

**WSR 15-11-031**  
**RULES OF COURT**  
**STATE SUPREME COURT**

[May 12, 2015]

IN THE MATTER OF THE ADOPTION ) ORDER  
 OF THE AMENDMENT TO IRLJ 6.2 ) NO. 25700-A-1103

The Judicial Information System Committee (JISC), having recommended the adoption of the proposed amendment to IRLJ 6.2 and the raising of the assessment authorized by RCW 2.68.040 (1)(a), and JISC, local governments, and the Office of Public Defense (OPD) having recommended an inflation adjustment to the base penalty schedule, as authorized by RCW 46.63.110(3), with support from the Superior Court Judges' Association, District and Municipal Court Judges' Association, Association of Washington Cities, and the Washington State Association of Counties, and the Court having determined that the proposed increases will aid in the prompt and orderly administration of justice, and further determined that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby

ORDERED:

(a) That the assessment, as authorized by RCW 2.68.020 (1)(a), is increased from \$17 to \$23;

(b) That the infraction base penalty schedule is increased by \$6 for inflation, as authorized by RCW 46.63.110(3);

(c) That the amendment as shown below is adopted;

(d) That pursuant to the emergency provisions of GR 9(i), the amendment and assessment increase will be published expeditiously and become effective July 1, 2015.

DATED at Olympia, Washington this 12th of May, 2015.

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 Madsen, C.J.

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 Wiggins, J.

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 Owens, J.

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 Fairhurst, J.

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 Stephens, J.

IRLJ 6.2

**MONETARY PENALTY SCHEDULE FOR INFRACTIONS**

**(a) Effect of Schedule.** The penalty for any infraction listed in this rule may not be changed by local court rule. The court may impose on a defendant a lesser penalty in an individual case. Provided that, whenever the base penalty plus statutory assessments results in a total payment that is not an even dollar amount, the base penalty is deemed to be amended to a higher amount which produces the next greatest even dollar total.

**(b) Unscheduled Infractions.** The penalty for any infraction not listed in this rule shall be ~~\$42~~ ~~\$48~~, not including statutory assessments. A court may, by local court rule, provide for a different penalty.

**(c) Infractions Not Covered.** This schedule does not apply to penalties for parking, standing, stopping, or pedestrian infractions established by municipal or county statute. Penalties for those infractions are established by statute or local court rule, but shall be consistent with the philosophy of these rules.

**(d) Penalty Schedule.** The following infractions shall have the penalty listed, not including statutory assessments.

	Base Penalty
(1)Traffic Infractions	
Second Degree Negligent Driving ( <u>RCW 46.61.525</u> )	\$250
Wrong way on freeway (RCW 46.61.150)	<del>\$182</del> <u>\$188</u>
Wrong way on freeway access (RCW 46.61.155)	<del>\$87</del> <u>\$93</u>
Backing on limited access highway (RCW 46.61.605)	<del>\$87</del> <u>\$93</u>
Spilling or failure to secure load (RCW 46.61.655)	<del>\$87</del> <u>\$93</u>
Throwing or depositing debris on highway (RCW 46.61.645)	<del>\$87</del> <u>\$93</u>
Disobeying school patrol (RCW 46.61.385)	<del>\$87</del> <u>\$93</u>
Passing stopped school bus (with red lights flashing) (RCW 46.61.370)	<del>\$87</del> <u>\$93</u>
Violation of posted road restriction (RCW 46.44.080; RCW 46.44.105(4))	<del>\$182</del> <u>\$188</u>
Switching license plates, loan of license or use of another's (RCW 46.16A.240)	<del>\$87</del> <u>\$93</u>
Altering or using altered license plates (RCW 46.16A.240 <u>200</u> )	<del>\$87</del> <u>\$93</u>
Operator's Licenses (RCW 46.20)	
No Valid Driver's License (With Identification)	\$250
All other RCW 46.20 infractions	<del>\$42</del> <u>\$48</u>
Vehicle Licenses (RCW 46.16A)	
Expired Vehicle License (RCW 46.16A.010 <u>030</u> )	
Two months or less	<del>\$42</del> <u>\$48</u>
Over 2 months	<del>\$87</del> <u>\$93</u>
Speeding (RCW 46.61.400) if speed limit is over 40 m.p.h.	
1-5 m.p.h. over limit	<del>\$27</del> <u>\$33</u>
6-10 m.p.h. over limit	<del>\$37</del> <u>\$43</u>
11-15 m.p.h. over limit	<del>\$52</del> <u>\$58</u>
16-20 m.p.h. over limit	<del>\$67</del> <u>\$73</u>
21-25 m.p.h. over limit	<del>\$82</del> <u>\$88</u>
26-30 m.p.h. over limit	<del>\$102</del> <u>\$108</u>
31-35 m.p.h. over limit	<del>\$127</del> <u>\$133</u>
36-40 m.p.h. over limit	<del>\$152</del> <u>\$158</u>
Over 40 m.p.h. over limit	<del>\$182</del> <u>\$188</u>
Speeding if speed limit is 40 m.p.h. or less	
1-5 m.p.h. over limit	<del>\$37</del> <u>\$43</u>

