
SUBSTITUTE SENATE BILL 5723

State of Washington

66th Legislature

2019 Regular Session

By Senate Transportation (originally sponsored by Senators Randall, Saldaña, Lias, Rolfes, Billig, and Nguyen)

1 AN ACT Relating to increasing safety on roadways for pedestrians,
2 bicyclists, and other roadway users; amending RCW 46.61.110,
3 46.61.145, 46.61.180, 46.61.185, 46.61.190, 46.61.205, 46.61.250,
4 46.61.770, 3.62.090, 2.68.040, and 46.63.110; reenacting and amending
5 RCW 43.84.092; creating a new section; prescribing penalties; and
6 providing an effective date.

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

8 NEW SECTION. **Sec. 1.** The legislature finds that a number of the
9 collision types that have resulted in a high number of serious
10 injuries and deaths of vulnerable roadway users can be associated
11 with certain types of traffic infractions. To address the heightened
12 risk to vulnerable roadway users when violations of these traffic
13 infractions occur, the legislature intends to: (1) Introduce an
14 additional fine as a penalty for drivers who commit these violations
15 against a vulnerable roadway user; (2) modify when certain vulnerable
16 roadway users may be passed by motor vehicles; and (3) clarify when
17 and how pedestrians and bicyclists may use the roadway. To increase
18 enforcement of all traffic infractions and offenses committed against
19 vulnerable roadway users, the legislature intends for revenue that is
20 collected from the new fine to be dedicated to the education of law
21 enforcement officers, prosecutors, and judges about opportunities for

1 the enforcement of traffic violations committed against vulnerable
2 roadway users, with any remaining funds to be used to increase
3 awareness by the public of the risks and penalties associated with
4 these traffic violations. The goals of this act are to achieve a
5 reduction in the frequency with which drivers violate traffic laws
6 that endanger vulnerable roadway users and to encourage safe sharing
7 of the roadway by drivers, bicyclists, pedestrians, and other
8 vulnerable roadway users.

9 **Sec. 2.** RCW 46.61.110 and 2005 c 396 s 1 are each amended to
10 read as follows:

11 The following rules shall govern the overtaking and passing of
12 vehicles proceeding in the same direction(~~(, subject to those~~
13 ~~limitations, exceptions and special rules hereinafter stated)~~):

14 (1) (a) The driver of a vehicle overtaking other traffic
15 proceeding in the same direction shall pass to the left (~~(thereof)~~)
16 of it at a safe distance and shall not again drive to the right side
17 of the roadway until safely clear of the overtaken traffic.

18 (b) When the vehicle being overtaken is a motorcycle, motor-
19 driven cycle, or moped, a driver of a motor vehicle found to be in
20 violation of (a) of this subsection must be assessed an additional
21 fine equal to the base penalty assessed under RCW 46.63.110(3). This
22 fine may not be waived, reduced, or suspended, unless the court finds
23 the offender to be indigent, and is not subject to the additional
24 fees and assessments that the base penalty for this violation is
25 subject to under RCW 2.68.040, 3.62.090, and 46.63.110.

26 (2) (a) The driver of a vehicle approaching an individual who is
27 traveling as a pedestrian or on a bicycle ((that)), riding an animal,
28 or using a farm tractor or implement of husbandry without an enclosed
29 shell, and who is ((on)) traveling in the right lane of a roadway or
30 on the right-hand shoulder or bicycle lane of the roadway, shall
31 ~~((pass to the left at a safe distance to clearly avoid coming into~~
32 ~~contact with the pedestrian or bicyclist, and shall not again drive~~
33 ~~to the right side of the roadway until safely clear of the overtaken~~
34 ~~pedestrian or bicyclist))):~~

35 (i) On a roadway with two lanes or more for traffic moving in the
36 direction of travel, before passing and until safely clear of the
37 individual, move completely into a lane to the left of the right lane
38 when it is safe to do so;

1 (ii) On a roadway with only one lane for traffic moving in the
2 direction of travel:

3 (A) When there is sufficient room to the left of the individual
4 in the lane for traffic moving in the direction of travel, before
5 passing and until safely clear of the individual:

6 (I) Reduce speed to a safe speed for passing relative to the
7 speed of the individual; and

8 (II) Pass at a safe distance, where practicable of at least three
9 feet, to clearly avoid coming into contact with the individual or the
10 individual's vehicle or animal; or

11 (B) When there is insufficient room to the left of the individual
12 in the lane for traffic moving in the direction of travel to comply
13 with (a)(ii)(A) of this subsection, before passing and until safely
14 clear of the individual, move completely into the lane for traffic
15 moving in the opposite direction when it is safe to do so and in
16 compliance with RCW 46.61.120 and 46.61.125.

