

**SSB 5226 - S AMD 289**

By Senator Padden

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 46.20.245 and 2020 c 330 s 5 are each amended to read as follows:

(1) Whenever the department proposes to withhold the driving privilege of a person or disqualify a person from operating a commercial motor vehicle and this action is made mandatory by the provisions of this chapter or other law, the department must give notice to the person in writing by posting in the United States mail, appropriately addressed, postage prepaid, or by personal service. Notice by mail is given upon deposit in the United States mail. Notice given under this subsection must specify the date upon which the driving privilege is to be withheld which shall not be less than ~~((forty-five))~~ 90 days after the original notice is given. Notice by mail must also include the following:

(a) An advisory of payment options including payment plan opportunities that are available;

(b) Community service opportunities that are available; and

(c) The department website address required under RCW 46.63.110.

(2) For persons subject to suspension, revocation, or denial of a driver's license who are eligible for full credit under RCW 46.61.5055(9)(b)(ii), the notice in subsection (1) of this section must also notify the person of the obligation to complete the requirements under RCW 46.20.311 and pay the probationary license fee under RCW 46.20.355 by the date specified in the notice in order to avoid license suspension.

(3) Within ~~((fifteen))~~ 30 days after notice has been given to a person under subsection (1) of this section, the person may request in writing an administrative review before the department. If the request is mailed, it must be postmarked within ~~((fifteen))~~ 30 days after the date the department has given notice. If a person fails to request an administrative review within ~~((fifteen))~~ 30 days after the

1 date the department gives notice, the person is considered to have  
2 defaulted and loses his or her right to an administrative review  
3 unless the department finds good cause for a request after the  
4 ((fifteen-day)) 30-day period.

5 (a) An administrative review under this subsection shall consist  
6 solely of an internal review of documents and records submitted or  
7 available to the department, unless the person requests an interview  
8 before the department, in which case all or any part of the  
9 administrative review may, at the discretion of the department, be  
10 conducted by telephone or other electronic means.

11 (b) The only issues to be addressed in the administrative review  
12 are:

13 (i) Whether the records relied on by the department identify the  
14 correct person; and

15 (ii) Whether the information transmitted from the court or other  
16 reporting agency or entity regarding the person accurately describes  
17 the action taken by the court or other reporting agency or entity.

18 (c) For the purposes of this section, the notice received from a  
19 court or other reporting agency or entity, regardless of form or  
20 format, is prima facie evidence that the information from the court  
21 or other reporting agency or entity regarding the person is accurate.  
22 A person requesting administrative review has the burden of showing  
23 by a preponderance of the evidence that the person is not subject to  
24 the withholding of the driving privilege.

25 (d) The action subject to the notification requirements of  
26 subsection (1) of this section shall be stayed during the  
27 administrative review process.

28 (e) Judicial review of a department order affirming the action  
29 subject to the notification requirements of subsection (1) of this  
30 section after an administrative review shall be available in the same  
31 manner as provided in RCW 46.20.308(8). The department shall certify  
32 its record to the court within ((thirty)) 30 days after service upon  
33 the department of the petition for judicial review. The action  
34 subject to the notification requirements of subsection (1) of this  
35 section shall not automatically be stayed during the judicial review.  
36 If judicial relief is sought for a stay or other temporary remedy  
37 from the department's action, the court shall not grant relief unless  
38 the court finds that the appellant is likely to prevail in the appeal  
39 and that without a stay the appellant will suffer irreparable injury.

(4) The department may adopt rules that are considered necessary or convenient by the department for purposes of administering this section, including, but not limited to, rules regarding expedited procedures for issuing orders and expedited notice procedures.

(5) This section does not apply where an opportunity for an informal settlement, driver improvement interview, or formal hearing is otherwise provided by law or rule of the department.

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

(1) The department is authorized to administratively reinstate all licenses suspended pursuant to section 5, chapter . . ., Laws of 2021 (section 5 of this act) that would not have been eligible for driver's license suspension under section 2, chapter 467, Laws of 2019.

