

SENATE BILL REPORT

SHB 1031

As Reported By Senate Committee On:
Judiciary, February 26, 2004

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: House Committee on Judiciary (originally sponsored by Representatives Lovick, O'Brien, Sullivan and Lantz).

Brief History:

Committee Activity: Judiciary: 2/25/04, 2/26/04 [DPA].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass as amended.

Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline, Roach and Thibaudeau.

Staff: Lidia Mori (786-7755)

Background: Traffic law offenses result in fines being imposed against offenders. In a significant number of cases, offenders fail to make timely payment of those fines which 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. 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 DOL must suspend the person's driver's license until the penalty is paid. At the person's request, the court may order performance of a number of hours of community restitution in lieu of a monetary penalty.

More serious violations of the traffic laws, such as reckless driving, drunk driving, or driving with a suspended license, are crimes. 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 DOL. Upon receipt of the notice, DOL suspends the person's driver's license for failing to appear in court.

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 an offender to pay the fine off in installments over time.

Summary of Amended Bill: Courts are directed to offer payment plans to people who are unable to pay their penalty in full. The term "monetary penalty" is expanded to include any fee, cost, assessment, or other monetary obligation imposed by a court. Use of a payment plan is an option for traffic infraction cases and only those misdemeanors where the punishment is limited to payment of a fine. If a person has already been subject to a payment plan for a given penalty and has failed to make payments, then the court has discretion to implement another plan for the same penalty. A person is not eligible to enter into a payment plan if any delinquent amount for a court imposed monetary penalty has been assigned to a collection agency and legal action has commenced. 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 into another plan.

In traffic infraction cases, the court must report a delinquency in payments or in completion of community restitution to DOL and the department will suspend the person's driver's license. The suspension will endure until payment is made in full or until community restitution is completed. People who are in good standing in a court authorized relicensing program may continue in such a program. If a person 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.

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. That fee is calculated on a periodic, percentage, or other basis.

Amended Bill Compared to Substitute Bill: Use of a payment plan is an option only for those misdemeanors where the punishment is limited to payment of a fine. In the underlying bill, a payment plan was allowed for any traffic misdemeanor that included a fine as part of the punishment. The term "monetary penalty" is expanded to include any fee, cost, assessment, or other monetary obligation imposed by a court. The fee that a court assessed a person when an outside entity administers the person's payment plan is calculated on a periodic, percentage, or other basis. A person is not eligible to enter into a payment plan if any delinquent amount for a court imposed monetary penalty has been assigned to a collection agency and legal action has commenced. People who are in good standing in a court authorized relicensing program may continue in the program.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: This bill is about equity. It will also provide uniformity across the state because payment plans will be offered by all courts that deal with traffic infractions or misdemeanors.

Testimony Against: None.

Testified: PRO: Rep. Lovick, prime sponsor; Judge Michael Padden, District Court Judges Assn.; Sherry Appleton, WA Defender Assn.; WA Assn. of Criminal Defense Lawyers; Judy Warnick, WA Collectors Assn.; Troy Peterson, WA Collectors Assn.