6 has authorized its collections agency to take civil legal enforcement
7 action, the court may, at its discretion, enter into a payment plan.

8 (b) If a court authorized community restitution program for
9 offenders is available in the jurisdiction, the court may allow
10 conversion of all or part of the monetary obligations due under this
11 section to court authorized community restitution in lieu of time
12 payments if the person is unable to make reasonable time payments.

13 (2) The person may voluntarily pay an amount at any time in
14 addition to the payments required under the payment plan.

15 (3) 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,
18 unless the court determines good cause therefor and adjusts the
19 payment plan or the community restitution plan accordingly, the court
20 may refer the unpaid monetary penalty, fee, cost, assessment, or
21 other monetary obligation for civil enforcement until all monetary
22 obligations have been paid and court authorized community restitution
23 has been completed, or until the court has entered into a new payment
24 plan or community restitution agreement with the person.

25 (4) (a) If a person has not entered into a payment plan with the
26 court and has not paid the monetary obligation in full, no sooner
27 than 90 days from the date of the infraction the court may refer the
28 unpaid monetary penalty, fee, cost, assessment, or other monetary
29 obligation to a collections agency until all monetary obligations
30 have been paid or until the person has entered into a payment plan
31 under this section.

32 (b) If a person responded to a traffic infraction for a moving
33 violation attesting that the person did not have the ability to pay
34 the infraction in full, the court must attempt to enter into a
35 payment plan with the person prior to referring the monetary
36 obligation to a collections agency.

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

1 administrative fee shall not exceed \$10 per infraction or \$25 per
2 payment plan, whichever is less.

3 (6) Nothing in this section precludes a court from contracting
4 with outside entities to administer its payment plan system. When
5 outside entities are used for the administration of a payment plan,
6 the court may assess the person a reasonable fee for such
7 administrative services, which fee may be calculated on a periodic,
8 percentage, or other basis.

9 (7) The court may modify a payment plan at any time.

10 (8) The court may require a person who fails to make payment as
11 required under a payment plan to appear and provide evidence of
12 ability to pay.

13 (9) For the purposes of this section, "payment plan" means a plan
14 that requires reasonable payments based on the financial ability of
15 the person to pay as determined by court rule.

16 **Sec. 5.** RCW 46.20.289 and 2019 c 467 s 2 are each amended to
17 read as follows:

18 (1) Except for traffic violations committed under RCW 46.61.165,
19 the department shall suspend all driving privileges of a person when
20 the department receives notice from a court under RCW 46.63.070(6),
21 46.63.110(6), or 46.64.025 that the person has failed to respond to a
22 notice of traffic infraction for a moving violation, failed to appear
23 at a ~~((requested))~~ hearing for a moving violation, ~~((violated a~~
24 ~~written promise to appear in court for a notice of infraction for a~~
25 ~~moving violation, or has))~~ or failed to comply with the terms of a
26 ~~((notice of traffic infraction,))~~ criminal complaint~~((,))~~ or criminal
27 citation for a moving violation~~((, or))~~.

28 (2) The department shall suspend all driving privileges of a
29 person when the department receives notice from another state under
30 Article IV of the nonresident violator compact under RCW 46.23.010 or
31 from a jurisdiction that has entered into an agreement with the
32 department under RCW 46.23.020, other than for a standing, stopping,
33 or parking violation, provided that the traffic infraction or traffic
34 offense is committed on or after July 1, 2005.

35 (3) A suspension under this section takes effect pursuant to the
36 provisions of RCW 46.20.245, and remains in effect until the
37 department has received a certificate from the court showing that the
38 case has been adjudicated, and until the person meets the
39 requirements of RCW 46.20.311. ~~((In the case of failure to respond to~~

1 ~~a traffic infraction issued under RCW 46.55.105, the department shall~~
2 ~~suspend all driving privileges until the person provides evidence~~
3 ~~from the court that all penalties and restitution have been paid.))~~

4 (4) A suspension under this section does not take effect if,
5 prior to the effective date of the suspension, the department
6 receives a certificate from the court showing that the case ((has))
7 or cases have been adjudicated.