17 (b) A driver of a motor vehicle found to be in violation of this
18 subsection (2) must be assessed an additional fine equal to the base
19 penalty assessed under RCW 46.63.110(3). This fine may not be waived,
20 reduced, or suspended, unless the court finds the offender to be
21 indigent, and is not subject to the additional fees and assessments
22 that the base penalty for this violation is subject to under RCW
23 2.68.040, 3.62.090, and 46.63.110.

24 (c) The additional fine imposed under (b) of this subsection must
25 be deposited into the vulnerable roadway user education account
26 created in RCW 46.61.145.

27 (d) For the purposes of this section, "vulnerable user of a
28 public way" has the same meaning as provided in RCW 46.61.526(11)(c).

29 (3) Except when overtaking and passing on the right is permitted,
30 overtaken traffic shall give way to the right in favor of an
31 overtaking vehicle on audible signal and shall not increase speed
32 until completely passed by the overtaking vehicle.

33 **Sec. 3.** RCW 46.61.145 and 1965 ex.s. c 155 s 24 are each amended
34 to read as follows:

35 (1) The driver of a motor vehicle shall not follow another
36 vehicle more closely than is reasonable and prudent, having due
37 regard for the speed of such vehicles and the traffic upon and the
38 condition of the highway.

1 (2) The driver of any motor truck or motor vehicle drawing
2 another vehicle when traveling upon a roadway outside of a business
3 or residence district and which is following another motor truck or
4 motor vehicle drawing another vehicle shall, whenever conditions
5 permit, leave sufficient space so that an overtaking vehicle may
6 enter and occupy such space without danger, except that this shall
7 not prevent a motor truck or motor vehicle drawing another vehicle
8 from overtaking and passing any like vehicle or other vehicle.

9 (3) Motor vehicles being driven upon any roadway outside of a
10 business or residence district in a caravan or motorcade whether or
11 not towing other vehicles shall be so operated as to allow sufficient
12 space between each such vehicle or combination of vehicles so as to
13 enable any other vehicle to enter and occupy such space without
14 danger. This provision shall not apply to funeral processions.

15 (4) (a) When the vehicle being followed is a vulnerable user of a
16 public way, a driver of a motor vehicle found to be in violation of
17 this section must be assessed an additional fine equal to the base
18 penalty assessed under RCW 46.63.110(3). This fine may not be waived,
19 reduced, or suspended, unless the court finds the offender to be
20 indigent, and is not subject to the additional fees and assessments
21 that the base penalty for this violation is subject to under RCW
22 2.68.040, 3.62.090, and 46.63.110.

23 (b) For the purposes of this section, "vulnerable user of a
24 public way" has the same meaning as provided in RCW 46.61.526(11)(c).

25 (5) The additional fine imposed under subsection (4) of this
26 section must be deposited into the vulnerable roadway user education
27 account created in subsection (6) of this section.

28 (6) The vulnerable roadway user education account is created in
29 the state treasury. All receipts from the additional fine in
30 subsection (4) of this section must be deposited into the account.
31 Moneys in the account may be spent only after appropriation.
32 Expenditures from the account may be used only by the Washington
33 traffic safety commission solely to:

34 (a) Support programs dedicated to increasing awareness by law
35 enforcement officers, prosecutors, and judges of opportunities for
36 the enforcement of traffic infractions and offenses committed against
37 vulnerable roadway users; and

38 (b) With any funds remaining once the program support specified
39 in (a) of this subsection has been provided, support programs
40 dedicated to increasing awareness by the public of the risks and

1 penalties associated with traffic infractions and offenses committed
2 against vulnerable roadway users.

3 **Sec. 4.** RCW 46.61.180 and 1975 c 62 s 26 are each amended to
4 read as follows:

5 (1) When two vehicles approach or enter an intersection from
6 different highways at approximately the same time, the driver of the
7 vehicle on the left shall yield the right-of-way to the vehicle on
8 the right.

9 (2) The right-of-way rule declared in subsection (1) of this
10 section is modified at arterial highways and otherwise as stated in
11 this chapter.

