
SENATE BILL 6153

State of Washington

66th Legislature

2020 Regular Session

By Senators Salomon, Saldaña, Nguyen, Wilson, C., Keiser, and Das

Prefiled 01/08/20.

1 AN ACT Relating to driver's license suspensions and revocations;
2 amending RCW 46.16A.040, 46.16A.110, 46.20.245, 46.20.285, 46.20.289,
3 46.20.291, 46.20.341, 46.20.342, 10.37.015, 46.20.005, 46.20.391,
4 46.55.113, 46.63.020, and 46.64.025; reenacting and amending RCW
5 10.31.100 and 46.63.110; adding a new section to chapter 46.20 RCW;
6 adding a new section to chapter 46.63 RCW; adding a new section to
7 chapter 46.64 RCW; creating new sections; providing an effective
8 date; and declaring an emergency.

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

10 **PART I: DRIVER'S LICENSE SUSPENSION CRITERIA AND NOTICE**

11 **Sec. 1.** RCW 46.16A.040 and 2017 c 147 s 4 are each amended to
12 read as follows:

13 (1) An owner or the owner's authorized representative must apply
14 for an original vehicle registration to the department, county
15 auditor or other agent, or subagent appointed by the director on a
16 form furnished by the department. The application must contain:

17 (a) A description of the vehicle, including its make, model,
18 vehicle identification number, type of body, and power to be used;

1 (b) The name and address of the person who is the registered
2 owner of the vehicle and, if the vehicle is subject to a security
3 interest, the name and address of the secured party;

4 (c) The purpose for which the vehicle is to be used;

5 (d) The licensed gross weight for the vehicle, which is:

6 (i) The adult seating capacity, including the operator, as
7 provided for in RCW 46.16A.455(1) if the vehicle will be operated as
8 a for hire vehicle or auto stage and has a seating capacity of more
9 than six; or

10 (ii) The gross weight declared by the applicant as required in
11 RCW 46.16A.455(2) if the vehicle will be operated as a motor truck,
12 tractor, or truck tractor;

13 (e) The empty scale weight of the vehicle; (~~and~~)

14 (f) The Washington state driver's license number of the
15 registered owner of the vehicle, unless the registered owner is not
16 required to have a Washington state driver's license under RCW
17 46.16A.050(1)(b); and

18 (g) Other information that the department may require.

19 (2) The registered owner or the registered owner's authorized
20 representative shall sign the application for an original vehicle
21 registration and certify that the statements on the application are
22 true to the best of the applicant's knowledge.

23 (3) The application for an original vehicle registration must be
24 accompanied by a draft, money order, certified bank check, or cash
25 for all fees and taxes due for the application for an original
26 vehicle registration.

27 (4) Whenever any person, after applying for or receiving a
28 vehicle registration, moves from the address named in the application
29 or in the registration issued to him or her, or changes his or her
30 name of record, the person shall, within ten days thereafter, notify
31 the department of the name or address change as provided in RCW
32 46.08.195.

33 **Sec. 2.** RCW 46.16A.110 and 2014 c 80 s 3 are each amended to
34 read as follows:

35 (1) A registered owner or the registered owner's authorized
36 representative must apply for a renewal vehicle registration to the
37 department, county auditor or other agent, or subagent appointed by
38 the director on a form approved by the director. The application for
39 a renewal vehicle registration must be accompanied by:

1 (a) A draft, money order, certified bank check, or cash for all
2 fees and taxes required by law for the application for a renewal
3 vehicle registration; and

4 (b) The Washington state driver's license number of the
5 registered owner of the vehicle, unless the registered owner is not
6 required to have a Washington state driver's license under RCW
7 46.16A.050(1)(b).

8 (2) (a) When a vehicle changes ownership, the person taking
9 ownership or his or her authorized representative must apply for a
10 renewal vehicle registration as provided in subsection (1) of this
11 section and, except as provided in (b) of this subsection, pay all
12 the taxes and fees that are due at the time of registration renewal.
13 For the purposes of this section, when a vehicle is sold to a vehicle
14 dealer for resale, the application for a renewal registration need
15 not be made until the vehicle is sold by the vehicle dealer.

16 (b) The person taking ownership or his or her authorized
17 representative must be given credit for the portion of a motor
18 vehicle excise tax, including the motor vehicle excise tax collected
19 under RCW 81.104.160, that reflects the remaining period for which
20 the tax was initially paid by the previous owner.

21 (3) An application and the fees and taxes for a renewal vehicle
22 registration must be handled in the same manner as an original
23 vehicle registration application. The registration does not need to
24 show the name of the lienholder when the application for renewal
25 vehicle registration becomes the renewal registration upon
26 validation.

27 (4) A person expecting to be out of state during the normal
28 renewal period of a vehicle registration may renew a vehicle
29 registration and have license plates or tabs preissued by applying
30 for a renewal as described in subsection (1) of this section. A
31 vehicle registration may be renewed for the subsequent registration
32 year up to eighteen months before the current expiration date and
33 must be displayed from the date of issue or from the day of the
34 expiration of the current registration year, whichever date is later.

35 (5) An application for a renewal vehicle registration is not
36 required for those vehicles owned, rented, or leased by:

37 (a) The state of Washington, or by any county, city, town, school
38 district, or other political subdivision of the state of Washington;
39 or

1 (b) A governing body of an Indian tribe located within this state
2 and recognized as a governmental entity by the United States
3 department of the interior.

4 **Sec. 3.** RCW 46.20.245 and 2005 c 288 s 1 are each amended to
5 read as follows:

6 (1) Whenever the department proposes to withhold the driving
7 privilege of a person or disqualify a person from operating a
8 commercial motor vehicle, and this action is made mandatory by the
9 provisions of this chapter or other law, the department must give
10 notice to the person in writing by posting in the United States mail,
11 appropriately addressed, postage prepaid, or by personal service.
12 Notice by mail is given upon deposit in the United States mail.
13 Notice given under this subsection must specify the date upon which
14 the driving privilege is to be withheld which shall not be less than
15 (~~forty-five~~) ninety days after the original notice is given. Notice
16 by mail must also include information on local and consolidated
17 payment plan opportunities that may be available to the recipient,
18 including the department web site address required under section 18
19 of this act.

20 (2) Within fifteen days after notice has been given to a person
21 under subsection (1) of this section, the person may request in
22 writing an administrative review before the department. If the
23 request is mailed, it must be postmarked within fifteen days after
24 the date the department has given notice. If a person fails to
25 request an administrative review within fifteen days after the date
26 the department gives notice, the person is considered to have
27 defaulted and loses his or her right to an administrative review
28 unless the department finds good cause for a request after the
29 fifteen-day period.

30 (a) An administrative review under this subsection shall consist
31 solely of an internal review of documents and records submitted or
32 available to the department, unless the person requests an interview
33 before the department, in which case all or any part of the
34 administrative review may, at the discretion of the department, be
35 conducted by telephone or other electronic means.

36 (b) The only issues to be addressed in the administrative review
37 are:

38 (i) Whether the records relied on by the department identify the
39 correct person; and

1 (ii) Whether the information transmitted from the court or other
2 reporting agency or entity regarding the person accurately describes
3 the action taken by the court or other reporting agency or entity.

4 (c) For the purposes of this section, the notice received from a
5 court or other reporting agency or entity, regardless of form or
6 format, is prima facie evidence that the information from the court
7 or other reporting agency or entity regarding the person is accurate.
8 A person requesting administrative review has the burden of showing
9 by a preponderance of the evidence that the person is not subject to
10 the withholding of the driving privilege.

11 (d) The action subject to the notification requirements of
12 subsection (1) of this section shall be stayed during the
13 administrative review process.

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

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

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

33 **Sec. 4.** RCW 46.20.285 and 2005 c 288 s 4 are each amended to
34 read as follows:

35 The department shall revoke the license of any driver for the
36 period of one calendar year unless otherwise provided in this
37 section, upon receiving a record of the driver's conviction or
38 determination that an infraction has been committed of any of the

1 following offenses, when the conviction or determination that an
2 infraction has been committed has become final:

3 (1) For vehicular homicide the period of revocation shall be two
4 years. The revocation period shall be tolled during any period of
5 total confinement for the offense;

6 (2) Vehicular assault. The revocation period shall be tolled
7 during any period of total confinement for the offense;

8 (3) Driving a motor vehicle while under the influence of
9 intoxicating liquor or a narcotic drug, or under the influence of any
10 other drug to a degree which renders the driver incapable of safely
11 driving a motor vehicle, for the period prescribed in RCW 46.61.5055;

12 (4) Any felony in the commission of which a motor vehicle is
13 used;

14 (5) Failure to stop and give information or render aid as
15 required under the laws of this state in the event of a motor vehicle
16 accident resulting in the death or personal injury of another or
17 resulting in damage to a vehicle that is driven or attended by
18 another;

19 (6) Perjury or the making of a false affidavit or statement under
20 oath to the department under Title 46 RCW or under any other law
21 relating to the ownership or operation of motor vehicles;

22 (7) Reckless driving upon a showing by the department's records
23 that the conviction is the third such conviction for the driver
24 within a period of two years;

25 (8) Four or more moving violations within a one-year period or
26 five or more moving violations within a two-year period require a
27 sixty-day suspension with a three hundred sixty-five day period of
28 probation that begins when the period of suspension ends. During the
29 period of probation, a person must not be determined to have
30 committed additional moving violations. "Moving violation" is defined
31 by rule pursuant to RCW 46.20.2891.

