

SENATE BILL REPORT

SHB 1601

As of April 2, 2013

Title: An act relating to providing alternatives for penalties stemming from traffic infractions.

Brief Description: Providing alternatives for penalties stemming from traffic infractions.

Sponsors: House Committee on Public Safety (originally sponsored by Representatives Goodman, Pettigrew, Moscoso, Habib, Pedersen, Jinkins, Roberts, Orwall, Appleton, Upthegrove, Pollet, Freeman and Ryu).

Brief History: Passed House: 3/12/13, 73-22.

Committee Activity: Law & Justice: 4/01/13.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Jessica Stevenson (786-7465)

Background: A notice of a traffic infraction must state that a person who commits a standing, stopping, or parking violation or fails to appear at a hearing for these violations may be subject to nonrenewal of the vehicle license. A form for a notice of traffic infraction printed after July 22, 2011, must include a statement that the person may be able to enter into a payment plan with the court. When a monetary penalty, fee, cost, assessment, or other monetary obligation is imposed by a court for a traffic infraction, it is immediately payable and is enforceable as a civil judgment.

If a court determines that a person is unable to pay a monetary obligation in full and not more than one year passed since the later of July 1, 2005, or the date the monetary obligation initially became due and payable, the court must enter into a payment plan with the person. However, the court is not required to enter into a payment plan if the person was previously granted a payment plan for that same monetary obligation or the person is in noncompliance of any existing or prior payment plan, in which the case the court may implement a payment plan.

If a court notified the Department of Licensing (DOL) that a person failed to pay or comply and the person subsequently entered into a payment plan and made an initial payment, the court must notify DOL that the infraction was adjudicated, and DOL must rescind any suspension of the person's driver's license or privilege.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

If a person did not enter into a payment plan with the court and did not pay the obligation in full on or before the time established for payment, the court may refer the unpaid monetary obligation to a collections agency until all monetary obligations are paid or the person enters into a payment plan.

If a court-authorized community restitution program for offenders is available in the jurisdiction, the court may allow conversion of all or part of the monetary obligations due for traffic infractions to community restitution if the person is unable to make reasonable time payments.

An additional penalty of \$20 must be assessed for a person who commits a traffic infraction, except for violations involving roadway construction zones and approaching emergency zones. The court may not reduce, waive, or suspend this penalty unless the court finds the offender to be indigent. If a court-authorized community restitution program for offenders is available in the jurisdiction, the court must allow offenders to offset all or part of the \$20 due by participation in the court-authorized community restitution program.

If a legal proceeding commenced to collect any delinquent amount owed by the person for any penalty imposed by the court for a traffic infraction, the court may enter into a payment plan. The court may waive, reduce, or suspend the monetary penalty prescribed for the infraction in an order entered for the infraction. At the person's request, the court may order the performance of a number of hours of community restitution in lieu of a monetary penalty, at the rate of state minimum wage per hour in effect at that time.

Summary of Bill: Community restitution is defined as the performance of community service hours in lieu of all or part of a monetary penalty, at the rate of the minimum wage per hour in effect at that time.

The notice must state that a person who commits a standing, stopping, or parking violation or fails to appear at a hearing for these violations may be subject to nonrenewal of the vehicle registration. A form for a notice of traffic infraction printed after June 1, 2013, must include a statement that the person must be able to request entry into a payment plan or a community restitution plan with the court.

If the court determines that a person is unable to pay a monetary obligation in full without undue hardship, and not more than one year passed since the later of July 1, 2005, or the date the monetary obligation initially became due and payable, the court must, upon request of the person, enter into a payment plan or a community restitution plan with the person. If a person was previously granted a payment plan or a community restitution plan for the same monetary obligation or the person is in noncompliance of an existing or prior payment plan or a community restitution plan, the court may implement a payment plan or a community restitution plan.

If a court notified DOL that the person failed to pay or comply and the person subsequently entered into a payment plan and made an initial payment or entered into a community restitution plan and began performance of the community restitution plan, the court must timely notify DOL and DOL must timely rescind any suspension of the person's driver's license or privilege.

If a person did not enter into a payment plan or a community restitution plan with the court, and did not pay or satisfy the obligation in full on or before the time for payment or satisfaction under a community restitution plan, the court may refer the unpaid monetary obligation to a collections agency until paid or until the person enters into a payment plan or community restitution plan. If a court-authorized community restitution program is available in the jurisdiction, the court must allow conversion of all or part of the monetary obligations due for traffic infractions to community restitution if the person is unable to make reasonable time payments.

The court may not reduce, waive, or suspend the additional \$20 penalty unless the court finds the person to be indigent. If a court authorized entry into a community restitution program, the court must allow persons to offset all or part of the \$20 penalty by participating in the community restitution program.

If a legal proceeding commenced to collect any delinquent amount owed by the person for any penalty imposed by the court for a traffic infraction, the court may enter into a payment plan or a community restitution plan. The court must waive, reduce, or suspend the monetary penalty prescribed for the infraction if the court finds the person to be indigent. The court may order performance of community restitution in lieu of all or part of a monetary penalty.

If any part of the act or its application is invalid, the remainder of the act is not affected. The act takes effect on June 1, 2013.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: The bill takes effect on June 1, 2013.

Staff Summary of Public Testimony: PRO: Washington has about 100,000 people driving with a suspended license in the third degree. Since there are so many people driving with suspended licenses, it consumes many resources at the local level. There is a downward spiral when a person's license is suspended because it prevents them from driving to work and then from paying financial obligations. The bill provides alternatives for people to pay financial obligations so their licenses are not suspended. By allowing payments to be made over a period of time, it still holds the person accountable for the infraction. Some people comply with all other requirements of the court, and the only obstacle is paying the financial obligations. Allowing alternatives for payments does not cost money, but would produce revenue since people would be actually making the payments. Money would be saved since there would be fewer suspended license cases. The bill relieves the workload of public defenders since they have a limited number of cases they can handle. The bill takes a proactive approach. The hope is that the bill will engage more people in the process. There will be fewer prosecutions, which will allow resources to be used on other crimes.

Persons Testifying: PRO: Representative Goodman, prime sponsor; Travis Stearns, WA Defenders Assn., WA Assn. of Criminal Defense Lawyers.