(2) No later than 30 days after the effective date of this section, the department shall notify any person whose driver's license was suspended pursuant to section 2, chapter 467, Laws of 2019 prior to the effective date of section 5, chapter . . ., Laws of 2021 (section 5 of this act), that he or she may be eligible for reinstatement of his or her license, specifying that the reinstatement is not available for licenses suspended that meet the criteria for suspension under section 5, chapter . . ., Laws of 2021 (section 5 of this act).

(3) No later than 30 days after the effective date of this section, the department shall create an online application process available for people who had their licenses suspended pursuant to RCW 46.20.289 prior to the effective date of section 5, chapter . . ., Laws of 2021 (section 5 of this act). This online application process shall allow a person to determine whether they are eligible to have their license reinstated and explain the process for reinstatement. A reissue fee as provided in RCW 46.20.311 shall apply.

**Sec. 3.**   RCW 46.20.289 and 2019 c 467 s 2 are each amended to read as follows:

(1) Except for traffic violations committed under RCW 46.61.165, the department shall suspend all driving privileges of a person when the department receives notice from a court under RCW 46.63.070(6), 46.63.110(6), or 46.64.025 that the person has ~~((failed))~~ :

1       (a) Failed to respond to a notice of traffic infraction for a  
2 moving violation(~~(, failed)~~) when (i) the person has failed to  
3 respond to one or more other notices of traffic infractions for a  
4 moving violation; or (ii) the other traffic infraction(s) for a  
5 moving violation remains unresolved;

6       (b) Failed to appear at a requested hearing for a moving  
7 violation(~~(, violated)~~);

8       (c) Violated a written promise to appear in court for a notice of  
9 infraction for a moving violation(~~(, or has failed)~~); or

10       (d) Failed to comply with the terms of a notice of traffic  
11 infraction(~~(, criminal complaint, or citation for a moving violation,~~  
12 ~~or~~) when the person has received one or more other traffic  
13 infractions for moving violations that remain outstanding at the time  
14 the determination of qualification to receive a driver's license  
15 suspension occurs.

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

23       (3) A suspension under this section takes effect pursuant to the  
24 provisions of RCW 46.20.245, and remains in effect until the  
25 department has received a certificate from the court showing that the  
26 case has been adjudicated, and until the person meets the  
27 requirements of RCW 46.20.311.

28       (4) In the case of failure to respond to a traffic infraction  
29 issued under RCW 46.55.105, the department shall suspend all driving  
30 privileges until the person provides evidence from the court that all  
31 penalties and restitution have been paid.

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

36       **Sec. 4.** RCW 46.20.291 and 2016 c 203 s 5 are each amended to  
37 read as follows:

1       The department is authorized to suspend the license of a driver  
2 upon a showing by its records or other sufficient evidence that the  
3 licensee:

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

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

9       (3) Has been convicted of offenses against traffic regulations  
10 governing the movement of vehicles, or found to have committed  
11 traffic infractions, with such frequency as to indicate a disrespect  
12 for traffic laws or a disregard for the safety of other persons on  
13 the highways;

14       (4) Is incompetent to drive a motor vehicle under RCW  
15 46.20.031(3);

16       (5) Has failed to respond to a notice of traffic infraction((~~r~~));  
17 failed to appear at a requested hearing((~~r~~)); violated a written  
18 promise to appear in court((~~r~~)); or ((~~has~~)) failed to comply with the  
19 terms of a notice of traffic infraction, criminal complaint, or  
20 citation, as provided in RCW 46.20.289;

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

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

24       (8) Has been certified by the department of social and health  
25 services as a person who is not in compliance with a child support  
26 order or a residential or visitation order as provided in RCW  
27 74.20A.320.