	Base Penalty		Base Penalty
6-10 m.p.h. over limit	<del>\$42</del> <u>\$48</u>	Defective or modified exhaust systems, mufflers, prevention of noise and smoke (RCW 46.37.390 (1) and (3))	
11-15 m.p.h. over limit	<del>\$57</del> <u>\$63</u>	First offense (the penalty may be waived upon proof to the court of compliance)	<del>\$47</del> <u>\$53</u>
16-20 m.p.h. over limit	<del>\$77</del> <u>\$83</u>	Second offense within 1 year of first offense	<del>\$67</del> <u>\$73</u>
21-25 m.p.h. over limit	<del>\$102</del> <u>\$108</u>	Third and subsequent offenses within 1 year of first offense	<del>\$87</del> <u>\$93</u>
26-30 m.p.h. over limit	<del>\$127</del> <u>\$133</u>	Any other equipment infraction (RCW 46.37.010)	<del>\$42</del> <u>\$48</u>
31-35 m.p.h. over limit	<del>\$152</del> <u>\$158</u>		
Over 35 m.p.h. over limit	<del>\$182</del> <u>\$188</u>		
Speed Too Fast for Conditions (RCW 46.61.400(1))	<del>\$42</del> <u>\$48</u>		
Rules of the Road		Motorcycles	
Failure to stop (RCW 46.61.050.)	<del>\$42</del> <u>\$48</u>	Any infraction relating specifically to motorcycles (including no valid endorsement, RCW 46.20.500)	<del>\$42</del> <u>\$48</u>
Failure to stop on approach of emergency vehicle (RCW 46.61.210)	\$500		
Failure to yield the right of way (RCW 46.61.180, 185, .190, .205, .235, .300, .365)	<del>\$42</del> <u>\$48</u>	Parking	
Failure to yield the right of way on approach of emergency vehicle (RCW 46.61.210)	\$500	Illegal parking on roadway (RCW 46.61.560)	\$30
Following too close (RCW 46.61.145, .635)	<del>\$42</del> <u>\$48</u>	Any other parking infraction (not defined by city or county ordinance)	\$20
Failure to signal (RCW 46.61.310)	<del>\$42</del> <u>\$48</u>	Pedestrians	
Improper lane usage or travel (RCW 46.61.140)	<del>\$42</del> <u>\$48</u>	Any infraction regarding pedestrians (not defined by city or county ordinance)	<del>\$27</del> <u>\$33</u>
Impeding traffic (RCW 46.61.425)	<del>\$42</del> <u>\$48</u>	Bicycles	
Improper passing (RCW 46.61.110, .115, .120, .125, .130)	<del>\$42</del> <u>\$48</u>	Any infraction regarding bicycles	<del>\$32</del> <u>\$38</u>
Prohibited and improper turn (RCW 46.61.290, .295, .305)	<del>\$42</del> <u>\$48</u>	Load Violations	
Crossing double yellow line left of center line (RCW 46.61.100, .130, .140)	<del>\$42</del> <u>\$48</u>	(all under RCW 46.44, except over license capacity) (see RCW 46.16A)	
Operating with obstructed vision (RCW 46.61.615)	<del>\$42</del> <u>\$48</u>	Over legal—tires, wheelbase (RCW 46.44.105(1))	
Wrong way on one-way street (RCW 46.61.135)	<del>\$42</del> <u>\$48</u>	(First offense)	<del>\$72</del> <u>\$78</u>
Failure to comply with restrictive signs (RCW 46.61.050)	<del>\$42</del> <u>\$48</u>	(Second offense)	<del>\$102</del> <u>\$108</u>
Accident		(Third offense)	<del>\$117</del> <u>\$123</u>
If an accident occurs in conjunction with any of the listed rules-of-the-road infractions or speed too fast for conditions, the penalty for the infraction shall be:	<del>\$67</del> <u>\$73</u>	In addition to the above (RCW-46.44.105(2)) 3 cents per excess pound	
Equipment (RCW 46.37)		Over license capacity (RCW 46.16A.145 <u>545</u> )	
Illegal use of emergency equipment (RCW 46.37.190)	<del>\$87</del> <u>\$93</u>	(First offense)	<del>\$57</del> <u>\$63</u>
		(Second offense)	<del>\$102</del> <u>\$108</u>
		(Third offense)	<del>\$117</del> <u>\$123</u>
		Violation of special permit	<del>\$67</del> <u>\$73</u>
		Failure to obtain special permit	<del>\$67</del> <u>\$73</u>
		Failure to submit to being weighed	<del>\$67</del> <u>\$73</u>
		Illegal vehicle combination (RCW 46.44.036)	<del>\$67</del> <u>\$73</u>

