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**Judiciary Committee**

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**HB 1031**

**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 Summary of Bill**

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

**Hearing Date:** 1/17/03

**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, including parking violations, 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.

### **Summary of 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.

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, but only when compliance with a citation consists solely of paying a fine.

Courts may charge a reasonable fee for administering a payment plan. The fee may not exceed \$10 per offense or \$25 per plan, whichever is less. Courts may also charge a reasonable fee for plans administered by an outside entity.

**Appropriation:** None.

**Fiscal Note:** Preliminary fiscal note available.

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