8 **Sec. 6.** RCW 46.20.291 and 2016 c 203 s 5 are each amended to
9 read as follows:

10 The department is authorized to suspend the license of a driver
11 upon a showing by its records or other sufficient evidence that the
12 licensee:

13 (1) Has committed an offense for which mandatory revocation or
14 suspension of license is provided by law;

15 (2) Has, by reckless or unlawful operation of a motor vehicle,
16 caused or contributed to an accident resulting in death or injury to
17 any person or serious property damage;

18 (3) Has been convicted of offenses against traffic regulations
19 governing the movement of vehicles, or found to have committed
20 traffic infractions, with such frequency as to indicate a disrespect
21 for traffic laws or a disregard for the safety of other persons on
22 the highways;

23 (4) Is incompetent to drive a motor vehicle under RCW
24 46.20.031(3);

25 (5) Has failed to respond to a notice of traffic infraction,
26 failed to appear at a ((requested)) hearing, ((violated a written
27 ~~promise to appear in court,~~)) or has failed to comply with the terms
28 of a ((notice of traffic infraction,)) criminal complaint((,)) or
29 criminal citation for a moving violation, as provided in RCW
30 46.20.289;

31 (6) Is subject to suspension under RCW 46.20.305 or 9A.56.078;

32 (7) Has committed one of the prohibited practices relating to
33 drivers' licenses defined in RCW 46.20.0921; or

34 (8) Has been certified by the department of social and health
35 services as a person who is not in compliance with a child support
36 order or a residential or visitation order as provided in RCW
37 74.20A.320.

1 NEW SECTION. **Sec. 7.** A new section is added to chapter 46.20
2 RCW to read as follows:

3 (1) Whenever the official records of the department show that a
4 person has committed a traffic infraction for a moving violation on
5 three or more occasions within a one-year period, or on four or more
6 occasions within a two-year period, the department must suspend the
7 license of the driver for a period of 60 days and establish a period
8 of probation for one calendar year to begin when the suspension ends.
9 Prior to reinstatement of a license, the person must complete a safe
10 driving course as recommended by the department. During the period of
11 probation, the person must not be convicted of any additional traffic
12 infractions for moving violations. Any traffic infraction for a
13 moving violation committed during the period of probation shall
14 result in an additional 30-day suspension to run consecutively with
15 any suspension already being served.

16 (2) When a person has committed a traffic infraction for a moving
17 violation on two occasions within a one-year period or three
18 occasions within a two-year period, the department shall send the
19 person a notice that an additional infraction will result in
20 suspension of the person's license for a period of 60 days.

21 (3) The department may not charge a reissue fee at the end of the
22 term of suspension under this section.

23 (4) For purposes of this section, multiple traffic infractions
24 issued during or as the result of a single traffic stop constitute
25 one occasion.

26 **Sec. 8.** RCW 46.20.311 and 2020 c 330 s 7 are each amended to
27 read as follows:

28 (1)(a) The department shall not suspend a driver's license or
29 privilege to drive a motor vehicle on the public highways for a fixed
30 period of more than one year, except as specifically permitted under
31 RCW 46.20.267, 46.20.342, or other provision of law.

32 (b) Except for a suspension under RCW 46.20.267, 46.20.289,
33 46.20.291(5), 46.61.740, or 74.20A.320, whenever the license or
34 driving privilege of any person is suspended by reason of a
35 conviction, a finding that a traffic infraction has been committed,
36 pursuant to chapter 46.29 RCW, or pursuant to RCW 46.20.291 or
37 46.20.308, the suspension shall remain in effect until the person
38 gives and thereafter maintains proof of financial responsibility for
39 the future as provided in chapter 46.29 RCW.