12 (3)(a) When the vehicle on the right approaching the intersection
13 is a vulnerable user of a public way, a driver of a motor vehicle
14 found to be in violation of this section must be assessed an
15 additional fine equal to the base penalty assessed under RCW
16 46.63.110(3). This fine may not be waived, reduced, or suspended,
17 unless the court finds the offender to be indigent, and is not
18 subject to the additional fees and assessments that the base penalty
19 for this violation is subject to under RCW 2.68.040, 3.62.090, and
20 46.63.110.

21 (b) For the purposes of this section, "vulnerable user of a
22 public way" has the same meaning as provided in RCW 46.61.526(11)(c).

23 (4) The additional fine imposed under subsection (3) of this
24 section must be deposited into the vulnerable roadway user education
25 account created in RCW 46.61.145.

26 **Sec. 5.** RCW 46.61.185 and 1965 ex.s. c 155 s 29 are each amended
27 to read as follows:

28 (1) The driver of a vehicle intending to turn to the left within
29 an intersection or into an alley, private road, or driveway shall
30 yield the right-of-way to any vehicle approaching from the opposite
31 direction which is within the intersection or so close thereto as to
32 constitute an immediate hazard.

33 (2)(a) When the vehicle approaching from the opposite direction
34 within the intersection or so close that it constitutes an immediate
35 hazard is a vulnerable user of a public way, a driver of a motor
36 vehicle found to be in violation of this section must be assessed an
37 additional fine equal to the base penalty assessed under RCW
38 46.63.110(3). This fine may not be waived, reduced, or suspended,

1 unless the court finds the offender to be indigent, and is not
2 subject to the additional fees and assessments that the base penalty
3 for this violation is subject to under RCW 2.68.040, 3.62.090, and
4 46.63.110.

5 (b) For the purposes of this section, "vulnerable user of a
6 public way" has the same meaning as provided in RCW 46.61.526(11)(c).

7 (3) The additional fine imposed under subsection (2) of this
8 section must be deposited into the vulnerable roadway user education
9 account created in RCW 46.61.145.

10 **Sec. 6.** RCW 46.61.190 and 2000 c 239 s 5 are each amended to
11 read as follows:

12 (1) Preferential right-of-way may be indicated by stop signs or
13 yield signs as authorized in RCW 47.36.110.

14 (2) Except when directed to proceed by a duly authorized flagger,
15 or a police officer, or a firefighter vested by law with authority to
16 direct, control, or regulate traffic, every driver of a vehicle
17 approaching a stop sign shall stop at a clearly marked stop line, but
18 if none, before entering a marked crosswalk on the near side of the
19 intersection or, if none, then at the point nearest the intersecting
20 roadway where the driver has a view of approaching traffic on the
21 intersecting roadway before entering the roadway, and after having
22 stopped shall yield the right-of-way to any vehicle in the
23 intersection or approaching on another roadway so closely as to
24 constitute an immediate hazard during the time when such driver is
25 moving across or within the intersection or junction of roadways.

26 (3) The driver of a vehicle approaching a yield sign shall in
27 obedience to such sign slow down to a speed reasonable for the
28 existing conditions and if required for safety to stop, shall stop at
29 a clearly marked stop line, but if none, before entering a marked
30 crosswalk on the near side of the intersection or if none, then at
31 the point nearest the intersecting roadway where the driver has a
32 view of approaching traffic on the intersecting roadway before
33 entering the roadway, and then after slowing or stopping, the driver
34 shall yield the right-of-way to any vehicle in the intersection or
35 approaching on another roadway so closely as to constitute an
36 immediate hazard during the time such driver is moving across or
37 within the intersection or junction of roadways: PROVIDED, That if
38 such a driver is involved in a collision with a vehicle in the
39 intersection or junction of roadways, after driving past a yield sign

1 without stopping, such collision shall be deemed prima facie evidence
2 of the driver's failure to yield right-of-way.

3 (4) (a) When right-of-way has not been yielded in accordance with
4 this section to a vehicle that is a vulnerable user of a public way,
5 a driver of a motor vehicle found to be in violation of this section
6 must be assessed an additional fine equal to the base penalty
7 assessed under RCW 46.63.110(3). This fine may not be waived,
8 reduced, or suspended, unless the court finds the offender to be
9 indigent, and is not subject to the additional fees and assessments
10 that the base penalty for this violation is subject to under RCW
11 2.68.040, 3.62.090, and 46.63.110.