	Base Penalty		Base Penalty
Illegally transporting mobile home	<del>\$72</del> <u>\$78</u>	Display of Snowmobile Registration Number, Decals, and Validation Tabs (WAC 308-94- <del>070</del> <u>050</u> )	<del>\$55</del> <u>\$61</u>
Any other infraction defined in RCW 46.44	<del>\$52</del> <u>\$58</u>	Off-Road Vehicle Traffic Prohibited (WAC 332-52- <del>030</del> (4))	<del>\$42</del> <u>\$48</u>
Violation of Federal Motor Carrier Safety Regulations (RCW 46.32.010)		Travel Off-Road or Off-Trail (WAC 332-52- <del>030</del> (4)(e))	<del>\$42</del> <u>\$48</u>
Logbook/Medical Certificate	<del>\$69</del> <u>\$75</u>	Spark-Arresting Muffler Required (WAC 332-52- <del>030</del> (4)(h))	<del>\$42</del> <u>\$48</u>
Equipment/All Others	<del>\$42</del> <u>\$48</u>	Yield Right of Way to:	
Private Carrier (RCW 46.73)		Log Hauling and Gravel Trucks (WAC 332-52- <del>030</del> (4)(i))	<del>\$42</del> <u>\$48</u>
Failure to display valid medical exam	<del>\$69</del> <u>\$75</u>	Animal-Drawn Vehicles/Persons Riding Animals (WAC 332-52- <del>030</del> (4)(j))	<del>\$42</del> <u>\$48</u>
Violation of daily log book		Following Closer Than 150 Feet (WAC 332-52- <del>030</del> (4)(m))	<del>\$42</del> <u>\$48</u>
Driver not out of service	<del>\$69</del> <u>\$75</u>	Moving Through Livestock Herd Without Direction (WAC 332-52- <del>030</del> (4)(o))	<del>\$42</del> <u>\$48</u>
Driver out of service	<del>\$95</del> <u>\$101</u>	Parking on the Traveled Portion of the Roadway (WAC 332-52- <del>030</del> (4)(q))	\$30
Off-Road Vehicles (ATVs) (RCW 46.09)	<del>\$47</del> <u>\$53</u>	Excessively Rev Vehicle Engine (WAC 332-52- <del>030</del> (4)(r))	<del>\$42</del> <u>\$48</u>
Any RCW 46.09 infraction		Driving/Parking Vehicles (WAC 332-52- <del>050</del> (1))	<del>\$42</del> <u>\$48</u>
Snowmobiles (RCW 46.10)	<del>\$47</del> <u>\$53</u>	Bicycles/Motorbikes/Motorcycles on Posted Trails (WAC 332-52- <del>050</del> (3))	<del>\$42</del> <u>\$48</u>
Any RCW 46.10 infraction		Driving Motor Vehicle in Camp (WAC 332-52- <del>050</del> (4))	<del>\$42</del> <u>\$48</u>
<del>Failure to respond to notice of infraction or failure to pay penalty (RCW 46.63.110(3))</del>	<del>\$25</del>	Moorage and Use of Marine Facilities (WAC 352-12-010)	<del>\$42</del> <u>\$48</u>
Failure to provide proof of motor vehicle insurance (RCW 46.30.020)	\$250	Moorage Fees (WAC 352-12-020)	<del>\$42</del> <u>\$48</u>
(2) Commercial Vehicle Infractions (WAC 480)		Seasonal Permits (WAC 352-12-030)	<del>\$42</del> <u>\$48</u>
Defective Equipment/Driver Safety (auto transp.) (WAC 480-30-095)	<del>\$42</del> <u>\$48</u>	Use of Onshore Campsites (WAC 352-12-040)	<del>\$42</del> <u>\$48</u>
Commercial Vehicle License (auto transp.) (WAC 480-30-095(1))	<del>\$42</del> <u>\$48</u>	Self-Registration (WAC 352-12-050)	<del>\$67</del> <u>\$73</u>
Defective Equipment/Driver Safety (charter/excursion bus) (WAC 480-40-075)	<del>\$42</del> <u>\$48</u>	Parking (WAC 352-20-010)	\$24
Commercial Vehicle License (charter/excursion bus) (WAC 480-40-075(1))	<del>\$42</del> <u>\$48</u>	Motor Vehicles on Roads and Trails (WAC 352-20-020)	<del>\$67</del> <u>\$73</u>
Defective Equipment/Driver Safety (solid waste transp.) (WAC 480-70-400)	<del>\$42</del> <u>\$48</u>	Speed Limits (WAC 352-20-030)	<del>\$42</del> <u>\$48</u>
Commercial Vehicle License (solid waste transp.) (WAC 480-70-400(1))	<del>\$42</del> <u>\$48</u>	Vehicles in Snow Areas (WAC 352-20-040)	<del>\$67</del> <u>\$73</u>
Failure To Have Proof of Insurance (RCW 81.80.190)	\$250	Trucks and Commercial Vehicles (WAC 352-20-050)	<del>\$42</del> <u>\$48</u>
Defective Equipment/Driver Safety (WAC 480-12-180)	<del>\$42</del> <u>\$48</u>	Camping (WAC 352-32-030)	<del>\$67</del> <u>\$73</u>
Commercial Vehicle License (WAC 480-12-180(1))	<del>\$42</del> <u>\$48</u>	Campsite Reservation (WAC 352-32-035)	<del>\$42</del> <u>\$48</u>
Defective Equipment/Driver Safety (limousine) (WAC 480-35-090)	<del>\$42</del> <u>\$48</u>	Picnicking (WAC 352-32-040)	<del>\$42</del> <u>\$48</u>
Commercial Vehicle License (limousine) (WAC 480-35-090(1))	<del>\$42</del> <u>\$48</u>		
(3) Parks and Recreation Infractions			