1 (c) If the suspension is the result of a nonfelony violation of
2 RCW 46.61.502 or 46.61.504, the department shall determine the
3 person's eligibility for licensing based upon the reports provided by
4 the substance use disorder agency or probation department designated
5 under RCW 46.61.5056 and shall deny reinstatement until enrollment
6 and participation in an approved program has been established and the
7 person is otherwise qualified. If the suspension is the result of a
8 violation of RCW 46.61.502(6) or 46.61.504(6), the department shall
9 determine the person's eligibility for licensing based upon the
10 reports provided by the substance use disorder agency required under
11 RCW 46.61.524 and shall deny reinstatement until satisfactory
12 progress in an approved program has been established and the person
13 is otherwise qualified. If the suspension is the result of a
14 violation of RCW 46.61.502 or 46.61.504, and the person is required
15 pursuant to RCW 46.20.720 to drive only a motor vehicle equipped with
16 a functioning ignition interlock, the department shall determine the
17 person's eligibility for licensing based upon written verification by
18 a company doing business in the state that it has installed the
19 required device on a vehicle owned or operated by the person seeking
20 reinstatement. The department may waive the requirement for written
21 verification under this subsection if it determines to its
22 satisfaction that a device previously verified as having been
23 installed on a vehicle owned or operated by the person is still
24 installed and functioning or as permitted by RCW 46.20.720(8). If,
25 based upon notification from the interlock provider or otherwise, the
26 department determines that an interlock required under RCW 46.20.720
27 is no longer installed or functioning as required, the department
28 shall suspend the person's license or privilege to drive. Whenever
29 the license or driving privilege of any person is suspended or
30 revoked as a result of noncompliance with an ignition interlock
31 requirement, the suspension shall remain in effect until the person
32 provides notice issued by a company doing business in the state that
33 a vehicle owned or operated by the person is equipped with a
34 functioning ignition interlock device.

35 (d) Whenever the license or driving privilege of any person is
36 suspended as a result of certification of noncompliance with a child
37 support order under chapter 74.20A RCW, the suspension shall remain
38 in effect until the person provides a release issued by the
39 department of social and health services stating that the person is
40 in compliance with the order.

1 (e) (i) ((The)) Except as provided in section 7(3) of this act,
2 the department shall not issue to the person a new, duplicate, or
3 renewal license until the person pays a reissue fee of seventy-five
4 dollars.

5 (ii) Except as provided in subsection (4) of this section, if the
6 suspension is the result of a violation of RCW 46.61.502 or
7 46.61.504, or is the result of administrative action under RCW
8 46.20.308, the reissue fee shall be one hundred seventy dollars.

9 (2) (a) Any person whose license or privilege to drive a motor
10 vehicle on the public highways has been revoked, unless the
11 revocation was for a cause which has been removed, is not entitled to
12 have the license or privilege renewed or restored until: (i) After
13 the expiration of one year from the date the license or privilege to
14 drive was revoked; (ii) after the expiration of the applicable
15 revocation period provided by RCW 46.20.3101 or 46.61.5055; (iii)
16 after the expiration of two years for persons convicted of vehicular
17 homicide; or (iv) after the expiration of the applicable revocation
18 period provided by RCW 46.20.265.

19 (b) (i) After the expiration of the appropriate period, the person
20 may make application for a new license as provided by law together
21 with a reissue fee in the amount of seventy-five dollars.