28       **Sec. 5.** RCW 46.20.342 and 2015 c 149 s 1 are each amended to  
29 read as follows:

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

35       (a) A person found to be a habitual offender under chapter 46.65  
36 RCW, who violates this section while an order of revocation issued  
37 under chapter 46.65 RCW prohibiting such operation is in effect, is  
38 guilty of driving while license suspended or revoked in the first  
39 degree, a gross misdemeanor. Upon the first such conviction, the

1 person shall be punished by imprisonment for not less than (~~(ten)~~) 10  
2 days. Upon the second conviction, the person shall be punished by  
3 imprisonment for not less than (~~(ninety)~~) 90 days. Upon the third or  
4 subsequent conviction, the person shall be punished by imprisonment  
5 for not less than (~~(one hundred eighty)~~) 180 days. If the person is  
6 also convicted of the offense defined in RCW 46.61.502 or 46.61.504,  
7 when both convictions arise from the same event, the minimum sentence  
8 of confinement shall be not less than (~~(ninety)~~) 90 days. The minimum  
9 sentence of confinement required shall not be suspended or deferred.  
10 A conviction under this subsection does not prevent a person from  
11 petitioning for reinstatement as provided by RCW 46.65.080.

12 (b) A person who violates this section while an order of  
13 suspension or revocation prohibiting such operation is in effect and  
14 while the person is not eligible to reinstate his or her driver's  
15 license or driving privilege, other than for a suspension for the  
16 reasons described in (c) of this subsection, is guilty of driving  
17 while license suspended or revoked in the second degree, a gross  
18 misdemeanor. For the purposes of this subsection, a person is not  
19 considered to be eligible to reinstate his or her driver's license or  
20 driving privilege if the person is eligible to obtain an ignition  
21 interlock driver's license but did not obtain such a license. This  
22 subsection applies when a person's driver's license or driving  
23 privilege has been suspended or revoked by reason of:

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

26 (ii) A previous conviction under this section;

27 (iii) A notice received by the department from a court or  
28 diversion unit as provided by RCW 46.20.265, relating to a minor who  
29 has committed, or who has entered a diversion unit concerning an  
30 offense relating to alcohol, legend drugs, controlled substances, or  
31 imitation controlled substances;

32 (iv) A conviction of RCW 46.20.410, relating to the violation of  
33 restrictions of an occupational driver's license, a temporary  
34 restricted driver's license, or an ignition interlock driver's  
35 license;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) (~~the~~) The person must furnish proof of satisfactory progress in a required alcoholism or drug treatment program(~~(7)~~);

(ii) (~~the~~) The person must furnish proof of financial responsibility for the future as provided by chapter 46.29 RCW(~~(7)~~);

(iii) (~~the~~) The person has failed to comply with the provisions of chapter 46.29 RCW relating to uninsured accidents(~~(7)~~);

1 (iv) (~~the~~) The person has failed to respond to a notice of  
2 traffic infraction(~~(r)~~); failed to appear at a requested  
3 hearing(~~(r)~~); violated a written promise to appear in court(~~(r)~~); or  
4 (~~has~~) failed to comply with the terms of a notice of traffic  
5 infraction, criminal complaint, or citation, as provided in RCW  
6 46.20.289(~~(r)~~);

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

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

14 (vii) (~~the~~) The person has received traffic citations or  
15 notices of traffic infraction that have resulted in a suspension  
16 under RCW 46.20.267 relating to intermediate drivers' licenses(~~(r)~~);  
17 or

18 (viii) (~~the~~) The person has been certified by the department of  
19 social and health services as a person who is not in compliance with  
20 a child support order as provided in RCW 74.20A.320, or any  
21 combination of (c)(i) through (viii) of this subsection, is guilty of  
22 driving while license suspended or revoked in the third degree, a  
23 misdemeanor with a maximum penalty of 10 days in jail and a \$250  
24 fine.

25 (d) If a person cited under (c) of this subsection appears in  
26 person before the court or violations bureau and provides written  
27 evidence that, after the time the person was cited, he or she has  
28 paid the underlying citation(s) that suspended his or her license, or  
29 has entered into a payment plan with the respective court or  
30 collection agency for the underlying citation(s), the citation shall  
31 be dismissed without cost and the person's license reinstated by the  
32 court or violations bureau, except that the court or violations  
33 bureau may assess court administrative costs of \$50 and require  
34 payment of same as a condition of dismissal. In lieu of personal  
35 appearance, a person cited under (c) of this subsection may, before  
36 the date scheduled for the person's appearance before the court or  
37 violations bureau, submit by mail to the court or violations bureau  
38 written evidence that, after the time the person was cited, he or she  
39 has paid the underlying citation(s) that suspended his or her license  
40 or entered into a payment plan with the respective court or



1 collection agency for the underlying citation(s), in which case the  
2 citation shall be dismissed without cost and the person's license  
3 reinstated by the court or violations bureau, except that the court  
4 or violations bureau may assess court administrative costs of \$50 and  
5 require payment of same as a condition of dismissal.