	Base Penalty		Base Penalty
Park Periods (Unlawful Entry) (WAC 352-32-050)	<del>\$67</del> <u>\$73</u>	Personal Flotation Device Not Readily Accessible (RCW 79A.60.160(1))	<del>\$42</del> <u>\$48</u>
Park Capacities (WAC 352-32-053)	<del>\$42</del> <u>\$48</u>	Observer Required on Board Vessel (RCW 79A.60.170(2))	<del>\$42</del> <u>\$48</u>
Peace and Quiet (WAC 352-32-056)	<del>\$67</del> <u>\$73</u>	Observer To Continuously Observe (RCW 79A.60.170(2))	<del>\$42</del> <u>\$48</u>
Pets (WAC 352-32-060)	<del>\$42</del> <u>\$48</u>	Failure To Display Skier Down Flag (RCW 79A.60.170(2))	<del>\$42</del> <u>\$48</u>
Horseback Riding (WAC 352-32-070)	<del>\$42</del> <u>\$48</u>	Flag/Pole Not to Specifications (RCW 79A.60.170(2))	<del>\$42</del> <u>\$48</u>
Use of Nonmotorized Cycles or Similar Devices in State Parks (WAC 352-32-075)	<del>\$42</del> <u>\$48</u>	Observer Does Not Meet Minimum Qualifications (RCW 79A.60.170(3))	<del>\$67</del> <u>\$73</u>
Swimming (WAC 352-32-080)	<del>\$42</del> <u>\$48</u>	Water Skier Not Wearing Personal Flotation Device (RCW 79A.60.170(4))	<del>\$67</del> <u>\$73</u>
Games (WAC 352-32-090)	<del>\$42</del> <u>\$48</u>	Overloading of Vessel Beyond Safe Carrying Ability (RCW 79A.60.180(1))	<del>\$117</del> <u>\$123</u>
Disrobing (WAC 352-32-100)	<del>\$42</del> <u>\$48</u>	Carrying Passengers in Unsafe Manner (RCW 79A.60.180(1))	<del>\$67</del> <u>\$73</u>
Tents, etc., on Beaches (WAC 352-32-110)	<del>\$42</del> <u>\$48</u>	Overpowering of Vessel Beyond Vessel's Ability To Operate Safely (RCW 79A.60.180(2))	<del>\$117</del> <u>\$123</u>
Lakes Located Wholly Within State Park Boundaries—Internal Combustion Engines Prohibited (WAC 352-32-155)	<del>\$42</del> <u>\$48</u>	Person Not Wearing Personal Flotation Device (PFD) on Personal Watercraft (RCW 79A.60.190(1))	<del>\$67</del> <u>\$73</u>
Lakes located Partially Within State Park Boundaries—Internal Combustion Engines Prohibited (WAC 352-32-157)	<del>\$42</del> <u>\$48</u>	Failure To Give Accident Information to Law Enforcement (RCW 79A.60.200(1))	<del>\$117</del> <u>\$123</u>
Solicitation (WAC 352-32-195)	<del>\$67</del> <u>\$73</u>	Motor Propelled Vessels Without Effective Muffler in Good Working Order and Constant Use (RCW 79A.60.130(1))	<del>\$42</del> <u>\$48</u>
Intoxication in State Park Areas (WAC 352-32-220)	<del>\$142</del> <u>\$148</u>	Sound Level in Excess of 90 Decibels for Engines Made Before 1/1/94 Using Stationary Test (RCW 79A.60.130(1))	<del>\$42</del> <u>\$48</u>
Food and Beverage Containers on Swimming Beaches (WAC 352-32-230)	<del>\$42</del> <u>\$48</u>	Sound Level in Excess of 88 Decibels for Engines Made on or After 1/1/94 Using Stationary Test (RCW 79A.60.130(1))	<del>\$42</del> <u>\$48</u>
Use of Metal Detectors in State Parks (WAC 352-32-235)	<del>\$42</del> <u>\$48</u>	Sound Level in Excess of 75 Decibels Using Shoreline Test (RCW 79A.60.130(3))	<del>\$42</del> <u>\$48</u>
Self-Registration (WAC 352-32-255)	<del>\$67</del> <u>\$73</u>	Removing, Altering or Modifying Muffler or Muffler System (RCW 79A.60.130(7))	<del>\$42</del> <u>\$48</u>
Sno-Park Permit (WAC 352-32-260)	<del>\$42</del> <u>\$48</u>	Manufacturing, Selling, or Offering for Sale Any Vessel Equipped With Noncomplying Muffler or Muffler System RCW 79A.60.130(8))	<del>\$67</del> <u>\$73</u>
Sno-Park Permit Display (WAC 352-32-265)	<del>\$42</del> <u>\$48</u>	Vessel Exemption/Exception for Competing in Racing Events Carried on Board Operating Vessel (RCW 79A.60.130(8))	<del>\$42</del> <u>\$48</u>
Vehicular Traffic—Where Permitted—Generally (WAC 352-37-030)	<del>\$67</del> <u>\$73</u>	Personal Flotation Devices (PFDs) (WAC 352-60-030)	<del>\$42</del> <u>\$48</u>
Equestrian Traffic (WAC 352-37-080)	<del>\$42</del> <u>\$48</u>		
Pedestrians To Be Granted Right of Way (WAC 352-37-090)	<del>\$42</del> <u>\$48</u>		
Overnight Parking or Camping Prohibited (WAC 352-37-110)	<del>\$67</del> <u>\$73</u>		
Speed Limits (WAC 352-37-130)	<del>\$42</del> <u>\$48</u>		
(4) Boating Infractions			
Operating Vessel in Negligent Manner (RCW 79A.60.030)	<del>\$167</del> <u>\$173</u>		
No Personal Flotation Device (PFD) on Vessel for Each Person (RCW 79A.60.160(1))	<del>\$42</del> <u>\$48</u>		
Personal Flotation Device Not the Appropriate Size (RCW 79A.60.160(1))	<del>\$42</del> <u>\$48</u>		

	Base Penalty		Base Penalty
Visual Distress Signals (WAC 352-60-040)	<del>\$42</del> <u>\$48</u>	Taxidermist/Fur Dealer/Wildlife Meat Cutter - Fail to Maintain Records (RCW 77.15.160 (3)(a)(i))	\$122
Ventilation (WAC 352-60-050)	<del>\$42</del> <u>\$48</u>	Taxidermist/Fur Dealer/Wildlife Meat Cutter - Fail to Report Information (RCW 77.15.160 (3)(a)(ii))	\$73
Navigation Lights and Sound Signals (WAC 352-60-060)	<del>\$42</del> <u>\$48</u>	Trapper - Fail to Report Trapping Activity (RCW 77.15.160 (3)(b))	\$73
Steering and Sailing (WAC 352-60-070)	<del>\$42</del> <u>\$48</u>	Contest Violation (RCW 77.15.160 (4)(a))	\$146
Fire Extinguishing Equipment (WAC 352-60-080)	<del>\$42</del> <u>\$48</u>	Violate Other Infraction Rules (RCW 77.15.160 (4)(b))	\$73
Backfire Flame Control (WAC 352-60-090)	<del>\$42</del> <u>\$48</u>	Posting Signs (RCW 77.15.160 (4)(c))	\$122
Liquefied Petroleum Gas (WAC 352-60-100)	<del>\$42</del> <u>\$48</u>	Scientific Permit Violation (not big game/big game parts) - Violate Permit Terms or Conditions (RCW 77.15.160 (4)(d)(i))	\$122
Canadian Vessels (WAC 352-60-110)	<del>\$42</del> <u>\$48</u>	Scientific Permit Violation (not big game/big game parts) - Violate Rule re: Permit Issuance or Use (RCW 77.15.160 (4)(d)(ii))	\$122
(5) Fish and Wildlife Infractions		Transporting Aquatic Plants (RCW 77.15.160 (4)(e))	\$73
Fish for Personal Use - Barbed Hooks (RCW 77.15.160 (1)(a))	\$48	Violate Distance/Feeding Prohibitions for Southern Resident Orca Whales (RCW 77.15.740)	\$500
Fail to Immediately Record Fish/Shellfish Catch (RCW 77.15.160 (1)(b))	\$48	Negligently Feed/Attempt to Feed Large wild Carnivores (RCW 77.15.790)	\$73
Fail to Return Catch Record Card (RCW 77.15.160 (1)(c))	\$39		
Recreational Fishing - License not with Person (no fish/shellfish possession) (RCW 77.15.160 (1)(d)(i))	\$73		
Recreational Fishing - Rule Violation (no fish/shellfish possession) (RCW 77.15.160 (1)(d)(ii))	\$73		
Seaweed - License not with Person (<2x daily limit) (RCW 77.15.160 (1)(e)(i))	\$48		
Seaweed - Rule violation (<2x daily limit) (RCW 77.15.160 (1)(e)(ii))	\$48		
Unclassified Fish/Shellfish (not game fish, food fish, shellfish, Or endangered/protected fish) (RCW 77.15.160 (1)(f))	\$73		
Wasting Fish/Shellfish (<\$250) (RCW 77.15.160 (1)(g))	\$48		
Harm Bird Eggs/Nests (not endangered/protected wild birds) (RCW 77.15.160 (2)(a))	\$97		
Unclassified Wildlife (not big game, game animals, game birds, or endangered/protected wildlife) (RCW 77.15.160 (2)(b))	\$73		
Wasting Wildlife (not big game) - (<\$250) (RCW 77.15.160 (2)(c))	\$73		
Hunting Wild Animals (not big game) License not with Person (no wild animal possession) (RCW 77.15.160 (2)(d))	\$73		
Hunting Wild Birds - License not with Person (no wild bird Possession) (RCW 77.15.160 (2)(e)(i))	\$73		
Hunting Wild Birds - Rule Violation (no wild bird possession) (RCW 77.15.160 (2)(e)(ii))	\$73		

