

Judiciary Committee

HB 2659

Title: An act relating to the consolidation of traffic-based financial obligations through a unified payment plan system.

Brief Description: Developing a plan for the consolidation of traffic-based financial obligations.

Sponsors: Representatives Jenkins, Hansen, Magendanz, Kilduff and Goodman; by request of Attorney General.

Brief Summary of Bill

- Directs development of a plan to establish a program for the consolidation of an individual's traffic-based financial obligations into a unified and affordable payment plan.

Hearing Date: 1/28/16

Staff: Cece Clynch (786-7195).

Background:

A notice of a traffic infraction is a determination that a person has committed the traffic infraction, and the determination is final unless the person contests the infraction. A person who receives a notice of a traffic infraction may either pay the fine or request a hearing to contest the notice. If the person fails 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.

A form for a notice of a traffic infraction must include a statement that the person may be able to enter into a payment plan with the court. If a court determines, in its discretion, that a person is unable to pay immediately, the court must enter into a payment plan with the person if less than one year has passed since the infraction became due. If the person has previously been granted a payment plan for the same fine, or if the person is in noncompliance with any previous or

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existing payment plan, the court has the discretion to enter into a payment plan with the person. A court may administer the payment plan or a court may contract with outside entities to administer the payment plan.

Failure to respond to the notice, pay the fine, or comply with a payment plan results in license suspension.

Some states have established statewide relicensing programs that enable drivers whose licenses are suspended for delinquent traffic fines to consolidate their fines into an affordable payment plan and have their licenses reinstated.

Summary of Bill:

The Administrative Office of the Courts (AOC), in consultation with the District and Municipal Court Judges' Association and the District and Municipal Court Management Association, must develop a plan to establish a program for the efficient statewide consolidation of an individual's traffic-based financial obligations, imposed by courts of limited jurisdiction (CLJs), into a unified and affordable payment plan. The consolidation plan must:

- provide for participation by all CLJs;
- establish proposed uniform procedures and eligibility criteria for participation by individuals, including how payment plans will be established and participation terminated; and
- provide recommendations regarding how to create and implement the program through Supreme Court rulemaking, legislation, or a combination of the two.

A myriad of considerations that the program may include are described, such as: uniform guidelines for establishing affordable payment plans based on ability to pay; procedures to allow traffic-based financial obligations incurred after establishment of a payment plan to be consolidated with an established payment plan; provisions for waiving interest; a process for proportionally allocating and remitting collections between the courts that imposed the financial obligation; uniform administrative protocols and workflow coordination; and others.

The plan must *not* provide for or make recommendations: regarding reinstatement of driving privileges when the revocation of a person's driving privileges is made mandatory by the provisions of chapter 46.20 RCW or other law; or, related to altering the original amount of any obligation imposed by any CLJ.

A work group of stakeholders is to be convened by the Office of the Attorney General to receive input and provide feedback on the plan and the program. The following must be invited to participate on the work group:

- the administrator for the courts or his or her designee;
- the director of the DOL, or the director's designee;
- a district or municipal court judge, appointed by the District and Municipal Court Judges' Association;
- a prosecutor, appointed by the Washington Association of Prosecuting attorneys, or his or her designee;
- a public defender, jointly appointed by the Washington Defender Association and the Washington Association of Criminal Defense Lawyers;

- a district or municipal court administrator or manager, appointed by the District and Municipal Court Management Association;
- a representative of a civil legal aid organization, appointed by the Office of Civil Legal Aid;
- the Chief of the Washington State Patrol, or the chief's designee;
- a representative of a statewide association of police chiefs and sheriffs, selected by the association;
- the director of the Washington Traffic Safety Commission, or the director's designee;
- a representative of a statewide association of city governments, selected by the association; and
- a representative of a statewide association of counties, selected by the association.

The work group must convene as necessary. Periodically, the AOC may provide updates regarding the plan to the work group of stakeholders which, in turn, provides input and feedback on the plan and the program. The AOC must provide a report to the work group, including a draft final plan, no later than July 1, 2017. The work group must, in turn, provide final feedback and recommendations to the AOC no later than September 15, 2017. A final report from the AOC, detailing its recommendations and the plan, must be submitted to the Supreme Court, the Governor, and the appropriate committees of the Legislature by December 1, 2017.

The act expires December 31, 2017.

Appropriation: None.

Fiscal Note: Available.

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