
SENATE BILL 5349

State of Washington**67th Legislature****2021 Regular Session****By** Senators Cleveland and Padden

1 AN ACT Relating to creating a program for the consolidation of
2 traffic-based financial obligations to facilitate reinstatement of
3 driving privileges that are suspended because of failure to pay;
4 amending RCW 46.20.245, 46.20.289, 46.20.291, and 46.20.342;
5 reenacting and amending RCW 46.63.110; adding a new section to
6 chapter 46.20 RCW; and providing an effective date.

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

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

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

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

3 (b) Community service opportunities that are available; and

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

5 (2) For persons subject to suspension, revocation, or denial of a
6 driver's license who are eligible for full credit under RCW
7 46.61.5055(9)(b)(ii), the notice in subsection (1) of this section
8 must also notify the person of the obligation to complete the
9 requirements under RCW 46.20.311 and pay the probationary license fee
10 under RCW 46.20.355 by the date specified in the notice in order to
11 avoid license suspension.

12 (3) Within ((fifteen)) 30 days after notice has been given to a
13 person under subsection (1) of this section, the person may request
14 in writing an administrative review before the department. If the
15 request is mailed, it must be postmarked within ((fifteen)) 30 days
16 after the date the department has given notice. If a person fails to
17 request an administrative review within ((fifteen)) 30 days after the
18 date the department gives notice, the person is considered to have
19 defaulted and loses his or her right to an administrative review
20 unless the department finds good cause for a request after the
21 ((fifteen-day)) 30-day period.

22 (a) An administrative review under this subsection shall consist
23 solely of an internal review of documents and records submitted or
24 available to the department, unless the person requests an interview
25 before the department, in which case all or any part of the
26 administrative review may, at the discretion of the department, be
27 conducted by telephone or other electronic means.

28 (b) The only issues to be addressed in the administrative review
29 are:

30 (i) Whether the records relied on by the department identify the
31 correct person; and

32 (ii) Whether the information transmitted from the court or other
33 reporting agency or entity regarding the person accurately describes
34 the action taken by the court or other reporting agency or entity.

35 (c) For the purposes of this section, the notice received from a
36 court or other reporting agency or entity, regardless of form or
37 format, is *prima facie* evidence that the information from the court
38 or other reporting agency or entity regarding the person is accurate.
39 A person requesting administrative review has the burden of showing

1 by a preponderance of the evidence that the person is not subject to
2 the withholding of the driving privilege.

3 (d) The action subject to the notification requirements of
4 subsection (1) of this section shall be stayed during the
5 administrative review process.

6 (e) Judicial review of a department order affirming the action
7 subject to the notification requirements of subsection (1) of this
8 section after an administrative review shall be available in the same
9 manner as provided in RCW 46.20.308(8). The department shall certify
10 its record to the court within ((thirty)) 30 days after service upon
11 the department of the petition for judicial review. The action
12 subject to the notification requirements of subsection (1) of this
13 section shall not automatically be stayed during the judicial review.
14 If judicial relief is sought for a stay or other temporary remedy
15 from the department's action, the court shall not grant relief unless
16 the court finds that the appellant is likely to prevail in the appeal
17 and that without a stay the appellant will suffer irreparable injury.

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

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

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

27 (1) The department is authorized to administratively reinstate
28 all licenses suspended pursuant to section 5, chapter . . ., Laws of
29 2021 (section 5 of this act) that would not have been eligible for
30 driver's license suspension under section 2, chapter 467, Laws of
31 2019.

32 (2) No later than 30 days after the effective date of this
33 section, the department shall notify any person whose driver's
34 license was suspended pursuant to section 2, chapter 467, Laws of
35 2019 prior to the effective date of section 5, chapter . . ., Laws of
36 2021 (section 5 of this act), that he or she may be eligible for
37 reinstatement of his or her license, specifying that the
38 reinstatement is not available for licenses suspended that meet the

1 criteria for suspension under section 5, chapter . . ., Laws of 2021
2 (section 5 of this act).

3 (3) No later than 30 days after the effective date of this
4 section, the department shall create an online application process
5 available for people who had their licenses suspended pursuant to RCW
6 46.20.289 prior to the effective date of section 5, chapter . . .,
7 Laws of 2021 (section 5 of this act). This online application process
8 shall allow a person to determine whether they are eligible to have
9 their license reinstated and explain the process for reinstatement. A
10 reissue fee as provided in RCW 46.20.311 shall apply.