[Adopted effective September 1, 1992; amended effective June 25, 1993; May 1, 1994; August 15, 1995; June 5, 1996; December 28, 1999; July 22, 2001; April 30, 2007; December 10, 2013.]

No. 25700-A-1103

GORDON McCLOUD, J. (dissenting)—We have been asked to choose between funding a desperately needed district court computer system by increasing fees charged to the users of those courts who are least able to pay, and not funding that system at all. We understand the majority's valid reasons for choosing to fund that critical computer project. But the project's significant benefits are outweighed by the substantial harm that its funding source would cause. We cannot agree to fund that new computer system by increasing court fees for those least able to pay. We therefore respectfully dissent.

This district court computer system is critically necessary. Our district courts are the hardworking courts at the base of our justice system in Washington. They are the courts that have the heaviest dockets and that handle some of the most pressing legal needs faced by Washington residents every day: domestic violence protection orders, assaults, DUI's, and other criminal charges. The district courts keep our society safe and functioning. They provide a main avenue for Washington residents to access justice by handling numerous cases involving critical issues and many litigants

who cannot afford lawyers. And those courts are starved for funds. The fact that our district courts function so well and handle such huge caseloads despite severe financial restrictions is a testament to our hardworking judges and their very limited support staff. Of note to the court's order issued today, the district courts have to rely on a severely outdated computer system that is basically obsolete. A new computer system that can properly track district court cases statewide, and that can provide access to a party's record in other cases including other prior convictions, protection orders, or prohibitions, is not a luxury - it is a necessity for public safety.

But the governing statute says that to fund this project, we have to increase the fees charged to those who commit infractions - or suffer without funding for the project at all. The majority has therefore entered an order that increases the Judicial Information System assessment on traffic infractions from \$17.00 to \$23.00 and also increases the corresponding base penalty on such traffic infractions by \$6.00, making the total increase per infraction \$12.00 - an amount that was adopted as necessary to keep pace with inflation.

The sad reality is that courts across the country are pressured to obtain funds by imposing and increasing fees that disproportionately burden the people who are least able to pay. Funding our district courts is absolutely necessary but obtaining funds by increasing fees does more harm than good. It creates—or perpetuates—all of the following problems.

First, this increase to the base fee cannot be waived by the judge. The law says that it is mandatory and cannot be changed, even if the person can't pay. That's not fair.

In fact, our court condemned exactly that sort of unfairness just a few months ago in *State v. Blazina*, \_ Wn.2d \_\_, 344 P.3d 680, 681 (2015). In that case, we said that "a trial court has a statutory obligation to make an individualized inquiry into a defendant's current and future ability to pay before the court imposes LFOs [legal financial obligations]." *Id.* While *Blazina* dealt with a different type of fee than Infraction Rules for Courts of Limited Jurisdiction (IRLJ) 6.2, the subject of the majority's order here, does, the same principle should apply. Unfortunately, the majority abandons that principle by increasing traffic infraction fees regardless of ability to pay and our IRLJs do not require that a determination be made regarding a driver's ability to pay such fees.<sup>1</sup>

<sup>1</sup> Courts may waive or reduce penalties for drivers who request a mitigation hearing, but a hearing is not required. IRLJ 2.4, 3.4.

Second, this type of fee system adversely affects poor populations specifically. As we recognized in *Blazina*, "indigent offenders owe higher LFO sums than their wealthier counterparts because they cannot afford to pay, which allows interest to accumulate and to increase the total amount that they owe."<sup>2</sup> We rightly condemned that result in *Blazina*. We recognize that we are dealing with a different type of fee today. But the effect is the same. The data shows that the majority of fees generated from infractions comes not from the base infraction fee or even from the several additional, mandatory fees that the governing statutes tack on. Instead, the majority of those fees comes from penalties imposed when a payment is missed, for whatever reason. In other words, the people who are least able to pay up front, all at

once, are the ones who end up paying the most. That was not fair in *Blazina*, and it's still not fair here.

<sup>2</sup> *Blazina*, 344 P.3d at 684 (citing KATHERINE A. BECKETT, ALEXES M. HARRIS & HEATHER EVANS, WASH. STATE MINORITY & JUSTICE COMM'N, THE ASSESSMENT AND CONSEQUENCES OF LEGAL FINANCIAL OBLIGATIONS IN WASHINGTON STATE (2008) 21-22 (WASH. STATE MINORITY & JUSTICE COMM'N), available at [http://www.courts.wa.gov/committee/pdf/2008LFO\\_report.pdf](http://www.courts.wa.gov/committee/pdf/2008LFO_report.pdf)).

