
SECOND SUBSTITUTE SENATE BILL 5024

State of Washington 60th Legislature 2007 Regular Session

By Senate Committee on Transportation (originally sponsored by
Senators Jacobsen and Kline)

READ FIRST TIME 03/05/07.

1 AN ACT Relating to increasing fees to fund community traumatic
2 brain injury services; reenacting and amending RCW 43.84.092 and
3 46.63.110; adding a new section to chapter 46.68 RCW; and creating a
4 new section.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that over one million
7 four hundred thousand individuals receive traumatic brain injuries
8 nationally per year, and that motor vehicle accidents are a leading
9 cause of traumatic brain injuries.

10 The legislature also finds that many individuals recovering from a
11 traumatic brain injury need assistance not only with physical tasks,
12 but also have unique mental health and cognitive needs. The
13 legislature finds that community-based organizations are best able to
14 provide prevention services and support that assist beyond an
15 individual's basic physical care needs, such as managing temper and
16 behaviors, improving memory, and acquiring new job and life skills.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.68 RCW
18 to read as follows:

1 The traumatic brain injury account is created in the state
2 treasury. Two dollars of the fee imposed under RCW 46.63.110(7) must
3 be deposited into the account. Moneys in the account may be spent only
4 after appropriation, and may be used only to contract with qualified
5 community-based organizations to provide prevention, referral, and
6 support services relating to traumatic brain injury, and to cover
7 reasonable costs related to monitoring the contracts. The secretary of
8 the department of social and health services has the authority to
9 administer the funds.

10 **Sec. 3.** RCW 43.84.092 and 2006 c 337 s 11, 2006 c 311 s 23, 2006
11 c 171 s 10, 2006 c 56 s 10, and 2006 c 6 s 8 are each reenacted and
12 amended to read as follows:

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

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

31 (3) Except for the provisions of RCW 43.84.160, the treasury income
32 account may be utilized for the payment of purchased banking services
33 on behalf of treasury funds including, but not limited to, depository,
34 safekeeping, and disbursement functions for the state treasury and
35 affected state agencies. The treasury income account is subject in all
36 respects to chapter 43.88 RCW, but no appropriation is required for

1 payments to financial institutions. Payments shall occur prior to
2 distribution of earnings set forth in subsection (4) of this section.

3 (4) Monthly, the state treasurer shall distribute the earnings
4 credited to the treasury income account. The state treasurer shall
5 credit the general fund with all the earnings credited to the treasury
6 income account except:

7 (a) The following accounts and funds shall receive their
8 proportionate share of earnings based upon each account's and fund's
9 average daily balance for the period: The capitol building
10 construction account, the Cedar River channel construction and
11 operation account, the Central Washington University capital projects
12 account, the charitable, educational, penal and reformatory
13 institutions account, the Columbia river basin water supply development
14 account, the common school construction fund, the county criminal
15 justice assistance account, the county sales and use tax equalization
16 account, the data processing building construction account, the
17 deferred compensation administrative account, the deferred compensation
18 principal account, the department of retirement systems expense
19 account, the developmental disabilities community trust account, the
20 drinking water assistance account, the drinking water assistance
21 administrative account, the drinking water assistance repayment
22 account, the Eastern Washington University capital projects account,
23 the education construction fund, the education legacy trust account,
24 the election account, the emergency reserve fund, the energy freedom
25 account, The Evergreen State College capital projects account, the
26 federal forest revolving account, the freight mobility investment
27 account, the freight mobility multimodal account, the health services
28 account, the public health services account, the health system capacity
29 account, the personal health services account, the state higher
30 education construction account, the higher education construction
31 account, the highway infrastructure account, the high-occupancy toll
32 lanes operations account, the industrial insurance premium refund
33 account, the judges' retirement account, the judicial retirement
34 administrative account, the judicial retirement principal account, the
35 local leasehold excise tax account, the local real estate excise tax
36 account, the local sales and use tax account, the medical aid account,
37 the mobile home park relocation fund, the multimodal transportation
38 account, the municipal criminal justice assistance account, the

1 municipal sales and use tax equalization account, the natural resources
2 deposit account, the oyster reserve land account, the pension funding
3 stabilization account, the perpetual surveillance and maintenance
4 account, the public employees' retirement system plan 1 account, the
5 public employees' retirement system combined plan 2 and plan 3 account,
6 the public facilities construction loan revolving account beginning
7 July 1, 2004, the public health supplemental account, the public works
8 assistance account, the Puyallup tribal settlement account, the real
9 estate appraiser commission account, the regional mobility grant
10 program account, the resource management cost account, the rural
11 Washington loan fund, the site closure account, the small city pavement
12 and sidewalk account, the special wildlife account, the state
13 employees' insurance account, the state employees' insurance reserve
14 account, the state investment board expense account, the state
15 investment board commingled trust fund accounts, the supplemental
16 pension account, the Tacoma Narrows toll bridge account, the teachers'
17 retirement system plan 1 account, the teachers' retirement system
18 combined plan 2 and plan 3 account, the tobacco prevention and control
19 account, the tobacco settlement account, the transportation
20 infrastructure account, the transportation partnership account, the
21 traumatic brain injury account, the tuition recovery trust fund, the
22 University of Washington bond retirement fund, the University of
23 Washington building account, the volunteer fire fighters' and reserve
24 officers' relief and pension principal fund, the volunteer fire
25 fighters' and reserve officers' administrative fund, the Washington
26 fruit express account, the Washington judicial retirement system
27 account, the Washington law enforcement officers' and fire fighters'
28 system plan 1 retirement account, the Washington law enforcement
29 officers' and fire fighters' system plan 2 retirement account, the
30 Washington public safety employees' plan 2 retirement account, the
31 Washington school employees' retirement system combined plan 2 and 3
32 account, the Washington state health insurance pool account, the
33 Washington state patrol retirement account, the Washington State
34 University building account, the Washington State University bond
35 retirement fund, the water pollution control revolving fund, and the
36 Western Washington University capital projects account. Earnings
37 derived from investing balances of the agricultural permanent fund, the
38 normal school permanent fund, the permanent common school fund, the

