

FIFTY SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia
Monday, March 8, 2021

The Senate was called to order at 11:06 a.m. by the President of the Senate, Lt. Governor Heck presiding. The Secretary called the roll and announced to the President that all Senators were present.

The Washington State Patrol Honor Guard presented the Colors.

Mr. Hunter Johnson led the Senate in the Pledge of Allegiance. Mr. Johnson is the grandson of Senator Lynda Wilson.

The prayer was offered by Reverend Mary Gear of Olympia Unitarian Universalist Congregation Church.

MOTIONS

On motion of Senator Liias, the reading of the Journal of the previous day was dispensed with and it was approved.

On motion of Senator Liias, the Senate advanced to the fourth order of business.

MESSAGES FROM THE HOUSE

March 6, 2021

MR. PRESIDENT:

The House has passed:

- HOUSE BILL NO. 1030,
- SUBSTITUTE HOUSE BILL NO. 1137,
- SUBSTITUTE HOUSE BILL NO. 1210,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1310,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1326,
- SUBSTITUTE HOUSE BILL NO. 1445,
- SUBSTITUTE HOUSE BILL NO. 1472,
- SUBSTITUTE HOUSE BILL NO. 1484,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

March 5, 2021

MR. PRESIDENT:

The House has passed:

- SECOND SUBSTITUTE HOUSE BILL NO. 1076,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1099,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1332,
- HOUSE BILL NO. 1376,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1410,
- SUBSTITUTE HOUSE BILL NO. 1514,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

On motion of Senator Liias, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

2SHB 1076 by House Committee on Appropriations (originally sponsored by Hansen, Fitzgibbon, Berry,

Dolan, J. Johnson, Ramos, Simmons, Ramel, Ortiz-Self, Gregerson, Ryu, Bronoske, Valdez, Callan, Kloba, Hackney, Chopp, Ormsby, Stonier, Frame, Santos, Macri, Pollet and Harris-Talley)

AN ACT Relating to allowing whistleblowers to bring actions on behalf of the state for violations of workplace protections; adding a new chapter to Title 49 RCW; and creating new sections.

Referred to Committee on Labor, Commerce & Tribal Affairs.

E2SHB 1099 by House Committee on Appropriations (originally sponsored by Duerr, Fitzgibbon, Dolan, Bateman, Ramel, Gregerson, Goodman, Ryu, Kloba, Chopp, Ormsby, Pollet, Fey, Santos and Davis)

AN ACT Relating to improving the state's climate response through updates to the state's comprehensive planning framework; amending RCW 36.70A.020, 36.70A.480, 36.70A.320, 36.70A.190, 36.70A.030, and 86.12.200; reenacting and amending RCW 36.70A.070; adding new sections to chapter 36.70A RCW; adding a new section to chapter 70A.45 RCW; adding a new section to chapter 47.80 RCW; adding a new section to chapter 90.58 RCW; adding a new section to chapter 43.21C RCW; and creating new sections.

Referred to Committee on Housing & Local Government.

ESHB 1332 by House Committee on Finance (originally sponsored by Sullivan, Ramel, Leavitt, Dufault, Hackney, Wylie, Santos, Ortiz-Self, Ormsby, Rule, Stokesbary, Callan, Pollet and Macri)

AN ACT Relating to property tax deferral during the COVID-19 pandemic; amending RCW 84.56.020; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 1376 by Representative Fey

AN ACT Relating to registration of land titles; creating new sections; repealing RCW 65.12.005, 65.12.010, 65.12.015, 65.12.020, 65.12.025, 65.12.030, 65.12.035, 65.12.040, 65.12.050, 65.12.055, 65.12.060, 65.12.065, 65.12.070, 65.12.080, 65.12.085, 65.12.090, 65.12.100, 65.12.110, 65.12.120, 65.12.125, 65.12.130, 65.12.135, 65.12.140, 65.12.145, 65.12.150, 65.12.155, 65.12.160, 65.12.165, 65.12.170, 65.12.175, 65.12.180, 65.12.190, 65.12.195, 65.12.200, 65.12.210, 65.12.220, 65.12.225, 65.12.230, 65.12.235, 65.12.240, 65.12.245, 65.12.250, 65.12.255, 65.12.260, 65.12.265, 65.12.270, 65.12.275, 65.12.280, 65.12.290, 65.12.300, 65.12.310, 65.12.320, 65.12.330, 65.12.340, 65.12.350, 65.12.360, 65.12.370, 65.12.375, 65.12.380, 65.12.390, 65.12.400, 65.12.410, 65.12.420, 65.12.430, 65.12.435, 65.12.440, 65.12.445, 65.12.450, 65.12.460, 65.12.470, 65.12.480, 65.12.490, 65.12.500, 65.12.510, 65.12.520, 65.12.530, 65.12.540, 65.12.550, 65.12.560, 65.12.570, 65.12.580, 65.12.590, 65.12.600, 65.12.610, 65.12.620, 65.12.630, 65.12.635, 65.12.640, 65.12.650, 65.12.660, 65.12.670, 65.12.680, 65.12.690, 65.12.700, 65.12.710, 65.12.720, 65.12.730, 65.12.740,

65.12.750, 65.12.760, 65.12.770, 65.12.780, 65.12.790, 65.12.800, and 65.12.900; and providing an effective date.

Referred to Committee on Housing & Local Government.

ESHB 1410 by House Committee on Finance (originally sponsored by Volz, Valdez, Ybarra, Stokesbary, Chase, Dufault, Leavitt, Vick, Dolan, Sutherland, Walen, Chambers, Walsh, Robertson, Caldier, Griffey, Riccelli, Jacobsen, Fitzgibbon, Ormsby and Harris-Talley)

AN ACT Relating to protecting taxpayers from home foreclosure; and amending RCW 84.56.020.

Referred to Committee on Ways & Means.

SHB 1514 by House Committee on Transportation (originally sponsored by Taylor, Ramos and Harris-Talley)

AN ACT Relating to transportation demand management; amending RCW 46.18.285, 46.74.010, 46.74.030, 82.04.355, 82.08.0287, 82.12.0282, 82.16.047, 82.44.015, and 82.70.010; creating a new section; and providing an effective date.

Referred to Committee on Transportation.

MOTIONS

On motion of Senator Liias, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

On motion of Senator Liias, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

PARLIAMENTARY INQUIRY

Senator Padden: "Thank you. Thank you, Mr. President. I've been in the breakout room, not being assigned with other members while business is been going on. It's been an unusually long time to be assigned today. About thirteen minutes so far. So, I don't know there's a problem but I, point of inquiry that all the members in the in the breakout room should be able to be on the floor."

REPLY BY THE PRESIDENT

President Heck: "Thank you, Senator Padden. It is reported to me that everyone is in."

MOTION TO LIMIT DEBATE

Pursuant to Rule 29, on motion of Senator Liias and without objection, senators were limited to speaking but once and for no more than three minutes on each question under debate for the remainder of the day by voice vote.

MOTION

At 11:15 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator Hasegawa announced a meeting of the Democratic Caucus.

Senator Rivers announced a meeting of the Republican Caucus.

AFTERNOON SESSION

The Senate was called to order at 1:55 p.m. by President Heck.

MOTION

On motion of Senator Liias, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 5135, by Senators Das, Hasegawa, Nguyen, Stanford, and Wilson, C.

Concerning unlawfully summoning a police officer.

The measure was read the second time.

MOTION

Senator Brown moved that the following floor amendment no. 399 by Senator Brown be adopted:

On page 1, beginning on line 12, strike all of subsection (1)(c) Reletter the remaining subsections consecutively.

Senator Rivers spoke in favor of adoption of the amendment.

Senator Pedersen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 399 by Senator Brown on page 1, line 12 to Senate Bill No. 5135.

The motion by Senator Brown did not carry and floor amendment no. 399 was not adopted by voice vote.

MOTION

Senator Short moved that the following floor amendment no. 400 by Senator Short be adopted:

On page 1, after line 19, insert the following:

"(2) A person shall not be held liable under subsection (1) of this section if the person acted in good faith in causing a law enforcement officer to arrive."

Renumber the remaining subsections consecutively.

Senators Short and Pedersen spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 400 by Senator Short on page 1, line 19 to Senate Bill No. 5135.

The motion by Senator Short carried and floor amendment no. 400 was adopted by voice vote.

MOTION

Senator Padden moved that the following floor amendment no. 412 by Senator Padden be adopted:

Beginning on page 1, line 21, after "recover" strike all material through "The" on page 2, line 1, and insert "the"

On page 2, at the beginning of line 2, strike "(i)" and insert "(a)"

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On page 2, at the beginning of line 3, strike "(ii)" and insert "(b)"

On page 2, beginning on line 3, after "section" strike all material through "damages" on line 5

Senator Padden spoke in favor of adoption of the amendment.
 Senator Pedersen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 412 by Senator Padden on page 1, line 21 to Senate Bill No. 5135.

The motion by Senator Padden did not carry and floor amendment no. 412 was not adopted by voice vote.

MOTION

On motion of Senator Das, the rules were suspended, Engrossed Senate Bill No. 5135 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Das and Pedersen spoke in favor of passage of the bill.

Senators Padden, Holy and Wagoner spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5135.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5135 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Stanford, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Ericksen, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, McCune, Muzzall, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

ENGROSSED SENATE BILL NO. 5135, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REMARKS BY THE PRESIDENT

President Heck: "So before we go there. Before we go there. Having no idea what you're about to say. It is none the less timely given the conversations that occurred on the weekend and before, for me just to remind the members what the rule is, and this is not directed at you Senator Wagoner. It's Rule 33 of the rules you adopted. And it says any senator may rise to a question of privilege and explain a personal matter by leave of the president but shall not discuss any pending question in such explanations in other words can't talk about the bill across, a question of privilege shall only involve subject matter which affects the particular senator personally in a manner unique and peculiar to that senator very grateful for your allowing me the opportunity to clarify this sir but please proceed."

PERSONAL PRIVILEGE

Senator Wagoner: "Thank you Mr. President and I think that I

fall within the narrow scope of that. I rise with good news, to inform the body. I have it on good authority that our good Senator Hobbs, also known as Lieutenant Colonel Hobbs in another life, was this morning awarded the Armed Forces Service Medal for his service to the state during the covid crisis. Now, I have not read the citation, but I did see the good Colonel in action in my district all summer long, urging his soldiers on to important work that they did. In my case, and in my district with food banks. Now I know his task was much larger than food banks because he was working on all elements of the covid crisis, but it made such a great difference in my district. And I know Colonel Hobbs is going to say, 'It was the soldiers that made me look good,' and that's true, it was. But they make you look good when you exercise excellent leadership and that's what Colonel Hobbs did. So, I just want to bring that to our attention."

SECOND READING

SENATE BILL NO. 5370, by Senators Keiser, Dhingra, Saldaña, and Wilson, C.

Updating mental health advance directive laws.

MOTIONS

On motion of Senator Keiser, Substitute Senate Bill No. 5370 was substituted for Senate Bill No. 5370 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Dhingra moved that the following striking floor amendment no. 315 by Senator Dhingra be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 71.32.010 and 2003 c 283 s 1 are each amended to read as follows:

(1) The legislature declares that an individual with capacity has the ability to control decisions relating to his or her own ~~((mental))~~ behavioral health care. The legislature finds that:

(a) Some ~~((mental illnesses))~~ behavioral health disorders cause individuals to fluctuate between capacity and incapacity;

(b) During periods when an individual's capacity is unclear, the individual may be unable to access needed treatment because the individual may be unable to give informed consent;

(c) Early treatment may prevent an individual from becoming so ill that involuntary treatment is necessary; and

(d) ~~((Mentally ill individuals))~~ Individuals with behavioral health disorders need some method of expressing their instructions and preferences for treatment and providing advance consent to or refusal of treatment.

(2) The legislature recognizes that a mental health advance directive can be an essential tool for an individual to express his or her choices at a time when the effects of ~~((mental illness))~~ a behavioral health disorder have not deprived him or her of the power to express his or her instructions or preferences.

~~((2))~~ (3) The legislature further finds that:

(a) A mental health advance directive must provide the individual with a full range of choices;

(b) ~~((Mentally ill individuals))~~ Individuals with behavioral health disorders have varying perspectives on whether they want to be able to revoke a directive during periods of incapacity;

(c) For a mental health advance directive to be an effective tool, individuals must be able to choose how they want their directives

treated during periods of incapacity; and

(d) There must be clear standards so that treatment providers can readily discern an individual's treatment choices.

Consequently, the legislature affirms that, pursuant to other provisions of law, a validly executed mental health advance directive is to be respected by agents, guardians, and other surrogate decision makers, health care providers, professional persons, and health care facilities.

Sec. 2. RCW 71.32.020 and 2016 c 209 s 407 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adult" means any individual who has attained the age of majority or is an emancipated minor.

(2) "Agent" has the same meaning as an attorney-in-fact or agent as provided in chapter 11.125 RCW.

(3) "Capacity" means that (~~an adult~~) a person has not been found to be incapacitated pursuant to this chapter or RCW 11.88.010(1)(e).

(4) "Court" means a superior court under chapter 2.08 RCW.

(5) "Health care facility" means a hospital, as defined in RCW 70.41.020; an institution, as defined in RCW 71.12.455; a state hospital, as defined in RCW 72.23.010; a nursing home, as defined in RCW 18.51.010; or a clinic that is part of a community mental health service delivery system, as defined in RCW 71.24.025.

(6) "Health care provider" means an osteopathic physician or osteopathic physician's assistant licensed under chapter 18.57 or 18.57A RCW, a physician or physician's assistant licensed under chapter 18.71 or 18.71A RCW, or an advanced registered nurse practitioner licensed under RCW 18.79.050.

(7) "Incapacitated" means (~~an adult~~) a person who: (a) Is unable to understand the nature, character, and anticipated results of proposed treatment or alternatives; understand the recognized serious possible risks, complications, and anticipated benefits in treatments and alternatives, including nontreatment; or communicate his or her understanding or treatment decisions; or (b) has been found to be incompetent pursuant to RCW 11.88.010(1)(e).

(8) "Informed consent" means consent that is given after (~~the~~) a person: (a) Is provided with a description of the nature, character, and anticipated results of proposed treatments and alternatives, and the recognized serious possible risks, complications, and anticipated benefits in the treatments and alternatives, including nontreatment, in language that the person can reasonably be expected to understand; or (b) elects not to be given the information included in (a) of this subsection.

(9) "Long-term care facility" has the same meaning as defined in RCW 43.190.020.

(10) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on an individual's cognitive or volitional functions.

(11) "Mental health advance directive" or "directive" means a written document in which the principal makes a declaration of instructions or preferences or appoints an agent to make decisions on behalf of the principal regarding the principal's mental health treatment, or both, and that is consistent with the provisions of this chapter.

(12) "Mental health professional" means a psychiatrist, psychologist, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of chapter 71.05 RCW.

(13) "Principal" means (~~an adult~~) a person who has executed a mental health advance directive.

(14) "Professional person" means a mental health professional and shall also mean a physician, registered nurse, and such others

as may be defined by rules adopted by the secretary pursuant to the provisions of chapter 71.05 RCW.

(15) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010.

(16) "Behavioral health disorder" means a mental disorder, a substance use disorder, or a co-occurring mental health and substance use disorder.

(17) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances.

Sec. 3. RCW 71.32.020 and 2020 c 312 s 732 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adult" means any individual who has attained the age of majority or is an emancipated minor.

(2) "Agent" has the same meaning as an attorney-in-fact or agent as provided in chapter 11.125 RCW.

(3) "Capacity" means that (~~an adult~~) a person has not been found to be incapacitated pursuant to this chapter or subject to a guardianship under RCW 11.130.265.

(4) "Court" means a superior court under chapter 2.08 RCW.

(5) "Health care facility" means a hospital, as defined in RCW 70.41.020; an institution, as defined in RCW 71.12.455; a state hospital, as defined in RCW 72.23.010; a nursing home, as defined in RCW 18.51.010; or a clinic that is part of a community (~~mental~~) behavioral health service delivery system, as defined in RCW 71.24.025.

(6) "Health care provider" means an osteopathic physician or osteopathic physician's assistant licensed under chapter 18.57 or 18.57A RCW, a physician or physician's assistant licensed under chapter 18.71 or 18.71A RCW, or an advanced registered nurse practitioner licensed under RCW 18.79.050.

(7) "Incapacitated" means (~~an adult~~) a person who: (a) Is unable to understand the nature, character, and anticipated results of proposed treatment or alternatives; understand the recognized serious possible risks, complications, and anticipated benefits in treatments and alternatives, including nontreatment; or communicate his or her understanding or treatment decisions; or (b) has been found to be subject to a guardianship under RCW 11.130.265.