6 (e) A person may apply to the sentencing court for a vacation of  
7 the offender's record of conviction for driving while license  
8 suspended or revoked in the third degree one year after successful  
9 completion of all conditions of judgment and sentencing including  
10 payment of financial obligations. If the court finds the offender is  
11 otherwise eligible, the court may clear the record of conviction: (i)  
12 By permitting the offender to withdraw the offender's plea of guilty  
13 and to enter a plea of not guilty; or (ii) if the offender has been  
14 convicted after a plea of not guilty, by the court setting aside the  
15 verdict of guilty; and (iii) by the court dismissing the information  
16 or indictment against the offender. Once the court vacates a record  
17 of conviction under this section, the fact that the offender has been  
18 convicted of the offense shall not be included in the offender's  
19 criminal history for purposes of determining a sentence in any  
20 subsequent conviction, and the offender shall be released from all  
21 penalties and disabilities resulting from the offense. For all  
22 purposes, including responding to questions on employment  
23 applications, an offender whose conviction has been vacated may state  
24 that the offender has never been convicted of that crime.

25 For the purposes of this subsection, a person is not considered  
26 to be eligible to reinstate his or her driver's license or driving  
27 privilege if the person is eligible to obtain an ignition interlock  
28 driver's license but did not obtain such a license.

29 (2) Upon receiving a record of conviction of any person or upon  
30 receiving an order by any juvenile court or any duly authorized court  
31 officer of the conviction of any juvenile under this section, the  
32 department shall:

33 (a) For a conviction of driving while suspended or revoked in the  
34 first degree, as provided by subsection (1)(a) of this section,  
35 extend the period of administrative revocation imposed under chapter  
36 46.65 RCW for an additional period of one year from and after the  
37 date the person would otherwise have been entitled to apply for a new  
38 license or have his or her driving privilege restored; or

39 (b) For a conviction of driving while suspended or revoked in the  
40 second degree, as provided by subsection (1)(b) of this section, not

1 issue a new license or restore the driving privilege for an  
2 additional period of one year from and after the date the person  
3 would otherwise have been entitled to apply for a new license or have  
4 his or her driving privilege restored; or

5 (c) Not extend the period of suspension or revocation if the  
6 conviction was under subsection (1)(c) of this section. If the  
7 conviction was under subsection (1)(a) or (b) of this section and the  
8 court recommends against the extension and the convicted person has  
9 obtained a valid driver's license, the period of suspension or  
10 revocation shall not be extended.

11 **Sec. 6.** RCW 46.63.110 and 2019 c 467 s 4, 2019 c 403 s 13, 2019  
12 c 181 s 1, and 2019 c 65 s 7 are each reenacted and amended to read  
13 as follows:

14 (1) A person found to have committed a traffic infraction shall  
15 be assessed a monetary penalty. No penalty may exceed (~~two hundred~~  
16 ~~and fifty dollars~~) \$250 for each offense unless authorized by this  
17 chapter or title.

18 (2) The monetary penalty for a violation of (a) RCW 46.55.105(2)  
19 is (~~two hundred fifty dollars~~) \$250 for each offense; (b) RCW  
20 46.61.210(1) is (~~five hundred dollars~~) \$500 for each offense. No  
21 penalty assessed under this subsection (2) may be reduced.

