

# HOUSE BILL REPORT

## SHB 2085

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**As Passed House:**  
March 9, 2015

**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 and Ryu).

**Brief History:**

**Committee Activity:**

Public Safety: 2/17/15, 2/20/15 [DPS].

**Floor Activity:**

Passed House: 3/9/15, 83-15.

**Brief Summary of Substitute Bill**

- 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: (1) the person is otherwise eligible; (2) the court determines that the person is indigent; and (3) a court-authorized community restitution program is available in the jurisdiction.

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### HOUSE COMMITTEE ON PUBLIC SAFETY

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Goodman, Chair; Orwall, Vice Chair; Hayes, Assistant Ranking Minority Member; Griffey, Moscoso, Pettigrew and Wilson.

**Minority Report:** Do not pass. Signed by 1 member: Representative Klippert, Ranking Minority Member.

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

**Background:**

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*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.*

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 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 allow the person to enter into a payment plan 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). If the court has notified the DOL, 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 Substitute 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, that has been approved by the court. Notices of infraction printed after July 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. Law enforcement is permitted to continue using notices of infraction printed prior to July 1, 2015, until they exhaust their inventories.

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

- 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 involuntarily 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, the court has discretion to enter into a community restitution plan if the person was previously granted a community restitution plan or is out of compliance with another plan. If the court has notified the DOL that the person failed to pay or comply with the plan and the person subsequently enters into 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 pay or comply.

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 and is indigent.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony:**

(In support) This bill addresses the huge caseloads in district and municipal courts for the crime of Driving While License Suspended (DWLS). Many people have their licenses suspended due to nonpayment or inability to pay traffic tickets. There has been some reduction of this due to county relicensing programs. This bill would help to stop the license suspensions before they start by allowing people to do community service in lieu of fines. This bill allows judges to retain discretion regarding waiving and reducing fines. The bill will bring in more revenue and relieve the burden on individuals who are indigent.

This bill extends community restitution programs when they exist in the jurisdiction. There is a sizable minority of those who cannot afford to pay traffic tickets. Driving While License Suspended in the third degree is a misdemeanor. There were 10,000 fewer charges in the past year. That number represents a 45 percent decrease which is a result of the relicensing programs. This bill will have a positive impact.

(Neutral) The bill's language should be clarified so that law enforcement can continue to use the current forms after the date the new forms are printed so the cost of the old forms is not wasted.

(Opposed) None.

**Persons Testifying:** (In support) Representative Goodman, prime sponsor; Joanne Moore, Office of Public Defense; and Brian Enslow, Washington Association of Counties.

(Neutral) Mellani McAleenan, Administrative Office of the Courts; and Mitch Barker, Washington Association of Sheriffs and Police Chiefs.

**Persons Signed In To Testify But Not Testifying:** None.