

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

IN RE SCHEDULE OF  
FORFEITABLE BAIL

) ORDER AMENDING SCHEDULE  
) OF FORFEITABLE BAIL AS  
) OF MARCH 1, 1981

Pursuant to Local Magistrates Rule HR 9(j), the Schedule of Forfeitable Bail is amended, effective March 1, 1981. The changes reflect the decriminalization of many traffic violations in RCW 46 which became effective January 1, 1981, and the amended Schedule lists most of RCW 46 violations that are still criminal violations. Also reflected in the amendments are some housekeeping changes with respect to the National Forest Service regulations, 36 C.F.R. 212-293. The new amendment pages, dated March 1981, should be substituted for the original pages dated September 1980, as follows:

RCW 46 - Pages 1-9

36 C.F.R. 212-293 - Pages 22, 26, 27, and 28.

The replaced original pages should be discarded.

A copy of each of the amended pages is attached to the original of this Order and will be on file in the Clerk's Office, United States District Court, Western District of Washington, at Seattle.

The United States Attorney's Office should provide a copy of this Order and the amended pages to the Federal agencies issuing violation notices covered by the Schedule.

DATED this 17 day of February, 1981.

FILED IN CASE  
BY CLERK OF DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

FEB 20 1981

BY: \_\_\_\_\_ Clerk  
by: \_\_\_\_\_

Robert E. Cooper  
ROBERT E. COOPER  
United States Magistrate

John L. Weinberg  
JOHN L. WEINBERG  
United States Magistrate

Philip R. Sweigert  
PHILIP R. SWEIGERT  
United States Magistrate

TRAFFIC CODE - STATE OF WASHINGTON  
RCW Title 46

Each section of RCW 46 set out on the following pages is classified for Federal purposes as either a petty offense or a misdemeanor.

PETTY OFFENSE--Where the section is noted as being a "PETTY OFFENSE," the maximum sentence is imprisonment of not more than 90 days and/or a fine of not more than \$250.00. (See RCW 46.64.050, RCW 9.92.030, and 18 U.S.C. § 1--RCW 9A.20.020 would not appear to be applicable to crimes defined in Title 46 as 9A applies only to crimes "defined in Title 9A.")

MISDEMEANORS--Where the section is noted as being a "MISDEMEANOR," the maximum sentence is imprisonment of not more than one year and/or a fine of not more than \$1,000.00. (See RCW 46.64.050, RCW 9.92.020, and 18 U.S.C. § 1.)

SPECIAL SENTENCE(S)- Where the section is noted as having a "SPECIAL SENTENCE" or "SPECIAL SENTENCES," the sentence provided for violating the section will be specifically described after the

section and noted as to whether the violation is a petty offense or a misdemeanor.

TRAFFIC CODE - STATE OF WASHINGTON  
RCW Title 46

| <u>RCW</u>                    | <u>Offense</u>  | <u>Bail</u> |
|-------------------------------|---|-------------|
| 46.09.120(2)<br>PETTY OFFENSE | Operating a non-highway vehicle while under the influence of intoxicating liquor or a controlled substance  | Mandatory   |
| 46.09.130<br>MISDEMEANOR      | Operating a non-highway vehicle in such a way as to endanger human life; or to run down or harass wildlife; or convey any loaded weapon upon; or to hunt from | Mandatory   |

RCWOffenseBail

46.10.090(2)  
PETTY OFFENSE

Operating a snowmobile so as to endanger the person of another; or while under the influence of intoxicating liquor or narcotics or habit forming drugs

Mandatory

46.10.130  
MISDEMEANOR

Operating a snowmobile so as to endanger human life; or to run down or harass wildlife or domestic animals; or to carry any loaded weapon upon; or to hunt from