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

13 (1) Except for traffic violations committed under RCW 46.61.165,
14 the department shall suspend all driving privileges of a person when
15 the department receives notice from a court under RCW 46.63.070(6),
16 46.63.110(6), or 46.64.025 that the person has ((failed)):

17 (a) Failed to respond to a notice of traffic infraction for a
18 moving violation((, failed)) when (i) the person has failed to
19 respond to one or more other notices of traffic infractions for a
20 moving violation; or (ii) the other traffic infraction(s) for a
21 moving violation remains unresolved;

22 (b) Failed to appear at a requested hearing for a moving
23 violation((, violated));

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

26 (d) Failed to comply with the terms of a notice of traffic
27 infraction((, criminal complaint, or citation for a moving violation,
28 or)) when the person has received one or more other traffic
29 infractions for moving violations that remain outstanding at the time
30 the determination of qualification to receive a driver's license
31 suspension occurs.

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

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

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

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

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

16 The department is authorized to suspend the license of a driver
17 upon a showing by its records or other sufficient evidence that the
18 licensee:

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

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

24 (3) Has been convicted of offenses against traffic regulations
25 governing the movement of vehicles, or found to have committed
26 traffic infractions, with such frequency as to indicate a disrespect
27 for traffic laws or a disregard for the safety of other persons on
28 the highways;

29 (4) Is incompetent to drive a motor vehicle under RCW
30 46.20.031(3);

31 (5) Has failed to respond to a notice of traffic infraction~~((r))~~~~;~~
32 failed to appear at a requested hearing~~((r))~~~~;~~ violated a written
33 promise to appear in court~~((r))~~~~;~~ or ~~((has))~~ failed to comply with the
34 terms of a notice of traffic infraction, criminal complaint, or
35 citation, as provided in RCW 46.20.289;

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

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

1 (8) Has been certified by the department of social and health
2 services as a person who is not in compliance with a child support
3 order or a residential or visitation order as provided in RCW
4 74.20A.320.

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

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

12 (a) A person found to be a habitual offender under chapter 46.65
13 RCW, who violates this section while an order of revocation issued
14 under chapter 46.65 RCW prohibiting such operation is in effect, is
15 guilty of driving while license suspended or revoked in the first
16 degree, a gross misdemeanor. Upon the first such conviction, the
17 person shall be punished by imprisonment for not less than ((ten)) 10
18 days. Upon the second conviction, the person shall be punished by
19 imprisonment for not less than ((ninety)) 90 days. Upon the third or
20 subsequent conviction, the person shall be punished by imprisonment
21 for not less than ((one hundred eighty)) 180 days. If the person is
22 also convicted of the offense defined in RCW 46.61.502 or 46.61.504,
23 when both convictions arise from the same event, the minimum sentence
24 of confinement shall be not less than ((ninety)) 90 days. The minimum
25 sentence of confinement required shall not be suspended or deferred.
26 A conviction under this subsection does not prevent a person from
27 petitioning for reinstatement as provided by RCW 46.65.080.

28 (b) A person who violates this section while an order of
29 suspension or revocation prohibiting such operation is in effect and
30 while the person is not eligible to reinstate his or her driver's
31 license or driving privilege, other than for a suspension for the
32 reasons described in (c) of this subsection, is guilty of driving
33 while license suspended or revoked in the second degree, a gross
34 misdemeanor. For the purposes of this subsection, a person is not
35 considered to be eligible to reinstate his or her driver's license or
36 driving privilege if the person is eligible to obtain an ignition
37 interlock driver's license but did not obtain such a license. This
38 subsection applies when a person's driver's license or driving
39 privilege has been suspended or revoked by reason of:

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

3 (ii) A previous conviction under this section;

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

9 (iv) A conviction of RCW 46.20.410, relating to the violation of
10 restrictions of an occupational driver's license, a temporary
11 restricted driver's license, or an ignition interlock driver's
12 license;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (iv) ((the)) The person has failed to respond to a notice of
18 traffic infraction((r)); failed to appear at a requested
19 hearing((r)); violated a written promise to appear in court((r)); or
20 ((has)) failed to comply with the terms of a notice of traffic
21 infraction, criminal complaint, or citation, as provided in RCW
22 46.20.289((r));

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

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

30 (vii) ((the)) The person has received traffic citations or
31 notices of traffic infraction that have resulted in a suspension
32 under RCW 46.20.267 relating to intermediate drivers' licenses((r));
33 or

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

1 (d) If a person cited under (c) of this subsection appears in
2 person before the court or violations bureau and provides written
3 evidence that, after the time the person was cited, he or she has
4 paid the underlying citation(s) that suspended his or her license, or
5 has entered into a payment plan with the respective court or
6 collection agency for the underlying citation(s), the citation shall
7 be dismissed without cost and the person's license reinstated by the
8 court or violations bureau, except that the court or violations
9 bureau may assess court administrative costs of \$50 and require
10 payment of same as a condition of dismissal. In lieu of personal
11 appearance, a person cited under (c) of this subsection may, before
12 the date scheduled for the person's appearance before the court or
13 violations bureau, submit by mail to the court or violations bureau
14 written evidence that, after the time the person was cited, he or she
15 has paid the underlying citation(s) that suspended his or her license
16 or entered into a payment plan with the respective court or
17 collection agency for the underlying citation(s), in which case the
18 citation shall be dismissed without cost and the person's license
19 reinstated by the court or violations bureau, except that the court
20 or violations bureau may assess court administrative costs of \$50 and
21 require payment of same as a condition of dismissal.