(8) "Informed consent" means consent that is given after (~~the~~) (a) person: (a) Is provided with a description of the nature, character, and anticipated results of proposed treatments and alternatives, and the recognized serious possible risks, complications, and anticipated benefits in the treatments and alternatives, including nontreatment, in language that the person can reasonably be expected to understand; or (b) elects not to be given the information included in (a) of this subsection.

(9) "Long-term care facility" has the same meaning as defined in RCW 43.190.020.

(10) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on an individual's cognitive or volitional functions.

(11) "Mental health advance directive" or "directive" means a written document in which the principal makes a declaration of instructions or preferences or appoints an agent to make decisions on behalf of the principal regarding the principal's mental health treatment, or both, and that is consistent with the provisions of this chapter.

(12) "Mental health professional" means a psychiatrist, psychologist, psychiatric nurse, or social worker, and such other

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mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of chapter 71.05 RCW.

(13) "Principal" means (~~(an adult)~~) a person who has executed a mental health advance directive.

(14) "Professional person" means a mental health professional and shall also mean a physician, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of chapter 71.05 RCW.

(15) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010.

(16) "Behavioral health disorder" means a mental disorder, a substance use disorder, or a co-occurring mental health and substance use disorder.

(17) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances.

Sec. 4. RCW 71.32.020 and 2020 c 312 s 732 and 2020 c 80 s 53 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adult" means any individual who has attained the age of majority or is an emancipated minor.

(2) "Agent" has the same meaning as an attorney-in-fact or agent as provided in chapter 11.125 RCW.

(3) "Capacity" means that (~~(an adult)~~) a person has not been found to be incapacitated pursuant to this chapter or subject to a guardianship under RCW 11.130.265.

(4) "Court" means a superior court under chapter 2.08 RCW.

(5) "Health care facility" means a hospital, as defined in RCW 70.41.020; an institution, as defined in RCW 71.12.455; a state hospital, as defined in RCW 72.23.010; a nursing home, as defined in RCW 18.51.010; or a clinic that is part of a community (~~(mental behavioral))~~ behavioral health service delivery system, as defined in RCW 71.24.025.

(6) "Health care provider" means an osteopathic physician licensed under chapter 18.57 RCW, a physician or physician's assistant licensed under chapter 18.71 or 18.71A RCW, or an advanced registered nurse practitioner licensed under RCW 18.79.050.

(7) "Incapacitated" means (~~(an adult)~~) a person who: (a) Is unable to understand the nature, character, and anticipated results of proposed treatment or alternatives; understand the recognized serious possible risks, complications, and anticipated benefits in treatments and alternatives, including nontreatment; or communicate his or her understanding or treatment decisions; or (b) has been found to be subject to a guardianship under RCW 11.130.265.

(8) "Informed consent" means consent that is given after (~~(the))~~) a person: (a) Is provided with a description of the nature, character, and anticipated results of proposed treatments and alternatives, and the recognized serious possible risks, complications, and anticipated benefits in the treatments and alternatives, including nontreatment, in language that the person can reasonably be expected to understand; or (b) elects not to be given the information included in (a) of this subsection.

(9) "Long-term care facility" has the same meaning as defined in RCW 43.190.020.

(10) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on an individual's cognitive or volitional functions.

(11) "Mental health advance directive" or "directive" means a

written document in which the principal makes a declaration of instructions or preferences or appoints an agent to make decisions on behalf of the principal regarding the principal's mental health treatment, or both, and that is consistent with the provisions of this chapter.

(12) "Mental health professional" means a psychiatrist, psychologist, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of chapter 71.05 RCW.

(13) "Principal" means (~~(an adult)~~) a person who has executed a mental health advance directive.

(14) "Professional person" means a mental health professional and shall also mean a physician, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of chapter 71.05 RCW.

(15) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010.

(16) "Behavioral health disorder" means a mental disorder, a substance use disorder, or a co-occurring mental health and substance use disorder.

(17) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances.

Sec. 5. RCW 71.32.030 and 2003 c 283 s 3 are each amended to read as follows:

(1) The definition of informed consent is to be construed to be consistent with that term as it is used in chapter 7.70 RCW.

(2) The definitions of mental disorder, behavioral health disorder, mental health professional, and professional person are to be construed to be consistent with those terms as they are defined in RCW 71.05.020.

Sec. 6. RCW 71.32.040 and 2003 c 283 s 4 are each amended to read as follows:

For the purposes of this chapter, an adult is presumed to have capacity. A person who is at least 13 years of age but under the age of majority is considered to have capacity for the purpose of executing a mental health advance directive if the person is able to demonstrate that they are capable of making informed decisions related to behavioral health care.

Sec. 7. RCW 71.32.050 and 2016 c 209 s 408 are each amended to read as follows:

(1) (~~(An adult)~~) A person with capacity may execute a mental health advance directive.

(2) A directive executed in accordance with this chapter is presumed to be valid. The inability to honor one or more provisions of a directive does not affect the validity of the remaining provisions.

(3) A directive may include any provision relating to (~~(mental))~~) behavioral health treatment or the care of the principal or the principal's personal affairs. Without limitation, a directive may include:

(a) The principal's preferences and instructions for (~~(mental))~~) behavioral health treatment;

(b) Consent to specific types of (~~(mental))~~) behavioral health treatment;

(c) Refusal to consent to specific types of (~~(mental))~~) behavioral health treatment;

(d) Consent to admission to and retention in a facility for (~~(mental))~~) behavioral health treatment for up to (~~(fourteen))~~) 14 days;

(e) Descriptions of situations that may cause the principal to

experience a ~~((mental))~~ behavioral health crisis;

(f) Suggested alternative responses that may supplement or be in lieu of direct ~~((mental))~~ behavioral health treatment, such as treatment approaches from other providers;

(g) Appointment of an agent pursuant to chapter 11.125 RCW to make ~~((mental))~~ behavioral health treatment decisions on the principal's behalf, including authorizing the agent to provide consent on the principal's behalf to voluntary admission to inpatient ~~((mental))~~ behavioral health treatment; and

(h) The principal's nomination of a guardian or limited guardian as provided in RCW 11.125.080 for consideration by the court if guardianship proceedings are commenced.

(4) A directive may be combined with or be independent of a nomination of a guardian or other durable power of attorney under chapter 11.125 RCW, so long as the processes for each are executed in accordance with its own statutes.

Sec. 8. RCW 71.32.060 and 2016 c 209 s 409 are each amended to read as follows:

(1) A directive shall:

(a) Be in writing;

(b) Contain language that clearly indicates that the principal intends to create a directive;

(c) Be dated and signed by the principal or at the principal's direction in the principal's presence if the principal is unable to sign;

(d) Designate whether the principal wishes to be able to revoke the directive during any period of incapacity or wishes to be unable to revoke the directive during any period of incapacity; and

(e) ~~((Be))~~ Have the signature acknowledged before a notary public or other individual authorized by law to take acknowledgments, or be witnessed in writing by at least two adults, each of whom shall declare that he or she personally knows the principal, was present when the principal dated and signed the directive, and that the principal did not appear to be incapacitated or acting under fraud, undue influence, or duress.

(2) A directive that includes the appointment of an agent pursuant to a power of attorney under chapter 11.125 RCW shall contain the words "This power of attorney shall not be affected by the incapacity of the principal," or "This power of attorney shall become effective upon the incapacity of the principal," or similar words showing the principal's intent that the authority conferred shall be exercisable notwithstanding the principal's incapacity.

(3) A directive is valid upon execution, but all or part of the directive may take effect at a later time as designated by the principal in the directive.

(4) A directive may:

(a) Be revoked, in whole or in part, pursuant to the provisions of RCW 71.32.080; or

(b) Expire under its own terms.

Sec. 9. RCW 71.32.070 and 2003 c 283 s 7 are each amended to read as follows:

A directive may not:

(1) Create an entitlement to ~~((mental))~~ behavioral health or medical treatment or supersede a determination of medical necessity;

(2) Obligate any health care provider, professional person, or health care facility to pay the costs associated with the treatment requested;

(3) Obligate any health care provider, professional person, or health care facility to be responsible for the nontreatment personal care of the principal or the principal's personal affairs outside the scope of services the facility normally provides;

(4) Replace or supersede the provisions of any will or testamentary document or supersede the provisions of intestate

succession;

(5) Be revoked by an incapacitated principal unless that principal selected the option to permit revocation while incapacitated at the time his or her directive was executed; or

(6) Be used as the authority for inpatient admission for more than ~~((fourteen))~~ 14 days in any ~~((twenty-one))~~ 21 day period.

Sec. 10. RCW 71.32.100 and 2016 c 209 s 410 are each amended to read as follows:

(1) If a directive authorizes the appointment of an agent, the provisions of chapter 11.125 RCW and RCW 7.70.065 shall apply unless otherwise stated in this chapter.

(2) The principal who appoints an agent must notify the agent in writing of the appointment.

(3) An agent must act in good faith.

(4) An agent may make decisions on behalf of the principal. Unless the principal has revoked the directive, the decisions must be consistent with the instructions and preferences the principal has expressed in the directive, or if not expressed, as otherwise known to the agent. If the principal's instructions or preferences are not known, the agent shall make a decision he or she determines is in the best interest of the principal.

(5) ~~((Except to the extent the right is limited by the appointment or any federal or state law, the agent has the same right as the principal to receive, review, and authorize the use and disclosure of the principal's health care information when the agent is acting on behalf of the principal and to the extent required for the agent to carry out his or her duties.))~~ A person authorized to act as an agent during periods when the principal is incapacitated may act as the principal's personal representative pursuant to the health insurance portability and accountability act, sections 1171 through 1179 of the social security act, 42 U.S.C. Sec. 1320d, as amended, and applicable regulations, to obtain access to the principal's health care information and communicate with the principal's health care provider. This subsection shall be construed to be consistent with chapters 70.02, 70.24, ~~((70.96A,))~~ 71.05, and 71.34 RCW, and with federal law regarding health care information.

(6) Unless otherwise provided in the appointment and agreed to in writing by the agent, the agent is not, as a result of acting in the capacity of agent, personally liable for the cost of treatment provided to the principal.

(7) An agent may resign or withdraw at any time by giving written notice to the principal. The agent must also give written notice to any health care provider, professional person, or health care facility providing treatment to the principal. The resignation or withdrawal is effective upon receipt unless otherwise specified in the resignation or withdrawal.

(8) If the directive gives the agent authority to act while the principal has capacity, the decisions of the principal supersede those of the agent at any time the principal has capacity.

(9) Unless otherwise provided in the durable power of attorney, the principal may revoke the agent's appointment as provided under other state law.

Sec. 11. RCW 71.32.110 and 2016 c 155 s 13 are each amended to read as follows:

(1) For the purposes of this chapter, a principal, agent, professional person, or health care provider may seek a determination whether the principal is incapacitated or has regained capacity.

(2)(a) For the purposes of this chapter, no adult may be declared an incapacitated person except by:

(i) A court, if the request is made by the principal or the principal's agent;

(ii) One mental health professional or substance use disorder professional and one health care provider; or

(iii) Two health care providers.

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(b) One of the persons making the determination under (a)(ii) or (iii) of this subsection must be a psychiatrist, physician assistant working with a supervising psychiatrist, psychologist, or a psychiatric advanced registered nurse practitioner.

(3) When a professional person or health care provider requests a capacity determination, he or she shall promptly inform the principal that:

(a) A request for capacity determination has been made; and

(b) The principal may request that the determination be made by a court.

(4) At least one mental health professional, substance use disorder professional, or health care provider must personally examine the principal prior to making a capacity determination.

(5)(a) When a court makes a determination whether a principal has capacity, the court shall, at a minimum, be informed by the testimony of one mental health professional or substance use disorder professional familiar with the principal and shall, except for good cause, give the principal an opportunity to appear in court prior to the court making its determination.

(b) To the extent that local court rules permit, any party or witness may testify telephonically.

(6) When a court has made a determination regarding a principal's capacity and there is a subsequent change in the principal's condition, subsequent determinations whether the principal is incapacitated may be made in accordance with any of the provisions of subsection (2) of this section.

Sec. 12. RCW 71.32.130 and 2003 c 283 s 13 are each amended to read as follows:

(1) An initial determination of capacity must be completed within ~~((forty eight))~~ 48 hours of a request made by a person authorized in RCW 71.32.110. During the period between the request for an initial determination of the principal's capacity and completion of that determination, the principal may not be treated unless he or she consents at the time or treatment is otherwise authorized by state or federal law.

(2)(a)(i) When an incapacitated principal is admitted to inpatient treatment pursuant to the provisions of his or her directive, his or her capacity must be reevaluated within ~~((seventy two))~~ 120 hours or when there has been a change in the principal's condition that indicates that he or she appears to have regained capacity, whichever occurs first.

(ii) When an incapacitated principal has been admitted to and remains in inpatient treatment for more than ~~((seventy two))~~ 120 hours pursuant to the provisions of his or her directive, the principal's capacity must be reevaluated when there has been a change in his or her condition that indicates that he or she appears to have regained capacity.

(iii) When a principal who is being treated on an inpatient basis and has been determined to be incapacitated requests, or his or her agent requests, a redetermination of the principal's capacity the redetermination must be made within ~~((seventy two))~~ 120 hours.

(b) When a principal who has been determined to be incapacitated is being treated on an outpatient basis and there is a request for a redetermination of his or her capacity, the redetermination must be made within five days of the first request following a determination.

(3)(a) When a principal who has appointed an agent for ~~((mental))~~ behavioral health treatment decisions requests a determination or redetermination of capacity, the agent must make reasonable efforts to obtain the determination or redetermination.

(b) When a principal who does not have an agent for ~~((mental))~~ behavioral health treatment decisions is being treated in an inpatient facility and requests a determination or redetermination

of capacity, the mental health professional or health care provider must complete the determination or, if the principal is seeking a determination from a court, must make reasonable efforts to notify the person authorized to make decisions for the principal under RCW 7.70.065 of the principal's request.

(c) When a principal who does not have an agent for ~~((mental))~~ behavioral health treatment decisions is being treated on an outpatient basis, the person requesting a capacity determination must arrange for the determination.

(4) If no determination has been made within the time frames established in subsection (1) or (2) of this section, the principal shall be considered to have capacity.

(5) When an incapacitated principal is being treated pursuant to his or her directive, a request for a redetermination of capacity does not prevent treatment.

Sec. 13. RCW 71.32.140 and 2016 sp.s. c 29 s 424 and 2016 c 155 s 14 are each reenacted and amended to read as follows:

(1) A principal who:

(a) Chose not to be able to revoke his or her directive during any period of incapacity;

(b) Consented to voluntary admission to inpatient ~~((mental))~~ behavioral health treatment, or authorized an agent to consent on the principal's behalf; and

(c) At the time of admission to inpatient treatment, refuses to be admitted,

may only be admitted into inpatient ~~((mental))~~ behavioral health treatment under subsection (2) of this section.

(2) A principal may only be admitted to inpatient ~~((mental))~~ behavioral health treatment under his or her directive if, prior to admission, a member of the treating facility's professional staff who is a physician, physician assistant, or psychiatric advanced registered nurse practitioner:

(a) Evaluates the principal's mental condition, including a review of reasonably available psychiatric and psychological history, diagnosis, and treatment needs, and determines, in conjunction with another health care provider ~~((or))~~, mental health professional, or substance use disorder professional, that the principal is incapacitated;

(b) Obtains the informed consent of the agent, if any, designated in the directive;

(c) Makes a written determination that the principal needs an inpatient evaluation or is in need of inpatient treatment and that the evaluation or treatment cannot be accomplished in a less restrictive setting; and

(d) Documents in the principal's medical record a summary of the physician's, physician assistant's, or psychiatric advanced registered nurse practitioner's findings and recommendations for treatment or evaluation.

(3) In the event the admitting physician is not a psychiatrist, the admitting physician assistant is not supervised by a psychiatrist, or the advanced registered nurse practitioner is not a psychiatric advanced registered nurse practitioner, the principal shall receive a complete ~~((psychological))~~ behavioral health assessment by a mental health professional or substance use disorder professional within ~~((twenty four))~~ 24 hours of admission to determine the continued need for inpatient evaluation or treatment.

(4)(a) If it is determined that the principal has capacity, then the principal may only be admitted to, or remain in, inpatient treatment if he or she consents at the time, is admitted for family-initiated treatment under chapter 71.34 RCW, or is detained under the involuntary treatment provisions of chapter 71.05 or 71.34 RCW.

(b) If a principal who is determined by two health care providers or one mental health professional or substance use disorder professional and one health care provider to be

incapacitated continues to refuse inpatient treatment, the principal may immediately seek injunctive relief for release from the facility.

