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# Infractions

## Infractions: Traffic, Parking, and Tolling Violations

There are three basic types of infractions in state law related to the operation of a motor vehicle: traffic infractions, parking infractions, and a civil penalty related to a toll violation. The differences between the three are discussed below, including differences in where the infraction revenue is deposited.

### Traffic Infractions

A traffic infraction occurs generally when an individual violates a rule of the road or another state law related to the operation of a vehicle. The rules of the road are generally found in Chapter 46.61 RCW.

Under state law, with some exceptions, traffic infractions are civil and not criminal offenses ([RCW 46.63.020](#)). Civil traffic infractions are not punishable by imprisonment; rather, they can result in a monetary fine or penalty.

A traffic infraction is issued to the driver of the vehicle at the time the infraction occurs. A parking infraction and a civil infraction for a toll violation are issued to the registered owner of the motor vehicle, regardless of who was actually operating the motor vehicle at the time the parking infraction or toll violation occurred.

For some traffic infractions, the Legislature has provided a specific monetary penalty in statute, but for all others, the Legislature has delegated the authority to set the amount of the base penalty for the infraction to the Supreme Court. IRLJ 6.2 contains the [infraction penalty schedule](#) adopted by the court. A number of additional penalty amounts and fees assessed for all infractions are set by state law ([RCW 46.63.110](#)).

The \$136 traffic ticket is the most common infraction total penalty assessed. It is arrived at by starting at a base penalty level of \$48 (set by IRLJ 6.2) and adding \$88 for various legislative assessments for general government purposes (mostly public-safety related) at the state and local government levels. *No traffic infraction revenue is deposited into state transportation accounts.*

In some local jurisdictions, the ticketed person may attend a course in traffic safety in lieu of paying a fine for a traffic infraction. Attendance at such a program also clears the violation from the person's record. Within a seven-year period, a person may not receive more than one deferral for traffic infractions for moving violations and one deferral for traffic infractions for non-moving violations ([RCW 46.63.070](#)).

### Parking Infractions

In general, parking infractions are established by city and county governments and the proceeds from those fines are paid to the applicable local government. However, penalties for infractions related to parking for persons with disabilities are divided between local jurisdictions and state government, with \$100 of the \$450 penalty deposited to the state Multimodal Transportation account to be used to supplement a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation that is administered by WSDOT ([RCW 46.19.050](#)).

Traffic infractions detected by traffic safety cameras and school bus safety cameras are *processed* as parking infractions (see [RCW 46.63.170\(2\)](#) and [RCW 46.63.180](#)). Revenues from traffic safety camera fines remain with the local government; revenues from school bus safety camera fines (less administration and operating costs of the cameras) are remitted to school districts for school zone safety projects.

### **Tolling Violations**

Failure to pay a toll on a tolled facility in Washington is a civil infraction in a separate category from other traffic infractions ([RCW 46.63.160](#)). WSDOT issues a fine of \$40 for each unpaid toll transaction, plus the original toll amount and associated fees. Photo toll customers have 80 days from the time they use the toll facility to pay the toll before non-payment of the toll charge becomes a violation subject to a civil penalty. WSDOT offers first-time forgiveness of penalties. A hold on a person's vehicle registration may occur if the civil penalty is not paid.

Proceeds from tolling violations are administered by the state as part of the transportation budget, and are currently used to defray the construction and operating costs of the tolled facility on which the violation occurred.

For more information on toll violations, please see the tolling section on page 257.