
SUBSTITUTE HOUSE BILL 2178

State of Washington

69th Legislature

2026 Regular Session

By House Civil Rights & Judiciary (originally sponsored by Representatives Thai, Abell, Ryu, Simmons, Reed, Zahn, Reeves, and Fosse; by request of Administrative Office of the Courts)

READ FIRST TIME 01/20/26.

1 AN ACT Relating to court rules and procedures, including aligning
2 statutes with court rules and other statutes, making technical
3 corrections, and updating an implementation date; amending RCW
4 9A.48.100, 7.80.070, 7.80.050, and 7.80.120; adding a new section to
5 chapter 43.08 RCW; and repealing RCW 2.56.190.

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

7 **Sec. 1.** RCW 9A.48.100 and 2013 c 322 s 1 are each amended to
8 read as follows:

9 For the purposes of RCW 9A.48.070 through 9A.48.090 inclusive:

10 (1) "Physical damage," in addition to its ordinary meaning, shall
11 include the total or partial alteration, damage, obliteration, or
12 erasure of records, information, data, computer programs, or their
13 computer representations, which are recorded for use in computers or
14 the impairment, interruption, or interference with the use of such
15 records, information, data, or computer programs, or the impairment,
16 interruption, or interference with the use of any computer or
17 services provided by computers. "Physical damage" also includes any
18 diminution in the value of any property as the consequence of an act
19 and the cost to repair any physical damage;

20 (2) If more than one item of property is physically damaged as a
21 result of a common scheme or plan by a person and the physical damage

1 to the property would, when considered separately, constitute
2 mischief in the third degree because of value, then the value of the
3 damages may be aggregated in one count. If the sum of the value of
4 all the physical damages exceeds (~~two hundred fifty dollars~~) \$750,
5 the defendant may be charged with and convicted of malicious mischief
6 in the second degree.

7 **Sec. 2.** RCW 7.80.070 and 2006 c 270 s 5 are each amended to read
8 as follows:

9 (1) A notice of civil infraction represents a determination that
10 a civil infraction has been committed. The determination is final
11 unless contested as provided in this chapter.

12 (2) The form for the notice of civil infraction shall be
13 prescribed by rule of the supreme court and shall include the
14 following:

15 (a) A statement that the notice represents a determination that a
16 civil infraction has been committed by the person named in the notice
17 and that the determination is final unless contested as provided in
18 this chapter;

19 (b) A statement that a civil infraction is a noncriminal offense
20 for which imprisonment may not be imposed as a sanction;

21 (c) A statement of the specific civil infraction for which the
22 notice was issued;

23 (d) A statement of the monetary penalty established for the civil
24 infraction;

25 (e) A statement of the options provided in this chapter for
26 responding to the notice and the procedures necessary to exercise
27 these options;

28 (f) A statement that at any hearing to contest the determination
29 the state has the burden of proving, by a preponderance of the
30 evidence, that the civil infraction was committed and that the person
31 may subpoena witnesses including the enforcement officer who issued
32 the notice of civil infraction;

33 (g) A statement that at any hearing requested for the purpose of
34 explaining mitigating circumstances surrounding the commission of the
35 civil infraction, the person will be deemed to have committed the
36 civil infraction and may not subpoena witnesses;

37 (h) A statement that the person must respond to the notice as
38 provided in this chapter within (~~fifteen~~) 30 days of the date the

1 notice is personally served or, if the notice is served by mail,
2 within 33 days of the date the notice is mailed;

3 (i) A statement that failure to respond to the notice or a
4 failure to appear at a hearing requested for the purpose of
5 contesting the determination or for the purpose of explaining
6 mitigating circumstances will result in a default judgment against
7 the person in the amount of the penalty and that this failure may be
8 referred to the prosecuting attorney for criminal prosecution for
9 failure to respond or appear;

10 (j) A statement that failure to respond to a notice of civil
11 infraction or to appear at a requested hearing is a misdemeanor and
12 may be punished by a fine or imprisonment in jail.

13 **Sec. 3.** RCW 7.80.050 and 1987 c 456 s 13 are each amended to
14 read as follows:

15 (1) A civil infraction proceeding is initiated by the issuance,
16 service, and filing of a notice of civil infraction.

