

For tax collected under this subsection, the requirements that the tax be collected from the buyer and that the amount of tax be stated as a separate item are waived.

Passed the Senate March 18, 1981.

Passed the House April 7, 1981.

Approved by the Governor April 16, 1981.

Filed in Office of Secretary of State April 16, 1981.

CHAPTER 19

[Engrossed Substitute Senate Bill No. 3080]

MOTOR VEHICLE OFFENSES—TRAFFIC INFRACTION CLASSIFICATION— HEARINGS, PROCEDURE, COSTS—MONETARY PENALTY, ESTABLISHMENT OF

AN ACT Relating to motor vehicle offenses; amending section 2, chapter 136, Laws of 1979 ex. sess. as amended by section 7, chapter 148, Laws of 1980 and RCW 46.63.020; amending section 10, chapter 136, Laws of 1979 ex. sess. and RCW 46.63.080; amending section 1, chapter 101, Laws of 1901 as amended by section 1, chapter 10, Laws of 1903 and RCW 42.16.020; amending section 13, chapter 136, Laws of 1979 ex. sess. as amended by section 4, chapter 128, Laws of 1980 and RCW 46.63.110; adding a new section to chapter 46.63 RCW; repealing section 13, chapter 128, Laws of 1980 and RCW 46.63.150; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 2, chapter 136, Laws of 1979 ex. sess. as amended by section 7, chapter 148, Laws of 1980 and RCW 46.63.020 are each amended to read as follows:

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

- (1) RCW 46.09.120(2) relating to the operation of a nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance;
- (2) RCW 46.09.130 relating to operation of nonhighway vehicles;
- (3) RCW 46.10.090(2) relating to the operation of a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs or in a manner endangering the person of another;
- (4) RCW 46.10.130 relating to the operation of snowmobiles;
- (5) Chapter 46.12 RCW relating to certificates of ownership and registration;
- (6) RCW 46.20.021 relating to driving without a valid driver's license;

(7) RCW 46.20.336 relating to the unlawful possession and use of a driver's license;

(8) RCW 46.20.342 relating to driving with a suspended or revoked license;

(9) RCW 46.20.410 relating to the violation of restrictions of an occupational driver's license;

(10) RCW 46.20.420 relating to the operation of a motor vehicle with a suspended or revoked license;

(11) Chapter 46.29 RCW relating to financial responsibility;

(12) RCW 46.44.180 relating to operation of mobile home pilot vehicles;

(13) RCW 46.48.175 relating to the transportation of dangerous articles;

~~((13))~~ (14) RCW 46.52.010 relating to duty on striking an unattended car or other property;

~~((14))~~ (15) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;

~~((15))~~ (16) RCW 46.52.090 relating to reports by repairmen, storage-men, and appraisers;

~~((16))~~ (17) RCW 46.52.100 relating to driving under the influence of liquor or drugs;

(18) RCW 46.52.108 relating to disposal of abandoned vehicles or hulks;

~~((17))~~ (19) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company and an employer;

(20) RCW 46.52.210 relating to abandoned vehicles or hulks;

~~((18))~~ (21) RCW 46.61.015 relating to obedience to police officers, flagmen, or fire fighters;

~~((19))~~ (22) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;

~~((20))~~ (23) RCW 46.61.022 relating to failure to stop and give identification to an officer;

(24) RCW 46.61.024 relating to attempting to elude pursuing police vehicles;

~~((21))~~ (25) RCW 46.61.500 relating to reckless driving;

~~((22))~~ (26) RCW 46.61.502 and 46.61.504 relating to persons under the influence of intoxicating liquor or drugs;

~~((23))~~ (27) RCW 46.61.520 relating to negligent homicide by motor vehicle;

~~((24))~~ (28) RCW 46.61.525 relating to negligent driving;

~~((25))~~ (29) RCW 46.61.530 relating to racing of vehicles on highways;

~~((26))~~ (30) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;

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

~~((27))~~ (32) RCW 46.64.020 relating to nonappearance after a written promise;

~~((28))~~ (33) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;

~~((29))~~ (34) Chapter 46.65 RCW relating to habitual traffic offenders;

~~((30))~~ (35) Chapter 46.70 RCW relating to unfair motor vehicle business practices, except where that chapter provides for the assessment of monetary penalties of a civil nature;

~~((31))~~ (36) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;

~~((32))~~ (37) Chapter 46.80 RCW relating to motor vehicle wreckers;

~~((33))~~ (38) Chapter ~~((46.83))~~ 46.82 RCW relating to driver's training schools.

Sec. 2. Section 10, chapter 136, Laws of 1979 ex. sess. and RCW 46.63.080 are each amended to read as follows:

(1) Procedures for the conduct of all hearings provided for in this chapter may be established by rule of the supreme court.