22 (e) A person may apply to the sentencing court for a vacation of
23 the offender's record of conviction for driving while license
24 suspended or revoked in the third degree one year after successful
25 completion of all conditions of judgment and sentencing including
26 payment of financial obligations. If the court finds the offender is
27 otherwise eligible, the court may clear the record of conviction: (i)
28 By permitting the offender to withdraw the offender's plea of guilty
29 and to enter a plea of not guilty; or (ii) if the offender has been
30 convicted after a plea of not guilty, by the court setting aside the
31 verdict of guilty; and (iii) by the court dismissing the information
32 or indictment against the offender. Once the court vacates a record
33 of conviction under this section, the fact that the offender has been
34 convicted of the offense shall not be included in the offender's
35 criminal history for purposes of determining a sentence in any
36 subsequent conviction, and the offender shall be released from all
37 penalties and disabilities resulting from the offense. For all
38 purposes, including responding to questions on employment
39 applications, an offender whose conviction has been vacated may state
40 that the offender has never been convicted of that crime.

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

5 (2) Upon receiving a record of conviction of any person or upon
6 receiving an order by any juvenile court or any duly authorized court
7 officer of the conviction of any juvenile under this section, the
8 department shall:

9 (a) For a conviction of driving while suspended or revoked in the
10 first degree, as provided by subsection (1)(a) of this section,
11 extend the period of administrative revocation imposed under chapter
12 46.65 RCW for an additional period of one year from and after the
13 date the person would otherwise have been entitled to apply for a new
14 license or have his or her driving privilege restored; or

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

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

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

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

34 (2) The monetary penalty for a violation of (a) RCW 46.55.105(2)
35 is ((two hundred fifty dollars)) \$250 for each offense; (b) RCW
36 46.61.210(1) is ((five hundred dollars)) \$500 for each offense. No
37 penalty assessed under this subsection (2) may be reduced.

38 (3) The supreme court shall prescribe by rule a schedule of
39 monetary penalties for designated traffic infractions. This rule

1 shall also specify the conditions under which local courts may
2 exercise discretion in assessing fines and penalties for traffic
3 infractions. The legislature respectfully requests the supreme court
4 to adjust this schedule every two years for inflation.

5 (4) There shall be a penalty of ~~((twenty-five dollars))~~ \$25 for
6 failure to respond to a notice of traffic infraction except where the
7 infraction relates to parking as defined by local law, ordinance,
8 regulation, or resolution or failure to pay a monetary penalty
9 imposed pursuant to this chapter. A local legislative body may set a
10 monetary penalty not to exceed ~~((twenty-five dollars))~~ \$25 for
11 failure to respond to a notice of traffic infraction relating to
12 parking as defined by local law, ordinance, regulation, or
13 resolution. The local court, whether a municipal, police, or district
14 court, shall impose the monetary penalty set by the local legislative
15 body.

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

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

1 voluntarily pay an amount at any time in addition to the payments
2 required under the payment plan.

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

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

31 (c) If the payment plan is to be administered by the court, the
32 court may assess the person a reasonable administrative fee to be
33 wholly retained by the city or county with jurisdiction. The
34 administrative fee shall not exceed ((ten dollars)) \$10 per
35 infraction or ((twenty-five dollars)) \$25 per payment plan, whichever
36 is less.

37 (d) Nothing in this section precludes a court from contracting
38 with outside entities to administer its payment plan system. When
39 outside entities are used for the administration of a payment plan,
40 the court may assess the person a reasonable fee for such

1 administrative services, which fee may be calculated on a periodic,
2 percentage, or other basis.

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

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

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

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

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

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

36 (b) ~~((Eight dollars and fifty cents))~~ \$8.50 of the additional
37 penalty under (a) of this subsection shall be remitted to the state
38 treasurer. The remaining revenue from the additional penalty must be
39 remitted under chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW.
40 Money remitted under this subsection to the state treasurer must be

1 deposited in the state general fund. The balance of the revenue
2 received by the county or city treasurer under this subsection must
3 be deposited into the county or city current expense fund. Moneys
4 retained by the city or county under this subsection shall constitute
5 reimbursement for any liabilities under RCW 43.135.060.

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

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

14 (11) The additional monetary penalty for a violation of RCW
15 46.20.500 is not subject to assessments or fees provided under this
16 section.

17 (12) The additional monetary fine for a violation of RCW
18 46.61.110, 46.61.145, 46.61.180, 46.61.185, 46.61.190, and 46.61.205
19 is not subject to assessments or fees provided under this section.

20 (13) The additional monetary penalties for a violation of RCW
21 46.61.165 are not subject to assessments or fees provided under this
22 section.

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

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