32 **Sec. 5.** RCW 46.20.289 and 2019 c 467 s 2 are each amended to
33 read as follows:

34 ~~((Except for traffic violations committed under RCW 46.61.165,~~
35 ~~the)) (1) The department shall suspend all driving privileges of a
36 person when the department receives notice from a court under RCW
37 46.64.025 that the person has failed to comply with the terms of a
38 traffic-related criminal complaint or criminal citation.~~

1 (2) Except for traffic violations committed under RCW 46.61.165,
2 the department shall suspend all driving privileges of a person when
3 the following criteria are met:

4 (a) The department receives notice from a court under RCW
5 46.63.070(6), 46.63.110(6), (~~or~~) 46.64.025, or section 18(9) of
6 this act that the person has (~~failed~~):

7 (i) Failed to respond to a notice of traffic infraction for a
8 moving violation(~~or failed~~);

9 (ii) Failed to appear at a requested hearing for a moving
10 violation(~~or violated~~);

11 (iii) Violated a written promise to appear in court for a notice
12 of infraction for a moving violation(~~or~~); or (~~has failed~~)

13 (iv) Failed to comply with the terms of a notice of traffic
14 infraction(~~or criminal complaint, or citation for a moving violation,~~
15 or when)); and

16 (b) The person has received four or more other traffic
17 infractions for moving violations issued under RCW 46.63.030 for four
18 or more incidents that are separate and distinct from the incident
19 for which the traffic infraction was issued under RCW 46.63.030 for
20 which the notice under (a) of this subsection was issued that have
21 not been adjudicated for which the person failed to respond to a
22 notice of traffic infraction, failed to appear at a requested
23 hearing, violated a written promise to appear in court for a notice
24 of traffic infraction, or failed to comply with the terms of a notice
25 of traffic infraction, provided the person is not in compliance with
26 a payment plan for the infractions under RCW 46.63.110(6) or section
27 18(9) of this act, at the time the determination of qualification to
28 receive a driver's license suspension occurs.

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

36 (4) A suspension under this section takes effect pursuant to the
37 provisions of RCW 46.20.245, and remains in effect until the
38 department has received a certificate from the court showing that the
39 case has been adjudicated, and until the person meets the
40 requirements of RCW 46.20.311. In the case of failure to respond to a

1 traffic infraction issued under RCW 46.55.105, the department shall
2 suspend all driving privileges in accordance with subsection (2) of
3 this section until the person provides evidence from the court that
4 all penalties and restitution have been paid.

5 (5) A suspension under this section does not take effect if,
6 prior to the effective date of the suspension, the department
7 receives a certificate from the court showing that the case has been
8 adjudicated.

9 **Sec. 6.** RCW 46.20.291 and 2016 c 203 s 5 are each amended to
10 read as follows:

11 The department is authorized to suspend the license of a driver
12 upon a showing by its records or other sufficient evidence that the
13 licensee:

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

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

19 (3) Has been (~~convicted of offenses against traffic regulations~~
20 ~~governing the movement of vehicles, or~~) found to have committed
21 traffic infractions(~~(7)~~) with such frequency as to indicate a
22 disrespect for traffic laws or a disregard for the safety of other
23 persons on the highways;

24 (4) Is incompetent to drive a motor vehicle under RCW
25 46.20.031(3);

26 (5) Has failed to respond to a notice of traffic infraction,
27 failed to appear at a requested hearing, violated a written promise
28 to appear in court, or has failed to comply with the terms of a
29 notice of traffic infraction, criminal complaint, or citation, (~~as~~)
30 and has met the additional criteria for driver's license and driving
31 privileges suspension provided in RCW 46.20.289(2), where applicable;

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

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

35 (8) Has been certified by the department of social and health
36 services as a person who is not in compliance with a child support
37 order or a residential or visitation order as provided in RCW
38 74.20A.320.

1 NEW SECTION. **Sec. 7.** A new section is added to chapter 46.20
2 RCW to read as follows:

3 (1) The department is authorized to administratively reinstate
4 all licenses suspended pursuant to section 5, chapter . . ., Laws of
5 2020 (section 5 of this act) that would not have been eligible for
6 driver's license suspension under section 2, chapter 467, Laws of
7 2019.

8 (2) No later than thirty days after the effective date of this
9 section, the department shall notify any person whose driver's
10 license was suspended pursuant to section 2, chapter 467, Laws of
11 2019 prior to the effective date of section 5, chapter . . ., Laws of
12 2020 (section 5 of this act), that he or she may be eligible for
13 reinstatement of his or her license, specifying that the
14 reinstatement is not available for licenses suspended that meet the
15 criteria for suspension under section 5, chapter . . ., Laws of 2020
16 (section 5 of this act).

17 (3) No later than thirty days after the effective date of this
18 section, the department shall create an online application process
19 available for people who had their licenses suspended pursuant to
20 section 5, chapter . . ., Laws of 2020 (section 5 of this act) prior
21 to the effective date of section 5, chapter . . ., Laws of 2020
22 (section 5 of this act). This online application process shall allow
23 a person to determine whether they are eligible to have their license
24 reinstated and explain the process for reinstatement. A reissue fee
25 as provided in RCW 46.20.311 shall apply.

26 **PART II: DRIVING WHILE DRIVER'S LICENSE SUSPENDED**

27 **Sec. 8.** RCW 46.20.341 and 2009 c 490 s 1 are each amended to
28 read as follows:

29 (1)(a) A person who violates RCW 46.20.342(1)(c) (~~((iv))~~) or (d)
30 in a jurisdiction that does not have a relicensing (~~((diversion))~~)
31 program shall be provided with an abstract of his or her driving
32 record by the court or the prosecuting attorney, in addition to a
33 list of his or her unpaid traffic offense related fines and the
34 contact information for each jurisdiction or collection agency to
35 which money is owed.

36 (b) A fee of up to twenty dollars may be imposed by the court in
37 addition to any fee required by the department for provision of the
38 driving abstract.

1 (2) (a) Superior courts or courts of limited jurisdiction in
2 counties or cities are authorized to participate or provide
3 relicensing (~~((diversion))~~) programs to persons who violate RCW
4 46.20.342(1)(c) (~~((iv))~~) or (d).

5 (b) Eligibility for the relicensing (~~((diversion))~~) program shall
6 be limited to violators with no more than four convictions or
7 infractions under RCW 46.20.342(1)(c) (~~((iv))~~) or (d) in the ten years
8 preceding the date of entering the relicensing (~~((diversion))~~) program,
9 subject to a less restrictive rule imposed by the presiding judge of
10 the county district court or municipal court. People subject to
11 arrest under a warrant are not eligible for the (~~((diversion))~~)
12 relicensing program.

13 (c) (~~((The diversion option))~~) Participation in a relicensing
14 program may be offered at the discretion of the prosecuting attorney
15 or municipal prosecuting authority before charges are filed, or by
16 the court after charges are filed or when a person is found to have
17 violated RCW 46.20.342(1)(d).

18 (d) A person who is the holder of a commercial driver's license
19 or who was operating a commercial motor vehicle at the time of the
20 violation of RCW 46.20.342(1)(c) (~~((iv))~~) or (d) may not participate
21 in the (~~((diversion))~~) relicensing program under this section.

22 (e) A relicensing (~~((diversion))~~) program that is structured to
23 occur after charges are filed may charge participants a one-time fee
24 of up to one hundred dollars, which is not subject to chapters 3.50,
25 3.62, and 35.20 RCW, and shall be used to support administration of
26 the program. The fee of up to one hundred dollars shall be included
27 in the total to be paid by the participant in the relicensing
28 (~~((diversion))~~) program.

29 (3) A relicensing (~~((diversion))~~) program shall be designed to
30 assist suspended drivers to regain their license and insurance and
31 pay outstanding fines.

32 (4) (a) Counties and cities that operate relicensing (~~((diversion))~~)
33 programs shall, subject to available funds, provide information to
34 the administrative office of the courts on an annual basis regarding
35 the eligibility criteria used for the program, the number of
36 referrals from law enforcement, the number of participants accepted
37 into the program, the number of participants who regain their
38 driver's license and insurance, the total amount of fines collected,
39 the costs associated with the program, and other information as
40 determined by the office.

1 (b) The administrative office of the courts is directed, subject
2 to available funds, to compile and analyze the data required to be
3 submitted in this section and develop recommendations for a best
4 practices model for relicensing (~~(diversion)~~) programs.