22 (ii) Except as provided in subsection (4) of this section, if the
23 revocation is the result of a violation of RCW 46.20.308, 46.61.502,
24 or 46.61.504, the reissue fee shall be one hundred seventy dollars.
25 If the revocation is the result of a nonfelony violation of RCW
26 46.61.502 or 46.61.504, the department shall determine the person's
27 eligibility for licensing based upon the reports provided by the
28 substance use disorder agency or probation department designated
29 under RCW 46.61.5056 and shall deny reissuance of a license, permit,
30 or privilege to drive until enrollment and participation in an
31 approved program has been established and the person is otherwise
32 qualified. If the suspension is the result of a violation of RCW
33 46.61.502(6) or 46.61.504(6), the department shall determine the
34 person's eligibility for licensing based upon the reports provided by
35 the substance use disorder agency required under RCW 46.61.524 and
36 shall deny reinstatement until satisfactory progress in an approved
37 program has been established and the person is otherwise qualified.
38 If the revocation is the result of a violation of RCW 46.61.502 or
39 46.61.504, and the person is required pursuant to RCW 46.20.720 to
40 drive only a motor vehicle equipped with a functioning ignition

1 interlock or other biological or technical device, the department
2 shall determine the person's eligibility for licensing based upon
3 written verification by a company doing business in the state that it
4 has installed the required device on a vehicle owned or operated by
5 the person applying for a new license. The department may waive the
6 requirement for written verification under this subsection if it
7 determines to its satisfaction that a device previously verified as
8 having been installed on a vehicle owned or operated by the person is
9 still installed and functioning or as permitted by RCW 46.20.720(8).
10 If, following issuance of a new license, the department determines,
11 based upon notification from the interlock provider or otherwise,
12 that an interlock required under RCW 46.20.720 is no longer
13 functioning, the department shall suspend the person's license or
14 privilege to drive until the department has received written
15 verification from an interlock provider that a functioning interlock
16 is installed.

17 (c) Except for a revocation under RCW 46.20.265, the department
18 shall not then issue a new license unless it is satisfied after
19 investigation of the driving ability of the person that it will be
20 safe to grant the privilege of driving a motor vehicle on the public
21 highways, and until the person gives and thereafter maintains proof
22 of financial responsibility for the future as provided in chapter
23 46.29 RCW. For a revocation under RCW 46.20.265, the department shall
24 not issue a new license unless it is satisfied after investigation of
25 the driving ability of the person that it will be safe to grant that
26 person the privilege of driving a motor vehicle on the public
27 highways.

28 (3) (a) Whenever the driver's license of any person is suspended
29 pursuant to Article IV of the nonresident violators compact or RCW
30 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not
31 issue to the person any new or renewal license until the person pays
32 a reissue fee of seventy-five dollars.

33 (b) Except as provided in subsection (4) of this section, if the
34 suspension is the result of a violation of the laws of this or any
35 other state, province, or other jurisdiction involving (i) the
36 operation or physical control of a motor vehicle upon the public
37 highways while under the influence of intoxicating liquor or drugs,
38 or (ii) the refusal to submit to a chemical test of the driver's
39 blood alcohol content, the reissue fee shall be one hundred seventy
40 dollars.

1 (4) When the department reinstates a person's driver's license
2 following a suspension, revocation, or denial under RCW 46.20.3101 or
3 46.61.5055, and the person is entitled to full day-for-day credit
4 under RCW 46.20.3101(4) or 46.61.5055(9)(b)(ii) for an additional
5 restriction arising from the same incident, the department shall
6 impose no additional reissue fees under subsection (1)(e)(ii),
7 (2)(b)(ii), or (3)(b) of this section associated with the additional
8 restriction.

9 **Sec. 9.** RCW 46.20.342 and 2015 c 149 s 1 are each amended to
10 read as follows:

11 (1) It is unlawful for any person to drive a motor vehicle in
12 this state while that person is in a suspended or revoked status or
13 when his or her privilege to drive is suspended or revoked in this or
14 any other state. Any person who has a valid Washington driver's
15 license is not guilty of a violation of this section.