Third, the law governing this fee increase states that its purpose must be to compensate for the effects of inflation. But infraction payments are not necessarily down because of inflation. Instead, the data shows that they are down at least in part because the number of "committed" infractions are down. Why is the number of "committed" infractions down? We suspect that it is due in part to innovative court programs designed to assist low-income people with retaining their licenses. The majority's Order will make up the revenue shortfall caused by these programs - programs that all the Justices support - by burdening the remaining, smaller, group of people receiving infractions with the revenue shortfall that these positive programs cause. That's helping one group of court users at the expense of another. That's not fair, either.

Fourth, increasing fees to pay for court services is inefficient at best. As we noted in *Blazina*, if we are imposing fees to help fund the court system, "doubtful recoupment of money by the government" is a big problem. The reason was obvious to us in *Blazina*: "the state cannot collect money from defendants who cannot pay." *Id.* at 684. That's not sound fiscal policy.

Finally and critically, recent studies in Washington show that the burden of both traffic stops and infraction payments has a racially disproportionate impact. In *Blazina*, we recognized that "[s]ignificant disparities also exist in the administration of LFOs in Washington." *Blazina*, 344 P.3d at 684. That was not fair in *Blazina*, and it's still not fair here.

All this hints at the bigger issue: whether we should be funding our courts, which are designed to serve all the people, through user fees that disproportionately burden those who can least afford it. The clearest and most recent explanation of why this is such a bad policy appears in the Department of Justice's recent report exploring the relationship between legal fees and court revenue in Ferguson, Missouri. That report explains that when court fees are based on revenue needs, rather than on legitimate penological goals, unfairness results. The majority, however, states no penological justification for the increase in any of the infraction schedule, only a revenue need. As the DOJ report says, that's not fair, either.

The majority has made a policy decision to fund a desperately needed district court program with court user fees that burden those who are least able to pay. The majority's position is consistent with past practice and the national standard. But that system is broken. We totally agree that our district courts deserve the revenue for this program. We dissent, however, from the decision to achieve this goal by increasing mandatory, nonwaivable, infraction fees, that disproportionately burden the court users who are least able to pay. The end does not justify the means.

Gordon McCloud, J.  
 \_\_\_\_\_  
 Gonzalez, J.

No. 25700-A-1103

Yu, J. (dissenting)—I concur in the dissent but write separately as co-chair of the Supreme Court's Minority and Justice Commission to express my disappointment with the Court's decision to continue funding our trial courts through fines and fees. The Commission has carefully examined and documented the practices and policies that contribute to bias within our court and to the growing lack of confidence in our system of justice. One of those identified policies that has contributed to the erosion of confidence has been placing the burden on municipal and district courts to generate revenue to sustain court operations. The idea of "cash register" justice or requiring judges to impose fines in order to fund the court's infrastructure is anathema to the idea of a free and independent judiciary that is accessible to all. The increase in the infraction rate may seem insignificant to some on this Court, but to the working class or poor, it is not trivial or inconsequential.

I respectfully disagree with the policy choice of this Court to continue funding our courts in this manner and dissent from the decision to do so.

Yu, J.  
 \_\_\_\_\_  
 Johnson, J.

**Reviser's note:** The typographical errors in the above material occurred in the copy filed by the State Supreme Court and appear in the Register pursuant to the requirements of RCW 34.08.040.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**WSR 15-12-004**  
 NOTICE OF PUBLIC MEETINGS  
 UNIVERSITY OF WASHINGTON

[Filed May 20, 2015, 3:20 p.m.]

**UW OPEN PUBLIC MEETINGS 2015**  
 4th ADDENDUM

Meeting Name	Meeting Date	Location	Time
Institutional Biosafety Committee	July 15	Foege N130A	10:00-2:00
Institutional Biosafety Committee	August 19	Foege N130A	10:00-2:00
Institutional Biosafety Committee	September 16	Foege N130A	10:00-2:00

Meeting Name	Meeting Date	Location	Time
Institutional Biosafety Committee	October 21	Foege N130A	10:00-2:00
Institutional Biosafety Committee	November 18	Foege N130A	10:00-2:00
Institutional Biosafety Committee	December 16	Foege N130A	10:00-2:00

**WSR 15-12-006**  
 NOTICE OF PUBLIC MEETINGS  
 GUARANTEED EDUCATION  
 TUITION PROGRAM

[Filed May 21, 2015, 7:56 a.m.]

In accordance with RCW 28B.95.020 and WAC 14-276-030, the advanced college tuition program, known as the guaranteed education tuition program, has added the following meeting: Monday, July 13, 2015, at 2:00 p.m. - 4:00 p.m., TBD.

Please contact Katie Gross, if you need additional information. She can be reached at (360) 753-7839.

**WSR 15-12-007**  
 NOTICE OF PUBLIC MEETINGS  
 STATE BOARD FOR COMMUNITY  
 AND TECHNICAL COLLEGES

[Filed May 21, 2015, 9:33 a.m.]

**2015-16 Meeting Schedule**

Date	Location
September 14-16, 2015 (Retreat and Meeting)	Sun Mountain Lodge Winthrop
October 28-29, 2015	Seattle Central College Seattle
December 2-3, 2015	Highline College Des Moines
February 3-4, 2016	State Board Office Olympia
March 23-24, 2016	State Board Office Olympia
May 4-5, 2016	Skagit Valley College Mount Vernon
June 22-23, 2016	Wenatchee Valley College Wenatchee

**WSR 15-12-009  
HEALTH CARE AUTHORITY**

[Filed May 21, 2015, 12:49 p.m.]

**NOTICE**

Title or Subject: Medicaid State Plan Amendment (SPA) TN# 15-0022 Dental Services.

Effective Date: July 1, 2015.

Description: The health care authority intends to submit medicaid SPA 15-0022 in order to update information regarding dental services provided to clients of the developmental disabilities administration.

This SPA will update the medicaid state plan so it reflects current practice and policy; no program changes are anticipated. The updates include information regarding sealants, prefabricated stainless steel crowns, surgical and non-surgical periodontal services, oral parenteral sedation or anesthesia, and behavior management.

