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## Public Safety Committee

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### HB 2085

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

**Sponsors:** Representatives Goodman and Ryu.

#### Brief Summary of Bill

- Defines community restitution as the performance of a number of hours of community service in lieu of all or part of a monetary penalty, at the rate of the then state minimum wage per hour.
- Requires that the form notice of traffic infraction must include a statement that a person must be allowed to request entry into a community restitution plan.
- Requires the court to allow a person who is assessed a monetary penalty for a traffic infraction to enter into a community restitution plan in lieu of all or part of the monetary penalty if the person is otherwise eligible and the court determines that the person is indigent and a court-authorized community restitution program is available in the jurisdiction.
- Requires the court to give notice to the Department of Licensing (DOL) that a person has adjudicated a traffic infraction when the person enters into a community restitution plan and begins performance of the plan and requires the DOL to immediately rescind suspension of the person's license based upon the failure to respond to that infraction.

**Hearing Date:** 2/17/15

**Staff:** Cassie Jones (786-7303).

#### **Background:**

Traffic violations fall into two categories: traffic infractions and criminal traffic offenses. Traffic infractions are non-criminal offenses for which imprisonment cannot be imposed as a sanction. The penalty for a traffic infraction is a fine, but may also include sanctions against a

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person's driver's license including suspension, revocation, denial, or nonrenewal of the vehicle registration. In general, when a person receives a traffic infraction, the options are to pay the fine, challenge the ticket, or request a mitigation hearing. Notices of infraction provide notice of these options, as well as notice that a person may be able to enter into a payment plan. Under certain circumstances, a court may defer findings on a traffic infraction, subject to the person's agreement to abide by conditions and obtain no further infractions for up to one year; if the person complies with the conditions, the court may dismiss the infraction.

A person found to have committed a traffic infraction may be permitted to enter into a payment plan on the monetary penalty assessed. If a court determines that a person is not able to pay a monetary obligation in full, and not more than one year has passed since the obligation was due, the court must enter into a payment plan with the person unless the person was previously granted a payment plan on the obligation or the person is out of compliance with another payment plan. If a court-authorized community restitution program is available in the jurisdiction, the court may allow conversion of all or part of the monetary obligations due to court-authorized community restitution in lieu of time payments if the person is unable to make reasonable time payments.

If a person fails to respond to a notice of traffic infraction, or fails to appear at a hearing requested by the person, the court must enter an order assessing the monetary penalty prescribed for the infraction and notify the Department of Licensing (DOL) of the failure to respond or to appear. If the court has notified the DOL that the person failed to pay or comply with a payment plan and the person subsequently enters into a payment plan and makes an initial payment, the court must notify the DOL and the DOL must rescind any suspension of the person's driver's license or driver's privilege based on failure to respond to that infraction.

### **Summary of Bill:**

Community restitution is defined as the performance of a number of hours of community service in lieu of all or part of a monetary penalty, at the rate of the current state minimum wage per hour. Notice of infractions printed after June 1, 2015, must include a statement that a person who receives a traffic infraction must be permitted to request entry into a community restitution plan.

Whenever a monetary penalty is assessed against a person for a traffic infraction, the court must enter into a restitution plan with the person under the following circumstances:

- the person requests a community restitution plan;
- the court finds the person to be indigent, defined as a person who, at any stage of a court proceeding is receiving a certain form of public assistance, is involuntary committed to a public mental health facility, is receiving an annual income, after taxes, of 125 percent or less of the current federally established poverty level, or is unable to pay the anticipated cost of counsel for the matter before the court;
- the person is otherwise eligible; and
- not more than one year has passed since the obligation became due.

Under those circumstances, if the person was previously granted a community restitution plan, or is out of compliance with another plan, the court may enter into a community restitution plan with the person. If the court has notified the DOL that the person failed to pay or comply with a

community restitution plan and the person subsequently enters into a community restitution plan and begins performance of the plan, the court must notify the DOL and the DOL must immediately rescind any suspension of the person's driver's license or driver's privilege based on failure to respond to that infraction.

If a court authorized community restitution program is available in the jurisdiction, the court must allow conversion of all or a part of a monetary obligation to community restitution if the person is eligible to participate in community restitution and is indigent, as defined above.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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