16 (a) A person found to be a habitual offender under chapter 46.65
17 RCW, who violates this section while an order of revocation issued
18 under chapter 46.65 RCW prohibiting such operation is in effect, is
19 guilty of driving while license suspended or revoked in the first
20 degree, a gross misdemeanor. Upon the first such conviction, the
21 person shall be punished by imprisonment for not less than ten days.
22 Upon the second conviction, the person shall be punished by
23 imprisonment for not less than ninety days. Upon the third or
24 subsequent conviction, the person shall be punished by imprisonment
25 for not less than one hundred eighty days. If the person is also
26 convicted of the offense defined in RCW 46.61.502 or 46.61.504, when
27 both convictions arise from the same event, the minimum sentence of
28 confinement shall be not less than ninety days. The minimum sentence
29 of confinement required shall not be suspended or deferred. A
30 conviction under this subsection does not prevent a person from
31 petitioning for reinstatement as provided by RCW 46.65.080.

32 (b) A person who violates this section while an order of
33 suspension or revocation prohibiting such operation is in effect and
34 while the person is not eligible to reinstate his or her driver's
35 license or driving privilege, other than for a suspension for the
36 reasons described in (c) of this subsection, is guilty of driving
37 while license suspended or revoked in the second degree, a gross
38 misdemeanor. For the purposes of this subsection, a person is not
39 considered to be eligible to reinstate his or her driver's license or

1 driving privilege if the person is eligible to obtain an ignition
2 interlock driver's license but did not obtain such a license. This
3 subsection applies when a person's driver's license or driving
4 privilege has been suspended or revoked by reason of:

5 (i) A conviction of a felony in the commission of which a motor
6 vehicle was used;

7 (ii) A previous conviction under this section;

8 (iii) A notice received by the department from a court or
9 diversion unit as provided by RCW 46.20.265, relating to a minor who
10 has committed, or who has entered a diversion unit concerning an
11 offense relating to alcohol, legend drugs, controlled substances, or
12 imitation controlled substances;

13 (iv) A conviction of RCW 46.20.410, relating to the violation of
14 restrictions of an occupational driver's license, a temporary
15 restricted driver's license, or an ignition interlock driver's
16 license;

17 (v) A conviction of RCW 46.20.345, relating to the operation of a
18 motor vehicle with a suspended or revoked license;

19 (vi) A conviction of RCW 46.52.020, relating to duty in case of
20 injury to or death of a person or damage to an attended vehicle;

21 (vii) A conviction of RCW 46.61.024, relating to attempting to
22 elude pursuing police vehicles;

23 (viii) A conviction of RCW 46.61.212(~~(+4)~~) (5), relating to
24 reckless endangerment of emergency zone workers;

25 (ix) A conviction of RCW 46.61.500, relating to reckless driving;

26 (x) A conviction of RCW 46.61.502 or 46.61.504, relating to a
27 person under the influence of intoxicating liquor or drugs;

28 (xi) A conviction of RCW 46.61.520, relating to vehicular
29 homicide;

30 (xii) A conviction of RCW 46.61.522, relating to vehicular
31 assault;

32 (xiii) A conviction of RCW 46.61.527(4), relating to reckless
33 endangerment of roadway workers;

34 (xiv) A conviction of RCW 46.61.530, relating to racing of
35 vehicles on highways;

36 (xv) A conviction of RCW 46.61.685, relating to leaving children
37 in an unattended vehicle with motor running;

38 (xvi) A conviction of RCW 46.61.740, relating to theft of motor
39 vehicle fuel;

1 (xvii) A conviction of RCW 46.64.048, relating to attempting,
2 aiding, abetting, coercing, and committing crimes;

3 (xviii) An administrative action taken by the department under
4 chapter 46.20 RCW;

5 (xix) A conviction of a local law, ordinance, regulation, or
6 resolution of a political subdivision of this state, the federal
7 government, or any other state, of an offense substantially similar
8 to a violation included in this subsection; or

9 (xx) A finding that a person has committed a traffic infraction
10 under RCW 46.61.526 and suspension of driving privileges pursuant to
11 RCW 46.61.526 (4) (b) or (7) (a) (ii).