5 **Sec. 9.** 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 days.
18 Upon the second conviction, the person shall be punished by
19 imprisonment for not less than ninety days. Upon the third or
20 subsequent conviction, the person shall be punished by imprisonment
21 for not less than one hundred eighty days. If the person is also
22 convicted of the offense defined in RCW 46.61.502 or 46.61.504, when
23 both convictions arise from the same event, the minimum sentence of
24 confinement shall be not less than ninety days. The minimum sentence
25 of confinement required shall not be suspended or deferred. A
26 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) or (d) of this subsection, is guilty of
33 driving while license suspended or revoked in the second degree, a
34 gross misdemeanor. For the purposes of this subsection, a person is
35 not considered to be eligible to reinstate his or her driver's
36 license or driving privilege if the person is eligible to obtain an
37 ignition interlock driver's license but did not obtain such a
38 license. This subsection applies when a person's driver's license or
39 driving 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 (i) the person must furnish proof
11 of satisfactory progress in a required alcoholism or drug treatment
12 program, (ii) the person must furnish proof of financial
13 responsibility for the future as provided by chapter 46.29 RCW, (iii)
14 the person has failed to comply with the provisions of chapter 46.29
15 RCW relating to uninsured accidents, (iv) the person has failed to
16 ~~((respond to a notice of traffic infraction, failed to appear at a
17 requested hearing, violated a written promise to appear in court, or
18 has failed to))~~ comply with the terms of a notice of ~~((traffic
19 infraction))~~ a criminal complaint, or criminal citation, as provided
20 in RCW 46.20.289(1)(a), (v) ~~((the person has committed an offense in
21 another state that, if committed in this state, would not be grounds
22 for the suspension or revocation of the person's driver's license,
23 (vi) the person has been suspended or revoked by reason of one or
24 more of the items listed in (b) of this subsection, but was eligible
25 to reinstate his or her driver's license or driving privilege at the
26 time of the violation, (vii) the person has received traffic
27 citations or notices of traffic infraction that have resulted in a
28 suspension under RCW 46.20.267 relating to intermediate drivers'
29 licenses, or (viii)))~~ the person has been certified by the department
30 of social and health services as a person who is not in compliance
31 with a child support order as provided in RCW 74.20A.320, or (vi) the
32 person drives a motor vehicle while his or her driver's license is
33 suspended or revoked for any of the reasons listed in (d) of this
34 subsection and the person has three or more prior violations for
35 driving while license suspended or revoked in the fourth degree
36 within the past four years, or any combination of (c) (i) through
37 ~~((viii))~~ (vi) of this subsection, is guilty of driving while
38 license suspended or revoked in the third degree, a misdemeanor.
39 ~~((For the purposes of this subsection, a person is not considered to
40 be eligible to reinstate his or her driver's license or driving~~

1 ~~privilege if the person is eligible to obtain an ignition interlock~~
2 ~~driver's license but did not obtain such a license.))~~

3 (d) A person who violates this section when his or her driver's
4 license or driving privilege is, at the time of the violation,
5 suspended or revoked solely because (i) the person has failed to
6 respond to a notice of traffic infraction, failed to appear at a
7 requested hearing, violated a written promise to appear in court, or
8 has failed to comply with the terms of a notice of traffic infraction
9 or citation, and has met the additional criteria for driver's license
10 and driving privileges suspension provided in RCW 46.20.289(2), where
11 applicable; (ii) the department receives notice from another state
12 under Article IV of the nonresident violator compact under RCW
13 46.23.010 or from a jurisdiction that has entered into an agreement
14 with the department under RCW 46.23.020, other than for a standing,
15 stopping, or parking violation as provided in RCW 46.20.289(1)(b);
16 (iii) the person has committed an offense in another state that, if
17 committed in this state, would not be grounds for the suspension or
18 revocation of the person's driver's license; (iv) the person's
19 driver's license or driving privilege has been suspended or revoked
20 by reason of one or more of the items listed in (b) or (c) of this
21 subsection or for failure to respond to a notice of traffic
22 infraction, failure to appear at a requested hearing for a
23 noncriminal moving violation, or violation of a written promise to
24 appear in court for a notice of infraction, but was eligible to
25 reinstate his or her driver's license or driving privilege at the
26 time of the violation; or (v) the person has received traffic
27 citations or notices of traffic infraction that have resulted in a
28 suspension under RCW 46.20.267 relating to intermediate drivers'
29 licenses, or any combination of (d)(i) through (v) of this
30 subsection, has committed driving while license suspended or revoked
31 in the fourth degree, a traffic infraction subject to a penalty of
32 two hundred fifty dollars. If the person appears in person before the
33 court or submits by mail written proof that he or she has reinstated
34 his or her license after being cited, the court shall reduce the
35 penalty to fifty dollars. For the purposes of this subsection, a
36 person is not considered to be eligible to reinstate his or her
37 driver's license or driving privilege if the person is eligible to
38 obtain an ignition interlock driver's license but did not obtain such
39 a license.

1 (2) Upon receiving a record of conviction or infraction of any
2 person or upon receiving an order by any juvenile court or any duly
3 authorized court officer of the conviction or infraction of any
4 juvenile under this section, the department shall:

5 (a) For a conviction of driving while suspended or revoked in the
6 first degree, as provided by subsection (1)(a) of this section,
7 extend the period of administrative revocation imposed under chapter
8 46.65 RCW for an additional period of one year from and after the
9 date the person would otherwise have been entitled to apply for a new
10 license or have his or her driving privilege restored; or

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

17 (c) Not extend the period of suspension or revocation (~~if the~~)
18 for a conviction ((was)) under subsection (1)(c) of this section or
19 an infraction under subsection (1)(d) of this section. (~~If the~~) For
20 a conviction ((was)) under subsection (1)(a) or (b) of this section
21 ((and)), if the court recommends against the extension and the
22 convicted person has obtained a valid driver's license, the period of
23 suspension or revocation shall not be extended.

24 **Sec. 10.** RCW 10.31.100 and 2019 c 263 s 911, 2019 c 246 s 6,
25 2019 c 46 s 5013, and 2019 c 18 s 1 are each reenacted and amended to
26 read as follows:

27 A police officer having probable cause to believe that a person
28 has committed or is committing a felony shall have the authority to
29 arrest the person without a warrant. A police officer may arrest a
30 person without a warrant for committing a misdemeanor or gross
31 misdemeanor only when the offense is committed in the presence of an
32 officer, except as provided in subsections (1) through (11) of this
33 section.

34 (1) Any police officer having probable cause to believe that a
35 person has committed or is committing a misdemeanor or gross
36 misdemeanor, involving physical harm or threats of harm to any person
37 or property or the unlawful taking of property or involving the use
38 or possession of cannabis, or involving the acquisition, possession,
39 or consumption of alcohol by a person under the age of twenty-one

1 years under RCW 66.44.270, or involving criminal trespass under RCW
2 9A.52.070 or 9A.52.080, shall have the authority to arrest the
3 person.

4 (2) A police officer shall arrest and take into custody, pending
5 release on bail, personal recognizance, or court order, a person
6 without a warrant when the officer has probable cause to believe
7 that:

8 (a) An order has been issued of which the person has knowledge
9 under RCW 26.44.063, or chapter 7.92, 7.90, 9A.40, 9A.46, 9A.88,
10 10.99, 26.09, 26.10, 26.26A, 26.26B, 26.50, or 74.34 RCW restraining
11 the person and the person has violated the terms of the order
12 restraining the person from acts or threats of violence, or
13 restraining the person from going onto the grounds of or entering a
14 residence, workplace, school, or day care, or prohibiting the person
15 from knowingly coming within, or knowingly remaining within, a
16 specified distance of a location or, in the case of an order issued
17 under RCW 26.44.063, imposing any other restrictions or conditions
18 upon the person;

19 (b) An extreme risk protection order has been issued against the
20 person under RCW 7.94.040, the person has knowledge of the order, and
21 the person has violated the terms of the order prohibiting the person
22 from having in his or her custody or control, purchasing, possessing,
23 accessing, or receiving a firearm or concealed pistol license;

24 (c) A foreign protection order, as defined in RCW 26.52.010, or a
25 Canadian domestic violence protection order, as defined in RCW
26 26.55.010, has been issued of which the person under restraint has
27 knowledge and the person under restraint has violated a provision of
28 the foreign protection order or the Canadian domestic violence
29 protection order prohibiting the person under restraint from
30 contacting or communicating with another person, or excluding the
31 person under restraint from a residence, workplace, school, or day
32 care, or prohibiting the person from knowingly coming within, or
33 knowingly remaining within, a specified distance of a location, or a
34 violation of any provision for which the foreign protection order or
35 the Canadian domestic violence protection order specifically
36 indicates that a violation will be a crime; or

37 (d) The person is eighteen years or older and within the
38 preceding four hours has assaulted a family or household member as
39 defined in RCW 10.99.020 and the officer believes: (i) A felonious
40 assault has occurred; (ii) an assault has occurred which has resulted

1 in bodily injury to the victim, whether the injury is observable by
2 the responding officer or not; or (iii) that any physical action has
3 occurred which was intended to cause another person reasonably to
4 fear imminent serious bodily injury or death. Bodily injury means
5 physical pain, illness, or an impairment of physical condition. When
6 the officer has probable cause to believe that family or household
7 members have assaulted each other, the officer is not required to
8 arrest both persons. The officer shall arrest the person whom the
9 officer believes to be the primary physical aggressor. In making this
10 determination, the officer shall make every reasonable effort to
11 consider: (A) The intent to protect victims of domestic violence
12 under RCW 10.99.010; (B) the comparative extent of injuries inflicted
13 or serious threats creating fear of physical injury; and (C) the
14 history of domestic violence of each person involved, including
15 whether the conduct was part of an ongoing pattern of abuse.