1 scientific permanent fund, and the state university permanent fund
2 shall be allocated to their respective beneficiary accounts. All
3 earnings to be distributed under this subsection (4)(a) shall first be
4 reduced by the allocation to the state treasurer's service fund
5 pursuant to RCW 43.08.190.

6 (b) The following accounts and funds shall receive eighty percent
7 of their proportionate share of earnings based upon each account's or
8 fund's average daily balance for the period: The aeronautics account,
9 the aircraft search and rescue account, the county arterial
10 preservation account, the department of licensing services account, the
11 essential rail assistance account, the ferry bond retirement fund, the
12 grade crossing protective fund, the high capacity transportation
13 account, the highway bond retirement fund, the highway safety account,
14 the motor vehicle fund, the motorcycle safety education account, the
15 pilotage account, the public transportation systems account, the Puget
16 Sound capital construction account, the Puget Sound ferry operations
17 account, the recreational vehicle account, the rural arterial trust
18 account, the safety and education account, the special category C
19 account, the state patrol highway account, the transportation 2003
20 account (nickel account), the transportation equipment fund, the
21 transportation fund, the transportation improvement account, the
22 transportation improvement board bond retirement account, and the urban
23 arterial trust account.

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

27 **Sec. 4.** RCW 46.63.110 and 2005 c 413 s 2, 2005 c 320 s 2, and 2005
28 c 288 s 8 are each reenacted and amended to read as follows:

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

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

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

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

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

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

1 means a plan that requires reasonable payments based on the financial
2 ability of the person to pay. The person may voluntarily pay an amount
3 at any time in addition to the payments required under the payment
4 plan.

5 (a) If a payment required to be made under the payment plan is
6 delinquent or the person fails to complete a community restitution
7 program on or before the time established under the payment plan,
8 unless the court determines good cause therefor and adjusts the payment
9 plan or the community restitution plan accordingly, the court shall
10 notify the department of the person's failure to meet the conditions of
11 the plan, and the department shall suspend the person's driver's
12 license or driving privilege until all monetary obligations, including
13 those imposed under subsections (3) and (4) of this section, have been
14 paid, and court authorized community restitution has been completed, or
15 until the department has been notified that the court has entered into
16 a new time payment or community restitution agreement with the person.

17 (b) If a person has not entered into a payment plan with the court
18 and has not paid the monetary obligation in full on or before the time
19 established for payment, the court shall notify the department of the
20 delinquency. The department shall suspend the person's driver's
21 license or driving privilege until all monetary obligations have been
22 paid, including those imposed under subsections (3) and (4) of this
23 section, or until the person has entered into a payment plan under this
24 section.

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

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

36 (e) If a court authorized community restitution program for
37 offenders is available in the jurisdiction, the court may allow

1 conversion of all or part of the monetary obligations due under this
2 section to court authorized community restitution in lieu of time
3 payments if the person is unable to make reasonable time payments.

4 (7) In addition to any other penalties imposed under this section
5 and not subject to the limitation of subsection (1) of this section, a
6 person found to have committed a traffic infraction shall be assessed
7 a fee of ~~((five))~~ seven dollars per infraction. Under no circumstances
8 shall this fee be reduced or waived. Revenue from this fee shall be
9 forwarded as follows: Five dollars to the state treasurer for deposit
10 in the emergency medical services and trauma care system trust account
11 under RCW 70.168.040 and two dollars to the state treasurer for deposit
12 in the traumatic brain injury account under section 2 of this act.

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

23 (b) Eight dollars and fifty cents of the additional penalty under
24 (a) of this subsection shall be remitted to the state treasurer. The
25 remaining revenue from the additional penalty must be remitted under
26 chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted
27 under this subsection to the state treasurer must be deposited as
28 provided in RCW 43.08.250. The balance of the revenue received by the
29 county or city treasurer under this subsection must be deposited into
30 the county or city current expense fund. Moneys retained by the city
31 or county under this subsection shall constitute reimbursement for any
32 liabilities under RCW 43.135.060.

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

37 (10) The monetary penalty for violating RCW 46.37.395 is: (a) Two

1 hundred fifty dollars for the first violation; (b) five hundred dollars
2 for the second violation; and (c) seven hundred fifty dollars for each
3 violation thereafter.

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