12 (c) A person who violates this section when his or her driver's
13 license or driving privilege is, at the time of the violation,
14 suspended or revoked solely because:

15 (i) ~~((the))~~ The person must furnish proof of satisfactory
16 progress in a required alcoholism or drug treatment program~~((τ))~~;

17 (ii) ~~((the))~~ The person must furnish proof of financial
18 responsibility for the future as provided by chapter 46.29 RCW~~((τ))~~;

19 (iii) ~~((the))~~ The person has failed to comply with the provisions
20 of chapter 46.29 RCW relating to uninsured accidents~~((τ))~~;

21 (iv) ~~((the))~~ The person has failed to respond to a notice of
22 traffic infraction for a moving violation, failed to appear at a
23 ~~((requested))~~ hearing for a moving violation, ~~((violated a written~~
24 ~~promise to appear in court,τ))~~ or ~~((has))~~ failed to comply with the
25 terms of a ~~((notice of traffic infraction))~~ criminal complaint or
26 criminal citation for a moving violation, as provided in RCW
27 46.20.289~~((τ))~~ (1);

28 (v) ~~((the))~~ The person has committed an offense in another state
29 that, if committed in this state, would not be grounds for the
30 suspension or revocation of the person's driver's license~~((τ))~~;

31 (vi) ~~((the))~~ The person has been suspended or revoked by reason
32 of one or more of the items listed in (b) of this subsection, but was
33 eligible to reinstate his or her driver's license or driving
34 privilege at the time of the violation~~((τ))~~;

35 (vii) ~~((the))~~ The person has received traffic citations or
36 notices of traffic infraction that have resulted in a suspension
37 under RCW 46.20.267 relating to intermediate drivers' licenses~~((τ))~~;
38 or

39 (viii) ~~((the))~~ The person has been certified by the department of
40 social and health services as a person who is not in compliance with

1 a child support order as provided in RCW 74.20A.320, or any
2 combination of (c) (i) through (viii) of this subsection, is guilty of
3 driving while license suspended or revoked in the third degree, a
4 misdemeanor.

5 (d) For the purposes of this subsection, a person is not
6 considered to be eligible to reinstate his or her driver's license or
7 driving privilege if the person is eligible to obtain an ignition
8 interlock driver's license but did not obtain such a license.

9 (2) Upon receiving a record of conviction of any person or upon
10 receiving an order by any juvenile court or any duly authorized court
11 officer of the conviction of any juvenile under this section, the
12 department shall:

13 (a) For a conviction of driving while suspended or revoked in the
14 first degree, as provided by subsection (1)(a) of this section,
15 extend the period of administrative revocation imposed under chapter
16 46.65 RCW for an additional period of one year from and after the
17 date the person would otherwise have been entitled to apply for a new
18 license or have his or her driving privilege restored; or

19 (b) For a conviction of driving while suspended or revoked in the
20 second degree, as provided by subsection (1)(b) of this section, not
21 issue a new license or restore the driving privilege for an
22 additional period of one year from and after the date the person
23 would otherwise have been entitled to apply for a new license or have
24 his or her driving privilege restored; or

25 (c) Not extend the period of suspension or revocation if the
26 conviction was under subsection (1)(c) of this section. If the
27 conviction was under subsection (1)(a) or (b) of this section and the
28 court recommends against the extension and the convicted person has
29 obtained a valid driver's license, the period of suspension or
30 revocation shall not be extended.

31 **Sec. 10.** RCW 46.20.391 and 2012 c 82 s 2 are each amended to
32 read as follows:

33 (1) Any person licensed under this chapter who is convicted of an
34 offense relating to motor vehicles for which suspension or revocation
35 of the driver's license is mandatory, other than vehicular homicide,
36 vehicular assault, driving while under the influence of intoxicating
37 liquor or any drug, or being in actual physical control of a motor
38 vehicle while under the influence of intoxicating liquor or any drug,
39 may submit to the department an application for a temporary

1 restricted driver's license. The department, upon receipt of the
2 prescribed fee and upon determining that the petitioner is eligible
3 to receive the license, may issue a temporary restricted driver's
4 license and may set definite restrictions as provided in RCW
5 46.20.394.