16 (3) Any police officer having probable cause to believe that a
17 person has committed or is committing a violation of any of the
18 following traffic laws shall have the authority to arrest the person:

19 (a) RCW 46.52.010, relating to duty on striking an unattended car
20 or other property;

21 (b) RCW 46.52.020, relating to duty in case of injury to or death
22 of a person or damage to an attended vehicle;

23 (c) RCW 46.61.500 or 46.61.530, relating to reckless driving or
24 racing of vehicles;

25 (d) RCW 46.61.502 or 46.61.504, relating to persons under the
26 influence of intoxicating liquor or drugs;

27 (e) RCW 46.61.503 or 46.25.110, relating to persons having
28 alcohol or THC in their system;

29 (f) RCW 46.20.342(1) (a), (b), or (c), relating to driving a
30 motor vehicle while operator's license is suspended or revoked;

31 (g) RCW 46.61.5249, relating to operating a motor vehicle in a
32 negligent manner.

33 (4) A law enforcement officer investigating at the scene of a
34 motor vehicle accident may arrest the driver of a motor vehicle
35 involved in the accident if the officer has probable cause to believe
36 that the driver has committed in connection with the accident a
37 violation of any traffic law or regulation.

38 (5) (a) A law enforcement officer investigating at the scene of a
39 motor vessel accident may arrest the operator of a motor vessel
40 involved in the accident if the officer has probable cause to believe

1 that the operator has committed, in connection with the accident, a
2 criminal violation of chapter 79A.60 RCW.

3 (b) A law enforcement officer investigating at the scene of a
4 motor vessel accident may issue a citation for an infraction to the
5 operator of a motor vessel involved in the accident if the officer
6 has probable cause to believe that the operator has committed, in
7 connection with the accident, a violation of any boating safety law
8 of chapter 79A.60 RCW.

9 (6) Any police officer having probable cause to believe that a
10 person has committed or is committing a violation of RCW 79A.60.040
11 shall have the authority to arrest the person.

12 (7) An officer may act upon the request of a law enforcement
13 officer in whose presence a traffic infraction was committed, to
14 stop, detain, arrest, or issue a notice of traffic infraction to the
15 driver who is believed to have committed the infraction. The request
16 by the witnessing officer shall give an officer the authority to take
17 appropriate action under the laws of the state of Washington.

18 (8) Any police officer having probable cause to believe that a
19 person has committed or is committing any act of indecent exposure,
20 as defined in RCW 9A.88.010, may arrest the person.

21 (9) A police officer may arrest and take into custody, pending
22 release on bail, personal recognizance, or court order, a person
23 without a warrant when the officer has probable cause to believe that
24 an order has been issued of which the person has knowledge under
25 chapter 10.14 RCW and the person has violated the terms of that
26 order.

27 (10) Any police officer having probable cause to believe that a
28 person has, within twenty-four hours of the alleged violation,
29 committed a violation of RCW 9A.50.020 may arrest such person.

30 (11) A police officer having probable cause to believe that a
31 person illegally possesses or illegally has possessed a firearm or
32 other dangerous weapon on private or public elementary or secondary
33 school premises shall have the authority to arrest the person.

34 For purposes of this subsection, the term "firearm" has the
35 meaning defined in RCW 9.41.010 and the term "dangerous weapon" has
36 the meaning defined in RCW 9.41.250 and 9.41.280(1) (c) through (e).

37 (12) A law enforcement officer having probable cause to believe
38 that a person has committed a violation under RCW 77.15.160(5) may
39 issue a citation for an infraction to the person in connection with
40 the violation.

1 (13) A law enforcement officer having probable cause to believe
2 that a person has committed a criminal violation under RCW 77.15.809
3 or 77.15.811 may arrest the person in connection with the violation.

4 (14) Except as specifically provided in subsections (2), (3),
5 (4), and (7) of this section, nothing in this section extends or
6 otherwise affects the powers of arrest prescribed in Title 46 RCW.

7 (15) No police officer may be held criminally or civilly liable
8 for making an arrest pursuant to subsection (2) or (9) of this
9 section if the police officer acts in good faith and without malice.

10 (16)(a) Except as provided in (b) of this subsection, a police
11 officer shall arrest and keep in custody, until release by a judicial
12 officer on bail, personal recognizance, or court order, a person
13 without a warrant when the officer has probable cause to believe that
14 the person has violated RCW 46.61.502 or 46.61.504 or an equivalent
15 local ordinance and the police officer: (i) Has knowledge that the
16 person has a prior offense as defined in RCW 46.61.5055 within ten
17 years; or (ii) has knowledge, based on a review of the information
18 available to the officer at the time of arrest, that the person is
19 charged with or is awaiting arraignment for an offense that would
20 qualify as a prior offense as defined in RCW 46.61.5055 if it were a
21 conviction.

22 (b) A police officer is not required to keep in custody a person
23 under (a) of this subsection if the person requires immediate medical
24 attention and is admitted to a hospital.

25 **Sec. 11.** RCW 10.37.015 and 2011 c 46 s 1 are each amended to
26 read as follows:

27 ~~((1))~~ No person shall be held to answer in any court for an
28 alleged crime or offense, unless upon an information filed by the
29 prosecuting attorney, or upon an indictment by a grand jury, except
30 in cases of misdemeanor or gross misdemeanor before a district or
31 municipal judge, or before a court martial ~~(, except as provided in
32 subsection (2) of this section.~~

33 ~~(2) Violations of RCW 46.20.342(1)(c)(iv) may be required by the
34 prosecuting attorney to be referred to his or her office for
35 consideration of filing an information or for entry into a precharge
36 diversion program).~~

37 **Sec. 12.** RCW 46.20.005 and 1997 c 66 s 1 are each amended to
38 read as follows:

1 Except as expressly exempted by this chapter, it is a misdemeanor
2 for a person to drive any motor vehicle upon a highway in this state
3 without a valid driver's license issued to Washington residents under
4 this chapter. This section does not apply if at the time of the stop
5 the person is not in violation of RCW 46.20.342(1) or (~~46.20.420~~)
6 46.20.345 and has in his or her possession an expired driver's
7 license or other valid identifying documentation under RCW 46.20.035.
8 A violation of this section is a lesser included offense within the
9 offenses described in RCW 46.20.342(1) (a), (b), and (c) and (~~or~~
10 ~~46.20.420~~) 46.20.345.

11 **Sec. 13.** RCW 46.20.391 and 2012 c 82 s 2 are each amended to
12 read as follows:

13 (1) Any person licensed under this chapter who is convicted of an
14 offense relating to motor vehicles for which suspension or revocation
15 of the driver's license is mandatory, other than vehicular homicide,
16 vehicular assault, driving while under the influence of intoxicating
17 liquor or any drug, or being in actual physical control of a motor
18 vehicle while under the influence of intoxicating liquor or any drug,
19 may submit to the department an application for a temporary
20 restricted driver's license. The department, upon receipt of the
21 prescribed fee and upon determining that the petitioner is eligible
22 to receive the license, may issue a temporary restricted driver's
23 license and may set definite restrictions as provided in RCW
24 46.20.394.

25 (2)(a) A person licensed under this chapter whose driver's
26 license is suspended administratively (~~due to failure to appear or~~
27 ~~pay a traffic ticket~~) under RCW 46.20.289 due to failure to respond
28 to a notice of traffic infraction, failure to appear at a requested
29 hearing, violation of a written promise to appear in court, or
30 failure to comply with the terms of a notice of traffic infraction,
31 criminal complaint, or citation, and who met the additional criteria
32 for driver's license and driving privilege suspension provided in RCW
33 46.20.289(2), where required; a violation of the financial
34 responsibility laws under chapter 46.29 RCW; or for multiple
35 violations within a specified period of time under RCW 46.20.291, may
36 apply to the department for an occupational driver's license.

37 (b) An occupational driver's license issued to an applicant
38 described in (a) of this subsection shall be valid for the period of
39 the suspension or revocation.