This SPA is anticipated to have no effect on annual aggregate expenditures.

The SPA is in the development process; therefore a copy is not yet available for review. To contact the agency for additional information and a copy of the SPA when it becomes available, please contact Dianne Baum, Health Care Benefits, 628 8th Avenue S.E., Olympia, WA 98501, phone (360) 725-1590, TDD/TTY 1-800-848-5429, fax (253) 350-6512, e-mail Dianne.baum@hca.wa.gov.

**WSR 15-12-017**

**NOTICE OF PUBLIC MEETINGS  
SEATTLE COLLEGES**

[Filed May 22, 2015, 8:33 a.m.]

The regular meeting of the Seattle Colleges board of trustees scheduled for May 7, 2015, at 3:00 p.m., has been modified to meet at the Broadway Performance Hall, Seattle Central College, 1625 Broadway, Seattle, WA 98122.

If you need further information contact Leda Goncharoff, 1500 Harvard Avenue, Seattle, WA 98122, (206) 934-3850, leda.goncharoff@seattlecolleges.edu.

**WSR 15-12-025**

**HEALTH CARE AUTHORITY**

[Filed May 26, 2015, 10:25 a.m.]

**NOTICE**

Title or Subject: Medicaid State Plan Amendment (SPA) 15-0019.

Effective Date: Anticipated on or after November 1, 2015.

Description: Bariatric surgery providers.

The health care authority intends to submit medicaid SPA 15-0019 in order to update and clarify the requirements that a hospital must meet in order to provide and be paid for furnishing bariatric surgery and related services to eligible clients. This SPA is anticipated to reflect the requirements that are described in WAC 182-550-2301.

The state anticipates this SPA will have no effect on aggregate annual expenditures.

This SPA is in the development process. For additional information, contact the agency via Gail Kreiger, Health Care Benefits, 626 8th Avenue S.E., Olympia, WA 98501, phone (360) 725-1681, TDD/TTY 1-800-848-5429, fax (360) 725-1328, e-mail gail.kreiger@hca.wa.gov.

**WSR 15-12-026**

**NOTICE OF PUBLIC MEETINGS  
HUMAN RIGHTS COMMISSION**

[Filed May 26, 2015, 12:23 p.m.]

The following date and time is for the June 24, 2015, commission meeting: June 24, 2015, at 5:00 p.m., 2215 Pacific Avenue, Tacoma, WA 98402.

**WSR 15-12-030**

**NOTICE OF PUBLIC MEETINGS  
HEALTH CARE AUTHORITY  
(Health Technology Clinical Committee)**

[Filed May 26, 2015, 2:32 p.m.]

Following is the revised schedule of regular meetings for the health technology clinical committee in 2015.

Date	Time	Location
January 16, 2015	8:00 a.m. - 5:00 p.m.	The Conference Center Seattle-Tacoma International Airport 17801 International Boulevard Seattle, WA 98158
March 20, 2015	8:00 a.m. - 1:00 p.m.	Same
May 15, 2015	8:00 a.m. - 5:00 p.m.	Same
July 10, 2015	9:00 a.m. - 10:00 a.m.	Webinar and by phone Health Care Authority Cherry Street Plaza 626 8th Avenue S.E. Olympia, WA 98504-2712
September 18, 2015	8:00 a.m. - 5:00 p.m.	The Conference Center Seattle-Tacoma International Airport 17801 International Boulevard Seattle, WA 98158
November 20, 2015	8:00 a.m. - 5:00 p.m.	The Conference Center Seattle-Tacoma International Airport 17801 International Boulevard Seattle, WA 98158

If you need further information please contact Christine Masters.

**WSR 15-12-035**  
**HEALTH CARE AUTHORITY**

[Filed May 27, 2015, 6:43 a.m.]

**NOTICE**

Title or Subject: Medicaid State Plan Amendment (SPA) 15-0029 Ambulatory Surgery Centers.

Effective Date: August 1, 2015.

Description: The health care authority intends to submit SPA 15-0029 to update the medicaid state plan to reflect the current policy and practice for paying ambulatory surgery centers (ASCs). These updates include, but may not be limited to, a change to the payment methodology which involves grouping ASCs into nine (a change from eight) payment groups, each with a set fee; describing a multiple-procedure discounting algorithm for two or more surgeries on the same claim; and including payment for implantable devices separately and in addition to the surgery payments.

This SPA will update the medicaid state plan so it reflects current practice and policy; no program changes are anticipated. This SPA is therefore anticipated to have little or no effect on annual aggregate expenditures.

The SPA is in the development process; therefore a copy is not yet available for review.

For additional information, contact Jean Bui, Office of Professional and Hospital Rates, 626 8th Avenue S.E., P.O. Box 45502, Olympia, WA 98504, phone (360) 725-1973, e-mail jean.bui@hca.wa.gov.

**WSR 15-12-038**

**NOTICE OF PUBLIC MEETINGS**  
**EXECUTIVE ETHICS BOARD**

[Filed May 27, 2015, 11:22 a.m.]

The executive ethics board's regular meeting, scheduled for July 10, 2015, has been cancelled.

If you have any questions, please contact executive director Kate Reynolds at (360) 586-6759.

**WSR 15-12-045**

**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF LICENSING**

(Board of Licensure for Landscape Architects)  
 (Funeral and Cemetery Board)

[Filed May 28, 2015, 8:04 a.m.]

Listed below are changes to upcoming meetings, as of May 27, 2015.

Board of Licensure for Landscape Architects

Date	Location	Start Time
October 16, 2015	ESD 113 Capital Event Center Tumwater	9:30 a.m.

Funeral and Cemetery Board

Date	Location	Start Time
August 4, 2015	ESD 113 Capital Event Center Tumwater	10:30 a.m.

**WSR 15-12-051**

**HEALTH CARE AUTHORITY**

[Filed May 28, 2015, 10:11 a.m.]

**NOTICE**

Title or Subject: Medicaid State Plan Amendment (SPA) 15-0030 Conversion Factors Update.