6 (2) (a) A person licensed under this chapter whose driver's
7 license is suspended administratively due to failure to appear or
8 (~~pay a traffic ticket under~~) respond pursuant to RCW 46.20.289; a
9 violation of the financial responsibility laws under chapter 46.29
10 RCW; or for multiple violations within a specified period of time
11 under RCW 46.20.291, may apply to the department for an occupational
12 driver's license.

13 (b) An occupational driver's license issued to an applicant
14 described in (a) of this subsection shall be valid for the period of
15 the suspension or revocation.

16 (3) An applicant for an occupational or temporary restricted
17 driver's license who qualifies under subsection (1) or (2) of this
18 section is eligible to receive such license only if:

19 (a) Within seven years immediately preceding the date of the
20 offense that gave rise to the present conviction or incident, the
21 applicant has not committed vehicular homicide under RCW 46.61.520 or
22 vehicular assault under RCW 46.61.522; and

23 (b) The applicant demonstrates that it is necessary for him or
24 her to operate a motor vehicle because he or she:

25 (i) Is engaged in an occupation or trade that makes it essential
26 that he or she operate a motor vehicle;

27 (ii) Is undergoing continuing health care or providing continuing
28 care to another who is dependent upon the applicant;

29 (iii) Is enrolled in an educational institution and pursuing a
30 course of study leading to a diploma, degree, or other certification
31 of successful educational completion;

32 (iv) Is undergoing substance abuse treatment or is participating
33 in meetings of a twelve-step group such as Alcoholics Anonymous that
34 requires the petitioner to drive to or from the treatment or
35 meetings;

36 (v) Is fulfilling court-ordered community service
37 responsibilities;

38 (vi) Is in a program that assists persons who are enrolled in a
39 WorkFirst program pursuant to chapter 74.08A RCW to become gainfully
40 employed and the program requires a driver's license;

1 (vii) Is in an apprenticeship, on-the-job training, or welfare-
2 to-work program; or

3 (viii) Presents evidence that he or she has applied for a
4 position in an apprenticeship or on-the-job training program for
5 which a driver's license is required to begin the program, provided
6 that a license granted under this provision shall be in effect for no
7 longer than fourteen days; and

8 (c) The applicant files satisfactory proof of financial
9 responsibility under chapter 46.29 RCW; and

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

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

26 (4) A person aggrieved by the decision of the department on the
27 application for an occupational or temporary restricted driver's
28 license may request a hearing as provided by rule of the department.

29 (5) The director shall cancel an occupational or temporary
30 restricted driver's license after receiving notice that the holder
31 thereof has been convicted of operating a motor vehicle in violation
32 of its restrictions, no longer meets the eligibility requirements, or
33 has been convicted of or found to have committed a separate offense
34 or any other act or omission that under this chapter would warrant
35 suspension or revocation of a regular driver's license. The
36 department must give notice of the cancellation as provided under RCW
37 46.20.245. A person whose occupational or temporary restricted
38 driver's license has been canceled under this section may reapply for
39 a new occupational or temporary restricted driver's license if he or

1 she is otherwise qualified under this section and pays the fee
2 required under RCW 46.20.380.

3 NEW SECTION. **Sec. 11.** A new section is added to chapter 46.20
4 RCW to read as follows:

5 (1) The department is authorized to administratively reinstate
6 the license of a person suspended pursuant to RCW 46.20.289(1) prior
7 to the effective date of this section because the person:

8 (a) Failed to respond to a notice of traffic infraction for a
9 moving violation;

10 (b) Failed to appear at a requested hearing for a moving
11 violation;

12 (c) Violated a written promise to appear in court for a notice of
13 infraction for a moving violation; or

14 (d) Failed to comply with the terms of a notice of traffic
15 infraction.