(5) If, at the end of the period of time that the principal or the principal's agent, if any, has consented to voluntary inpatient treatment, but no more than ~~((fourteen))~~ 14 days after admission, the principal has not regained capacity or has regained capacity but refuses to consent to remain for additional treatment, the principal must be released during reasonable daylight hours, unless detained under chapter 71.05 or 71.34 RCW.

(6)(a) Except as provided in (b) of this subsection, any principal who is voluntarily admitted to inpatient ~~((mental))~~ behavioral health treatment under this chapter shall have all the rights provided to individuals who are voluntarily admitted to inpatient treatment under chapter 71.05, 71.34, or 72.23 RCW.

(b) Notwithstanding RCW 71.05.050 regarding consent to inpatient treatment for a specified length of time, the choices an incapacitated principal expressed in his or her directive shall control, provided, however, that a principal who takes action demonstrating a desire to be discharged, in addition to making statements requesting to be discharged, shall be discharged, and no principal shall be restrained in any way in order to prevent his or her discharge. Nothing in this subsection shall be construed to prevent detention and evaluation for civil commitment under chapter 71.05 RCW.

(7) Consent to inpatient admission in a directive is effective only while the professional person, health care provider, and health care facility are in substantial compliance with the material provisions of the directive related to inpatient treatment.

Sec. 14. RCW 71.32.170 and 2003 c 283 s 17 are each amended to read as follows:

(1) For the purposes of this section, "provider" means a private or public agency, government entity, health care provider, professional person, health care facility, or person acting under the direction of a health care provider or professional person, health care facility, or long-term care facility.

(2) A provider is not subject to civil liability or sanctions for unprofessional conduct under the uniform disciplinary act, chapter 18.130 RCW, when in good faith and without negligence:

(a) The provider provides treatment to a principal in the absence of actual knowledge of the existence of a directive, or provides treatment pursuant to a directive in the absence of actual knowledge of the revocation of the directive;

(b) A health care provider or mental health professional determines that the principal is or is not incapacitated for the purpose of deciding whether to proceed according to a directive, and acts upon that determination;

(c) The provider administers or does not administer ~~((mental))~~ behavioral health treatment according to the principal's directive in good faith reliance upon the validity of the directive and the directive is subsequently found to be invalid;

(d) The provider does not provide treatment according to the directive for one of the reasons authorized under RCW 71.32.150; or

(e) The provider provides treatment according to the principal's directive.

Sec. 15. RCW 71.32.180 and 2016 c 209 s 411 are each amended to read as follows:

(1) Where an incapacitated principal has executed more than one valid directive and has not revoked any of the directives:

(a) The directive most recently created shall be treated as the principal's ~~((mental))~~ behavioral health treatment preferences and instructions as to any inconsistent or conflicting provisions, unless provided otherwise in either document.

(b) Where a directive executed under this chapter is inconsistent with a directive executed under any other chapter, the

most recently created directive controls as to the inconsistent provisions.

(2) Where an incapacitated principal has appointed more than one agent under chapter 11.125 RCW with authority to make ~~((mental))~~ behavioral health treatment decisions, RCW 11.125.400 controls.

(3) The treatment provider shall inquire of a principal whether the principal is subject to any court orders that would affect the implementation of his or her directive.

Sec. 16. RCW 71.32.210 and 2003 c 283 s 21 are each amended to read as follows:

The fact that a person has executed a directive does not constitute an indication of ~~((mental))~~ behavioral health disorder or that the person is not capable of providing informed consent.

Sec. 17. RCW 71.32.220 and 2003 c 283 s 22 are each amended to read as follows:

A person shall not be required to execute or to refrain from executing a directive, nor shall the existence of a directive be used as a criterion for insurance, as a condition for receiving ~~((mental))~~ behavioral or physical health services, or as a condition of admission to or discharge from a health care facility or long-term care facility.

Sec. 18. RCW 71.32.250 and 2016 c 155 s 15 are each amended to read as follows:

(1) If a principal who is a resident of a long-term care facility is admitted to inpatient ~~((mental))~~ behavioral health treatment pursuant to his or her directive, the principal shall be allowed to be readmitted to the same long-term care facility as if his or her inpatient admission had been for a physical condition on the same basis that the principal would be readmitted under state or federal statute or rule when:

(a) The treating facility's professional staff determine that inpatient ~~((mental))~~ behavioral health treatment is no longer medically necessary for the resident. The determination shall be made in writing by a psychiatrist, physician assistant working with a supervising psychiatrist, or a psychiatric advanced registered nurse practitioner, or (i) one physician and a mental health professional or substance use disorder professional; (ii) one physician assistant and a mental health professional or substance use disorder professional; or (iii) one psychiatric advanced registered nurse practitioner and a mental health professional or substance use disorder professional; or

(b) The person's consent to admission in his or her directive has expired.

(2)(a) If the long-term care facility does not have a bed available at the time of discharge, the treating facility may discharge the resident, in consultation with the resident and agent if any, and in accordance with a medically appropriate discharge plan, to another long-term care facility.

(b) This section shall apply to inpatient ~~((mental))~~ behavioral health treatment admission of long-term care facility residents, regardless of whether the admission is directly from a facility, hospital emergency room, or other location.

(c) This section does not restrict the right of the resident to an earlier release from the inpatient treatment facility. This section does not restrict the right of a long-term care facility to initiate transfer or discharge of a resident who is readmitted pursuant to this section, provided that the facility has complied with the laws governing the transfer or discharge of a resident.

(3) The joint legislative audit and review committee shall conduct an evaluation of the operation and impact of this section. The committee shall report its findings to the appropriate committees of the legislature by December 1, 2004.

Sec. 19. RCW 71.32.260 and 2016 c 209 s 413 and 2016 c 155 s 16 are each reenacted and amended to read as follows:

The directive shall be in substantially the following form:

~~((Mental Health Advance Directive~~

**NOTICE TO PERSONS
CREATING A MENTAL HEALTH ADVANCE-
DIRECTIVE**

~~This is an important legal document. It creates an advance directive for mental health treatment. Before signing this document you should know these important facts:~~

~~(1) This document is called an advance directive and allows you to make decisions in advance about your mental health treatment, including medications, short term admission to inpatient treatment and electroconvulsive therapy.~~

~~YOU DO NOT HAVE TO FILL OUT OR SIGN THIS FORM.~~

~~IF YOU DO NOT SIGN THIS FORM, IT WILL NOT TAKE EFFECT.~~

~~If you choose to complete and sign this document, you may still decide to leave some items blank.~~

~~(2) You have the right to appoint a person as your agent to make treatment decisions for you. You must notify your agent that you have appointed him or her as an agent. The person you appoint has a duty to act consistently with your wishes made known by you. If your agent does not know what your wishes are, he or she has a duty to act in your best interest. Your agent has the right to withdraw from the appointment at any time.~~

~~(3) The instructions you include with this advance directive and the authority you give your agent to act will only become effective under the conditions you select in this document. You may choose to limit this directive and your agent's authority to times when you are incapacitated or to times when you are exhibiting symptoms or behavior that you specify. You may also make this directive effective immediately. No matter when you choose to make this directive effective, your treatment providers must still seek your informed consent at all times that you have capacity to give informed consent.~~

~~(4) You have the right to revoke this document in writing at any time you have capacity.~~

~~YOU MAY NOT REVOKE THIS DIRECTIVE WHEN YOU HAVE BEEN FOUND TO BE INCAPACITATED UNLESS YOU HAVE SPECIFICALLY STATED IN THIS DIRECTIVE THAT YOU WANT IT TO BE REVOCABLE WHEN YOU ARE INCAPACITATED.~~

~~(5) This directive will stay in effect until you revoke it unless you specify an expiration date. If you specify an expiration date and you are incapacitated at the time it expires, it will remain in effect until you have capacity to make treatment decisions again unless you chose to be able to revoke it while you are incapacitated and you revoke the directive.~~

~~(6) You cannot use your advance directive to consent to civil commitment. The procedures that apply to your advance directive are different than those provided for in the Involuntary Treatment Act. Involuntary treatment is a different process.~~

~~(7) If there is anything in this directive that you do not understand, you should ask a lawyer to explain it to you.~~

~~(8) You should be aware that there are some circumstances where your provider may not have to follow your directive.~~

~~(9) You should discuss any treatment decisions in your directive with your provider.~~

~~(10) You may ask the court to rule on the validity of your directive.~~

~~PART I.~~

~~STATEMENT OF INTENT TO CREATE A MENTAL HEALTH ADVANCE DIRECTIVE~~

~~I, being a person with capacity, willfully and voluntarily execute this mental health advance directive so that my choices regarding my mental health care will be carried out in circumstances when I am unable to express my instructions and preferences regarding my mental health care. If a guardian is appointed by a court to make mental health decisions for me, I intend this document to take precedence over all other means of ascertaining my intent.~~

~~The fact that I may have left blanks in this directive does not affect its validity in any way. I intend that all completed sections be followed. If I have not expressed a choice, my agent should make the decision that he or she determines is in my best interest. I intend this directive to take precedence over any other directives I have previously executed, to the extent that they are inconsistent with this document, or unless I expressly state otherwise in either document.~~

~~I understand that I may revoke this directive in whole or in part if I am a person with capacity. I understand that I cannot revoke this directive if a court, two health care providers, or one mental health professional and one health care provider find that I am an incapacitated person, unless, when I executed this directive, I chose to be able to revoke this directive while incapacitated.~~

~~I understand that, except as otherwise provided in law, revocation must be in writing. I understand that nothing in this directive, or in my refusal of treatment to which I consent in this directive, authorizes any health care provider, professional person, health care facility, or agent appointed in this directive to use or threaten to use abuse, neglect, financial exploitation, or abandonment to carry out my directive.~~

~~I understand that there are some circumstances where my provider may not have to follow my directive.~~

~~PART II.~~

~~WHEN THIS DIRECTIVE IS EFFECTIVE~~

~~YOU MUST COMPLETE THIS PART FOR YOUR DIRECTIVE TO BE VALID.~~

~~I intend that this directive become effective (YOU MUST CHOOSE ONLY ONE):~~

~~. Immediately upon my signing of this directive.~~

~~. If I become incapacitated.~~

~~. When the following circumstances, symptoms, or behaviors occur:.....~~

~~PART III.~~

~~DURATION OF THIS DIRECTIVE~~

~~YOU MUST COMPLETE THIS PART FOR YOUR DIRECTIVE TO BE VALID.~~

~~I want this directive to (YOU MUST CHOOSE ONLY ONE):~~

~~. Remain valid and in effect for an indefinite period of time.~~

~~. Automatically expire years from the date it was created.~~

~~PART IV.~~

~~WHEN I MAY REVOKE THIS DIRECTIVE~~

~~YOU MUST COMPLETE THIS PART FOR THIS DIRECTIVE TO BE VALID.~~

I intend that I be able to revoke this directive (~~YOU MUST CHOOSE ONLY ONE~~):

..... Only when I have capacity. I understand that choosing this option means I may only revoke this directive if I have capacity. I further understand that if I choose this option and become incapacitated while this directive is in effect, I may receive treatment that I specify in this directive, even if I object at the time.

..... Even if I am incapacitated. I understand that choosing this option means that I may revoke this directive even if I am incapacitated. I further understand that if I choose this option and revoke this directive while I am incapacitated I may not receive treatment that I specify in this directive, even if I want the treatment.

PART V.

~~PREFERENCES AND INSTRUCTIONS ABOUT TREATMENT, FACILITIES, AND PHYSICIANS F:\Journal\2021 Journal\Journal2021\LegDay057\PHYSICIAN ASSISTANTS.doc OR PSYCHIATRIC ADVANCED REGISTERED NURSE PRACTITIONERS~~

~~A. Preferences and Instructions About Physician(s), Physician Assistant(s), or Psychiatric Advanced Registered Nurse Practitioner(s) to be Involved in My Treatment~~

I would like the physician(s), physician assistant(s), or psychiatric advanced registered nurse practitioner(s) named below to be involved in my treatment decisions:

Dr., PA C, or PARNP Contact information:

Dr., PA C, or PARNP Contact information:

I do not wish to be treated by Dr. or PARNP

~~B. Preferences and Instructions About Other Providers~~

I am receiving other treatment or care from providers who I feel have an impact on my mental health care. I would like the following treatment provider(s) to be contacted when this directive is effective:

Name Profession

..... Contact information

Name Profession

..... Contact information

~~C. Preferences and Instructions About Medications for Psychiatric Treatment (initial and complete all that apply)~~

..... I consent, and authorize my agent (if appointed) to consent, to the following medications:

..... I do not consent, and I do not authorize my agent (if appointed) to consent, to the administration of the following medications:

..... I am willing to take the medications excluded above if my only reason for excluding them is the side effects which include and these side effects can be eliminated by dosage adjustment or other means

..... I am willing to try any other medication the hospital doctor, physician assistant, or psychiatric advanced registered

nurse practitioner recommends

..... I am willing to try any other medications my outpatient doctor, physician assistant, or psychiatric advanced registered nurse practitioner recommends

..... I do not want to try any other medications.

Medication Allergies

I have allergies to, or severe side effects from, the following:

Other Medication Preferences or Instructions

..... I have the following other preferences or instructions about medications

D. Preferences and Instructions About Hospitalization and Alternatives

(initial all that apply and, if desired, rank "1" for first choice, "2" for second choice, and so on)

..... In the event my psychiatric condition is serious enough to require 24-hour care and I have no physical conditions that require immediate access to emergency medical care, I prefer to receive this care in programs/facilities designed as alternatives to psychiatric hospitalizations.

..... I would also like the interventions below to be tried before hospitalization is considered:

..... Calling someone or having someone call me when needed:

Name: Telephone:

..... Staying overnight with someone

Name: Telephone:

..... Having a mental health service provider come to see me

..... Going to a crisis triage center or emergency room

..... Staying overnight at a crisis respite (temporary) bed

..... Seeing a service provider for help with psychiatric medications

..... Other, specify:

Authority to Consent to Inpatient Treatment

I consent, and authorize my agent (if appointed) to consent, to voluntary admission to inpatient mental health treatment for days (not to exceed 14 days)

(Sign one):

..... If deemed appropriate by my agent (if appointed) and treating physician, physician assistant, or psychiatric advanced registered nurse practitioner

(Signature)

or

..... Under the following circumstances (specify symptoms, behaviors, or circumstances that indicate the need for hospitalization)

(Signature)

..... I do **not** consent, or authorize my agent (if appointed) to consent, to inpatient treatment

.....

(Signature)

Hospital Preferences and Instructions

If hospitalization is required, I prefer the following hospitals:

.....

I do not consent to be admitted to the following hospitals:- ...

E. Preferences and Instructions About Preemergency

I would like the interventions below to be tried before use of seclusion or restraint is considered (initial all that apply):

..... "Talk me down" one on one

..... More medication

..... Time out/privacy

..... Show of authority/force

..... Shift my attention to something else

..... Set firm limits on my behavior

..... Help me to discuss/vent feelings

..... Decrease stimulation

..... Offer to have neutral person settle dispute

..... Other, specify-

F. Preferences and Instructions About Seclusion, Restraint, and Emergency Medications

If it is determined that I am engaging in behavior that requires seclusion, physical restraint, and/or emergency use of medication, I prefer these interventions in the order I have chosen (choose "1" for first choice, "2" for second choice, and so on):

..... Seclusion

..... Seclusion and physical restraint (combined)

..... Medication by injection

..... Medication in pill or liquid form

In the event that my attending physician, physician assistant, or psychiatric advanced registered nurse practitioner decides to use medication in response to an emergency situation after due consideration of my preferences and instructions for emergency treatments stated above, I expect the choice of medication to reflect any preferences and instructions I have expressed in Part III C of this form. The preferences and instructions I express in this section regarding medication in emergency situations do not constitute consent to use of the medication for nonemergency treatment.

G. Preferences and Instructions About Electroconvulsive Therapy (ECT or Shock Therapy)

My wishes regarding electroconvulsive therapy are (sign one):

..... I do not consent, nor authorize my agent (if appointed) to consent, to the administration of electroconvulsive therapy

.....

(Signature)

..... I consent, and authorize my agent (if appointed) to consent, to the administration of electroconvulsive therapy

.....

(Signature)

..... I consent, and authorize my agent (if appointed) to consent, to the administration of electroconvulsive therapy,

but only under the following conditions:-

(Signature)

H. Preferences and Instructions About Who is Permitted to Visit

If I have been admitted to a mental health treatment facility, the following people are not permitted to visit me there:

Name:-

Name:-

Name:-

I understand that persons not listed above may be permitted to visit me.

I. Additional Instructions About My Mental Health Care

Other instructions about my mental health care:-

In case of emergency, please contact:

Name:- Address:-

Work telephone:- Home telephone:-

Physician, _____ Physician Assistant, or Psychiatric

Advanced _____ Registered

Nurse Practitioner:-

Telephone:-

The following may help me to avoid a hospitalization:-

I generally react to being hospitalized as follows:-

Staff of the hospital or crisis unit can help me by doing the following:-

J. Refusal of Treatment

I do not consent to any mental health treatment.