Effective Date: July 1, 2015.

Description: The health care authority (the agency) intends to submit medicaid SPA 15-0030 in order to update the effective date of the conversion factors used to set payment rates for a number of medicaid programs. The payment methodology for these programs uses the RBRVS method, which uses these conversion factors. This is a regular annual update to keep rates and billing codes in alignment with the coding and coverage changes from the Centers for Medicare and Medicaid Services (CMS), medicaid, and other sources.

The agency anticipates that updating the effective date of the conversion factors will have no effect on annual aggregate expenditures.

The SPA is in the development process; therefore a copy is not yet available for review. To contact the agency for additional information and a copy of the SPA when it becomes available, please contact Jean Bui, Section Manager, Rates Development, 626 8th Avenue S.E., Olympia, WA 98501, phone (360) 725-1973, TDD/TTY 1-800-848-5429, fax (253) 350-6512, e-mail jean.bui@hca.wa.gov, web site <http://www.hca.wa.gov/medicaid/rbrvs/Pages/index.aspx>.

**WSR 15-12-056**

**RULES COORDINATOR**  
**EDMONDS COMMUNITY COLLEGE**

[Filed May 28, 2015, 12:13 p.m.]

Pursuant to RCW 34.05.312, the rules coordinator for Edmonds Community College is Suzanne Moreau, 20000 68th Avenue West, Lynnwood, WA 98036, phone (425) 640-1246, fax (425) 640-1359, e-mail [suzanne.moreau@edcc.edu](mailto:suzanne.moreau@edcc.edu).

Jean Hernandez, Ed.D.  
 President

**WSR 15-12-057**  
**PUBLIC RECORDS OFFICER**  
**EDMONDS COMMUNITY COLLEGE**

[Filed May 28, 2015, 12:16 p.m.]

Pursuant to RCW 42.56.580, the public records officer for Edmonds Community College is Suzanne Moreau, 20000 68th Avenue West, Lynnwood, WA 98036, phone (425) 640-1246, fax (425) 640-1359, e-mail [suzanne.moreau@edcc.edu](mailto:suzanne.moreau@edcc.edu).

Jean Hernandez, Ed.D.  
President

**WSR 15-12-059**  
**PUBLIC RECORDS OFFICER**  
**HEALTH CARE AUTHORITY**

[Filed May 28, 2015, 1:53 p.m.]

As director of the health care authority (HCA), I hereby appoint Catherine Taliaferro, 626 8th Avenue S.E., Olympia, WA 98504-2700, Mailstop 42700, e-mail [catherine.taliaferro@hca.wa.gov](mailto:catherine.taliaferro@hca.wa.gov), phone (360) 725-1730, fax (360) 586-9585, as the HCA public records officer in accordance with RCW 42.56.580. In the event that our appointed designee changes we will notify your office within thirty days.

Should you need further information, please contact Annette Schuffenhauer, assistant director, by phone at (360) 725-1254 or via e-mail [annette.schuffenhauer@hca.wa.gov](mailto:annette.schuffenhauer@hca.wa.gov).

Dorothy F. Teeter, MHA  
Director

**WSR 15-12-077**  
**DEPARTMENT OF COMMERCE**

[Filed May 29, 2015, 1:35 p.m.]

The Washington state department of commerce plans to hold a public hearing on the proposed Washington state model state plan for the 2016 low-income home energy assistance program (LIHEAP).

The hearing will be held Monday, June 29, 2015, at the Department of Commerce, 1011 Plum Street S.E., Olympia, WA 98504-2525. The LIHEAP hearing will begin at 10:00 a.m. and close at noon unless taking testimony requires more time.

Two typewritten copies of all oral testimony are requested. There will be a question and answer period. Written testimony will be accepted up until 5:00 p.m. on June 29, 2015.

Written testimony for the LIHEAP hearing should be sent to the attention of Lisa Lipsey, Department of Commerce, P.O. Box 42525, Olympia, WA 98504-2525.

The LIHEAP plan is available in an alternate format upon request. Meetings sponsored by commerce shall be accessible to persons with disabilities. Accommodations may be arranged with a minimum of ten working days notice, to Lisa Lipsey (LIHEAP) at TTY (360) 586-4623.

If you have any questions or need additional information, please contact Lisa Lipsey at (360) 725-2861 or by e-mail [lisa.lipsey@commerce.wa.gov](mailto:lisa.lipsey@commerce.wa.gov).

Cecil Daniels  
LIHEAP Program Manager

**WSR 15-12-100**  
**NOTICE OF PUBLIC MEETINGS**  
**STATE INDEPENDENT**  
**LIVING COUNCIL**

[Filed June 2, 2015, 2:25 p.m.]

The Washington state independent living council has changed the following regular meeting:

From:

July 8, 2015	12 p.m. - 6 p.m.	Seattle, Washington
July 9, 2015	9 a.m. - 3 p.m.	Seattle, Washington

To:

July 8, 2015	12 p.m. - 5 p.m.	Washington State Department of Services for the Blind 3411 South Alaska Street Seattle, WA 98118
July 9, 2015	9 a.m. - 3 p.m.	Holiday Inn Express 19621 International Boulevard SeaTac, WA 98188

If you need further information contact Emilio Vela, (360) 725-3695.

**WSR 15-12-102**  
**NOTICE OF PUBLIC MEETINGS**  
**STATE INDEPENDENT**  
**LIVING COUNCIL**

[Filed June 2, 2015, 3:40 p.m.]

The Washington state independent living council has changed the following regular meeting:

From:

July 8, 2015	12 p.m. - 6 p.m.	Seattle, Washington
July 9, 2015	9 a.m. - 3 p.m.	Seattle, Washington

To:

July 9, 2015	12 p.m. - 5 p.m.	Washington State Department of Services for the Blind 3411 South Alaska Street Seattle, WA 98118
July 10, 2015	9 a.m. - 4 p.m.	Holiday Inn Express 19621 International Boulevard SeaTac, WA 98188

If you need further information contact Emilio Vela, (360) 725-3695.