16 (2) No later than 90 days after the effective date of this
17 section, the department shall:

18 (a) Take reasonable steps to publicize the availability of relief
19 to reinstate a suspended license as provided in this section; and

20 (b) Create an online application process for persons whose
21 licenses are suspended and may be eligible for reinstatement as
22 provided in this section. The online application process shall allow
23 a person to determine whether the person is eligible to have his or
24 her license reinstated and explain the process for reinstatement. A
25 reissue fee as provided in RCW 46.20.311 shall apply.

26 (3) A reissue fee as provided in RCW 46.20.311 shall apply to any
27 license reinstated under this section.

28 **Sec. 12.** RCW 46.64.025 and 2017 c 336 s 11 are each amended to
29 read as follows:

30 Whenever any person (~~(served with, or provided notice of, a~~
31 ~~traffic infraction or a traffic-related criminal complaint~~
32 ~~willfully)) fails to respond to a notice of traffic infraction for a
33 moving violation, fails to appear at a (~~requested~~) hearing for a
34 moving violation, or fails to comply with the terms of a (~~notice of~~
35 ~~infraction for a moving violation or a traffic-related~~) criminal
36 complaint or criminal citation for a moving violation, the court with
37 jurisdiction over the traffic infraction, or traffic-related criminal
38 complaint or criminal citation shall promptly give notice of such~~

1 fact to the department of licensing. Whenever thereafter the case in
2 which the defendant failed to appear or comply is adjudicated, the
3 court hearing the case shall promptly file with the department a
4 certificate showing that the case has been adjudicated.

5 For the purposes of this section, "moving violation" is defined
6 by rule pursuant to RCW 46.20.2891.

7 NEW SECTION. **Sec. 13.** A new section is added to chapter 46.20
8 RCW to read as follows:

9 (1) An additional \$1 fee shall be imposed on each application for
10 an original or renewal of a regular driver's license, regular
11 identicard, enhanced driver's license, or enhanced identicard. The
12 entire amount of the fee shall be used to pay for processing costs
13 for driver's license issuance and reinstatements, and information
14 technology upgrades and the ongoing costs to maintain the driver's
15 license and identicard record and issuance system.

16 (2) The department shall forward all funds accruing under this
17 section to the state treasurer who shall deposit the moneys to the
18 credit of the highway safety fund.

19 **Sec. 14.** RCW 2.68.040 and 2019 c 467 s 6, 2019 c 403 s 12, and
20 2019 c 65 s 6 are each reenacted and amended to read as follows:

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

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

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

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

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

1 (3) The supreme court is requested to adjust these assessments
2 for inflation.

3 (4) This section does not apply to the additional monetary
4 penalty under RCW 46.20.500.

5 (5) This section does not apply to the additional monetary fine
6 under RCW 46.61.110, 46.61.145, 46.61.180, 46.61.185, 46.61.190, and
7 46.61.205.

8 (6) This section does not apply to the additional monetary
9 penalties under RCW 46.61.165.

10 (7) In addition to any amount prescribed by rule under subsection
11 (1)(a) of this section as an assessment on traffic infractions
12 dedicated for the judicial information system, there shall be
13 assessed \$2 on each traffic infraction. The additional \$2 shall be
14 forwarded to the state treasurer for deposit in the driver licensing
15 technology support account, created under section 15 of this act, to
16 be used to support information technology systems used by the
17 department of licensing to communicate with the judicial information
18 system, manage driving records, and implement court orders.

19 NEW SECTION. Sec. 15. A new section is added to chapter 46.68
20 RCW to read as follows:

21 The driver licensing technology support account is created as a
22 subaccount in the highway safety fund under RCW 46.68.060. Moneys in
23 the subaccount may be spent only after appropriation. Expenditures
24 from the subaccount may be used only for supporting information
25 technology systems used by the department to communicate with the
26 judicial information system, manage driving records, and implement
27 court orders.

28 NEW SECTION. Sec. 16. This act takes effect March 1, 2022.

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