1 (3) An applicant for an occupational or temporary restricted
2 driver's license who qualifies under subsection (1) or (2) of this
3 section is eligible to receive such license only if:

4 (a) Within seven years immediately preceding the date of the
5 offense that gave rise to the present conviction or incident, the
6 applicant has not committed vehicular homicide under RCW 46.61.520 or
7 vehicular assault under RCW 46.61.522; and

8 (b) The applicant demonstrates that it is necessary for him or
9 her to operate a motor vehicle because he or she:

10 (i) Is engaged in an occupation or trade that makes it essential
11 that he or she operate a motor vehicle;

12 (ii) Is undergoing continuing health care or providing continuing
13 care to another who is dependent upon the applicant;

14 (iii) Is enrolled in an educational institution and pursuing a
15 course of study leading to a diploma, degree, or other certification
16 of successful educational completion;

17 (iv) Is undergoing substance abuse treatment or is participating
18 in meetings of a twelve-step group such as Alcoholics Anonymous that
19 requires the petitioner to drive to or from the treatment or
20 meetings;

21 (v) Is fulfilling court-ordered community service
22 responsibilities;

23 (vi) Is in a program that assists persons who are enrolled in a
24 WorkFirst program pursuant to chapter 74.08A RCW to become gainfully
25 employed and the program requires a driver's license;

26 (vii) Is in an apprenticeship, on-the-job training, or welfare-
27 to-work program; or

28 (viii) Presents evidence that he or she has applied for a
29 position in an apprenticeship or on-the-job training program for
30 which a driver's license is required to begin the program, provided
31 that a license granted under this provision shall be in effect for no
32 longer than fourteen days; and

33 (c) The applicant files satisfactory proof of financial
34 responsibility under chapter 46.29 RCW; and

35 (d) Upon receipt of evidence that a holder of an occupational
36 driver's license granted under this subsection is no longer enrolled
37 in an apprenticeship or on-the-job training program, the director
38 shall give written notice by first-class mail to the driver that the
39 occupational driver's license shall be canceled. If at any time
40 before the cancellation goes into effect the driver submits evidence

1 of continued enrollment in the program, the cancellation shall be
2 stayed. If the cancellation becomes effective, the driver may obtain,
3 at no additional charge, a new occupational driver's license upon
4 submittal of evidence of enrollment in another program that meets the
5 criteria set forth in this subsection; and

6 (e) The department shall not issue an occupational driver's
7 license under (b)(iv) of this subsection if the applicant is able to
8 receive transit services sufficient to allow for the applicant's
9 participation in the programs referenced under (b)(iv) of this
10 subsection.

11 (4) A person aggrieved by the decision of the department on the
12 application for an occupational or temporary restricted driver's
13 license may request a hearing as provided by rule of the department.

14 (5) The director shall cancel an occupational or temporary
15 restricted driver's license after receiving notice that the holder
16 thereof has been convicted of operating a motor vehicle in violation
17 of its restrictions, no longer meets the eligibility requirements, or
18 has been convicted of or found to have committed a separate offense
19 or any other act or omission that under this chapter would warrant
20 suspension or revocation of a regular driver's license. The
21 department must give notice of the cancellation as provided under RCW
22 46.20.245. A person whose occupational or temporary restricted
23 driver's license has been canceled under this section may reapply for
24 a new occupational or temporary restricted driver's license if he or
25 she is otherwise qualified under this section and pays the fee
26 required under RCW 46.20.380.

27 **Sec. 14.** RCW 46.55.113 and 2011 c 167 s 6 are each amended to
28 read as follows:

29 (1) Whenever the driver of a vehicle is arrested for a violation
30 of RCW 46.20.342(1) (a), (b), or (c) or 46.20.345, the vehicle is
31 subject to summary impoundment, pursuant to the terms and conditions
32 of an applicable local ordinance or state agency rule at the
33 direction of a law enforcement officer.

34 (2) In addition, a police officer may take custody of a vehicle,
35 at his or her discretion, and provide for its prompt removal to a
36 place of safety under any of the following circumstances:

37 (a) Whenever a police officer finds a vehicle standing upon the
38 roadway in violation of any of the provisions of RCW 46.61.560, the
39 officer may provide for the removal of the vehicle or require the

1 driver or other person in charge of the vehicle to move the vehicle
2 to a position off the roadway;

3 (b) Whenever a police officer finds a vehicle unattended upon a
4 highway where the vehicle constitutes an obstruction to traffic or
5 jeopardizes public safety;

6 (c) Whenever a police officer finds an unattended vehicle at the
7 scene of an accident or when the driver of a vehicle involved in an
8 accident is physically or mentally incapable of deciding upon steps
9 to be taken to protect his or her property;

10 (d) Whenever the driver of a vehicle is arrested and taken into
11 custody by a police officer;

12 (e) Whenever a police officer discovers a vehicle that the
13 officer determines to be a stolen vehicle;

14 (f) Whenever a vehicle without a special license plate, placard,
15 or decal indicating that the vehicle is being used to transport a
16 person with disabilities under RCW 46.19.010 is parked in a stall or
17 space clearly and conspicuously marked under RCW 46.61.581 which
18 space is provided on private property without charge or on public
19 property;

20 (g) Upon determining that a person is operating a motor vehicle
21 without a valid and, if required, a specially endorsed driver's
22 license or with a license that has been expired for ninety days or
23 more;

24 (h) When a vehicle is illegally occupying a truck, commercial
25 loading zone, restricted parking zone, bus, loading, hooded-meter,
26 taxi, street construction or maintenance, or other similar zone
27 where, by order of the director of transportation or chiefs of police
28 or fire or their designees, parking is limited to designated classes
29 of vehicles or is prohibited during certain hours, on designated days
30 or at all times, if the zone has been established with signage for at
31 least twenty-four hours and where the vehicle is interfering with the
32 proper and intended use of the zone. Signage must give notice to the
33 public that a vehicle will be removed if illegally parked in the
34 zone;

35 (i) When a vehicle with an expired registration of more than
36 forty-five days is parked on a public street.

37 (3) When an arrest is made for a violation of RCW 46.20.342(1)
38 (a), (b), or (c), if the vehicle is a commercial vehicle or farm
39 transport vehicle and the driver of the vehicle is not the owner of
40 the vehicle, before the summary impoundment directed under subsection

1 (1) of this section, the police officer shall attempt in a reasonable
2 and timely manner to contact the owner of the vehicle and may release
3 the vehicle to the owner if the owner is reasonably available, as
4 long as the owner was not in the vehicle at the time of the stop and
5 arrest and the owner has not received a prior release under this
6 subsection or RCW 46.55.120(1) (~~(a)~~) (b)(ii).

7 (4) Nothing in this section may derogate from the powers of
8 police officers under the common law. For the purposes of this
9 section, a place of safety may include the business location of a
10 registered tow truck operator.

11 (5) For purposes of this section "farm transport vehicle" means a
12 motor vehicle owned by a farmer and that is being actively used in
13 the transportation of the farmer's or another farmer's farm, orchard,
14 aquatic farm, or dairy products, including livestock and plant or
15 animal wastes, from point of production to market or disposal, or
16 supplies or commodities to be used on the farm, orchard, aquatic
17 farm, or dairy, and that has a gross vehicle weight rating of 7,258
18 kilograms (16,001 pounds) or more.

19 **Sec. 15.** RCW 46.63.020 and 2018 c 18 s 4 are each amended to
20 read as follows:

21 Failure to perform any act required or the performance of any act
22 prohibited by this title or an equivalent administrative regulation
23 or local law, ordinance, regulation, or resolution relating to
24 traffic including parking, standing, stopping, and pedestrian
25 offenses, is designated as a traffic infraction and may not be
26 classified as a criminal offense, except for an offense contained in
27 the following provisions of this title or a violation of an
28 equivalent administrative regulation or local law, ordinance,
29 regulation, or resolution:

30 (1) RCW 46.09.457(1)(b)(i) relating to a false statement
31 regarding the inspection of and installation of equipment on wheeled
32 all-terrain vehicles;

33 (2) RCW 46.09.470(2) relating to the operation of a nonhighway
34 vehicle while under the influence of intoxicating liquor or a
35 controlled substance;

36 (3) RCW 46.09.480 relating to operation of nonhighway vehicles;

37 (4) RCW 46.10.490(2) relating to the operation of a snowmobile
38 while under the influence of intoxicating liquor or narcotics or
39 habit-forming drugs or in a manner endangering the person of another;

- 1 (5) RCW 46.10.495 relating to the operation of snowmobiles;
- 2 (6) Chapter 46.12 RCW relating to certificates of title,
3 registration certificates, and markings indicating that a vehicle has
4 been destroyed or declared a total loss;
- 5 (7) RCW 46.16A.030 and 46.16A.050(3) relating to the nonpayment
6 of taxes and fees by failure to register a vehicle and falsifying
7 residency when registering a motor vehicle;
- 8 (8) RCW 46.16A.520 relating to permitting unauthorized persons to
9 drive;
- 10 (9) RCW 46.16A.320 relating to vehicle trip permits;
- 11 (10) RCW 46.19.050(1) relating to knowingly providing false
12 information in conjunction with an application for a special placard
13 or license plate for disabled persons' parking;
- 14 (11) RCW 46.19.050(8) relating to illegally obtaining a parking
15 placard, special license plate, special year tab, or identification
16 card;
- 17 (12) RCW 46.19.050(9) relating to sale of a parking placard,
18 special license plate, special year tab, or identification card;
- 19 (13) RCW 46.20.005 relating to driving without a valid driver's
20 license;
- 21 (14) RCW 46.20.091 relating to false statements regarding a
22 driver's license or instruction permit;
- 23 (15) RCW 46.20.0921 relating to the unlawful possession and use
24 of a driver's license;
- 25 (16) RCW 46.20.342(1) (a), (b), and (c) relating to driving with
26 a suspended or revoked license or status;
- 27 (17) RCW 46.20.345 relating to the operation of a motor vehicle
28 with a suspended or revoked license;
- 29 (18) RCW 46.20.410 relating to the violation of restrictions of
30 an occupational driver's license, temporary restricted driver's
31 license, or ignition interlock driver's license;
- 32 (19) RCW 46.20.740 relating to operation of a motor vehicle
33 without an ignition interlock device in violation of a license
34 notation that the device is required;
- 35 (20) RCW 46.20.750 relating to circumventing an ignition
36 interlock device;
- 37 (21) RCW 46.25.170 relating to commercial driver's licenses;
- 38 (22) Chapter 46.29 RCW relating to financial responsibility;
- 39 (23) RCW 46.30.040 relating to providing false evidence of
40 financial responsibility;