17 (2) A notice of civil infraction may be issued by an enforcement
18 officer when the civil infraction occurs in the officer's presence.

19 (3) A court may issue a notice of civil infraction if an
20 enforcement officer files with the court a written statement that the
21 civil infraction was committed in the officer's presence or that the
22 officer has reasonable cause to believe that a civil infraction was
23 committed.

24 (4) Service of a notice of civil infraction issued under
25 subsection (2) or (3) of this section shall be as provided by court
26 rule. Until such a rule is adopted, service shall be as provided in
27 ((~~JTR~~)) IRLJ 2.2(c)(1) and (3), as applicable.

28 (5) A notice of infraction shall be filed with a court having
29 jurisdiction within ((~~forty-eight hours~~)) five days of issuance,
30 excluding Saturdays, Sundays, and holidays. ((A)) In the absence of
31 good cause shown, a notice of infraction not filed within the time
32 limits prescribed in this section ((~~may~~)) shall, upon motion, be
33 dismissed without prejudice.

34 **Sec. 4.** RCW 7.80.120 and 2024 c 286 s 2 are each amended to read
35 as follows:

36 (1) A person found to have committed a civil infraction shall be
37 assessed a monetary penalty.

1 (a) The maximum penalty and the default amount for a class 1
2 civil infraction shall be \$250, not including statutory assessments,
3 except for an infraction of state law involving (i) potentially
4 dangerous litter as specified in RCW 70A.200.060(~~((+4))~~) (5), in which
5 case the maximum penalty and default amount is \$500; or (ii) a
6 person's refusal to submit to a test or tests pursuant to RCW
7 79A.60.040 and 79A.60.700, in which case the maximum penalty and
8 default amount is \$1,000; or (iii) the misrepresentation of service
9 animals under RCW 49.60.214, in which case the maximum penalty and
10 default amount is \$500; or (iv) untraceable firearms pursuant to RCW
11 9.41.326 or unfinished frames or receivers pursuant to RCW 9.41.327,
12 in which case the maximum penalty and default amount is \$500; or (v)
13 the failure to report the loss or theft of a firearm under RCW
14 9.41.368, in which case the maximum penalty and default amount is
15 \$1,000;

16 (b) The maximum penalty and the default amount for a class 2
17 civil infraction shall be \$125, not including statutory assessments;

18 (c) The maximum penalty and the default amount for a class 3
19 civil infraction shall be \$50, not including statutory assessments;
20 and

21 (d) The maximum penalty and the default amount for a class 4
22 civil infraction shall be \$25, not including statutory assessments.

23 (2) The supreme court shall prescribe by rule the conditions
24 under which local courts may exercise discretion in assessing fines
25 for civil infractions.

26 (3) (a) Whenever a monetary penalty is imposed by a court under
27 this chapter it is immediately payable. If the person is unable to
28 pay at that time the court may grant an extension of the period in
29 which the penalty may be paid. If the penalty is not paid on or
30 before the time established for payment, the court may proceed to
31 collect the penalty in the same manner as other civil judgments and
32 may notify the prosecuting authority of the failure to pay.

33 (b) A person may request a payment plan at any time for the
34 payment of any monetary penalty, fee, cost, assessment, or other
35 monetary obligation associated with an infraction.

36 (i) **Mandatory.** If the court determines that the person does not
37 have the ability to pay the monetary obligation in full, the person
38 has not previously been granted a payment plan for the same monetary
39 obligation, and the court has not authorized its collections agency

1 to take civil legal enforcement action, the court shall enter into a
2 payment plan with the individual.

3 (ii) **Discretionary.** Where the court has authorized its
4 collections agency to take civil legal enforcement action, the court
5 may, at its discretion, enter into a payment plan.

6 (4) The court may also order a person found to have committed a
7 civil infraction to make restitution.

8 NEW SECTION. **Sec. 5.** RCW 2.56.190 (Legal financial obligations—
9 Collection—Distribution of funds) and 2003 c 379 s 21 are each
10 repealed.

11 NEW SECTION. **Sec. 6.** A new section is added to chapter 43.08
12 RCW to read as follows:

13 By October 1st of each year, the state treasurer shall distribute
14 such funds to counties for county clerk collection budgets as are
15 appropriated by the legislature for this purpose, using the funding
16 formula recommended by the Washington association of county
17 officials.

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