.....

(Signature)

PART VI. DURABLE POWER OF ATTORNEY (APPOINTMENT OF MY AGENT)

(Fill out this part only if you wish to appoint an agent or nominate a guardian.)

I authorize an agent to make mental health treatment decisions on my behalf. The authority granted to my agent includes the right to consent, refuse consent, or withdraw consent to any mental health care, treatment, service, or procedure, consistent with any instructions and/or limitations I have set forth in this directive. I intend that those decisions should be made in accordance with my expressed wishes as set forth in this document. If I have not expressed a choice in this document ~~and my agent does not otherwise know my wishes~~, I authorize my agent to make the decision that my agent determines is in my best interest. This agency shall not be affected by my incapacity. Unless I state otherwise in this durable power of attorney, I may revoke it unless prohibited by other state law.

A. Designation of an Agent

I appoint the following person as my agent to make mental health treatment decisions for me as authorized in this document and request that this person be notified immediately when this directive becomes effective:

Name: Address:
Work telephone: Home telephone:
Relationship:

B. Designation of Alternate Agent

If the person named above is unavailable, unable, or refuses to serve as my agent, or I revoke that person's authority to serve as my agent, I hereby appoint the following person as my alternate agent and request that this person be notified immediately when this directive becomes effective or when my original agent is no longer my agent:

Name: Address:
Work telephone: Home telephone:
Relationship:

C. When My Spouse is My Agent (initial if desired)

..... If my spouse is my agent, that person shall remain my agent even if we become legally separated or our marriage is dissolved, unless there is a court order to the contrary or I have remarried.

D. Limitations on My Agent's Authority

I do not grant my agent the authority to consent on my behalf to the following:

E. Limitations on My Ability to Revoke this Durable Power of Attorney

I choose to limit my ability to revoke this durable power of attorney as follows:

F. Preference as to Court-Appointed Guardian

In the event a court appoints a guardian who will make decisions regarding my mental health treatment, I nominate the following person as my guardian:

Name: Address:
Work telephone: Home telephone:
Relationship:

The appointment of a guardian of my estate or my person or any other decision maker shall not give the guardian or decision maker the power to revoke, suspend, or terminate this directive or the powers of my agent, except as authorized by law.

.....
(Signature required if nomination is made)

**PART VII.
OTHER DOCUMENTS**

(Initial all that apply)

I have executed the following documents that include the power to make decisions regarding health care services for myself:

- Health care power of attorney (chapter 11.125 RCW)
- "Living will" (Health care directive; chapter 70.122 RCW)

..... I have appointed more than one agent. I understand that the most recently appointed agent controls except as stated below:

**PART VIII.
NOTIFICATION OF OTHERS AND CARE OF
PERSONAL AFFAIRS**

(Fill out this part only if you wish to provide nontreatment instructions.)

I understand the preferences and instructions in this part are NOT the responsibility of my treatment provider and that no treatment provider is required to act on them.

A. Who Should Be Notified

I desire my agent to notify the following individuals as soon as possible when this directive becomes effective:

Name: Address:
Day telephone: Evening telephone:
Name: Address:
Day telephone: Evening telephone:

B. Preferences or Instructions About Personal Affairs

I have the following preferences or instructions about my personal affairs (e.g., care of dependents, pets, household) if I am admitted to a mental health treatment facility:

C. Additional Preferences and Instructions:

**PART IX.
SIGNATURE**

By signing here, I indicate that I understand the purpose and effect of this document and that I am giving my informed consent to the treatments and/or admission to which I have consented or authorized my agent to consent in this directive. I intend that my consent in this directive be construed as being consistent with the elements of informed consent under chapter 7.70 RCW.

Signature: Date:
Printed Name:

This directive was signed and declared by the "Principal," to be his or her directive, in our presence who, at his or her request, have signed our names below as witnesses. We declare that, at the time of the creation of this instrument, the Principal is personally known to us, and, according to our best knowledge and belief, has capacity at this time and does not appear to be acting under duress, undue influence, or fraud. We further declare that none of us is:

- (A) A person designated to make medical decisions on the principal's behalf;
- (B) A health care provider or professional person directly involved with the provision of care to the principal at the time the directive is executed;
- (C) An owner, operator, employee, or relative of an owner or operator of a health care facility or long term care facility in which the principal is a patient or resident;
- (D) A person who is related by blood, marriage, or adoption to the person, or with whom the principal has a dating relationship as defined in RCW 26.50.010;
- (E) An incapacitated person;
- (F) A person who would benefit financially if the principal undergoes mental health treatment; or
- (G) A minor.

Witness 1: Signature: Date:
Printed Name:

Telephone: Address:
Witness 2: Signature: Date:

Printed Name:-

Telephone:- Address:-

**PART X.
RECORD OF DIRECTIVE**

I have given a copy of this directive to the following persons:
.....

**DO NOT FILL OUT PART XI UNLESS YOU INTEND TO
REVOKE
THIS DIRECTIVE IN PART OR IN WHOLE**

**PART XI.
REVOCAION OF THIS DIRECTIVE**

(Initial any that apply):

..... I am revoking the following part(s) of this directive
(specify):-

..... I am revoking all of this directive.

By signing here, I indicate that I understand the purpose and effect of my revocation and that no person is bound by any revoked provision(s). I intend this revocation to be interpreted as if I had never completed the revoked provision(s).

Signature:- Date:-

Printed Name:-

**DO NOT SIGN THIS PART UNLESS YOU INTEND-
TO REVOKE THIS
DIRECTIVE IN PART OR IN WHOLE))**

Mental Health Advance Directive of (client name)
With Appointment of (agent name) as
Agent for Mental Health Decisions

**PART I.
STATEMENT OF INTENT TO CREATE A
MENTAL HEALTH ADVANCE DIRECTIVE**

I, (Client name), being a person with capacity, willfully and voluntarily execute this mental health advance directive so that my choices regarding my mental health care will be carried out in circumstances when I am unable to express my instructions and preferences regarding my mental health care.

**PART II.
MY CARE NEEDS – WHAT WORKS FOR ME**

In order to assist in carrying out my directive I would like my providers and my agent to know the following information:
I have been diagnosed with (client illnesses both mental health and physical diagnoses) for which I take (list medications).
I am also on the following other medications: (list any other medications for other conditions).
The best treatment method for my illness is (give general overview of what works best for client).
I have/do not have a history of substance abuse. My preferences and treatment options around medication management related to substance abuse are:

**PART III.
WHEN THIS DIRECTIVE IS EFFECTIVE**

(You must complete this part for your directive to be valid.)
I intend that this directive become effective (YOU MUST CHOOSE ONLY ONE):
..... Immediately upon my signing of this directive.
..... If I become incapacitated.
..... When the following circumstances, symptoms, or

behaviors occur:

**PART IV.
DURATION OF THIS DIRECTIVE**

(You must complete this part for your directive to be valid.)
I want this directive to (YOU MUST CHOOSE ONLY ONE):
..... Remain valid and in effect for an indefinite period of time.
..... Automatically expire years from the date it was created.

**PART V.
WHEN I MAY REVOKE THIS DIRECTIVE**

(You must complete this part for this directive to be valid.)
I intend that I be able to revoke this directive (YOU MUST CHOOSE ONLY ONE):
..... Only when I have capacity.
I understand that choosing this option means I may only revoke this directive if I have capacity. I further understand that if I choose this option and become incapacitated while this directive is in effect, I may receive treatment that I specify in this directive, even if I object at the time.
..... Even if I am incapacitated.
I understand that choosing this option means that I may revoke this directive even if I am incapacitated. I further understand that if I choose this option and revoke this directive while I am incapacitated I may not receive treatment that I specify in this directive, even if I want the treatment.

**PART VI.
PREFERENCES AND INSTRUCTIONS ABOUT
TREATMENT, FACILITIES, AND PHYSICIANS,
PHYSICIAN ASSISTANTS, OR ADVANCED
REGISTERED NURSE PRACTITIONERS**

A. Preferences and Instructions About Physician(s), Physician Assistant(s), or Advanced Registered Nurse Practitioner(s) to be Involved in My Treatment

I would like the physician(s), physician assistant(s), or advanced registered nurse practitioner(s) named below to be involved in my treatment decisions:
I do not wish to be treated by

B. Preferences and Instructions About Other Providers

I am receiving other treatment or care from providers who I feel have an impact on my mental health care. I would like the following treatment provider(s) to be contacted when this directive is effective:

C. Preferences and Instructions About Medications for Psychiatric Treatment (check all that apply)

..... I consent, and authorize my agent (if appointed) to consent, to the following medications:
..... I do not consent, and I do not authorize my agent (if appointed) to consent, to the administration of the following medications:
..... I am willing to take the medications excluded above if my only reason for excluding them is the side effects which include:
and these side effects can be eliminated by dosage adjustment or other means
..... I am willing to try any other medication the hospital doctor, physician assistant, or advanced registered nurse practitioner recommends.
..... I am willing to try any other medications my outpatient doctor, physician assistant, or advanced registered nurse practitioner recommends.
..... I do not want to try any other medications.

Medication Allergies.

I have allergies to, or severe side effects from, the following:
Other Medication Preferences or Instructions
..... I have the following other preferences or instructions about medications:

D. Preferences and Instructions About Hospitalization and Alternatives

(check all that apply and, if desired, rank "1" for first choice, "2" for second choice, and so on)

..... In the event my psychiatric condition is serious enough to require 24-hour care and I have no physical conditions that require immediate access to emergency medical care, I prefer to receive this care in programs/facilities designed as alternatives to psychiatric hospitalizations.

..... I would also like the interventions below to be tried before hospitalization is considered:

..... Calling someone or having someone call me when needed.

Name:

Telephone/text:

Email:

..... Staying overnight with someone

Name:

Telephone/text:

Email:

..... Having a mental health service provider come to see me.

..... Going to a crisis triage center or emergency room.

..... Staying overnight at a crisis respite (temporary) bed.

..... Seeing a service provider for help with psychiatric medications.

..... Other, specify:

Authority to Consent to Inpatient Treatment

I consent, and authorize my agent (if appointed) to consent, to voluntary admission to inpatient mental health treatment for days (not to exceed 14 days).

(Sign one):

..... If deemed appropriate by my agent (if appointed) and treating physician, physician assistant, or advanced registered nurse practitioner

.....
(Signature)

Or

..... Under the following circumstances (specify symptoms, behaviors, or circumstances that indicate the need for hospitalization)

.....
(Signature)

..... I do not consent, or authorize my agent (if appointed) to consent, to inpatient treatment

.....
(Signature)

Hospital Preferences and Instructions

If hospitalization is required, I prefer the following hospitals:

I do not consent to be admitted to the following hospitals:

E. Preferences and Instructions About Preemergency

I would like the interventions below to be tried before use of

seclusion or restraint is considered (check all that apply):

..... "Talk me down" one-on-one

..... More medication

..... Time out/privacy

..... Show of authority/force

..... Shift my attention to something else

..... Set firm limits on my behavior

..... Help me to discuss/vent feelings

..... Decrease stimulation

..... Offer to have neutral person settle dispute

..... Other:

F. Preferences and Instructions About Seclusion, Restraint, and Emergency Medications

If it is determined that I am engaging in behavior that requires seclusion, physical restraint, and/or emergency use of medication, I prefer these interventions in the order I have chosen (choose "1" for first choice, "2" for second choice, and so on):

..... Seclusion

..... Seclusion and physical restraint (combined)

..... Medication by injection

..... Medication in pill or liquid form

In the event that my attending physician, physician assistant, or advanced registered nurse practitioner decides to use medication in response to an emergency situation after due consideration of my preferences and instructions for emergency treatments stated above, I expect the choice of medication to reflect any preferences and instructions I have expressed in Part VI C. of this form. The preferences and instructions I express in this section regarding medication in emergency situations do not constitute consent to use of the medication for nonemergency treatment.

G. Preferences and Instructions About Electroconvulsive Therapy

(ECT or Shock Therapy)

My wishes regarding electroconvulsive therapy are (sign one):

..... I do not consent, nor authorize my agent (if appointed) to consent, to the administration of electroconvulsive therapy

.....
(Signature)

..... I consent, and authorize my agent (if appointed) to consent, to the administration of electroconvulsive therapy

.....
(Signature)

..... I consent, and authorize my agent (if appointed) to consent, to the administration of electroconvulsive therapy, but only under the following conditions:

.....
(Signature)

H. Preferences and Instructions About Who is Permitted to Visit

If I have been admitted to a mental health treatment facility, the following people are not permitted to visit me there:

Name:

Name:

I understand that persons not listed above may be permitted to visit me.

I. Additional Instructions About My Mental Health Care

Other instructions about my mental health care:

In case of emergency, please contact:

Name: Address:
Work telephone: Home telephone:
Physician, physician Address:
assistant, or advanced Email:
registered nurse
practitioner:
Telephone:

The following may help me to avoid a hospitalization:
I generally react to being hospitalized as follows:
Staff of the hospital or crisis unit can help me by doing the following:

J. Refusal of Treatment

I do not consent to any mental health treatment.

.....
(Signature)

PART VII.
DURABLE POWER OF ATTORNEY (APPOINTMENT OF MY AGENT)

(Fill out this part only if you wish to appoint an agent or nominate a guardian.)

I authorize an agent to make mental health treatment decisions on my behalf. The authority granted to my agent includes the right to consent, refuse consent, or withdraw consent to any mental health care, treatment, service, or procedure, consistent with any instructions and/or limitations I have set forth in this directive. I intend that those decisions should be made in accordance with my expressed wishes as set forth in this document. If I have not expressed a choice in this document and my agent does not otherwise know my wishes, I authorize my agent to make the decision that my agent determines is in my best interest. This agency shall not be affected by my incapacity. Unless I state otherwise in this durable power of attorney, I may revoke it unless prohibited by other state law.

HIPAA Release Authority. In addition to the other powers granted by this document, I grant to my Attorney-in-Fact the power and authority to serve as my personal representative for all purposes under the Health Insurance Portability and Accountability Act (HIPAA) of 1996, as amended from time to time, and its regulations. My Attorney-in-Fact will serve as my "HIPAA personal representative" and will exercise this authority at any time that my Attorney-in-Fact is exercising authority under this document.

A. Designation of an Agent

Name: Address:
Work phone: Home/cell phone:
Relationship: Email:

B. Designation of Alternate Agent

If the person named above is unavailable, unable, or refuses to serve as my agent, or I revoke that person's authority to serve as my agent, I hereby appoint the following person as my alternate agent and request that this person be notified immediately when this directive becomes effective or when my original agent is no longer my agent:

Name: Address:
Work phone: Home phone:
Relationship: Email:

C. When My Spouse is My Agent(check if desired)

..... If my spouse is my agent, that person shall remain my agent even if we become legally separated or our marriage is dissolved, unless there is a court order to the contrary.

D. Limitations on My Agent's Authority

I do not grant my agent the authority to consent on my behalf to the following:

E. Limitations on My Ability to Revoke this Durable Power of Attorney

I choose to limit my ability to revoke this durable power of attorney as follows:.....

F. Preference as to Court-Appointed Guardian

In the event a court appoints a guardian who will make decisions regarding my mental health treatment, I nominate my then-serving agent (or name someone else) as my guardian:

Name and contact information (if someone other than agent or alternate):

The appointment of a guardian of my estate or my person or any other decision maker shall not give the guardian or decision maker the power to revoke, suspend, or terminate this directive or the powers of my agent, except as authorized by law.

PART VIII.
OTHER DOCUMENTS

(Initial all that apply)

I have executed the following documents that include the power to make decisions regarding health care services for myself:

- Health care power of attorney (chapter 11.125 RCW)
..... "Living will" (Health care directive; chapter 70.122 RCW)

..... I have appointed more than one agent. I understand that the most recently appointed agent controls except as stated below:

PART IX.
NOTIFICATION OF OTHERS AND CARE OF PERSONAL AFFAIRS

(Fill out this part only if you wish to provide nontreatment instructions.)

I understand the preferences and instructions in this part are NOT the responsibility of my treatment provider and that no treatment provider is required to act on them.

A. Who Should Be Notified

I desire my agent to notify the following individuals as soon as possible if I am admitted to a mental health facility:

Name: Address:
Day telephone: Evening telephone:
Name: Address:
Day telephone: Evening telephone:
Name: Address:
Day telephone: Evening telephone:

B. Preferences or Instructions About Personal Affairs

I have the following preferences or instructions about my

personal affairs (e.g., care of dependents, pets, household) if I am admitted to a mental health treatment facility:

C. Additional Preferences and Instructions:

**PART X.
SIGNATURE**

By signing here, I indicate that I understand the purpose and effect of this document and that I am giving my informed consent to the treatments and/or admission to which I have consented or authorized my agent to consent in this directive. I intend that my consent in this directive be construed as being consistent with the elements of informed consent under chapter 7.70 RCW.