(2) Any person subject to proceedings under this chapter may be represented by counsel.

(3) The attorney representing the state, county, city, or town may appear in any proceedings under this chapter but need not appear, notwithstanding any statute or rule of court to the contrary.

Sec. 3. Section 1, chapter 101, Laws of 1901 as amended by section 1, chapter 10, Laws of 1903 and RCW 42.16.020 are each amended to read as follows:

No state, county, municipal or other public officer within the state of Washington, who receives from the state, or from any county or municipality therein, a fixed and stated salary as compensation for services rendered as such public officer shall be allowed or paid any per diem for attending or testifying on behalf of the state of Washington, or any county or municipality therein, at any trial or other judicial proceeding, in any state, county or municipal court within this state; nor shall such officer, in any case, be allowed nor paid any per diem for attending or testifying in any state or municipal court of this state, in regard to matters and information that have come to his knowledge in connection with and as a result of the performance of his duties as a public officer as aforesaid: Provided, This section shall not apply when any deduction shall be made from the regular salary of such officer by reason of his being in attendance upon the superior court, but in such cases regular witness fees shall be paid; and further, that if a public officer be subpoenaed and required to appear or testify in judicial proceedings in a county other than that in which he resides, then said public

officer shall be entitled to receive per diem and mileage as provided by statute in other cases; and, provided further, that this section shall not apply to police officers when called as witnesses in the superior courts during hours when they are off duty as such officers. A law enforcement officer who has issued a notice of traffic infraction is not entitled to receive witness fees or mileage in a contested traffic infraction case.

NEW SECTION. Sec. 4. There is added to chapter 46.63 RCW a new section to read as follows:

Each party to a traffic infraction case is responsible for costs incurred by that party. No costs or attorney fees may be awarded to either party in a traffic infraction case.

NEW SECTION. Sec. 5. Section 13, chapter 128, Laws of 1980 and RCW 46.63.150 are each repealed.

Sec. 6. Section 13, chapter 136, Laws of 1979 ex. sess. as amended by section 4, chapter 128, Laws of 1980 and RCW 46.63.110 are each amended to read as follows:

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

(2) The supreme court may prescribe by rule a schedule of monetary penalties for designated traffic infractions.

(3) There shall be a penalty of twenty-five dollars for failure to respond to a notice of traffic infraction except where the infraction relates to overtime parking as defined by local law, ordinance, regulation, or resolution or failure to pay a monetary penalty imposed pursuant to this chapter. The monetary penalty for failure to respond to a notice of a traffic infraction relating to overtime parking as defined by local law, ordinance, regulation, or resolution shall be set by the local legislative body which originally enacted the local law, ordinance, regulation, or resolution creating the parking offense. The local court, whether a municipal, police, or district court may impose the monetary penalty set by the local legislative body. Such locally set monetary penalty is not subject to the assessments required by RCW 46.81.030 and 43.101.210 and related court rules.

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

(5) Whenever a monetary penalty is imposed by a court under this chapter it is immediately payable. If the person is unable to pay at that time the court may, in its discretion, grant an extension of the period in which the penalty may be paid. If the penalty is not paid on or before the time established for payment the court shall notify the department of the

failure to pay the penalty and the department may not renew the person's driver's license until the penalty has been paid and the penalty provided in subsection (2) of this section has been paid.

NEW SECTION. Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 8. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate February 11, 1981.

Passed the House April 9, 1981.

Approved by the Governor April 16, 1981.

Filed in Office of Secretary of State April 16, 1981.

CHAPTER 20

[Senate Bill No. 3221]

UNIVERSITY OF WASHINGTON, SCHOOL OF DENTISTRY—RESIDENT TUITION AND FEES—REGIONALIZED PROGRAM

AN ACT Relating to the University of Washington; and amending section 1, chapter 105, Laws of 1975 1st ex. sess. and RCW 28B.15.225.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 1, chapter 105, Laws of 1975 1st ex. sess. and RCW 28B.15.225 are each amended to read as follows:

The board of regents of the University of Washington may exempt from payment of the nonresident portion of the legally-established student tuition and fees, any student admitted to the university's school of medicine pursuant to any contracts with the states of Alaska, Montana, or Idaho, or agencies thereof, providing for a program of regionalized medical education conducted by said school of medicine, or any student admitted to the university's school of dentistry pursuant to any contracts with the states of Utah, Idaho, or any other western state which does not have a school of dentistry, or agencies thereof, providing for a program of regionalized dental education conducted by said school of dentistry, which contracts provide that the proportional cost of such program and in excess of resident student tuition and fees will be reimbursed to the university by or on behalf of said states or agencies thereof.

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