12 (b) For the purposes of this section, "vulnerable user of a
13 public way" has the same meaning as provided in RCW 46.61.526(11)(c).

14 (5) The additional fine imposed under subsection (4) of this
15 section must be deposited into the vulnerable roadway user education
16 account created in RCW 46.61.145.

17 **Sec. 7.** RCW 46.61.205 and 1990 c 250 s 88 are each amended to
18 read as follows:

19 (1) The driver of a vehicle about to enter or cross a highway
20 from a private road or driveway shall yield the right-of-way to all
21 vehicles lawfully approaching on said highway.

22 (2) (a) When right-of-way has not been yielded in accordance with
23 this section to a vehicle that is a vulnerable user of a public way,
24 a driver of a motor vehicle found to be in violation of this section
25 must be assessed an additional fine equal to the base penalty
26 assessed under RCW 46.63.110(3). This fine may not be waived,
27 reduced, or suspended, unless the court finds the offender to be
28 indigent, and is not subject to the additional fees and assessments
29 that the base penalty for this violation is subject to under RCW
30 2.68.040, 3.62.090, and 46.63.110.

31 (b) For the purposes of this section, "vulnerable user of a
32 public way" has the same meaning as provided in RCW 46.61.526(11)(c).

33 (3) The additional fine imposed under subsection (2) of this
34 section must be deposited into the vulnerable roadway user education
35 account created in RCW 46.61.145.

36 **Sec. 8.** RCW 46.61.250 and 1990 c 241 s 6 are each amended to
37 read as follows:

1 (1) Where sidewalks are provided and are accessible, it is
2 unlawful for any pedestrian to walk or otherwise move along and upon
3 an adjacent roadway. Where sidewalks are provided but wheelchair
4 access is not available, ~~((disabled))~~ persons with disabilities who
5 require such access may walk or otherwise move along and upon an
6 adjacent roadway until they reach an access point in the sidewalk.

7 (2) Where sidewalks are not provided ~~((any))~~ or are inaccessible,
8 a pedestrian walking or otherwise moving along and upon a highway
9 shall ~~((r))~~ :

10 (a) When ~~((practicable))~~ shoulders are provided and are
11 accessible, walk ~~((or move only))~~ on the ~~((left side of the roadway~~
12 ~~or its))~~ shoulder ~~((facing traffic which may approach from the~~
13 ~~opposite direction and))~~ of the roadway as far as is practicable from
14 the edge of the roadway, facing traffic when a shoulder is available
15 in this direction; or

16 (b) When shoulders are not provided or are inaccessible, walk as
17 near as is practicable to the outside edge of the roadway facing
18 traffic, and when practicable, move clear of the roadway upon meeting
19 an oncoming vehicle ~~((shall move clear of the roadway))~~.

20 (3) A pedestrian traveling to the nearest emergency reporting
21 device on a one-way roadway of a controlled access highway is not
22 required to travel facing traffic as otherwise required by subsection
23 (2) of this section.

24 **Sec. 9.** RCW 46.61.770 and 1982 c 55 s 7 are each amended to read
25 as follows:

26 (1) Every person operating a bicycle upon a roadway at a rate of
27 speed less than the normal flow of traffic at the particular time and
28 place shall ride as near to the right side of the right through lane
29 as is safe except ~~((as may be appropriate))~~ :

30 (a) While preparing to make or while making turning movements ~~((r~~
31 or)) at an intersection or into a private road or driveway;

32 (b) When approaching an intersection where right turns are
33 permitted and there is a dedicated right turn lane, in which case a
34 person may operate a bicycle in this lane even if the operator does
35 not intend to turn right;

36 (c) While overtaking and passing another bicycle or vehicle
37 proceeding in the same direction; and

38 (d) When reasonably necessary to avoid unsafe conditions
39 including, but not limited to, fixed or moving objects, parked or

1 moving vehicles, bicyclists, pedestrians, animals, and surface
2 hazards.

3 (2) A person operating a bicycle upon a roadway or highway other
4 than a limited-access highway, which roadway or highway carries
5 traffic in one direction only and has two or more marked traffic
6 lanes, may ride as near to the left side of the left through lane as
7 is safe.