In witness of this, I have signed on this day of 20. . . .

Signature:

STATE OF WASHINGTON)

) ss.

COUNTY OF

I certify that I know or have satisfactory evidence that (client name) is the person who appeared before me, and said person acknowledged that he or she signed this Durable Power of Attorney and acknowledged it to be his or her free and voluntary act for the uses and purposes mentioned in this instrument.

SUBSCRIBED and SWORN to before me this day of, 20. . . .

SIGNATURE OF NOTARY

PRINT NAME OF NOTARY

NOTARY PUBLIC for the State of Washington at
My commission expires

OR have two witnesses:

Name:

This directive was signed and declared by the "Principal," to be his or her directive, in our presence who, at his or her request, have signed our names below as witnesses. We declare that, at the time of the creation of this instrument, the Principal is personally known to us, and, according to our best knowledge and belief, has capacity at this time and does not appear to be acting under duress, undue influence, or fraud. We further declare that none of us is:

(A) A person designated to make medical decisions on the principal's behalf;

(B) A health care provider or professional person directly involved with the provision of care to the principal at the time the directive is executed;

(C) An owner, operator, employee, or relative of an owner or operator of a health care facility or long-term care facility in which the principal is a patient or resident;

(D) A person who is related by blood, marriage, or adoption to the person, or with whom the principal has a dating relationship as defined in RCW 26.50.010;

(E) An incapacitated person;

(F) A person who would benefit financially if the principal undergoes mental health treatment; or

(G) A minor.

Witness 1 Signature: Date:

Printed Name: Address:

Telephone:

Witness 2 Signature: Date:

Printed Name: Address:

Telephone:

**PART XI.
RECORD OF DIRECTIVE**

I have given a copy of this directive to the following persons:

Name: Address:

Day telephone: Evening telephone:

Name: Address:

Day telephone: Evening telephone:

**DO NOT FILL OUT PART XII
UNLESS YOU INTEND TO
REVOKE THIS DIRECTIVE IN
PART OR IN WHOLE**

**PART XII.
REVOCAION OF THIS DIRECTIVE**

(Initial any that apply):

. I am revoking the following part(s) of this directive (specify):

Date:

. I am revoking all of this directive.

By signing here, I indicate that I understand the purpose and effect of my revocation and that no person is bound by any revoked provision(s). I intend this revocation to be interpreted as if I had never completed the revoked provision(s).

.....
(Signature)

Printed Name:

**DO NOT SIGN THIS PART UNLESS YOU INTEND
TO REVOKE THIS DIRECTIVE IN PART OR IN
WHOLE**

NEW SECTION. Sec. 20. A new section is added to chapter 71.32 RCW to read as follows:

Nothing in this chapter restricts the right of a parent to seek behavioral health evaluation and treatment for a nonconsenting adolescent using family-initiated treatment laws under chapter 71.34 RCW.

Sec. 21. RCW 71.34.755 and 2020 c 302 s 96 are each amended to read as follows:

(1) Less restrictive alternative treatment, at a minimum, must include the following services:

- (a) Assignment of a care coordinator;
- (b) An intake evaluation with the provider of the less restrictive alternative treatment;
- (c) A psychiatric evaluation;
- (d) A schedule of regular contacts with the provider of the less

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restrictive alternative treatment services for the duration of the order;

(e) A transition plan addressing access to continued services at the expiration of the order;

(f) An individual crisis plan; ~~(and)~~

(g) Consultation about the formation of a mental health advance directive under chapter 71.32 RCW; and

(h) Notification to the care coordinator assigned in (a) of this subsection if reasonable efforts to engage the client fail to produce substantial compliance with court-ordered treatment conditions.

(2) Less restrictive alternative treatment may include the following additional services:

(a) Medication management;

(b) Psychotherapy;

(c) Nursing;

(d) Substance abuse counseling;

(e) Residential treatment; and

(f) Support for housing, benefits, education, and employment.

(3) If the minor was provided with involuntary medication during the involuntary commitment period, the less restrictive alternative treatment order may authorize the less restrictive alternative treatment provider or its designee to administer involuntary antipsychotic medication to the person if the provider has attempted and failed to obtain the informed consent of the person and there is a concurring medical opinion approving the medication by a psychiatrist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, or physician or physician assistant in consultation with an independent mental health professional with prescribing authority.

(4) Less restrictive alternative treatment must be administered by a provider that is certified or licensed to provide or coordinate the full scope of services required under the less restrictive alternative order and that has agreed to assume this responsibility.

(5) The care coordinator assigned to a minor ordered to less restrictive alternative treatment must submit an individualized plan for the minor's treatment services to the court that entered the order. An initial plan must be submitted as soon as possible following the intake evaluation and a revised plan must be submitted upon any subsequent modification in which a type of service is removed from or added to the treatment plan.

(6) For the purpose of this section, "care coordinator" means a clinical practitioner who coordinates the activities of less restrictive alternative treatment. The care coordinator coordinates activities with the designated crisis responders that are necessary for enforcement and continuation of less restrictive alternative treatment orders and is responsible for coordinating service activities with other agencies and establishing and maintaining a therapeutic relationship with the individual on a continuing basis.

NEW SECTION. Sec. 22. Section 2 of this act expires January 1, 2022.

NEW SECTION. Sec. 23. Section 3 of this act takes effect January 1, 2022.

NEW SECTION. Sec. 24. Section 3 of this act expires July 1, 2022.

NEW SECTION. Sec. 25. Section 4 of this act takes effect July 1, 2022."

On page 1, line 1 of the title, after "laws;" strike the remainder of the title and insert "amending RCW 71.32.010, 71.32.020, 71.32.020, 71.32.030, 71.32.040, 71.32.050, 71.32.060, 71.32.070, 71.32.100, 71.32.110, 71.32.130, 71.32.170, 71.32.180, 71.32.210, 71.32.220, 71.32.250, and 71.34.755; reenacting and amending RCW 71.32.020, 71.32.140, and 71.32.260; adding a new section to chapter 71.32 RCW; providing effective dates; and providing expiration dates."

Senators Dhingra and Wagoner spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 315 by Senator Dhingra to Substitute Senate Bill No. 5370.

The motion by Senator Dhingra carried and striking floor amendment no. 315 was adopted by voice vote.

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute Senate Bill No. 5370 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Wagoner spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5370.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5370 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senator Padden

ENGROSSED SUBSTITUTE SENATE BILL NO. 5370, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5288, by Senators Liias, Short, Conway, Das, Frockt, Hunt, Lovelett, Nguyen, Nobles, Randall, Saldaña, and Wilson, C.

Increasing access to the Washington opportunity scholarship program.

MOTIONS

On motion of Senator Liias, Substitute Senate Bill No. 5288 was substituted for Senate Bill No. 5288 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Liias, the rules were suspended, Substitute Senate Bill No. 5288 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Liias, Holy and Short spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5288.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5288 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SUBSTITUTE SENATE BILL NO. 5288, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5332, by Senator Padden

Clarifying equipment requirements for wheeled all-terrain vehicles.

MOTIONS

On motion of Senator Padden, Substitute Senate Bill No. 5332 was substituted for Senate Bill No. 5332 and the substitute bill was placed on the second reading and read the second time.

Revised for 1st Substitute: Concerning off-road and wheeled all-terrain vehicles.

On motion of Senator Padden, the rules were suspended, Substitute Senate Bill No. 5332 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden and Hobbs spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5332.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5332 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SUBSTITUTE SENATE BILL NO. 5332, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5381, by Senators Hobbs, Fortunato, King and Warnick

Addressing fish passage project permit streamlining.

MOTIONS

On motion of Senator Hobbs, Substitute Senate Bill No. 5381 was substituted for Senate Bill No. 5381 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hobbs, the rules were suspended, Substitute Senate Bill No. 5381 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hobbs and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5381.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5381 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SUBSTITUTE SENATE BILL NO. 5381, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5452, by Senators Cleveland, Lias, and Wilson, J.

Concerning electric-assisted bicycles.

MOTION

On motion of Senator Cleveland, Substitute Senate Bill No. 5452 was substituted for Senate Bill No. 5452 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Cleveland moved that the following striking floor amendment no. 243 by Senator Cleveland be adopted:

On page 1, line 14, after "riding," insert "traditional and electric-assisted"

Senator Cleveland spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 243 by Senator Cleveland to Substitute Senate Bill No. 5452.

The motion by Senator Cleveland carried and striking floor amendment no. 243 was adopted by voice vote.

MOTION

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On motion of Senator Cleveland, the rules were suspended, Engrossed Substitute Senate Bill No. 5452 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Cleveland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5452.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5452 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Ericksen, Honeyford and Schoesler

ENGROSSED SUBSTITUTE SENATE BILL NO. 5452, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5019, by Senators Kuderer, Hunt, Brown, and Wilson, C.

Concerning the recording standards commission.

The measure was read the second time.

MOTION

On motion of Senator Kuderer, the rules were suspended, Senate Bill No. 5019 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kuderer and Fortunato spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5019.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5019 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SENATE BILL NO. 5019, having received the constitutional

majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5085, by Senators Rolfes and Lovelett

Modifying certain alternative fuel vehicles fees.

MOTIONS

On motion of Senator Rolfes, Substitute Senate Bill No. 5085 was substituted for Senate Bill No. 5085 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Rolfes, the rules were suspended, Substitute Senate Bill No. 5085 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rolfes and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5085.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5085 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senator Schoesler

SUBSTITUTE SENATE BILL NO. 5085, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5125, by Senators Cleveland, Short, and Wilson, C.

Affirming the process for disposing of dredged materials for federal navigation channel maintenance and improvement.

MOTIONS

On motion of Senator Cleveland, Substitute Senate Bill No. 5125 was substituted for Senate Bill No. 5125 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Cleveland, the rules were suspended, Substitute Senate Bill No. 5125 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Cleveland and Short spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5125.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5125 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senator Ericksen

SUBSTITUTE SENATE BILL NO. 5125, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5159, by Senators Warnick, Van De Wege and Short

Concerning payments in lieu of real property taxes by the department of the fish and wildlife.

The measure was read the second time.

MOTION

On motion of Senator Warnick, the rules were suspended, Senate Bill No. 5159 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Warnick and Van De Wege spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5159.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5159 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Hasegawa and Rolfes

SENATE BILL NO. 5159, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5460, by Senators Nguyen and Van De Wege

Implementing recommendations of the autonomous vehicle work group.

MOTIONS

On motion of Senator Nguyen, Substitute Senate Bill No. 5460 was substituted for Senate Bill No. 5460 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Nguyen, the rules were suspended, Substitute Senate Bill No. 5460 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Nguyen and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5460.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5460 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SUBSTITUTE SENATE BILL NO. 5460, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5425, by Senators Stanford, Das, Hasegawa, Keiser, Kuderer, Nguyen and Saldaña

Concerning extended benefits in the unemployment insurance system.

MOTIONS

On motion of Senator Stanford, Substitute Senate Bill No. 5425 was substituted for Senate Bill No. 5425 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Stanford, the rules were suspended, Substitute Senate Bill No. 5425 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Stanford and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5425.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5425 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Brown, Carlyle, Cleveland,

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Conway, Darneille, Das, Dhingra, Dozier, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Braun, Ericksen and Schoesler

SUBSTITUTE SENATE BILL NO. 5425, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5378, by Senators Das, Nobles, Hasegawa, Lovelett, Randall, Saldaña, and Wilson, C.

Concerning real estate brokers and managing brokers license renewal requirements.

MOTIONS

On motion of Senator Das, Substitute Senate Bill No. 5378 was substituted for Senate Bill No. 5378 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Das, the rules were suspended, Substitute Senate Bill No. 5378 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Das spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5378.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5378 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 13; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Frockt, Gildon, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, Lovelett, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Van De Wege, Wellman, Wilson, C. and Wilson, J.

Voting nay: Senators Ericksen, Fortunato, Hawkins, Holy, Honeyford, King, McCune, Padden, Schoesler, Short, Wagoner, Warnick and Wilson, L.

SUBSTITUTE SENATE BILL NO. 5378, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5163, by Senators Rolfes, Dhingra, Saldaña, and Wilson, C.

Concerning the placement and treatment of conditionally released sexually violent predators.

MOTION

On motion of Senator Rolfes, Second Substitute Senate Bill No. 5163 was substituted for Senate Bill No. 5163 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Rivers moved that the following floor amendment no. 446 by Senator Rivers be adopted:

On page 13, line 19, after "that" insert "complies with distance restrictions."

On page 14, line 26, after "must" strike "consider whether it is necessary to"

On page 14, line 29, after "72.09.340." insert "Courts shall require a minimum distance restriction of 500 feet on the proximity of the person's residence to child care facilities and public or private schools providing instruction to kindergarten or any grades one through 12."

On page 14, line 36, after "residence" insert "including distance restrictions"

Senator Rivers spoke in favor of adoption of the amendment.

Senator Darneille spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 446 by Senator Rivers on page 13, line 19 to Second Substitute Senate Bill No. 5163.

The motion by Senator Rivers carried and floor amendment no. 446 was adopted by voice vote.

MOTION

Senator Short moved that the following floor amendment no. 447 by Senator Short be adopted:

On page 16, line 12, after "placement" insert "including all community notification processes it undertook to develop the less restrictive alternative"

On page 23, line 10, after "county" insert "west of the crest of the Cascade mountain range"

Senator Short spoke in favor of adoption of the amendment.

WITHDRAWAL OF AMENDMENT

On motion of Senator Short and without objection, floor amendment no. 447 by Senator Short on page 16, line 12 to Second Substitute Senate Bill No. 5163 was withdrawn.

MOTION

Senator Dhingra moved that the following floor amendment no. 438 by Senator Dhingra be adopted:

On page 24, beginning on line 23, after "counties." strike all material through "71.09.315." on line 28

On page 25, beginning on line 8, after "and" strike all material through "applicable" on line 9 and insert "local"

On page 25, line 12, after "71.09.315." insert "The department shall require the housing provider to provide proof that the facility is in compliance with all local zoning and building codes."

Senator Dhingra spoke in favor of adoption of the amendment.

Senator Gildon spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 438 by Senator Dhingra on page 24, line 23 to Second Substitute Senate Bill No. 5163.

The motion by Senator Dhingra carried and floor amendment no. 438 was adopted by voice vote.

MOTION

On motion of Senator Rolfes, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5163 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rolfes, Sheldon, Darneille, and Dhingra spoke in favor of passage of the bill.

Senators Gildon, Wagoner and Rivers spoke against passage of the bill.

MOTION

On motion of Senator Wilson, C., Senator Randall was excused.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5163.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5163 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Sheldon, Stanford, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Ericksen, Fortunato, Gildon, Hawkins, Hobbs, Holy, Honeyford, King, McCune, Muzzall, Padden, Rivers, Salomon, Schoesler, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5163, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5275, by Senators Short, Lovelett, Das, Wellman, and Wilson, C.

Enhancing opportunity in limited areas of more intense rural development.

MOTION

On motion of Senator Short, Substitute Senate Bill No. 5275 was substituted for Senate Bill No. 5275 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Short moved that the following floor amendment no. 126 by Senator Short be adopted:

Beginning on page 5, line 37, after "sprawl" strike all material through "(v)" on page 6, line 3 and insert "; (v)"

Senators Short and Kuderer spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 126 by Senator Short on page 5, line 37 to Substitute Senate Bill No. 5275.

The motion by Senator Short carried and floor amendment no. 126 was adopted by voice vote.

MOTION

On motion of Senator Short, the rules were suspended, Engrossed Substitute Senate Bill No. 5275 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Short and Kuderer spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5275.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5275 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Rivers, Robinson, Saldaña, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Liias, Randall, Rolfes and Salomon

ENGROSSED SUBSTITUTE SENATE BILL NO. 5275, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5194, by Senators Liias, Hasegawa, Das, Hunt, Keiser, Nguyen, and Wilson, C.

Providing for equity and access in the community and technical colleges.

MOTION

On motion of Senator Liias, Second Substitute Senate Bill No. 5194 was substituted for Senate Bill No. 5194 and the substitute bill was placed on the second reading and read the second time.

Revised for 2nd Substitute: Providing for equity and access in the community and technical colleges.

MOTION

Senator Holy moved that the following floor amendment no. 273 by Senator Holy be adopted:

On page 3, line 11, after "inclusion" insert "of all races"

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On page 3, line 17, after "inclusion" insert "of all races"
 On page 3, line 37, after "from" strike "diverse" and insert "all"
 On page 5, line 30, after "inclusion" insert "of all races"
 On page 7, line 4, after "inclusion" insert "of all races"

Senators Holy and Randall spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 273 by Senator Holy on page 3, line 11 to Second Substitute Senate Bill No. 5194.