1 (24) RCW 46.35.030 relating to recording device information;
2 (25) RCW 46.37.435 relating to wrongful installation of
3 sunscreening material;
4 (26) RCW 46.37.650 relating to the manufacture, importation,
5 sale, distribution, or installation of a counterfeit air bag,
6 nonfunctional air bag, or previously deployed or damaged air bag;
7 (27) RCW 46.37.660 relating to the sale or installation of a
8 device that causes a vehicle's diagnostic system to inaccurately
9 indicate that the vehicle has a functional air bag when a counterfeit
10 air bag, nonfunctional air bag, or no air bag is installed;
11 (28) RCW 46.37.671 through 46.37.675 relating to signal
12 preemption devices;
13 (29) RCW 46.37.685 relating to switching or flipping license
14 plates, utilizing technology to flip or change the appearance of a
15 license plate, selling a license plate flipping device or technology
16 used to change the appearance of a license plate, or falsifying a
17 vehicle registration;
18 (30) RCW 46.44.180 relating to operation of mobile home pilot
19 vehicles;
20 (31) RCW 46.48.175 relating to the transportation of dangerous
21 articles;
22 (32) RCW 46.52.010 relating to duty on striking an unattended car
23 or other property;
24 (33) RCW 46.52.020 relating to duty in case of injury to or death
25 of a person or damage to an attended vehicle;
26 (34) RCW 46.52.090 relating to reports by repairers, storage
27 persons, and appraisers;
28 (35) RCW 46.52.130 relating to confidentiality of the driving
29 record to be furnished to an insurance company, an employer, and an
30 alcohol/drug assessment or treatment agency;
31 (36) RCW 46.55.020 relating to engaging in the activities of a
32 registered tow truck operator without a registration certificate;
33 (37) RCW 46.55.035 relating to prohibited practices by tow truck
34 operators;
35 (38) RCW 46.55.300 relating to vehicle immobilization;
36 (39) RCW 46.61.015 relating to obedience to police officers,
37 flaggers, or firefighters;
38 (40) RCW 46.61.020 relating to refusal to give information to or
39 cooperate with an officer;

1 (41) RCW 46.61.022 relating to failure to stop and give
2 identification to an officer;

3 (42) RCW 46.61.024 relating to attempting to elude pursuing
4 police vehicles;

5 (43) RCW 46.61.212(~~(+4)~~) (5) relating to reckless endangerment
6 of emergency or work zone workers;

7 (44) RCW 46.61.500 relating to reckless driving;

8 (45) RCW 46.61.502 and 46.61.504 relating to persons under the
9 influence of intoxicating liquor or drugs;

10 (46) RCW 46.61.503 relating to a person under age twenty-one
11 driving a motor vehicle after consuming alcohol;

12 (47) RCW 46.61.520 relating to vehicular homicide by motor
13 vehicle;

14 (48) RCW 46.61.522 relating to vehicular assault;

15 (49) RCW 46.61.5249 relating to first degree negligent driving;

16 (50) RCW 46.61.527(4) relating to reckless endangerment of
17 roadway workers;

18 (51) RCW 46.61.530 relating to racing of vehicles on highways;

19 (52) RCW 46.61.655(7) (a) and (b) relating to failure to secure a
20 load;

21 (53) RCW 46.61.685 relating to leaving children in an unattended
22 vehicle with the motor running;

23 (54) RCW 46.61.740 relating to theft of motor vehicle fuel;

24 (55) RCW 46.64.010 relating to unlawful cancellation of or
25 attempt to cancel a traffic citation;

26 (56) RCW 46.64.048 relating to attempting, aiding, abetting,
27 coercing, and committing crimes;

28 (57) Chapter 46.65 RCW relating to habitual traffic offenders;

29 (58) RCW 46.68.010 relating to false statements made to obtain a
30 refund;

31 (59) Chapter 46.70 RCW relating to unfair motor vehicle business
32 practices, except where that chapter provides for the assessment of
33 monetary penalties of a civil nature;

34 (60) Chapter 46.72 RCW relating to the transportation of
35 passengers in for hire vehicles;

36 (61) RCW 46.72A.060 relating to limousine carrier insurance;

37 (62) RCW 46.72A.070 relating to operation of a limousine without
38 a vehicle certificate;

39 (63) RCW 46.72A.080 relating to false advertising by a limousine
40 carrier;

- 1 (64) Chapter 46.80 RCW relating to motor vehicle wreckers;
2 (65) Chapter 46.82 RCW relating to driver's training schools;
3 (66) RCW 46.87.260 relating to alteration or forgery of a cab
4 card, letter of authority, or other temporary authority issued under
5 chapter 46.87 RCW;
6 (67) RCW 46.87.290 relating to operation of an unregistered or
7 unlicensed vehicle under chapter 46.87 RCW.

8 **Sec. 16.** RCW 46.64.025 and 2017 c 336 s 11 are each amended to
9 read as follows:

10 Whenever any person served with, or provided notice of, a traffic
11 infraction or a traffic-related criminal complaint willfully fails to
12 appear at a requested hearing for a moving violation, or fails to
13 comply with the terms of a notice of infraction for a moving
14 violation or a traffic-related criminal complaint or criminal
15 citation, and meets the additional criteria for driver's license and
16 driving privileges suspension provided in RCW 46.20.289(2), where
17 applicable, the court with jurisdiction over the traffic infraction
18 or traffic-related criminal complaint or criminal citation shall
19 promptly give notice of such fact to the department of licensing.
20 Whenever thereafter the case in which the defendant failed to appear
21 or comply is adjudicated, the court hearing the case shall promptly
22 file with the department a certificate showing that the case has been
23 adjudicated. For the purposes of this section, "moving violation" is
24 defined by rule pursuant to RCW 46.20.2891.

25 **PART III: PROGRAM TO CONSOLIDATE TRAFFIC OBLIGATIONS TO AVOID**
26 **DRIVER'S LICENSE SUSPENSION DUE TO FAILURE TO PAY**

27 NEW SECTION. **Sec. 17.** The legislature finds that suspension of
28 driving privileges is a consequence when a person fails to pay
29 certain civil or criminal traffic fines. The legislature also finds
30 that the failure to pay fines is sometimes caused by a person's
31 inability to pay all outstanding financial obligations at once.
32 Moreover, creating and maintaining an affordable payment plan to
33 satisfy such outstanding obligations can be complicated when a person
34 faces fines from multiple jurisdictions simultaneously, especially if
35 such jurisdictions use different entities for collection services.
36 The legislature desires to establish an efficient and economical
37 means by which persons with suspended driving privileges due to

1 unpaid fines in multiple jurisdictions can consolidate the unpaid
2 fines into a single affordable payment plan, which will allow persons
3 to reinstate their driving privileges while still holding them
4 responsible for their unlawful behavior and accountable for payment
5 of the fines imposed.

6 NEW SECTION. **Sec. 18.** A new section is added to chapter 46.63
7 RCW to read as follows:

8 (1) There is created a program for the consolidation of traffic-
9 based financial obligations from multiple courts of limited
10 jurisdiction into a consolidated payment plan, to provide a path for
11 the reinstatement of driving privileges that are or may be suspended
12 because of failure to comply with the terms of a notice of traffic
13 infraction, criminal complaint, or citation for a moving violation.

14 (a) The administrative office of the courts shall oversee the
15 program created by this section, and shall contract with a private
16 agency or entity to act as program administrator to implement,
17 administer, and service the consolidated payment plans authorized
18 under the program created by this section.

19 (i) For the purposes of this section, the administrative office
20 of the courts shall have authority equivalent to courts of limited
21 jurisdiction as provided in RCW 3.02.045 and 46.63.110 to use one or
22 more attorneys, accounts receivable companies, or collection agencies
23 for purposes of collecting outstanding traffic-based financial
24 obligations or administering payment plans and use credit cards or
25 debit cards for purposes of billing and collecting unpaid traffic-
26 based financial obligations, and, in the case of credit cards, assess
27 as court costs the moneys paid for remuneration for services or
28 charges paid to financial institutions.

29 (ii) Any program administrator that the administrative office of
30 the courts contracts with under this section shall be licensed to
31 operate in the state, and preference in the awarding of any contract
32 shall be given to private agencies or entities with principals who
33 have experience operating on behalf of one or more courts of limited
34 jurisdiction in Washington.

35 (iii) Any program administrator that the administrative office of
36 the courts contracts with under this section shall provide at least
37 one payment option for participants that does not require or involve
38 additional payment processing fees.

1 (b) In consultation with the Washington state district and
2 municipal court judges' association and a statewide association
3 representing collection agencies, the administrative office of the
4 courts shall develop an online and paper application form to be used
5 by applicants for the program created by this section. The
6 application form shall include a section asking a prospective
7 participant to attest, under penalty of perjury, if that person's
8 annual income, after taxes, is one hundred twenty-five percent or
9 less of the current federally established poverty level, or if that
10 person receives one or more of the following types of public
11 assistance: Temporary assistance for needy families; aged, blind, or
12 disabled assistance benefits; medical care services under RCW
13 74.09.035; pregnant women assistance benefits; poverty-related
14 veterans' benefits; food stamps or food stamp benefits transferred
15 electronically; refugee resettlement benefits; medicaid; or
16 supplemental security income.

