
ENGROSSED SUBSTITUTE SENATE BILL 5127

AS AMENDED BY THE HOUSE

Passed Legislature - 2019 Regular Session

State of Washington 66th Legislature 2019 Regular Session

By Senate Ways & Means (originally sponsored by Senators McCoy, Billig, Darneille, Hunt, Rolfes, and Schoesler)

READ FIRST TIME 02/27/19.

1 AN ACT Relating to increasing the traumatic brain injury fee;
2 amending RCW 46.63.110, 74.31.060, and 74.31.020; and prescribing
3 penalties.

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

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

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

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

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

1 (4) There shall be a penalty of twenty-five dollars for failure
2 to respond to a notice of traffic infraction except where the
3 infraction relates to parking as defined by local law, ordinance,
4 regulation, or resolution or failure to pay a monetary penalty
5 imposed pursuant to this chapter. A local legislative body may set a
6 monetary penalty not to exceed twenty-five dollars for failure to
7 respond to a notice of traffic infraction relating to parking as
8 defined by local law, ordinance, regulation, or resolution. The local
9 court, whether a municipal, police, or district court, shall impose
10 the monetary penalty set by the local legislative body.

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

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

38 (a) If a payment required to be made under the payment plan is
39 delinquent or the person fails to complete a community restitution
40 program on or before the time established under the payment plan,

1 unless the court determines good cause therefor and adjusts the
2 payment plan or the community restitution plan accordingly, the court
3 may refer the unpaid monetary penalty, fee, cost, assessment, or
4 other monetary obligation for civil enforcement until all monetary
5 obligations, including those imposed under subsections (3) and (4) of
6 this section, have been paid, and court authorized community
7 restitution has been completed, or until the court has entered into a
8 new time payment or community restitution agreement with the person.
9 For those infractions subject to suspension under RCW 46.20.289, the
10 court shall notify the department of the person's failure to meet the
11 conditions of the plan, and the department shall suspend the person's
12 driver's license or driving privileges.

13 (b) If a person has not entered into a payment plan with the
14 court and has not paid the monetary obligation in full on or before
15 the time established for payment, the court may refer the unpaid
16 monetary penalty, fee, cost, assessment, or other monetary obligation
17 to a collections agency until all monetary obligations have been
18 paid, including those imposed under subsections (3) and (4) of this
19 section, or until the person has entered into a payment plan under
20 this section. For those infractions subject to suspension under RCW
21 46.20.289, the court shall notify the department of the person's
22 delinquency, and the department shall suspend the person's driver's
23 license or driving privileges.

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

29 (d) Nothing in this section precludes a court from contracting
30 with outside entities to administer its payment plan system. When
31 outside entities are used for the administration of a payment plan,
32 the court may assess the person a reasonable fee for such
33 administrative services, which fee may be calculated on a periodic,
34 percentage, or other basis.

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

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

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

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

13 (c) A fee of (~~two~~) five dollars per infraction. Under no
14 circumstances shall this fee be reduced or waived. Revenue from this
15 fee shall be forwarded to the state treasurer for deposit in the
16 traumatic brain injury account established in RCW 74.31.060.

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

28 (b) Eight dollars and fifty cents of the additional penalty under
29 (a) of this subsection shall be remitted to the state treasurer. The
30 remaining revenue from the additional penalty must be remitted under
31 chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted
32 under this subsection to the state treasurer must be deposited in the
33 state general fund. The balance of the revenue received by the county
34 or city treasurer under this subsection must be deposited into the
35 county or city current expense fund. Moneys retained by the city or
36 county under this subsection shall constitute reimbursement for any
37 liabilities under RCW 43.135.060.

38 (9) If a legal proceeding, such as garnishment, has commenced to
39 collect any delinquent amount owed by the person for any penalty

1 imposed by the court under this section, the court may, at its
2 discretion, enter into a payment plan.

3 (10) The monetary penalty for violating RCW 46.37.395 is: (a) Two
4 hundred fifty dollars for the first violation; (b) five hundred
5 dollars for the second violation; and (c) seven hundred fifty dollars
6 for each violation thereafter.

7 **Sec. 2.** RCW 74.31.060 and 2011 c 143 s 6 are each amended to
8 read as follows:

9 The traumatic brain injury account is created in the state
10 treasury. (~~Two dollars of~~) The fee imposed under RCW
11 46.63.110(7)(c) must be deposited into the account. Moneys in the
12 account may be spent only after appropriation, and may be used only
13 to support the activities in the statewide traumatic brain injury
14 comprehensive plan, to provide a public awareness campaign and
15 services relating to traumatic brain injury under RCW 74.31.040 and
16 74.31.050, for information and referral services, and for costs of
17 required department staff who are providing support for the council
18 under RCW 74.31.020 and 74.31.030. The secretary of the department of
19 social and health services has the authority to administer the funds.
20 The department must make every effort to disburse the incremental
21 revenue that is the result of the fee increased under RCW
22 46.63.110(7)(c) in a diverse manner to include rural areas of the
23 state.