The motion by Senator Holy carried and floor amendment no. 273 was adopted by voice vote.

MOTION

Senator Holy moved that the following floor amendment no. 274 by Senator Holy be adopted:

On page 3, line 17, after "inclusion." insert "Each survey response is confidential. Information or data from surveys may not be stored in any database nor shared with any outside entity unless in the aggregate."

Senator Holy spoke in favor of adoption of the amendment.

Senator Randall spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 274 by Senator Holy on page 3, line 17 to Second Substitute Senate Bill No. 5194.

The motion by Senator Holy did not carry and floor amendment no. 274 was not adopted by voice vote.

MOTION

Senator Liias moved that the following floor amendment no. 448 by Senator Liias be adopted:

On page 3, line 26, after "program" strike "to" and insert ". The outreach program may include"

On page 3, line 28, after "communities" insert "and be"

On page 3, at the beginning of line 30, strike "and to assist" and insert ". The outreach program may assist students"

On page 3, line 31, after "programs" strike "shall" and insert "may"

On page 3, beginning on line 34, after "(5)" strike all material through "plan a" on line 35 and insert "The state board for community and technical colleges shall develop a model"

On page 4, beginning on line 2, after "(1)" strike all material through "students" on line 3 and insert "Within existing resources"

On page 5, beginning on line 25, after "positions" strike all material through "year" on line 26 and insert "in the 2021-2023 fiscal biennium"

On page 5, line 36, after "the" strike "600" and insert "200"

On page 6, line 6, after "December 15," strike "2025" and insert "2023"

On page 6, line 7, after "July 1," strike "2027" and insert "2024"

On page 6, line 13, after "select" strike "eight"

On page 6, line 14, after "program" strike ", with" and insert ". At least"

On page 6, line 15, after "colleges" insert "must be"

On page 8, at the beginning of line 21, strike "Beginning" and insert "Within existing resources, and beginning"

Beginning on page 8, line 35, strike all of sections 8 and 9

Re-number the remaining sections consecutively and correct any internal references accordingly.

On page 1, beginning on line 1 of the title, after "to" strike all material through "RCW;" at the beginning of line 4, and insert "equity and access in higher education; amending RCW 28B.96.010 and 28B.15.012;"

Senator Liias spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 448 by Senator Liias on page 3, line 26 to Second Substitute Senate Bill No. 5194.

The motion by Senator Liias carried and floor amendment no. 448 was adopted by voice vote.

MOTION

Senator Short moved that the following floor amendment no. 275 by Senator Short be adopted:

On page 3, line 37, after "diverse" insert "ideological,"

Senator Short spoke in favor of adoption of the amendment.

Senator Randall spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 275 by Senator Short on page 3, line 37 to Second Substitute Senate Bill No. 5194.

The motion by Senator Short did not carry and floor amendment no. 275 was not adopted by voice vote.

MOTION

Senator Short moved that the following floor amendment no. 276 by Senator Short be adopted:

On page 3, after line 39, insert the following:

"(6) Each community and technical college shall conspicuously post on its website and include in the strategic plans, programs, and reports definitions for key terms including: Diversity, equity, inclusion, culturally competent, culturally appropriate, historically marginalized communities, communities of color, low-income communities, and community organizations."

On page 4, line 37, after "(2)" insert "Each community and technical college shall post on its website and include in the guided pathways program documentation and reports definitions for key terms including: Diversity, equity, inclusion, culturally competent, culturally appropriate, historically marginalized communities, communities of color, low-income communities, and community organizations."

(3)"

On page 6, line 6, after "2025." insert "The college board shall conspicuously post on its website and include in the report definitions for key terms including: Diversity, equity, inclusion, culturally competent, culturally appropriate, historically marginalized communities, communities of color, low-income communities, and community organizations."

On page 8, line 15, after "(7)" insert "Colleges selected for the pilot program shall conspicuously post on their websites and include in the report to the legislature the definitions for key terms including: Diversity, equity, inclusion, culturally competent, culturally appropriate, historically marginalized communities, communities of color, low-income communities, and community organizations."

(8)"

Re-number the remaining subsection consecutively.

Senators Short and Randall spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 276 by Senator Short on page 3, line 39 to Second Substitute Senate Bill No. 5194.

The motion by Senator Short carried and floor amendment no. 276 was adopted by voice vote.

MOTION

Senator Holy moved that the following floor amendment no. 277 by Senator Holy be adopted:

Beginning on page 5, line 18, strike all of section 5
 Renumber the remaining sections consecutively and correct any internal references accordingly.
 On page 1, line 5 of the title, after "providing" strike "expiration dates" and insert "an expiration date"

Senator Holy spoke in favor of adoption of the amendment.

WITHDRAWAL OF AMENDMENT

On motion of Senator Holy and without objection, floor amendment no. 277 by Senator Holy on page 5, line 18 to Second Substitute Senate Bill No. 5194 was withdrawn.

MOTION

Senator Holy moved that the following floor amendment no. 278 by Senator Holy be adopted:

On page 5, beginning on line 31, after "act." strike all material through "provided." on line 34

On page 18, after line 13, insert the following:

"NEW SECTION. Sec. 12. If specific funding for the purposes of section 5 of this act, referencing this act by bill or chapter number and section, is not provided by June 30, 2021, in the omnibus appropriations act, section 5 of this act is null and void."

Renumber the remaining section consecutively and correct any internal references accordingly.

Senator Holy spoke in favor of adoption of the amendment.

Senator Liias spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 278 by Senator Holy on page 5, line 31 to Second Substitute Senate Bill No. 5194.

The motion by Senator Holy did not carry and floor amendment no. 278 was not adopted by voice vote.

MOTION

Senator Holy moved that the following floor amendment no. 279 by Senator Holy be adopted:

On page 6, beginning on line 3, after "time" strike all material through "communities" on line 4 and insert "faculty"

Senator Holy spoke in favor of adoption of the amendment.

WITHDRAWAL OF AMENDMENT

On motion of Senator Holy and without objection, floor amendment no. 279 by Senator Holy on page 6, line 3 to Second Substitute Senate Bill No. 5194 was withdrawn.

MOTION

Senator Holy moved that the following floor amendment no. 280 by Senator Holy be adopted:

On page 6, line 30, after "within" strike "the University of Washington school of social work" and insert "a college or university"

Senator Holy spoke in favor of adoption of the amendment.

Senator Randall spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 280 by Senator Holy on page 6, line 30 to Second Substitute Senate Bill No. 5194.

The motion by Senator Holy carried and floor amendment no. 280 was adopted by voice vote.

MOTION

Senator Wagoner moved that the following floor amendment no. 281 by Senator Wagoner be adopted:

On page 7, beginning on line 4, after "(a)" strike all material through "counselors" on line 7 and insert "Increase accessibility to mental health and counseling services, especially for rural and underserved populations"

Senator Wagoner spoke in favor of adoption of the amendment.

Senator Randall spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 281 by Senator Wagoner on page 7, line 4 to Second Substitute Senate Bill No. 5194.

The motion by Senator Wagoner did not carry and floor amendment no. 281 was not adopted by voice vote.

WITHDRAWAL OF AMENDMENT

On motion of Senator Rivers and without objection, floor amendment no. 282 by Senator Rivers on page 18, line 11 to Second Substitute Senate Bill No. 5194 was withdrawn.

MOTION

On motion of Senator Liias, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5194 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Liias and Holy spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5194.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5194 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Holy, Hunt, Keiser, Kuderer, Liias, Lovelett, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Dozier, Ericksen, Fortunato, Gildon, Hawkins, Honeyford, King, McCune, Muzzall, Padden, Rivers, Schoesler, Short, Wagoner, Warnick,

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Wilson, J. and Wilson, L.

MOTION FOR IMMEDIATE RECONSIDERATION

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5194, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5317, by Senator Warnick

Concerning pesticide registration and pesticide licensing fees.

MOTIONS

On motion of Senator Warnick, Substitute Senate Bill No. 5317 was substituted for Senate Bill No. 5317 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Warnick, the rules were suspended, Substitute Senate Bill No. 5317 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Warnick and Van De Wege spoke in favor of passage of the bill.

MOTION

On motion of Senator Randall, Senator Frockt was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5317.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5317 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 14; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Gildon, Hasegawa, Hobbs, Honeyford, Hunt, Keiser, Kuderer, Liias, Lovelett, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Sheldon, Stanford, Van De Wege, Warnick, Wellman, Wilson, C., and Wilson, L.

Voting nay: Senators Brown, Dozier, Ericksen, Fortunato, Hawkins, Holy, King, McCune, Padden, Rivers, Schoesler, Short, Wagoner, and Wilson, J.

Excused: Senator Frockt

SUBSTITUTE SENATE BILL NO. 5317, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 4:33 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator Hasegawa announced a meeting of the Democratic Caucus.

Senator Rivers announced a meeting of the Republican Caucus.

 EVENING SESSION

The Senate was called to order at 5:27 p.m. by President Heck.

Senator Liias moved to immediately reconsider the vote by which Substitute Senate Bill No. 5317 passed the Senate today.

The President declared the question before the Senate to be the motion by Senator Liias that the Senate immediately reconsider the vote by which Substitute Senate Bill No. 5317 passed the Senate.

The motion for immediately reconsideration carried by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5317 on reconsideration.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5317 on reconsideration and the bill passed the Senate by the following vote: Yeas, 28; Nays, 20; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Stanford, Van De Wege, Warnick, Wellman and C. Wilson

Voting nay: Senators Braun, Brown, Dozier, Ericksen, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, McCune, Muzzall, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, J. Wilson and L. Wilson

Excused: Senator Frockt

SUBSTITUTE SENATE BILL NO. 5317 on reconsideration, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5226, by Senators Salomon, Saldaña, Das, Frockt, Hasegawa, Kuderer, Liias, Lovelett, Muzzall, Nguyen, Nobles, Pedersen, Randall, and Wilson, C.

Concerning the suspension of licenses for traffic infractions.

MOTION

On motion of Senator Salomon, Substitute Senate Bill No. 5226 was substituted for Senate Bill No. 5226 and the substitute bill was placed on the second reading and read the second time.

WITHDRAWAL OF AMENDMENT

On motion of Senator Salomon and without objection, floor amendment no. 308 by Senator Salomon on page 8, line 21 to Substitute Senate Bill No. 5226 was withdrawn.

WITHDRAWAL OF AMENDMENT

On motion of Senator Salomon and without objection, floor amendment no. 309 by Senator Salomon on page 12, line 17 to Substitute Senate Bill No. 5226 was withdrawn.

WITHDRAWAL OF AMENDMENT

On motion of Senator Cleveland and without objection, striking floor amendment no. 249 by Senator Cleveland to Substitute Senate Bill No. 5226 was withdrawn.

WITHDRAWAL OF AMENDMENT

On motion of Senator Padden and without objection, striking floor amendment no. 289 by Senator Padden to Substitute Senate Bill No. 5226 was withdrawn.

MOTION

Senator Pedersen moved that the following striking floor amendment no. 419 by Senator Pedersen be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 46.63.060 and 2013 c 170 s 1 are each amended to read as follows:

(1) A notice of traffic infraction represents a determination that an infraction has been committed. The determination will be final unless contested as provided in this chapter.

(2) The form for the notice of traffic infraction shall be prescribed by rule of the supreme court and shall include the following:

(a) A statement that the notice represents a determination that a traffic infraction has been committed by the person named in the notice and that the determination shall be final unless contested as provided in this chapter;

(b) A statement that a traffic infraction is a noncriminal offense for which imprisonment may not be imposed as a sanction; ~~((that the penalty for a traffic infraction may include sanctions against the person's driver's license including suspension, revocation, or denial;))~~ that the penalty for a traffic infraction related to standing, stopping, or parking may include nonrenewal of the vehicle registration;

(c) A statement of the specific traffic infraction for which the notice was issued;

(d) A statement of the monetary penalty established for the traffic infraction;

(e)(i) A statement of the options provided in this chapter for responding to the notice and the procedures necessary to exercise these options;

(ii) One of the options must allow a person to admit responsibility for the infraction and attest that the person does not have the current ability to pay the infraction in full. The person must receive information on how to submit evidence of inability to pay, obtain a payment plan pursuant to section 4 of this act, and be informed that failure to pay or enter into a payment plan may result in collection action, including garnishment of wages or other assets;

(f) A statement that at any hearing to contest the determination the state has the burden of proving, by a preponderance of the evidence, that the infraction was committed; and that the person may subpoena witnesses including the officer who issued the notice of infraction;

(g) A statement that at any hearing requested for the purpose of explaining mitigating circumstances surrounding the commission of the infraction the person will be deemed to have committed the infraction and may not subpoena witnesses; and

(h) A statement that the person must respond to the notice as provided in this chapter within ~~((fifteen))~~ 30 days or the person's driver's license or driving privilege may be suspended by the department until any penalties imposed pursuant to this chapter have been satisfied; and

(i) A statement that failure to appear at a hearing requested for

the purpose of contesting the determination or for the purpose of explaining mitigating circumstances may result in the suspension of the person's driver's license or driving privilege, or in the case of a standing, stopping, or parking violation, refusal of the department to renew the vehicle registration, until any penalties imposed pursuant to this chapter have been satisfied.

~~((3)(a) A form for a notice of traffic infraction printed after July 22, 2011, must include a statement that the person may be able to enter into a payment plan with the court under RCW 46.63.110.~~

~~(b) The forms for a notice of traffic infraction must include the changes in section 1, chapter 170, Laws of 2013 by July 1, 2015.)~~

Sec. 2. RCW 46.63.070 and 2011 c 372 s 3 are each amended to read as follows:

(1) Any person who receives a notice of traffic infraction shall respond to such notice as provided in this section within ~~((fifteen))~~ 30 days of the date of the notice.

(2) If the person determined to have committed the infraction does not contest the determination the person shall respond by completing the appropriate portion of the notice of infraction and submitting it, either by mail or in person, to the court specified on the notice. A check or money order in the amount of the penalty prescribed for the infraction must be submitted with the response, unless the person selects the option attesting that the person does not have the current ability to pay the infraction in full. When a response which does not contest the determination is received, an appropriate order shall be entered in the court's records, and a record of the response and order shall be furnished to the department in accordance with RCW 46.20.270.

(3) If the person determined to have committed the infraction wishes to contest the determination the person shall respond by completing the portion of the notice of infraction requesting a hearing and submitting it, either by mail or in person, to the court specified on the notice. The court shall notify the person in writing of the time, place, and date of the hearing, and that date shall not be sooner than seven days from the date of the notice, except by agreement.

(4) If the person determined to have committed the infraction does not contest the determination but wishes to explain mitigating circumstances surrounding the infraction the person shall respond by completing the portion of the notice of infraction requesting a hearing for that purpose and submitting it, either by mail or in person, to the court specified on the notice. The court shall notify the person in writing of the time, place, and date of the hearing.

(5)(a) Except as provided in (b), (c), and (d) of this subsection, in hearings conducted pursuant to subsections (3) and (4) of this section, the court may defer findings, or in a hearing to explain mitigating circumstances may defer entry of its order, for up to one year and impose conditions upon the defendant the court deems appropriate. Upon deferring findings, the court may assess costs as the court deems appropriate for administrative processing. If at the end of the deferral period the defendant has met all conditions and has not been determined to have committed another traffic infraction, the court may dismiss the infraction.

(b) A person may not receive more than one deferral within a seven-year period for traffic infractions for moving violations and more than one deferral within a seven-year period for traffic infractions for nonmoving violations.

(c) A person who is the holder of a commercial driver's license or who was operating a commercial motor vehicle at the time of the violation may not receive a deferral under this section.

(d) A person who commits negligent driving in the second degree with a vulnerable user victim may not receive a deferral for this infraction under this section.

(6) If any person issued a notice of traffic infraction:

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(a) Fails to respond to the notice of traffic infraction as provided in subsection (2) of this section; or

(b) Fails to appear at a hearing requested pursuant to subsection (3) or (4) of this section;

the court shall enter an appropriate order assessing the monetary penalty prescribed for the traffic infraction and any other penalty authorized by this chapter and shall notify the department in accordance with RCW 46.20.270, of the failure to respond to the notice of infraction or to appear at a requested hearing.

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

(1)(a) 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.

(b) The court may waive or remit any monetary penalty, fee, cost, assessment, or other monetary obligation associated with a traffic infraction unless the specific monetary obligation in question is prohibited from being waived or remitted by state law.