Mandatory

| <u>RCW</u>                        | <u>Offense</u>   | <u>Bail</u> |
|-----------------------------------|--|-------------|
| 46.20.021<br>PETTY OFFENSE        | No valid license   | Mandatory   |
|                                   | More than one valid license  | Mandatory   |
| 46.20.336<br>PETTY OFFENSES       | (1) Possession of cancelled, revoked, suspended, fictitious, or fraudulently altered driver's license  | Mandatory   |
|                                   | (2) Loan of or knowingly permit use of driver's license  | Mandatory   |
|                                   | (3) Use of driver's license of another   | Mandatory   |
|                                   | (6) Permitting unlawful use of one's driver's license  | Mandatory   |
| 46.20.342<br>SPECIAL<br>SENTENCES | Driving while license privilege suspended or revoked<br>First conviction--PETTY OFFENSE--<br>not less than 10 days nor more than 6 months<br>Second conviction--MISDEMEANOR--<br>not less than 90 days nor more than one (1) year<br><br>Third conviction--MISDEMEANOR--<br>mandatory one (1) year<br>Plus a fine up to \$500.00 may be imposed on any conviction; and on any conviction, the Department of Motor Vehicles shall extend the period of suspension for an additional like period or the period of revocation for an additional one year. | Mandatory   |
| 46.20.410<br>SPECIAL<br>SENTENCES | Violation of occupational license restricted<br><br>(PETTY OFFENSE--Fine of not less than \$50.00 nor more than \$200.00 and/or imprisonment for not more than 6 months)   | Mandatory   |

| <u>RCM</u>                       | <u>Offense</u>  | <u>Bail</u>                |
|----------------------------------|---|----------------------------|
| 46.52.010<br>PETTY OFFENSE       | Hit and run: Unattended vehicle<br>Damage to property fixed<br>or placed upon or<br>adjacent to public highway  | Mandatory<br><br>Mandatory |
| 46.52.020<br>SPECIAL<br>SENTENCE | Hit and run: Damage to attended vehicle<br>Damage to other property<br><br>(MISDEMEANOR--Imprisonment for<br>not less than 30 days nor more<br>than one year and/or a fine of<br>not less than \$100.00 nor more<br>than \$500.00)<br><br>NOTE: Hit and run involving injury to<br>person or death is a felony.<br>CONTACT THE U.S ATTORNEY'S OFFICE. | Mandatory<br>Mandatory     |
| 46.52.090<br>MISDEMEANOR         | Destroying or concealing evidence of<br>damage to a vehicle   | Mandatory                  |

| <u>ROW</u>                     | <u>Offense</u>   | <u>Bail</u> |
|--------------------------------|--|-------------|
| 46.61.022<br>PETTY OFFENSE     | Failure to stop when requested to do so by officer; or failure to identify oneself to officer pursuant to investigation of traffic infraction  | Mandatory   |
| 46.61.500<br>PETTY OFFENSE     | Rackless driving<br><br>Suspension of license for not less than 30 days in addition to petty offense sentence of not more than 90 days' imprisonment and not more than a \$250.00 fine.  | Mandatory   |
| 46.61.502<br>SPECIAL SENTENCES | Driving under the influence of intoxicating liquor or drug   | Mandatory   |
| 46.61.504<br>SPECIAL SENTENCES | Being in physical control of a motor vehicle while under the influence of intoxicating liquor or drug<br><br>.502 (DWI) and .504 (physical control)- MISDEMEANORS--<br>First conviction, imprisonment for not less than one day nor more than one year and by fine of not more than \$500.00 (plus alcohol info school). Cannot suspend or defer as to the one day minimum unless physical or mental problem and reason for suspension or deferral must be set out in writing.<br>Second conviction within five-year period, imprisonment for not less than seven days nor more than one year and a fine not more than \$1,000.00. Cannot suspend or defer as to the seven-day minimum unless physical or mental problem and reason for suspension or deferral must be set out in writing. | Mandatory   |



RCWOffenseBail

46.61.504  
continued

For third and subsequent .504 physical control convictions within a five-year period, same as a second conviction.

For a third and subsequent .502 DWI convictions within a five-year period, a fine of not less than \$100.00 and not more than \$1,000.00, and imprisonment for not less than 30 days and not more than one year, and neither minimum fine nor minimum imprisonment sentence may be suspended; and the Court is to revoke license.--See RCW 46.52.100.

If also driving while license suspended or revoked, minimum sentence is not less than 90 days and not less than a \$200.00 fine which cannot be suspended or deferred. See RCW 46.52.100 and 46.61.515.