17 (c) The administrative office of the courts may assess program
18 participants a one-time payment plan establishment fee up to the
19 amount allowed under RCW 46.20.341(2)(e). The fee shall be included
20 in the total to be paid by the program participant. The fee hereby
21 authorized is not subject to chapters 3.50, 3.62, and 35.20 RCW, and
22 shall be used by the administrative office of the courts to support
23 oversight of the program, with five percent of the establishment fee
24 deposited into the state general fund to be transmitted by the state
25 treasurer to the department to support public education about the
26 program and what is required for a person to have that person's
27 driving privileges restored. The public education provided by the
28 department must include a department web site that provides
29 individuals with contact information for the administrative office of
30 the courts and courts of limited jurisdiction to obtain information
31 on payment plan opportunities.

32 (d) The administrative office of the courts may adopt policies
33 that are necessary or convenient for purposes of administering the
34 program created by this section including, but not limited to,
35 policies governing the creation of the application form, payment plan
36 terms, and other procedural rules or administrative matters within
37 the purview of the judiciary. Prior to issuing any new policy for the
38 program, the administrative office of the courts is encouraged to
39 solicit public comment and consult with stakeholders, including, but
40 not limited to, the Washington state district and municipal court

1 judges' association, civil legal aid organizations, and a statewide
2 association representing collection agencies.

3 (2) A person qualifies for entry into the program created by this
4 section if:

5 (a) That person's driving privileges have been suspended pursuant
6 to RCW 46.20.289, that person has partially met the criteria for
7 driver's license suspension listed under RCW 46.20.289(2)(a), or that
8 person has received a notice as provided in RCW 46.20.245 of a
9 proposed suspension of driving privileges pursuant to RCW 46.20.289;
10 and

11 (b) That person has unpaid traffic-based financial obligations
12 imposed by two or more different courts of limited jurisdiction,
13 which could, independently or in combination, serve as a basis for
14 suspension of driving privileges if the person owing does not pay in
15 full or the department does not receive certification from the
16 appropriate court that the case is adjudicated.

17 (3) Even if a person qualifies under subsection (2) of this
18 section, a person is ineligible to participate in the program created
19 by this section if:

20 (a) The person has been removed from the program created by this
21 section more than twice in the thirty-six month period preceding the
22 date of application for failing to comply with the terms of a payment
23 plan; or

24 (b) The unpaid traffic-based financial obligations from different
25 jurisdictions have been referred to the same collecting attorney or
26 collection agency, which is offering payment plan terms equivalent to
27 the payment plan offered under the program created by this section.

28 (4) Any person qualifying for the program created by this section
29 may enter the program by completing the application developed under
30 subsection (1) of this section, submitting the application to the
31 program administrator, entering into a payment plan with the program
32 administrator, and making the first payment as required under said
33 payment plan.

34 (5) Upon a person entering the program as provided in subsection
35 (3) of this section, the program administrator shall promptly notify
36 the relevant courts to which the program participant owes traffic-
37 based financial obligations, as well as the collecting attorneys,
38 accounts receivable companies, or collection agencies utilized by
39 those courts, to inform the courts and their contracted collectors of
40 the participant's entry in the program. Upon receiving notice that a

1 person has entered the program created by this section, the courts
2 shall promptly notify the department that the infraction or case for
3 which the participant owes traffic-based financial obligations has
4 been adjudicated, and the court's contracted collecting attorneys,
5 accounts receivable companies, or collection agencies shall suspend
6 collection efforts to allow the program administrator to administer
7 the consolidated payment plan created by this section.

8 (6) As remuneration for administering the consolidated payment
9 plan, the program administrator shall retain as revenue for itself
10 sixty percent of the unpaid collection fees assessed under RCW
11 19.16.500, minus any court or legal costs paid by the local
12 collecting attorney or collection agency related to a legal
13 proceeding to collect the delinquent traffic-based financial
14 obligations.

15 (7) While participating in the program created by this section, a
16 participant must make regular monthly payments pursuant to the
17 payment plan he or she entered into with the program administrator.

18 (a) The administrative office of the courts shall establish
19 policies governing payment plans offered by the program created by
20 this section.

21 (b) Through December 31, 2025, the standard payment plan terms
22 offered by the program created by this section shall be as follows:

23 (i) For balances of five hundred dollars or less, a monthly
24 payment of twenty-five dollars;

25 (ii) For balances of one thousand dollars or less, but more than
26 five hundred dollars, a monthly payment of thirty-five dollars;

27 (iii) For balances of more than one thousand dollars, a monthly
28 payment of fifty dollars; and

29 (iv) A monthly payment of twenty-five dollars, regardless of the
30 outstanding balance, for participants with incomes at or below one
31 hundred twenty-five percent of the current federally established
32 poverty level, or for participants receiving one or more of the
33 following types of public assistance: Temporary assistance for needy
34 families; aged, blind, or disabled assistance benefits; medical care
35 services under RCW 74.09.035; pregnant women assistance benefits;
36 poverty-related veterans' benefits; food stamps or food stamp
37 benefits transferred electronically; refugee resettlement benefits;
38 medicaid; or supplemental security income.

1 After December 31, 2025, the administrative office of the courts
2 may adopt new standard payment plan terms under the authority
3 provided in this section.

4 (c) Notwithstanding any other provision in this section, a
5 program participant may at any time elect to pay more than the
6 minimum standard payment amount. In addition, any program participant
7 may petition any court to which the program participant owes traffic-
8 based financial obligations that have been consolidated under the
9 program created by this section, and have that court assess the
10 participant's ability to pay. The court hearing the petition, in its
11 discretion, may order a monthly payment amount lower than the amount
12 of the standard payment plan identified in this section.

13 (d) Provided a participant continues to comply with the terms of
14 the payment plan, the participant may remain in the program created
15 by this section until such time that all traffic-based financial
16 obligations subject to consolidation are paid in full.

17 Payment plan terms shall set out the conditions under which a
18 failure to comply with said terms will result in removal from the
19 program, and shall at a minimum include that removal from the program
20 will result if any payment due becomes more than forty-five days
21 delinquent.

22 (8) While the participant is participating in the program created
23 by this section, all unpaid accrued interest on the participant's
24 traffic-based financial obligations subject to consolidation under
25 the program shall be provisionally suspended.

26 (a) If a participant satisfies a traffic-based financial
27 obligation subject to consolidation under the program by making all
28 required payments and otherwise meeting the terms of the payment
29 plan, all provisionally suspended unpaid accrued interest on the
30 satisfied traffic-based financial obligation shall be waived.

31 (b) If a participant is removed from the program, the
32 provisionally suspended unpaid accrued interest on the unsatisfied
33 traffic-based financial obligations subject to consolidation under
34 the program shall be reinstated.

35 (c) Nothing in this section shall be interpreted to limit a
36 court's ability to independently waive, reduce, or suspend a portion
37 or all of a fine or penalty.

38 (9) If a participant is removed from the program created by this
39 section, the program administrator shall promptly notify the relevant
40 courts to which the program participant still owes traffic-based

1 financial obligations. Upon receiving the notice that the participant
2 was removed from the program, the court shall promptly notify the
3 department of the person's failure to meet the conditions of the
4 payment plan if the criteria in RCW 46.20.289 have otherwise been
5 satisfied, and the department shall suspend the person's driving
6 privileges when notified.

7 (10) Notwithstanding any other provision in this section, a
8 traffic-based financial obligation shall not be eligible for
9 consolidation under the program if a legal proceeding, such as
10 garnishment, has commenced to collect the delinquent traffic-based
11 financial obligation owed by the person, unless the court, in its
12 discretion, authorizes the traffic-based financial obligation to be
13 included in the consolidated payment plan pursuant to its authority
14 under RCW 46.63.110(9).

15 (11) Payments made to the program administrator for the
16 consolidated payment plans created by this section shall first be
17 applied to the program establishment fee, with the remainder divided
18 equally among the number of courts of limited jurisdiction that
19 originally ordered the traffic-based financial obligations
20 consolidated under the program. Revenue collected under the program
21 created by this section shall be distributed to the appropriate
22 courts of limited jurisdiction, or to the collecting attorneys,
23 accounts receivable companies, or collection agencies that contract
24 with said courts for distribution to the courts based upon the terms
25 of the applicable contract, on a periodic basis not less frequently
26 than monthly.

27 (12) For the purposes of this section:

28 (a) "Participant" means a person who has qualified and entered
29 the program created by this section.

30 (b) "Payment plan" has the same meaning as in RCW 46.63.110(6).

31 (c) "Program" means the program for the consolidation of traffic-
32 based financial obligations created by this section.

33 (d) "Program administrator" means the contracted private agency
34 or entity tasked with implementing, administering, and servicing the
35 consolidated payment plans authorized under the program created by
36 this section.

37 (e) "Traffic-based financial obligation" means any monetary
38 penalty, fee, cost, assessment, or other monetary obligation imposed
39 when a person is either found to have committed a traffic infraction
40 or convicted of a traffic misdemeanor or gross misdemeanor offense.