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

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

(4) 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 parking as defined by local law, ordinance, regulation, or resolution or failure to pay a monetary penalty imposed pursuant to this chapter. A local legislative body may set a monetary penalty not to exceed twenty-five dollars for failure to respond to a notice of traffic infraction relating to parking as defined by local law, ordinance, regulation, or resolution. The local court, whether a municipal, police, or district court, shall impose the monetary penalty set by the local legislative body.

(5) 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.

(6) Whenever a monetary penalty, fee, cost, assessment, or other monetary obligation is imposed by a court under this chapter, it is immediately payable and is enforceable as a civil judgment under Title 6 RCW. If the court determines(~~(, in its discretion,)~~) that a person is not able to pay a monetary obligation in full(~~(, and not more than one year has passed since the later of July 1, 2005, or the date the monetary obligation initially became due and payable),~~), the court shall enter into a payment plan with the person(~~(, unless the person has previously been granted a payment plan with respect to the same monetary obligation, or unless the person is in noncompliance of any existing or prior payment plan, in which case the court may, at its discretion, implement a payment plan. If the court has notified the department that the person has failed to pay or comply and the person has subsequently entered into a payment plan and made an initial payment, the court shall notify the department that the infraction has been adjudicated, and the department shall rescind any suspension of the person's driver's license or driver's privilege~~).

~~based on failure to respond to that infraction. "Payment plan," as used in this section, means a plan that requires reasonable payments based on the financial ability of the person to pay. The person may voluntarily pay an amount at any time in addition to the payments required under the payment plan.~~

~~(a) If a payment required to be made under the payment plan is delinquent or the person fails to complete a community restitution program on or before the time established under the payment plan, unless the court determines good cause therefor and adjusts the payment plan or the community restitution plan accordingly, the court may refer the unpaid monetary penalty, fee, cost, assessment, or other monetary obligation for civil enforcement until all monetary obligations, including those imposed under subsections (3) and (4) of this section, have been paid, and court authorized community restitution has been completed, or until the court has entered into a new time payment or community restitution agreement with the person. For those infractions subject to suspension under RCW 46.20.289, the court shall notify the department of the person's failure to meet the conditions of the plan, and the department shall suspend the person's driver's license or driving privileges.~~

~~(b) If a person has not entered into a payment plan with the court and has not paid the monetary obligation in full on or before the time established for payment, the court may refer the unpaid monetary penalty, fee, cost, assessment, or other monetary obligation to a collections agency until all monetary obligations have been paid, including those imposed under subsections (3) and (4) of this section, or until the person has entered into a payment plan under this section. For those infractions subject to suspension under RCW 46.20.289, the court shall notify the department of the person's delinquency, and the department shall suspend the person's driver's license or driving privileges.~~

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

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

~~(e) If a court authorized community restitution program for offenders is available in the jurisdiction, the court may allow conversion of all or part of the monetary obligations due under this section to court authorized community restitution in lieu of time payments if the person is unable to make reasonable time payments)) in accordance with section 4 of this act and standards that may be set out in court rule.~~

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

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

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

(c) A fee of five dollars per infraction. Under no circumstances shall this fee be reduced or waived. Revenue from this fee shall

be forwarded to the state treasurer for deposit in the traumatic brain injury account established in RCW 74.31.060.

(8)(a) In addition to any other penalties imposed under this section and not subject to the limitation of subsection (1) of this section, a person found to have committed a traffic infraction other than of RCW 46.61.527 or 46.61.212 shall be assessed an additional penalty of ~~((twenty dollars))~~ **\$24**. The court may not reduce, waive, or suspend the additional penalty unless the court finds the offender to be indigent. If a court authorized community restitution program for offenders is available in the jurisdiction, the court shall allow offenders to offset all or a part of the penalty due under this subsection (8) by participation in the court authorized community restitution program.

(b) ~~((Eight dollars and fifty cents))~~ **\$12.50** of the additional penalty under (a) of this subsection shall be remitted to the state treasurer. The remaining revenue from the additional penalty must be remitted under chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted under this subsection to the state treasurer must be deposited as follows: \$8.50 in the state general fund and \$4 in the driver licensing technology support account created under section 15 of this act. The moneys deposited into the driver licensing technology support account must be used to support information technology systems used by the department to communicate with the judicial information system, manage driving records, and implement court orders. The balance of the revenue received by the county or city treasurer under this subsection must be deposited into the county or city current expense fund. Moneys retained by the city or county under this subsection shall constitute reimbursement for any liabilities under RCW 43.135.060.

(9) If a legal proceeding, such as garnishment, has commenced to collect any delinquent amount owed by the person for any penalty imposed by the court under this section, the ~~((court may, at its discretion, enter into))~~ person may request a payment plan pursuant to section 4 of this act.

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

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

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

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

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

(1)(a) A person may request a payment plan at any time for the payment of any monetary penalty, fee, cost, assessment, or other monetary obligation associated with a traffic infraction. If the person does not have the ability to pay the monetary obligation in full and the person has not previously been granted a payment plan for the same monetary obligation, the court shall enter into a payment plan with the individual.

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

(2) The person may voluntarily pay an amount at any time in addition to the payments required under the payment plan.

(3) If a payment required to be made under the payment plan is delinquent or the person fails to complete a community restitution program on or before the time established under the payment plan, unless the court determines good cause therefor and adjusts the payment plan or the community restitution plan accordingly, the court may refer the unpaid monetary penalty, fee, cost, assessment, or other monetary obligation for civil enforcement until all monetary obligations have been paid and court authorized community restitution has been completed, or until the court has entered into a new payment plan or community restitution agreement with the person.

(4)(a) If a person has not entered into a payment plan with the court and has not paid the monetary obligation in full, no sooner than 120 days from the date of the infraction the court may refer the unpaid monetary penalty, fee, cost, assessment, or other monetary obligation to a collections agency until all monetary obligations have been paid or until the person has entered into a payment plan under this section.

(b) If a person responded to a traffic infraction for a moving violation attesting that the person did not have the ability to pay the infraction in full, the court must attempt to enter into a payment plan with the person prior to referring the monetary obligation to a collections agency.

(5) If the payment plan is to be administered by the court, the court may assess the person a reasonable administrative fee to be wholly retained by the city or county with jurisdiction. The administrative fee shall not exceed \$10 per infraction or \$25 per payment plan, whichever is less.

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

(7) The court may modify a payment plan at any time.

(8) For the purposes of this section, "payment plan" means a plan that requires reasonable payments based on the financial ability of the person to pay as determined by court rule.

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

(1) Except for traffic violations committed under RCW 46.61.165, the department shall suspend all driving privileges of a person when the department receives notice from a court under RCW 46.63.070(6), 46.63.110(6), or 46.64.025 that the person has failed to respond to a notice of traffic infraction for a moving violation, failed to appear at a requested hearing for a moving violation, ~~((violated a written promise to appear in court for a notice of infraction for a moving violation, or has))~~ or failed to comply with the terms of a ~~((notice of traffic infraction,))~~ criminal complaint~~((s))~~ or criminal citation for a moving violation~~((or))~~.

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

(3) A suspension under this section takes effect pursuant to the provisions of RCW 46.20.245, and remains in effect until the department has received a certificate from the court showing that the case has been adjudicated, and until the person meets the requirements of RCW 46.20.311. ~~((In the case of failure to respond to a traffic infraction issued under RCW 46.55.105, the department shall suspend all driving privileges until the person provides evidence from the court that all penalties and restitution~~

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~~have been paid.)~~

(4) A suspension under this section does not take effect if, prior to the effective date of the suspension, the department receives a certificate from the court showing that the case ~~((has))~~ or cases have been adjudicated.

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

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

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

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

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

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

(5) Has failed to respond to a notice of traffic infraction, failed to appear at a requested hearing, ~~((violated a written promise to appear in court,))~~ or has failed to comply with the terms of a ~~((notice of traffic infraction,))~~ criminal complaint~~((s))~~ or criminal citation for a moving violation, as provided in RCW 46.20.289;

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

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

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

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

(1) Whenever the official records of the department show that a person has committed a traffic infraction for a moving violation on three or more occasions within a one-year period, or on four or more occasions within a two-year period, the department must suspend the license of the driver for a period of 60 days and establish a period of probation for one calendar year to begin when the suspension ends. Prior to reinstatement of a license, the person must complete a safe driving course as recommended by the department. During the period of probation, the person must not be convicted of any additional traffic infractions for moving violations. Any traffic infraction for a moving violation committed during the period of probation shall result in an additional 30-day suspension to run consecutively with any suspension already being served.

(2) When a person has committed a traffic infraction for a moving violation on two occasions within a one-year period or three occasions within a two-year period, the department shall send the person a notice that an additional infraction will result in suspension of the person's license for a period of 60 days.

(3) The department may not charge a reissue fee at the end of the term of suspension under this section.

(4) For purposes of this section, multiple traffic infractions issued during or as the result of a single traffic stop constitute one occasion.

Sec. 8. RCW 46.20.311 and 2020 c 330 s 7 are each amended to read as follows:

(1)(a) The department shall not suspend a driver's license or privilege to drive a motor vehicle on the public highways for a

fixed period of more than one year, except as specifically permitted under RCW 46.20.267, 46.20.342, or other provision of law.

(b) Except for a suspension under RCW 46.20.267, 46.20.289, 46.20.291(5), 46.61.740, or 74.20A.320, whenever the license or driving privilege of any person is suspended by reason of a conviction, a finding that a traffic infraction has been committed, pursuant to chapter 46.29 RCW, or pursuant to RCW 46.20.291 or 46.20.308, the suspension shall remain in effect until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW.

(c) If the suspension is the result of a nonfelony violation of RCW 46.61.502 or 46.61.504, the department shall determine the person's eligibility for licensing based upon the reports provided by the substance use disorder agency or probation department designated under RCW 46.61.5056 and shall deny reinstatement until enrollment and participation in an approved program has been established and the person is otherwise qualified. If the suspension is the result of a violation of RCW 46.61.502(6) or 46.61.504(6), the department shall determine the person's eligibility for licensing based upon the reports provided by the substance use disorder agency required under RCW 46.61.524 and shall deny reinstatement until satisfactory progress in an approved program has been established and the person is otherwise qualified. If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, and the person is required pursuant to RCW 46.20.720 to drive only a motor vehicle equipped with a functioning ignition interlock, the department shall determine the person's eligibility for licensing based upon written verification by a company doing business in the state that it has installed the required device on a vehicle owned or operated by the person seeking reinstatement. The department may waive the requirement for written verification under this subsection if it determines to its satisfaction that a device previously verified as having been installed on a vehicle owned or operated by the person is still installed and functioning or as permitted by RCW 46.20.720(8). If, based upon notification from the interlock provider or otherwise, the department determines that an interlock required under RCW 46.20.720 is no longer installed or functioning as required, the department shall suspend the person's license or privilege to drive. Whenever the license or driving privilege of any person is suspended or revoked as a result of noncompliance with an ignition interlock requirement, the suspension shall remain in effect until the person provides notice issued by a company doing business in the state that a vehicle owned or operated by the person is equipped with a functioning ignition interlock device.

(d) Whenever the license or driving privilege of any person is suspended as a result of certification of noncompliance with a child support order under chapter 74.20A RCW, the suspension shall remain in effect until the person provides a release issued by the department of social and health services stating that the person is in compliance with the order.

(e)(i) ~~((The))~~ Except as provided in section 7(3) of this act, the department shall not issue to the person a new, duplicate, or renewal license until the person pays a reissue fee of seventy-five dollars.

(ii) Except as provided in subsection (4) of this section, if the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, or is the result of administrative action under RCW 46.20.308, the reissue fee shall be one hundred seventy dollars.

(2)(a) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked, unless the revocation was for a cause which has been removed, is not entitled to have the license or privilege renewed or restored until:

(i) After the expiration of one year from the date the license or privilege to drive was revoked; (ii) after the expiration of the applicable revocation period provided by RCW 46.20.3101 or 46.61.5055; (iii) after the expiration of two years for persons convicted of vehicular homicide; or (iv) after the expiration of the applicable revocation period provided by RCW 46.20.265.

(b)(i) After the expiration of the appropriate period, the person may make application for a new license as provided by law together with a reissue fee in the amount of seventy-five dollars.

(ii) Except as provided in subsection (4) of this section, if the revocation is the result of a violation of RCW 46.20.308, 46.61.502, or 46.61.504, the reissue fee shall be one hundred seventy dollars. If the revocation is the result of a nonfelony violation of RCW 46.61.502 or 46.61.504, the department shall determine the person's eligibility for licensing based upon the reports provided by the substance use disorder agency or probation department designated under RCW 46.61.5056 and shall deny reissuance of a license, permit, or privilege to drive until enrollment and participation in an approved program has been established and the person is otherwise qualified. If the suspension is the result of a violation of RCW 46.61.502(6) or 46.61.504(6), the department shall determine the person's eligibility for licensing based upon the reports provided by the substance use disorder agency required under RCW 46.61.524 and shall deny reinstatement until satisfactory progress in an approved program has been established and the person is otherwise qualified. If the revocation is the result of a violation of RCW 46.61.502 or 46.61.504, and the person is required pursuant to RCW 46.20.720 to drive only a motor vehicle equipped with a functioning ignition interlock or other biological or technical device, the department shall determine the person's eligibility for licensing based upon written verification by a company doing business in the state that it has installed the required device on a vehicle owned or operated by the person applying for a new license. The department may waive the requirement for written verification under this subsection if it determines to its satisfaction that a device previously verified as having been installed on a vehicle owned or operated by the person is still installed and functioning or as permitted by RCW 46.20.720(8). If, following issuance of a new license, the department determines, based upon notification from the interlock provider or otherwise, that an interlock required under RCW 46.20.720 is no longer functioning, the department shall suspend the person's license or privilege to drive until the department has received written verification from an interlock provider that a functioning interlock is installed.

(c) Except for a revocation under RCW 46.20.265, the department shall not then issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant the privilege of driving a motor vehicle on the public highways, and until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. For a revocation under RCW 46.20.265, the department shall not issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant that person the privilege of driving a motor vehicle on the public highways.

(3)(a) Whenever the driver's license of any person is suspended pursuant to Article IV of the nonresident violators compact or RCW 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue to the person any new or renewal license until the person pays a reissue fee of seventy-five dollars.

(b) Except as provided in subsection (4) of this section, if the suspension is the result of a violation of the laws of this or any other state, province, or other jurisdiction involving (i) the operation or physical control of a motor vehicle upon the public

highways while under the influence of intoxicating liquor or drugs, or (ii) the refusal to submit to a chemical test of the driver's blood alcohol content, the reissue fee shall be one hundred seventy dollars.

(4) When the department reinstates a person's driver's license following a suspension, revocation, or denial under RCW 46.20.3101 or 46.61.5055, and the person is entitled to full day-for-day credit under RCW 46.20.3101(4) or 46.61.5055(9)(b)(ii) for an additional restriction arising from the same incident, the department shall impose no additional reissue fees under subsection (1)(e)(ii), (2)(b)(ii), or (3)(b) of this section associated with the additional restriction.

Sec. 9. RCW 46.20.342 and 2015 c 149 s 1 are each amended to read as follows:

(1) It is unlawful for any person to drive a motor vehicle in this state while that person is in a suspended or revoked status or when his or her privilege to drive is suspended or revoked in this or any other state. Any person who has a valid Washington driver's license is not guilty of a violation of this section.

(a) A person found to be a habitual offender under chapter 46.65 RCW, who violates this section while an order of revocation issued under chapter 46.65 RCW prohibiting such operation is in effect, is guilty of driving while license suspended or revoked in the first degree, a gross misdemeanor. Upon the first such conviction, the person shall be punished by imprisonment for not less than ten days. Upon the second conviction, the person shall be punished by imprisonment for not less than ninety days. Upon the third or subsequent conviction, the person shall be punished by imprisonment for not less than one hundred eighty days. If the person is also convicted of the offense defined in RCW 46.61.502 or 46.61.504, when both convictions arise from the same event, the minimum sentence of confinement shall be not less than ninety days. The minimum sentence of confinement required shall not be suspended or deferred. A conviction under this subsection does not prevent a person from petitioning for reinstatement as provided by RCW 46.65.080.