8 (3) A person operating a bicycle upon a roadway may use the
9 shoulder of the roadway or any specially designated bicycle lane (~~if~~
10 such exists)).

11 ((~~2~~)) (4) When the operator of a bicycle is using the travel
12 lane of a roadway with only one lane for traffic moving in the
13 direction of travel and it is wide enough for a bicyclist and a
14 vehicle to travel safely side-by-side within it, the bicycle operator
15 shall operate far enough to the right to facilitate the movement of
16 an overtaking vehicle unless other conditions make it unsafe to do so
17 or unless the bicyclist is preparing to make a turning movement or
18 while making a turning movement.

19 (5) Persons riding bicycles upon a roadway shall not ride more
20 than two abreast except on paths or parts of roadways set aside for
21 the exclusive use of bicycles.

22 **Sec. 10.** RCW 3.62.090 and 2004 c 15 s 5 are each amended to read
23 as follows:

24 (1) There shall be assessed and collected in addition to any
25 fines, forfeitures, or penalties assessed, other than for parking
26 infractions, by all courts organized under Title 3 or 35 RCW a public
27 safety and education assessment equal to seventy percent of such
28 fines, forfeitures, or penalties, which shall be remitted as provided
29 in chapters 3.46, 3.50, 3.62, and 35.20 RCW. The assessment required
30 by this section shall not be suspended or waived by the court.

31 (2) There shall be assessed and collected in addition to any
32 fines, forfeitures, or penalties assessed, other than for parking
33 infractions and for fines levied under RCW 46.61.5055, and in
34 addition to the public safety and education assessment required under
35 subsection (1) of this section, by all courts organized under Title 3
36 or 35 RCW, an additional public safety and education assessment equal
37 to fifty percent of the public safety and education assessment
38 required under subsection (1) of this section, which shall be
39 remitted to the state treasurer and deposited as provided in RCW

1 43.08.250. The additional assessment required by this subsection
2 shall not be suspended or waived by the court.

3 (3) This section does not apply to the fee imposed under RCW
4 46.63.110(7), the penalty imposed under RCW 46.63.110(8), the
5 additional fine imposed under RCW 46.61.110, 46.61.145, 46.61.180,
6 46.61.185, 46.61.190, and 46.61.205, or the penalty assessment
7 imposed under RCW 10.99.080.

8 **Sec. 11.** RCW 2.68.040 and 1994 c 8 s 2 are each amended to read
9 as follows:

10 (1) To support the judicial information system account provided
11 for in RCW 2.68.020, the supreme court may provide by rule for an
12 increase in fines, penalties, and assessments, and the increased
13 amount shall be forwarded to the state treasurer for deposit in the
14 account:

15 (a) Pursuant to the authority of RCW 46.63.110(~~((2))~~) (3), the
16 sum of ten dollars to any penalty collected by a court pursuant to
17 supreme court infraction rules for courts of limited jurisdiction;

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

20 (c) Pursuant to RCW 46.63.110(~~((5))~~) (6), a ten-dollar assessment
21 for each account for which a person requests a time payment schedule.

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

27 (3) The supreme court is requested to adjust these assessments
28 for inflation.

29 (4) This section does not apply to the additional monetary fine
30 under RCW 46.61.110, 46.61.145, 46.61.180, 46.61.185, 46.61.190, and
31 46.61.205.

32 **Sec. 12.** RCW 46.63.110 and 2012 c 82 s 1 are each amended to
33 read as follows:

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

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

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

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

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

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

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

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

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

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

39 (d) Nothing in this section precludes a court from contracting
40 with outside entities to administer its payment plan system. When

1 outside entities are used for the administration of a payment plan,
2 the court may assess the person a reasonable fee for such
3 administrative services, which fee may be calculated on a periodic,
4 percentage, or other basis.

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

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

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

18 (b) A fee of ten 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 Washington auto
21 theft prevention authority account; and

22 (c) A fee of two dollars per infraction. Revenue from this fee
23 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. The court may not reduce, waive, or
30 suspend the additional penalty unless the court finds the offender to
31 be indigent. If a court authorized community restitution program for
32 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 of the additional penalty under
37 (a) of this subsection shall be remitted to the state treasurer. The
38 remaining revenue from the additional penalty must be remitted under
39 chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted
40 under this subsection to the state treasurer must be deposited in the

1 state general fund. The balance of the revenue received by the county
2 or city treasurer under this subsection must be deposited into the
3 county or city current expense fund. Moneys retained by the city or
4 county under this subsection shall constitute reimbursement for any
5 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) Two
11 hundred fifty dollars for the first violation; (b) five hundred
12 dollars for the second violation; and (c) seven hundred fifty dollars
13 for each violation thereafter.