In addition to any nonsuspendable and nondeferrable jail sentence required for a second or subsequent conviction, the sentence is to be imprisonment not exceeding 180 days, which is to be suspended, but not deferred, for not more than 2 years.

In addition to any fine and costs, there is a minimum 25% (of any fines and costs) penalty assessment, to be paid to highway safety fund. The penalty assessment may not be deferred, suspended, waived, or modified.

**Suspension and revocation--**

First conviction--not less than 30 days suspension, but Court may recommend that no suspension action be taken.

Second conviction within five years--  
Not less than 60 days suspension.

Third and subsequent conviction  
within five years--revocation.

46.61.525  
SPECIAL  
SENTENCE

**Negligent driving**

(PETTY OFFENSE--no imprisonment,  
fine up to \$250.00)

**Mandatory**

| <u>ROW</u>                 | <u>Offense</u>   | <u>Bail</u> |
|----------------------------|--|-------------|
| 46.61.530<br>PETTY OFFENSE | Racing of Vehicles   | Mandatory   |
| 46.61.685<br>PETTY OFFENSE | Leaving children unattended in<br>vehicle with motor running | Mandatory   |

NATIONAL FORESTS

Title

Offense

Pen

PART 212 - Forest Service Rules--DELETED--Now covered in Part 261

| <u>Title</u>  | <u>Offense</u>  | <u>Bail</u> |
|---------------|---|-------------|
| 36 CFR 261.56 | Use of vehicles off forest development roads                                      | \$ 40.00    |
| 36 CFR 261.57 | National forest wilderness  |             |
|               | (a) Entering or being in the area   | \$ 40.00    |
|               | (b) Possessing camping or pack outfitting equipment                               | \$ 40.00    |
|               | (c)(1) Possession of fireworks  | \$ 40.00    |
|               | (2) Possession of firearm   | \$ 40.00    |
|               | (d) Possessing non-burnable container   | \$ 40.00    |
|               | (e) Grazing   | \$ 40.00    |
|               | (f) Storing equipment   | \$ 40.00    |
|               | (g) Disposing of garbage  | \$ 40.00    |
| 36 CFR 261.58 | Occupancy and use   |             |
|               | (a) Camping for longer than allowed   | \$ 40.00    |
|               | (b) Prohibited entry  | \$ 40.00    |
|               | (c) Overnight camping   | \$ 40.00    |
|               | (d) Prohibited camping equipment  | \$ 40.00    |
|               | (e) Camping   | \$ 40.00    |
|               | (f) Use of campsite by too many persons   | \$ 40.00    |
|               | (g) Parking or leaving vehicle  | \$ 40.00    |
|               | (h) Parking in other than designated spot   | \$ 40.00    |
|               | (i) More than two vehicles per camp unit  | \$ 40.00    |
|               | (j) Public nudity   | \$ 40.00    |
|               | (k) Entering or being in a body of water  | \$ 40.00    |
|               | (l) In the area after sundown or before sunrise                                   | \$ 40.00    |
|               | (m) Discharging a firearm   | \$ 40.00    |
|               | (n) Possessing or operating a motor boat  | \$ 40.00    |
|               | (o) Water skiing  | \$ 40.00    |
|               | (p) Storing or leaving a boat or raft   | \$ 40.00    |
|               | (q) Operating watercraft in excess of speed limit                                 | \$ 40.00    |
|               | (r) Launching a boat in undesignated area   | \$ 40.00    |
|               | (s) Possessing a bird or animal   | \$ 40.00    |
|               | (t) Possessing a tree or plant  | \$ 40.00    |
|               | (u) In the area between 10 p.m. and 6 a.m., except campers and visitors           | \$ 40.00    |
|               | (v) Hunting or fishing  | \$ 40.00    |
|               | (w) Motor and mechanical devices for propelling watercraft                        | \$ 40.00    |
|               | (x) Use of device to transport watercraft   | \$ 40.00    |
|               | (y) Use of aircraft   | \$ 40.00    |
|               | (z) Entering or being on lands or waters of National Wild and Scenic River System | \$ 40.00    |

Title

Offense

Fall

PART 291 - Occupancy and Use--DELETED--Now covered in Part 261

Title

Offense

Fine

PART 293 - Wilderness - Primitive Areas—DELETED—Now covered  
in Part 261