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## Judiciary Committee

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### SSB 6343

**Title:** An act relating to payment of traffic infraction and misdemeanor penalties.

**Brief Description:** Assuring payment of traffic fines.

**Sponsors:** Senate Committee on Judiciary (originally sponsored by Senators Kline, Roach, Poulsen, Sheahan, Regala, Hochstatter and Oke).

Brief Summary of Substitute Bill
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| <ul style="list-style-type: none"><li>· Requires courts to enter into payment plans with persons who are unable to immediately pay their fines for traffic infractions or traffic citations.</li></ul> |
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**Hearing Date:** 2/25/02

**Staff:** Trudes Hutcheson (786-7384).

**Background:**

Most traffic infractions, including parking infractions, are not criminal offenses and result in the issuance of a notice of traffic infraction. The person receiving the notice of infraction may either pay the fine or request a hearing to contest the notice or present mitigating circumstances. If the person fails to pay or fails to appear at the hearing, the court will enter an order assessing the monetary penalty for the traffic infraction. Monetary penalties imposed by the court for traffic infractions are payable immediately. If the person is unable to pay at the time, the court may grant an extension. If payment is still not made within the granted time, the court must notify the Department of Licensing (DOL) and the DOL shall suspend the person's driver's license until the penalty is paid. For traffic infractions, the court may waive, reduce, or suspend the penalty. At the person's request, the court may also order performance of a number of hours of community service in lieu of a monetary penalty, at the rate of the current state minimum wage per hour.

Certain violations of the traffic laws, such as reckless driving or driving with a suspended license, are criminal offenses. When a person is arrested for any violation of the traffic laws that is punishable as a misdemeanor or by imposition of a fine, the arresting officer may serve upon the person a traffic citation and notice to appear in court. The person must give his or her written promise to appear in court as required by the citation and notice. If the

person violates the written promise to appear in court, the court must give notice of that fact to the DOL. The department suspends the person's driver's license for failing to appear and for nonpayment of the fine.

**Summary of Bill:**

The statutes addressing notice of traffic infractions and traffic citations are amended.

Whenever a monetary penalty is imposed by the court and the person is not able to pay in full, the court must enter into a payment plan with the person. The payment plan requires the person to pay an initial payment of not less than 5 percent of the total amount owed, followed by reasonable payments in an amount established by the court. For traffic infractions, the initial payment amount required by the court may not exceed \$30. For both traffic infractions and criminal citations, the amounts due after the initial payment may not exceed 10 percent of the original amount owed. The person may voluntarily pay more than these amounts at anytime.

If the payment required under the payment plan is delinquent by 30 days, the court must notify the DOL and the DOL must suspend the person's driver's license until the penalty has been paid.

For traffic infractions, the court must offer to convert all or part of the monetary penalties owed to community service if the person is unable to make reasonable time payments and a community service program is available.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.