1 **Sec. 19.** RCW 46.63.110 and 2019 c 467 s 4, 2019 c 403 s 13, 2019
2 c 181 s 1, and 2019 c 65 s 7 are each reenacted and amended to read
3 as follows:

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

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

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

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

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

33 (6) Whenever a monetary penalty, fee, cost, assessment, or other
34 monetary obligation is imposed by a court under this chapter, it is
35 immediately payable and is enforceable as a civil judgment under
36 Title 6 RCW. If the court determines, in its discretion, that a
37 person is not able to pay a monetary obligation in full, and not more
38 than one year has passed since the later of July 1, 2005, or the date
39 the monetary obligation initially became due and payable, the court
40 shall enter into a local payment plan with the person, unless the

1 person has previously been granted a local payment plan with respect
2 to the same monetary obligation, or unless the person is in
3 noncompliance of any existing or prior local payment plan, in which
4 case the court may, at its discretion, implement a local payment
5 plan. If the court has notified the department that the person has
6 failed to pay or comply and the person has subsequently entered into
7 a local payment plan and made an initial payment, the court shall
8 notify the department that the infraction has been adjudicated, and
9 the department shall rescind any suspension of the person's driver's
10 license or driver's privilege based on failure to respond to that
11 infraction. "Payment plan," as used in this section, means a plan
12 that requires reasonable payments based on the financial ability of
13 the person to pay. The person may voluntarily pay an amount at any
14 time in addition to the payments required under the payment plan.

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

31 (b) If a person has not entered into a local payment plan with
32 the court and has not paid the monetary obligation in full on or
33 before the time established for payment, the court may refer the
34 unpaid monetary penalty, fee, cost, assessment, or other monetary
35 obligation to a collections agency until all monetary obligations
36 have been paid, including those imposed under subsections (3) and (4)
37 of this section, or until the person has entered into a local payment
38 plan under this section or has entered into a consolidated payment
39 plan as authorized under section 18 of this act. For those
40 infractions subject to suspension under RCW 46.20.289, the court

1 shall notify the department of the person's delinquency, and the
2 department shall suspend the person's driver's license or driving
3 privileges provided the criteria for driving privilege suspension in
4 RCW 46.20.289 have been met.

5 (c) If the local payment plan is to be administered by the court,
6 the court may assess the person a reasonable administrative fee to be
7 wholly retained by the city or county with jurisdiction. The
8 administrative fee shall not exceed ten dollars per infraction or
9 twenty-five dollars per payment plan, whichever is less.

10 (d) Nothing in this section precludes a court from contracting
11 with outside entities to administer its payment plan system. When
12 outside entities are used for the administration of a payment plan,
13 the court may assess the person a reasonable fee for such
14 administrative services, which fee may be calculated on a periodic,
15 percentage, or other basis.

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

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

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

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

33 (c) A fee of five dollars per infraction. Under no circumstances
34 shall this fee be reduced or waived. Revenue from this fee shall be
35 forwarded to the state treasurer for deposit in the traumatic brain
36 injury account established in RCW 74.31.060.

37 (8)(a) In addition to any other penalties imposed under this
38 section and not subject to the limitation of subsection (1) of this
39 section, a person found to have committed a traffic infraction other
40 than of RCW 46.61.527 or 46.61.212 shall be assessed an additional

1 penalty of twenty dollars. The court may not reduce, waive, or
2 suspend the additional penalty unless the court finds the offender to
3 be indigent. If a court authorized community restitution program for
4 offenders is available in the jurisdiction, the court shall allow
5 offenders to offset all or a part of the penalty due under this
6 subsection (8) by participation in the court authorized community
7 restitution program.

8 (b) Eight dollars and fifty cents of the additional penalty under
9 (a) of this subsection shall be remitted to the state treasurer. The
10 remaining revenue from the additional penalty must be remitted under
11 chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted
12 under this subsection to the state treasurer must be deposited in the
13 state general fund. The balance of the revenue received by the county
14 or city treasurer under this subsection must be deposited into the
15 county or city current expense fund. Moneys retained by the city or
16 county under this subsection shall constitute reimbursement for any
17 liabilities under RCW 43.135.060.

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

22 (10) The monetary penalty for violating RCW 46.37.395 is: (a) Two
23 hundred fifty dollars for the first violation; (b) five hundred
24 dollars for the second violation; and (c) seven hundred fifty dollars
25 for each violation thereafter.

26 (11) The additional monetary penalty for a violation of RCW
27 46.20.500 is not subject to assessments or fees provided under this
28 section.

29 (12) The additional monetary fine for a violation of RCW
30 46.61.110, 46.61.145, 46.61.180, 46.61.185, 46.61.190, and 46.61.205
31 is not subject to assessments or fees provided under this section.

32 (13) The additional monetary penalties for a violation of RCW
33 46.61.165 are not subject to assessments or fees provided under this
34 section.

35 NEW SECTION. **Sec. 20.** A new section is added to chapter 46.64
36 RCW to read as follows:

37 Whenever a court of limited jurisdiction imposes a monetary
38 penalty, fee, cost, assessment, or other monetary obligation under
39 this chapter for conviction of a violation of this title that is a

1 misdemeanor or gross misdemeanor, the person who owes such
2 obligations, if otherwise eligible, may consolidate the obligations
3 with the program authorized under section 18 of this act.

4 **PART IV: GENERAL PROVISIONS**

5 NEW SECTION. **Sec. 21.** (1)(a) The legislature finds that the
6 current system for addressing unpaid traffic fines is inequitable and
7 disproportionately burdens people with limited economic means. The
8 department of licensing shall convene a work group of stakeholders to
9 explore options for addressing this inequity and disproportionality
10 by reforming the manner in which unpaid traffic fines are collected,
11 the driver's licensing consequences of unpaid traffic fines, and the
12 legal consequences of driving without a valid driver's license. The
13 effort must include an examination of options for consolidated or
14 individual payment plans for unpaid traffic fines, other options for
15 collecting unpaid traffic fines and holding drivers accountable for
16 moving violations without suspending driver's licenses, policies that
17 can increase the rate of drivers who have valid insurance, and the
18 traffic safety risk posed by drivers whose licenses are suspended
19 solely due to unpaid traffic fines compared to the traffic safety
20 risk posed by drivers with an equivalent number of paid moving
21 violations.

22 (b) The effort must also include an examination of the
23 effectiveness of requiring that the registered vehicle owner's
24 driver's license number be provided at the time of vehicle
25 registration and registration renewal to increase the rate at which
26 driver's license suspension notifications reach driver's license
27 holders, as well as an assessment of the effectiveness of the
28 department of licensing's efforts to provide payment plan information
29 to individuals who receive notices of driver's license suspension and
30 methods in addition to mail that could be used to provide
31 notification of pending driver's license suspension and payment plan
32 options to these individuals.

33 (2) The following must be invited to participate in the
34 stakeholder work group:

35 (a) The administrator for the courts or the administrator for the
36 courts' designee;

37 (b) A district or municipal court judge, appointed by the
38 district and municipal court judges' association;

1 (c) A prosecutor, appointed by the Washington association of
2 prosecuting attorneys, or the prosecutor's designee;

3 (d) A municipal prosecutor appointed by the city of Seattle
4 attorney's office;

5 (e) A public defender, jointly appointed by the Washington
6 defender association and the Washington association of criminal
7 defense lawyers;

8 (f) A representative of the American civil liberties union;

9 (g) A district or municipal court administrator or manager,
10 appointed by the district and municipal court management association;

11 (h) A representative of a civil legal aid organization, appointed
12 by the office of civil legal aid;

13 (i) A representative of the Washington association of sheriffs
14 and police chiefs;

15 (j) A representative of a statewide association of police chiefs
16 and sheriffs, selected by the association;

17 (k) The director of the Washington traffic safety commission or
18 the director's designee;

19 (l) A representative of a statewide association of city
20 governments, selected by the association;

21 (m) A representative of a statewide association of counties,
22 selected by the association;

23 (n) A representative of a statewide association of collection
24 professionals;

25 (o) A representative of Northwest justice project;

26 (p) A representative of columbia legal services;

27 (q) A representative of statewide poverty action network; and

28 (r) A representative of the faith action network.

29 (3) The stakeholder work group shall convene as necessary.

30 (4) The stakeholder work group shall provide final feedback and
31 recommendations to the department of licensing no later than October
32 1, 2020.

33 (5) The department of licensing shall submit a report detailing
34 its findings and recommendations to the appropriate committees of the
35 legislature, which must include an assessment of the estimated fiscal
36 impact to government associated with these recommendations, no later
37 than November 1, 2020.

1 NEW SECTION. **Sec. 22.** The administrator for the courts and the
2 director of the department of licensing may take the necessary steps
3 to ensure that this act is implemented on its effective date.

4 NEW SECTION. **Sec. 23.** Sections 1 through 20 of this act take
5 effect January 1, 2021.

6 NEW SECTION. **Sec. 24.** Sections 21 and 22 of this act are
7 necessary for the immediate preservation of the public peace, health,
8 or safety, or support of the state government and its existing public
9 institutions, and take effect immediately.

--- END ---