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

28 (4) There shall be a penalty of (~~twenty-five dollars~~) \$25 for  
29 failure to respond to a notice of traffic infraction except where the  
30 infraction relates to parking as defined by local law, ordinance,  
31 regulation, or resolution or failure to pay a monetary penalty  
32 imposed pursuant to this chapter. A local legislative body may set a  
33 monetary penalty not to exceed (~~twenty-five dollars~~) \$25 for  
34 failure to respond to a notice of traffic infraction relating to  
35 parking as defined by local law, ordinance, regulation, or  
36 resolution. The local court, whether a municipal, police, or district  
37 court, shall impose the monetary penalty set by the local legislative  
38 body.

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

6 (6) Whenever a monetary penalty, fee, cost, assessment, or other  
7 monetary obligation is imposed by a court under this chapter, it is  
8 immediately payable and is enforceable as a civil judgment under  
9 Title 6 RCW. If the court determines, in its discretion, that a  
10 person is not able to pay a monetary obligation in full, and not more  
11 than one year has passed since the later of July 1, 2005, or the date  
12 the monetary obligation initially became due and payable, the court  
13 shall enter into a payment plan with the person, unless the person  
14 has previously been granted a payment plan with respect to the same  
15 monetary obligation, or unless the person is in noncompliance of any  
16 existing or prior payment plan, in which case the court may, at its  
17 discretion, implement a payment plan. If the court has notified the  
18 department that the person has failed to pay or comply and the person  
19 has subsequently entered into a payment plan and made an initial  
20 payment, the court shall notify the department that the infraction  
21 has been adjudicated, and the department shall rescind any suspension  
22 of the person's driver's license or driver's privilege based on  
23 failure to respond to that infraction. "Payment plan," as used in  
24 this section, means a plan that requires reasonable payments based on  
25 the financial ability of the person to pay. The person may  
26 voluntarily pay an amount at any time in addition to the payments  
27 required under the payment plan.

28 (a) If a payment required to be made under the payment plan is  
29 delinquent or the person fails to complete a community restitution  
30 program on or before the time established under the payment plan,  
31 unless the court determines good cause therefor and adjusts the  
32 payment plan or the community restitution plan accordingly, the court  
33 may refer the unpaid monetary penalty, fee, cost, assessment, or  
34 other monetary obligation for civil enforcement until all monetary  
35 obligations, including those imposed under subsections (3) and (4) of  
36 this section, have been paid, and court authorized community  
37 restitution has been completed, or until the court has entered into a  
38 new time payment or community restitution agreement with the person.  
39 For those infractions subject to suspension under RCW 46.20.289, the  
40 court shall notify the department of the person's failure to meet the

1 conditions of the plan, and the department shall suspend the person's  
2 driver's license or driving privileges when the requirements listed  
3 for suspension in RCW 46.20.289 are met.

4 (b) If a person has not entered into a payment plan with the  
5 court and has not paid the monetary obligation in full on or before  
6 the time established for payment, the court may refer the unpaid  
7 monetary penalty, fee, cost, assessment, or other monetary obligation  
8 to a collections agency until all monetary obligations have been  
9 paid, including those imposed under subsections (3) and (4) of this  
10 section, or until the person has entered into a payment plan under  
11 this section. For those infractions subject to suspension under RCW  
12 46.20.289, the court shall notify the department of the person's  
13 delinquency, and the department shall suspend the person's driver's  
14 license or driving privileges when the requirements listed for  
15 suspension in RCW 46.20.289 are met.

16 (c) If the payment plan is to be administered by the court, the  
17 court may assess the person a reasonable administrative fee to be  
18 wholly retained by the city or county with jurisdiction. The  
19 administrative fee shall not exceed ~~((ten—dollars))~~ \$10 per  
20 infraction or ~~((twenty-five—dollars))~~ \$25 per payment plan, whichever  
21 is less.

22 (d) Nothing in this section precludes a court from contracting  
23 with outside entities to administer its payment plan system. When  
24 outside entities are used for the administration of a payment plan,  
25 the court may assess the person a reasonable fee for such  
26 administrative services, which fee may be calculated on a periodic,  
27 percentage, or other basis.

28 (e) If a court authorized community restitution program for  
29 offenders is available in the jurisdiction, the court may allow  
30 conversion of all or part of the monetary obligations due under this  
31 section to court authorized community restitution in lieu of time  
32 payments if the person is unable to make reasonable time payments.