24 **Sec. 3.** RCW 74.31.020 and 2018 c 58 s 55 are each amended to
25 read as follows:

26 (1) The Washington traumatic brain injury strategic partnership
27 advisory council is established as an advisory council to the
28 governor, the legislature, and the secretary of the department of
29 social and health services.

30 (2) The council shall be composed of:

31 (a) The following members who shall be appointed by the governor:

32 (i) A representative from a Native American tribe located in
33 Washington state;

34 (ii) ((A)) Two representatives from a nonprofit organization
35 serving individuals with traumatic brain injury;

36 (iii) An individual with expertise in working with children with
37 traumatic brain injuries;

1 (iv) A physician who has experience working with individuals with
2 traumatic brain injuries;

3 (v) A neuropsychologist who has experience working with persons
4 with traumatic brain injuries;

5 (vi) A social worker or clinical psychologist who has experience
6 in working with persons who have sustained traumatic brain injuries;

7 (vii) A rehabilitation specialist, such as a speech pathologist,
8 vocational rehabilitation counselor, occupational therapist, or
9 physical therapist who has experience working with persons with
10 traumatic brain injuries;

11 (viii) Two persons who are individuals with a traumatic brain
12 injury;

13 (ix) Two persons who are family members of individuals with
14 traumatic brain injuries; and

15 (x) Two members of the public who have experience with issues
16 related to the causes of traumatic brain injuries; and

17 (b) The following agency members:

18 (i) The secretary or the secretary's designee, and
19 representatives from the following: The division of behavioral health
20 and recovery services, the aging and disability services
21 administration, and the division of vocational rehabilitation;

22 (ii) The secretary of health or the secretary's designee;

23 (iii) The secretary of corrections or the secretary's designee;

24 (iv) The secretary of children, youth, and families or the
25 secretary's designee;

26 (v) A representative of the department of commerce with expertise
27 in housing;

28 (vi) A representative from the Washington state department of
29 veterans affairs;

30 (vii) A representative from the national guard; and

31 (viii) The executive director of the Washington protection and
32 advocacy system or the executive director's designee (~~and~~

33 ~~(ix) The executive director of the state brain injury association~~
34 ~~or the executive director's designee.~~

35 ~~In the event that any of the state agencies designated in this~~
36 ~~subsection (2) (b) is renamed, reorganized, or eliminated, the~~
37 ~~director or secretary of the department that assumes the~~
38 ~~responsibilities of each renamed, reorganized, or eliminated agency~~
39 ~~shall designate a substitute representative).~~

1 (3) Councilmembers shall not be compensated for serving on the
2 council, but may be reimbursed for all reasonable expenses related to
3 costs incurred in participating in meetings for the council.

4 (4) No member may serve more than two consecutive terms.

5 (5) The appointed members of the council shall, to the extent
6 possible, represent rural and urban areas of the state.

7 (6) A chairperson shall be elected every two years by majority
8 vote from among the councilmembers. The chairperson shall act as the
9 presiding officer of the council.

10 (7) The duties of the council include:

11 (a) Collaborating with the department to develop and revise as
12 needed a comprehensive statewide plan to address the needs of
13 individuals with traumatic brain injuries;

14 (b) Providing recommendations to the department on criteria to be
15 used to select programs facilitating support groups for individuals
16 with traumatic brain injuries and their families under RCW 74.31.050;

17 (c) By January 15, 2013, and every two years thereafter,
18 developing a report in collaboration with the department and
19 submitting it to the legislature and the governor on the following:

20 (i) Identifying the activities of the council in the
21 implementation of the comprehensive statewide plan;

22 (ii) Recommendations for the revisions to the comprehensive
23 statewide plan;

24 (iii) Recommendations for using the traumatic brain injury
25 account established under RCW 74.31.060 to form strategic
26 partnerships and to foster the development of services and supports
27 for individuals impacted by traumatic brain injuries; and

28 (iv) Recommendations for a council staffing plan for council
29 support under RCW 74.31.030.

30 (8) The council may utilize the advice or services of a
31 nationally recognized expert, or other individuals as the council
32 deems appropriate, to assist the council in carrying out its duties
33 under this section.

--- END ---