14 (11) The additional monetary fine for a violation of RCW
15 46.61.110, 46.61.145, 46.61.180, 46.61.185, 46.61.190, and 46.61.205
16 is not subject to assessments or fees provided under this section.

17 **Sec. 13.** RCW 43.84.092 and 2018 c 287 s 7, 2018 c 275 s 10, and
18 2018 c 203 s 14 are each reenacted and amended to read as follows:

19 (1) All earnings of investments of surplus balances in the state
20 treasury shall be deposited to the treasury income account, which
21 account is hereby established in the state treasury.

22 (2) The treasury income account shall be utilized to pay or
23 receive funds associated with federal programs as required by the
24 federal cash management improvement act of 1990. The treasury income
25 account is subject in all respects to chapter 43.88 RCW, but no
26 appropriation is required for refunds or allocations of interest
27 earnings required by the cash management improvement act. Refunds of
28 interest to the federal treasury required under the cash management
29 improvement act fall under RCW 43.88.180 and shall not require
30 appropriation. The office of financial management shall determine the
31 amounts due to or from the federal government pursuant to the cash
32 management improvement act. The office of financial management may
33 direct transfers of funds between accounts as deemed necessary to
34 implement the provisions of the cash management improvement act, and
35 this subsection. Refunds or allocations shall occur prior to the
36 distributions of earnings set forth in subsection (4) of this
37 section.

38 (3) Except for the provisions of RCW 43.84.160, the treasury
39 income account may be utilized for the payment of purchased banking

1 services on behalf of treasury funds including, but not limited to,
2 depository, safekeeping, and disbursement functions for the state
3 treasury and affected state agencies. The treasury income account is
4 subject in all respects to chapter 43.88 RCW, but no appropriation is
5 required for payments to financial institutions. Payments shall occur
6 prior to distribution of earnings set forth in subsection (4) of this
7 section.

8 (4) Monthly, the state treasurer shall distribute the earnings
9 credited to the treasury income account. The state treasurer shall
10 credit the general fund with all the earnings credited to the
11 treasury income account except:

12 (a) The following accounts and funds shall receive their
13 proportionate share of earnings based upon each account's and fund's
14 average daily balance for the period: The abandoned recreational
15 vehicle disposal account, the aeronautics account, the aircraft
16 search and rescue account, the Alaskan Way viaduct replacement
17 project account, the brownfield redevelopment trust fund account, the
18 budget stabilization account, the capital vessel replacement account,
19 the capitol building construction account, the Cedar River channel
20 construction and operation account, the Central Washington University
21 capital projects account, the charitable, educational, penal and
22 reformatory institutions account, the Chehalis basin account, the
23 cleanup settlement account, the Columbia river basin water supply
24 development account, the Columbia river basin taxable bond water
25 supply development account, the Columbia river basin water supply
26 revenue recovery account, the common school construction fund, the
27 community forest trust account, the connecting Washington account,
28 the county arterial preservation account, the county criminal justice
29 assistance account, the deferred compensation administrative account,
30 the deferred compensation principal account, the department of
31 licensing services account, the department of licensing tuition
32 recovery trust fund, the department of retirement systems expense
33 account, the developmental disabilities community trust account, the
34 diesel idle reduction account, the drinking water assistance account,
35 the drinking water assistance administrative account, the early
36 learning facilities development account, the early learning
37 facilities revolving account, the Eastern Washington University
38 capital projects account, the Interstate 405 express toll lanes
39 operations account, the education construction fund, the education
40 legacy trust account, the election account, the electric vehicle