(b) A person who violates this section while an order of suspension or revocation prohibiting such operation is in effect and while the person is not eligible to reinstate his or her driver's license or driving privilege, other than for a suspension for the reasons described in (c) of this subsection, is guilty of driving while license suspended or revoked in the second degree, a gross misdemeanor. For the purposes of this subsection, a person is not considered to be eligible to reinstate his or her driver's license or driving privilege if the person is eligible to obtain an ignition interlock driver's license but did not obtain such a license. This subsection applies when a person's driver's license or driving privilege has been suspended or revoked by reason of:

(i) A conviction of a felony in the commission of which a motor vehicle was used;

(ii) A previous conviction under this section;

(iii) A notice received by the department from a court or diversion unit as provided by RCW 46.20.265, relating to a minor who has committed, or who has entered a diversion unit concerning an offense relating to alcohol, legend drugs, controlled substances, or imitation controlled substances;

(iv) A conviction of RCW 46.20.410, relating to the violation of restrictions of an occupational driver's license, a temporary restricted driver's license, or an ignition interlock driver's license;

(v) A conviction of RCW 46.20.345, relating to the operation of a motor vehicle with a suspended or revoked license;

(vi) A conviction of RCW 46.52.020, relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(vii) A conviction of RCW 46.61.024, relating to attempting to elude pursuing police vehicles;

(viii) A conviction of RCW 46.61.212(~~(4)~~) (5), relating to

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reckless endangerment of emergency zone workers;

(ix) A conviction of RCW 46.61.500, relating to reckless driving;

(x) A conviction of RCW 46.61.502 or 46.61.504, relating to a person under the influence of intoxicating liquor or drugs;

(xi) A conviction of RCW 46.61.520, relating to vehicular homicide;

(xii) A conviction of RCW 46.61.522, relating to vehicular assault;

(xiii) A conviction of RCW 46.61.527(4), relating to reckless endangerment of roadway workers;

(xiv) A conviction of RCW 46.61.530, relating to racing of vehicles on highways;

(xv) A conviction of RCW 46.61.685, relating to leaving children in an unattended vehicle with motor running;

(xvi) A conviction of RCW 46.61.740, relating to theft of motor vehicle fuel;

(xvii) A conviction of RCW 46.64.048, relating to attempting, aiding, abetting, coercing, and committing crimes;

(xviii) An administrative action taken by the department under chapter 46.20 RCW;

(xix) A conviction of a local law, ordinance, regulation, or resolution of a political subdivision of this state, the federal government, or any other state, of an offense substantially similar to a violation included in this subsection; or

(xx) A finding that a person has committed a traffic infraction under RCW 46.61.526 and suspension of driving privileges pursuant to RCW 46.61.526 (4)(b) or (7)(a)(ii).

(c) A person who violates this section when his or her driver's license or driving privilege is, at the time of the violation, suspended or revoked solely because:

(i) ~~(the)~~ The person must furnish proof of satisfactory progress in a required alcoholism or drug treatment program~~((:));~~;

(ii) ~~(the)~~ The person must furnish proof of financial responsibility for the future as provided by chapter 46.29 RCW~~((:));~~;

(iii) ~~(the)~~ The person has failed to comply with the provisions of chapter 46.29 RCW relating to uninsured accidents~~((:));~~;

(iv) ~~(the)~~ The person has failed to respond to a notice of traffic infraction for a moving violation, failed to appear at a requested hearing for a moving violation, ~~((violated a written promise to appear in court,))~~ or ~~((has))~~ failed to comply with the terms of a ~~((notice of traffic infraction))~~ criminal complaint or criminal citation for a moving violation, as provided in RCW 46.20.289~~((:))(1);~~;

(v) ~~(the)~~ The person has committed an offense in another state that, if committed in this state, would not be grounds for the suspension or revocation of the person's driver's license~~((:));~~;

(vi) ~~(the)~~ The person has been suspended or revoked by reason of one or more of the items listed in (b) of this subsection, but was eligible to reinstate his or her driver's license or driving privilege at the time of the violation~~((:));~~;

(vii) ~~(the)~~ The person has received traffic citations or notices of traffic infraction that have resulted in a suspension under RCW 46.20.267 relating to intermediate drivers' licenses~~((:));~~ or

(viii) ~~(the)~~ The person has been certified by the department of social and health services as a person who is not in compliance with a child support order as provided in RCW 74.20A.320, or any combination of (c)(i) through (viii) of this subsection, is guilty of driving while license suspended or revoked in the third degree, a misdemeanor.

(d) For the purposes of this subsection, a person is not considered to be eligible to reinstate his or her driver's license or driving privilege if the person is eligible to obtain an ignition interlock driver's license but did not obtain such a license.

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

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

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

(c) Not extend the period of suspension or revocation if the conviction was under subsection (1)(c) of this section. If the conviction was under subsection (1)(a) or (b) of this section and the court recommends against the extension and the convicted person has obtained a valid driver's license, the period of suspension or revocation shall not be extended.

Sec. 10. RCW 46.20.391 and 2012 c 82 s 2 are each amended to read as follows:

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

(2)(a) A person licensed under this chapter whose driver's license is suspended administratively due to failure to appear or ~~((pay a traffic ticket under))~~ respond pursuant to RCW 46.20.289; a violation of the financial responsibility laws under chapter 46.29 RCW; or for multiple violations within a specified period of time under RCW 46.20.291, may apply to the department for an occupational driver's license.

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

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

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

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

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

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

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

(iv) Is undergoing substance abuse treatment or is participating in meetings of a twelve-step group such as Alcoholics

Anonymous that requires the petitioner to drive to or from the treatment or meetings;

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

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

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

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

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

(d) Upon receipt of evidence that a holder of an occupational driver's license granted under this subsection is no longer enrolled in an apprenticeship or on-the-job training program, the director shall give written notice by first-class mail to the driver that the occupational driver's license shall be canceled. If at any time before the cancellation goes into effect the driver submits evidence of continued enrollment in the program, the cancellation shall be stayed. If the cancellation becomes effective, the driver may obtain, at no additional charge, a new occupational driver's license upon submittal of evidence of enrollment in another program that meets the criteria set forth in this subsection; and

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

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

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

NEW SECTION. Sec. 11. A new section is added to chapter 46.20 RCW to read as follows:

(1) The department is authorized to administratively reinstate the license of a person suspended pursuant to RCW 46.20.289(1) prior to the effective date of this section because the person:

(a) Failed to respond to a notice of traffic infraction for a moving violation;

(b) Failed to appear at a requested hearing for a moving violation;

(c) Violated a written promise to appear in court for a notice of infraction for a moving violation; or

(d) Failed to comply with the terms of a notice of traffic infraction.

(2) No later than 90 days after the effective date of this section, the department shall:

(a) Take reasonable steps to publicize the availability of relief

to reinstate a suspended license as provided in this section; and

(b) Create an online application process for persons whose licenses are suspended and may be eligible for reinstatement as provided in this section. The online application process shall allow a person to determine whether the person is eligible to have his or her license reinstated and explain the process for reinstatement. A reissue fee as provided in RCW 46.20.311 shall apply.

(3) A reissue fee as provided in RCW 46.20.311 shall apply to any license reinstated under this section.

Sec. 12. RCW 46.64.025 and 2017 c 336 s 11 are each amended to read as follows:

Whenever any person (~~(served with, or provided notice of, a traffic infraction or a traffic-related criminal complaint willfully)~~) fails to respond to a notice of traffic infraction for a moving violation, fails to appear at a requested hearing for a moving violation, or fails to comply with the terms of a (~~(notice of infraction for a moving violation or a traffic-related)~~) criminal complaint or criminal citation for a moving violation, the court with jurisdiction over the traffic infraction, or traffic-related criminal complaint or criminal citation shall promptly give notice of such fact to the department of licensing. Whenever thereafter the case in which the defendant failed to appear or comply is adjudicated, the court hearing the case shall promptly file with the department a certificate showing that the case has been adjudicated.

For the purposes of this section, "moving violation" is defined by rule pursuant to RCW 46.20.2891.

NEW SECTION. Sec. 13. A new section is added to chapter 46.20 RCW to read as follows:

(1) An additional \$1 fee shall be imposed on each application for an original or renewal of a regular driver's license, regular identicard, enhanced driver's license, or enhanced identicard. The entire amount of the fee shall be used to pay for processing costs for driver's license issuance and reinstatements, and information technology upgrades and the ongoing costs to maintain the driver's license and identicard record and issuance system.

(2) The department shall forward all funds accruing under this section to the state treasurer who shall deposit the moneys to the credit of the highway safety fund.

Sec. 14. RCW 2.68.040 and 2019 c 467 s 6, 2019 c 403 s 12, and 2019 c 65 s 6 are each reenacted and amended to read as follows:

(1) To support the judicial information system account provided for in RCW 2.68.020, the supreme court may provide by rule for an increase in fines, penalties, and assessments, and the increased amount shall be forwarded to the state treasurer for deposit in the account:

(a) Pursuant to the authority of RCW 46.63.110(3), the sum of ten dollars to any penalty collected by a court pursuant to supreme court infraction rules for courts of limited jurisdiction;

(b) Pursuant to RCW 3.62.060, a mandatory appearance cost in the initial sum of ten dollars to be assessed on all defendants; and

(c) Pursuant to RCW 46.63.110(6), a ten-dollar assessment for each account for which a person requests a time payment schedule.

(2) Notwithstanding a provision of law or rule to the contrary, the assessments provided for in this section may not be waived or suspended and shall be immediately due and payable upon forfeiture, conviction, deferral of prosecution, or request for time payment, as each shall occur.

(3) The supreme court is requested to adjust these assessments for inflation.

(4) This section does not apply to the additional monetary penalty under RCW 46.20.500.

(5) This section does not apply to the additional monetary fine

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under RCW 46.61.110, 46.61.145, 46.61.180, 46.61.185, 46.61.190, and 46.61.205.

(6) This section does not apply to the additional monetary penalties under RCW 46.61.165.

(7) In addition to any amount prescribed by rule under subsection (1)(a) of this section as an assessment on traffic infractions dedicated for the judicial information system, there shall be assessed \$2 on each traffic infraction. The additional \$2 shall be forwarded to the state treasurer for deposit in the driver licensing technology support account, created under section 15 of this act, to be used to support information technology systems used by the department of licensing to communicate with the judicial information system, manage driving records, and implement court orders.

NEW SECTION. Sec. 15. A new section is added to chapter 46.68 RCW to read as follows:

The driver licensing technology support account is created as a subaccount in the highway safety fund under RCW 46.68.060. Moneys in the subaccount may be spent only after appropriation. Expenditures from the subaccount may be used only for supporting information technology systems used by the department to communicate with the judicial information system, manage driving records, and implement court orders.

NEW SECTION. Sec. 16. This act takes effect March 1, 2022."

On page 1, line 2 of the title, after "infractions;" strike the remainder of the title and insert "amending RCW 46.63.060, 46.63.070, 46.20.289, 46.20.291, 46.20.311, 46.20.342, 46.20.391, and 46.64.025; reenacting and amending RCW 46.63.110 and 2.68.040; adding a new section to chapter 46.63 RCW; adding new sections to chapter 46.20 RCW; adding a new section to chapter 46.68 RCW; prescribing penalties; and providing an effective date."

WITHDRAWAL OF AMENDMENT

On motion of Senator Holy and without objection, floor amendment no. 439 by Senator Holy on page 5, line 18 to striking floor amendment no. 419 was withdrawn.

MOTION

Senator Padden moved that the following floor amendment no. 443 by Senator Padden be adopted:

On page 7, line 17, after "~~dollars~~)" strike "\$24" and insert "\$20"

On page 7, line 24, after "~~cents~~)" strike "\$12.50" and insert "\$8.50"

On page 7, line 29, after "follows:" strike "\$8.50" and insert "\$4.50"

Senators Padden and Honeyford spoke in favor of adoption of the amendment to the striking amendment.

Senator Pedersen spoke against adoption of the amendment to the striking amendment.

Senator Padden demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Padden on page 7, line 17 to Substitute Senate Bill No. 5226.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Padden and the amendment was not adopted by the following vote: Yeas, 21; Nays, 28; Absent, 0; Excused, 0.

Voting yea: Senators Braun, Brown, Dozier, Ericksen, Fortunato, Gildon, Hawkins, Holy, Honeyford, King, McCune, Muzzall, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Rolfes, Saldaña, Salomon, Stanford, Van De Wege, Wellman and Wilson, C.

MOTION

Senator Cleveland moved that the following floor amendment no. 452 by Senator Cleveland be adopted:

On page 8, beginning on line 23, after "infraction." strike all material through "individual." on line 27 and insert "If the person does not have the ability to pay the monetary obligation in full, the person has not previously been granted a payment plan for the same monetary obligation, and the court has not authorized its collections agency to take civil legal enforcement action, the court shall enter into a payment plan with the individual. Where the court has authorized its collections agency to take civil legal enforcement action, the court may, at its discretion, enter into a payment plan."

On page 9, line 8, after "than" strike "120" and insert "90"

On page 9, line 30, after "(8)" insert "The court may require a person who fails to make payment as required under a payment plan to appear and provide evidence of ability to pay.

(9)"

On page 10, line 1, after "at a" strike "requested" and insert "~~((requested))~~"

On page 11, line 4, after "at a" strike "requested" and insert "~~((requested))~~"

On page 17, at the beginning of line 37, strike "requested" and insert "~~((requested))~~"

On page 22, line 10, after "at a" strike "requested" and insert "~~((requested))~~"

Senators Cleveland and Pedersen spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 452 by Senator Cleveland on page 8, line 23 to striking floor amendment no. 419.

The motion by Senator Cleveland carried and floor amendment no. 452 was adopted by voice vote.

WITHDRAWAL OF AMENDMENT

On motion of Senator Padden and without objection, floor amendment no. 453 by Senator Padden on page 8, line 26 to striking floor amendment no. 419 was withdrawn.

MOTION

Senator Padden moved that the following floor amendment no. 441 by Senator Padden be adopted:

On page 22, beginning on line 22, strike all of section 13 Renummer the remaining sections consecutively and correct any internal references accordingly.

Senator Padden spoke in favor of adoption of the amendment to the striking amendment.

Senator Pedersen spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 441 by Senator Padden on page 22, line 22 to striking floor amendment no. 419.

The motion by Senator Padden did not carry and floor amendment no. 441 was not adopted by voice vote.

MOTION

Senator Padden moved that the following floor amendment no. 442 by Senator Padden be adopted:

Beginning on page 22, line 34, strike all of section 14
Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 24, line 8, after "46.63.110" strike "and 2.68.040"

Senator Padden spoke in favor of adoption of the amendment to the striking amendment.

Senator Pedersen spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 442 by Senator Padden on page 22, line 34 to striking floor amendment no. 419

The motion by Senator Padden did not carry and floor amendment no. 442 was not adopted by voice vote.

Senator Pedersen spoke in favor of adoption of the striking amendment as amended.

Senator Padden spoke against adoption of the striking amendment as amended.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 419 by Senator Pedersen as amended to Substitute Senate Bill No. 5226.

The motion by Senator Pedersen carried and striking floor amendment no. 419 as amended was adopted by voice vote.

MOTION

On motion of Senator Salomon, the rules were suspended, Engrossed Substitute Senate Bill No. 5226 was advanced to third reading, the second reading considered the third and the bill was

placed on final passage.

Senator Salomon spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5226.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5226 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 16; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, Mullet, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Stanford, Van De Wege, Warnick, Wellman and Wilson, C.

Voting nay: Senators Brown, Dozier, Ericksen, Fortunato, Holy, Honeyford, King, McCune, Muzzall, Padden, Schoesler, Sheldon, Short, Wagoner, Wilson, J. and Wilson, L.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5226, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REMARKS BY THE PRESIDENT

President Heck: "Prior to putting the motion, I, once again, am compelled at the insistence of Senators Billig, Holy and Padden to announce that the number 1 ranked basketball team in America plays in five minutes in the semi-finals of the West Coast Conference play. That is the reference that Senator Liias was appropriately making."

MOTION

At 5:55 p.m., on motion of Senator Liias, the Senate adjourned until 10:00 o'clock a.m. Tuesday, March 9, 2021.

DENNY HECK, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

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5332-S	Second Reading	18	5452-S	Second Reading	18
	Third Reading Final Passage	18	5452-S.E	Third Reading Final Passage	19
5370	Second Reading	3	5460	Second Reading	20
5370-S	Second Reading	3	5460-S	Second Reading	20
5370-S.E	Third Reading Final Passage	17		Third Reading Final Passage	20
5378	Second Reading	21	CHAPLAIN OF THE DAY		
5378-S	Second Reading	21	Gear, Ms. Mary, Reverend, Olympia		
	Third Reading Final Passage	21	Unitarian Universalist Congregation		
5381			Church.....		
	Second Reading	18	FLAG BEARERS		
5381-S	Second Reading	18	Washington State Patrol Honor Guard		
	Third Reading Final Passage	18	GUESTS		
5425	Second Reading	20	Johnson, Mr. Hunter, Pledge of Allegiance..		
5425-S	Second Reading	20	PRESIDENT OF THE SENATE		
	Third Reading Final Passage	21	Remarks by the President.....		
5452			Reply by the President		
			WASHINGTON STATE SENATE		
			Parliamentary Inquiry, Senator Padden		
			Personal Privilege, Senator Wagoner		