

HOUSE BILL REPORT

HB 1031

As Reported by House Committee On:
Judiciary

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

Brief Description: Revising rules for payment of traffic infraction and misdemeanor penalties.

Sponsors: Representatives Lovick, O'Brien, Sullivan and Lantz.

Brief History:

Committee Activity:

Judiciary: 1/17/03, 2/25/03 [DPS].

Brief Summary of Substitute Bill

- Requires courts to enter into payment plans with persons who are unable to immediately pay civil or criminal fines for traffic law offenses.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Lantz, Chair; Moeller, Vice Chair; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell, Flannigan, Kirby, Lovick and Newhouse.

Staff: Bill Perry (786-7123).

Background:

Traffic law offenses, whether civil or criminal, result in fines being imposed against offenders. In a significant number of cases, offenders fail to make timely payment of those fines. Failure to pay fines results in the suspension of an offender's driver's license.

Most of the less serious traffic offenses are civil rather than criminal. These civil violations are punishable by monetary fines only and are handled by 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 to present mitigating circumstances. If the person has failed to pay the fine or fails to appear at a requested 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 must 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 restitution in lieu of a monetary penalty, with the penalty amount being credited at the rate of the current state minimum wage.

More serious violations of the traffic laws, such as reckless driving, drunk driving, or driving with a suspended license, are crimes. Crimes are typically punishable by both imprisonment and fine. When a person is arrested for a criminal violation of the traffic laws, the arresting officer may serve the person with 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. Upon receipt of the notice, the DOL suspends the person's driver's license for failing to appear in court as required by the citation and notice.

Many, but not all, courts offer payment plans for offenders who are unable to pay fines in full at the time they are due. These plans allow such an offender to pay the fine off in installments over time. In the case of infractions, they may require community restitution instead of fines.

Summary of Substitute Bill:

Statutes dealing with monetary penalties for civil traffic infractions and for traffic crimes are amended.

Payment plans for persons unable to pay a penalty in full are made mandatory. However, if a person has already been subject to a payment plan for a given penalty and has failed to make payments, then the court may, but need not, implement another plan for that same penalty. A plan must be entered into within the later of one year after the effective date of the act or one year after imposition of the penalty.

A person must be in compliance with any previous payment plan before entering another plan.

In traffic infraction cases, a delinquency in payments or in completion of community restitution is to be reported to the DOL by the court, and the DOL is to suspend the

person's driver's license. The length of suspension is to be until payments are made in full or until community restitution is completed. However, for a person who is delinquent but not yet in a payment plan, the length of suspension is until payment or restitution requirements are completed, or until the person enters a payment plan.

In cases of criminal traffic offenses, it is made explicit that not only when an offender fails to appear as required by a citation, but also when a person fails to comply with other requirements such as paying a fine, the court is to notify the DOL. Payment plans are mandatory in criminal traffic cases when compliance with a citation includes paying a fine.

Courts may charge a reasonable fee for administering a payment plan. The fee may not exceed \$10 per offense. Courts may also charge a reasonable fee for plans administered by an outside entity.

Substitute Bill Compared to Original Bill:

The substitute makes the following changes from the original bill:

- Limits the period of eligibility for entry into a plan to not more than one year after the fine was imposed. Allows a one year window of opportunity after the effective date of the act for persons with delinquencies dating from before the act.
- Clarifies court notification to the DOL about a driver's entry into a plan and the reinstatement of driving privileges. Allows for court modification of a plan for "good cause" following a delinquency.
- Removes a \$25 per plan limit on administrative fees, leaving the maximum at \$10 per infraction or misdemeanor.
- Allows a plan in any traffic misdemeanor that includes a fine as part of the punishment, instead of only those misdemeanors that are limited to fines as punishment.
- Clarifies that fees imposed for plan administration are to be collected for the payment of the costs of administration when the plan is administered by an outside entity.
- Prohibits a person from entering a new plan if he or she is out of compliance with any previous plan.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: (Original bill) All courts should be offering payment plans. It is a

matter of fairness, particularly to low-income drivers. The bill addresses a very serious problem. Currently more than 100,000 drivers a year lose their licenses for failure to appear in court on a traffic citation or failure to pay traffic fines. Payment plans will reduce the number of unlicensed and uninsured drivers on the road.

(Concerns with original bill) The bill should include a time-limit on how long after a delinquency a person has the right to enter a plan. Some smaller courts are wary of the administrative costs of offering payment plans. There should be some time-limit on how long a payment plan can last.

Testimony Against: None.

Testified: (In support) Representative Lovick, prime sponsor; and Tony Lee, Fremont Public Association.

(In support with amendments) Kevin Underwood, Washington Collector's Association.

(In support with concerns) Mary Wolney, Washington Defenders Association and Washington Association of Criminal Defense Lawyers; Melanie Stewart, District and Municipal Court Judges Association; and Tammy Fellin, Association of Washington Cities.

(Comments only) Peter Teets, Department of Licensing.