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

37 (a) A fee of ~~((five—dollars))~~ \$5 per infraction. Under no  
38 circumstances shall this fee be reduced or waived. Revenue from this  
39 fee shall be forwarded to the state treasurer for deposit in the

1 emergency medical services and trauma care system trust account under  
2 RCW 70.168.040;

3 (b) A fee of (~~ten dollars~~) \$10 per infraction. Under no  
4 circumstances shall this fee be reduced or waived. Revenue from this  
5 fee shall be forwarded to the state treasurer for deposit in the  
6 Washington auto theft prevention authority account; and

7 (c) A fee of (~~five dollars~~) \$5 per infraction. Under no  
8 circumstances shall this fee be reduced or waived. Revenue from this  
9 fee shall be forwarded to the state treasurer for deposit in the  
10 traumatic brain injury account established in RCW 74.31.060.

11 (8)(a) In addition to any other penalties imposed under this  
12 section and not subject to the limitation of subsection (1) of this  
13 section, a person found to have committed a traffic infraction other  
14 than of RCW 46.61.527 or 46.61.212 shall be assessed an additional  
15 penalty of (~~twenty dollars~~) \$20. The court may not reduce, waive,  
16 or suspend the additional penalty unless the court finds the offender  
17 to be indigent. If a court authorized community restitution program  
18 for offenders is available in the jurisdiction, the court shall allow  
19 offenders to offset all or a part of the penalty due under this  
20 subsection (8) by participation in the court authorized community  
21 restitution program.

22 (b) (~~Eight dollars and fifty cents~~) \$8.50 of the additional  
23 penalty under (a) of this subsection shall be remitted to the state  
24 treasurer. The remaining revenue from the additional penalty must be  
25 remitted under chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW.  
26 Money remitted under this subsection to the state treasurer must be  
27 deposited in the state general fund. The balance of the revenue  
28 received by the county or city treasurer under this subsection must  
29 be deposited into the county or city current expense fund. Moneys  
30 retained by the city or county under this subsection shall constitute  
31 reimbursement for any liabilities under RCW 43.135.060.

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

36 (10) The monetary penalty for violating RCW 46.37.395 is: (a)  
37 (~~Two hundred fifty dollars~~) \$250 for the first violation; (b)  
38 (~~five hundred dollars~~) \$500 for the second violation; and (c)  
39 (~~seven hundred fifty dollars~~) \$750 for each violation thereafter.

1 (11) The additional monetary penalty for a violation of RCW  
2 46.20.500 is not subject to assessments or fees provided under this  
3 section.

4 (12) The additional monetary fine for a violation of RCW  
5 46.61.110, 46.61.145, 46.61.180, 46.61.185, 46.61.190, and 46.61.205  
6 is not subject to assessments or fees provided under this section.

7 (13) The additional monetary penalties for a violation of RCW  
8 46.61.165 are not subject to assessments or fees provided under this  
9 section.

10 NEW SECTION. **Sec. 7.** This act takes effect January 1, 2022."

**SSB 5226 - S AMD 289**  
By Senator Padden

11 On page 1, line 1 of the title, after "Relating to" strike the  
12 remainder of the title and insert "creating a program for the  
13 consolidation of traffic-based financial obligations to facilitate  
14 reinstatement of driving privileges that are suspended because of  
15 failure to pay; amending RCW 46.20.245, 46.20.289, 46.20.291, and  
16 46.20.342; reenacting and amending RCW 46.63.110; adding a new  
17 section to chapter 46.20 RCW; and providing an effective date."

EFFECT: Replaces the bill with the provisions of SB 5349: Extends  
time to resolve citation from 45 to 90 days before any suspension;  
requires two outstanding infractions before a person's license is  
suspended; reduces maximum penalties for DWLS3; requires dismissal of  
a DWLS3 matter if the person charged pays the underlying citation or  
enters into a payment plan; and requires a DWLS3 conviction be  
vacated one year after successful completion of release conditions.

--- END ---