1 charging infrastructure account, the energy freedom account, the
2 energy recovery act account, the essential rail assistance account,
3 The Evergreen State College capital projects account, the federal
4 forest revolving account, the ferry bond retirement fund, the freight
5 mobility investment account, the freight mobility multimodal account,
6 the grade crossing protective fund, the public health services
7 account, the high capacity transportation account, the state higher
8 education construction account, the higher education construction
9 account, the highway bond retirement fund, the highway infrastructure
10 account, the highway safety fund, the high occupancy toll lanes
11 operations account, the hospital safety net assessment fund, the
12 industrial insurance premium refund account, the judges' retirement
13 account, the judicial retirement administrative account, the judicial
14 retirement principal account, the local leasehold excise tax account,
15 the local real estate excise tax account, the local sales and use tax
16 account, the marine resources stewardship trust account, the medical
17 aid account, the mobile home park relocation fund, the money-purchase
18 retirement savings administrative account, the money-purchase
19 retirement savings principal account, the motor vehicle fund, the
20 motorcycle safety education account, the multimodal transportation
21 account, the multiuse roadway safety account, the municipal criminal
22 justice assistance account, the natural resources deposit account,
23 the oyster reserve land account, the pension funding stabilization
24 account, the perpetual surveillance and maintenance account, the
25 pollution liability insurance agency underground storage tank
26 revolving account, the public employees' retirement system plan 1
27 account, the public employees' retirement system combined plan 2 and
28 plan 3 account, the public facilities construction loan revolving
29 account beginning July 1, 2004, the public health supplemental
30 account, the public works assistance account, the Puget Sound capital
31 construction account, the Puget Sound ferry operations account, the
32 Puget Sound taxpayer accountability account, the real estate
33 appraiser commission account, the recreational vehicle account, the
34 regional mobility grant program account, the resource management cost
35 account, the rural arterial trust account, the rural mobility grant
36 program account, the rural Washington loan fund, the sexual assault
37 prevention and response account, the site closure account, the
38 skilled nursing facility safety net trust fund, the small city
39 pavement and sidewalk account, the special category C account, the
40 special wildlife account, the state employees' insurance account, the

1 state employees' insurance reserve account, the state investment
2 board expense account, the state investment board commingled trust
3 fund accounts, the state patrol highway account, the state route
4 number 520 civil penalties account, the state route number 520
5 corridor account, the state wildlife account, the statewide tourism
6 marketing account, the student achievement council tuition recovery
7 trust fund, the supplemental pension account, the Tacoma Narrows toll
8 bridge account, the teachers' retirement system plan 1 account, the
9 teachers' retirement system combined plan 2 and plan 3 account, the
10 tobacco prevention and control account, the tobacco settlement
11 account, the toll facility bond retirement account, the
12 transportation 2003 account (nickel account), the transportation
13 equipment fund, the transportation future funding program account,
14 the transportation improvement account, the transportation
15 improvement board bond retirement account, the transportation
16 infrastructure account, the transportation partnership account, the
17 traumatic brain injury account, the tuition recovery trust fund, the
18 University of Washington bond retirement fund, the University of
19 Washington building account, the volunteer firefighters' and reserve
20 officers' relief and pension principal fund, the volunteer
21 firefighters' and reserve officers' administrative fund, the
22 vulnerable roadway user education account, the Washington judicial
23 retirement system account, the Washington law enforcement officers'
24 and firefighters' system plan 1 retirement account, the Washington
25 law enforcement officers' and firefighters' system plan 2 retirement
26 account, the Washington public safety employees' plan 2 retirement
27 account, the Washington school employees' retirement system combined
28 plan 2 and 3 account, the Washington state health insurance pool
29 account, the Washington state patrol retirement account, the
30 Washington State University building account, the Washington State
31 University bond retirement fund, the water pollution control
32 revolving administration account, the water pollution control
33 revolving fund, the Western Washington University capital projects
34 account, the Yakima integrated plan implementation account, the
35 Yakima integrated plan implementation revenue recovery account, and
36 the Yakima integrated plan implementation taxable bond account.
37 Earnings derived from investing balances of the agricultural
38 permanent fund, the normal school permanent fund, the permanent
39 common school fund, the scientific permanent fund, the state

1 university permanent fund, and the state reclamation revolving
2 account shall be allocated to their respective beneficiary accounts.

3 (b) Any state agency that has independent authority over accounts
4 or funds not statutorily required to be held in the state treasury
5 that deposits funds into a fund or account in the state treasury
6 pursuant to an agreement with the office of the state treasurer shall
7 receive its proportionate share of earnings based upon each account's
8 or fund's average daily balance for the period.

9 (5) In conformance with Article II, section 37 of the state
10 Constitution, no treasury accounts or funds shall be allocated
11 earnings without the specific affirmative directive of this section.

12 NEW SECTION. **Sec. 14.** This act takes effect January 1, 2020.

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