

HOUSE BILL REPORT

EHB 2659

As Passed House:
February 16, 2016

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 Jinkins, Hansen, Magendanz, Kilduff and Goodman; by request of Attorney General.

Brief History:

Committee Activity:

Judiciary: 1/28/16, 2/4/16 [DP];

General Government & Information Technology: 2/8/16 [DP].

Floor Activity:

Passed House: 2/16/16, 97-0.

Brief Summary of Engrossed 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.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 13 members: Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Goodman, Haler, Hansen, Kirby, Klippert, Kuderer, Muri, Orwall and Stokesbary.

Staff: Cece Clynch (786-7195).

HOUSE COMMITTEE ON GENERAL GOVERNMENT & INFORMATION TECHNOLOGY

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.

Majority Report: Do pass. Signed by 7 members: Representatives Hudgins, Chair; Kuderer, Vice Chair; MacEwen, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Johnson, Morris and Senn.

Staff: Meghan Morris (786-7119).

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 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 Engrossed 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, how payment plans will be established, how community restitution in lieu of all or part of a monetary penalty may be incorporated in the payment plan, and the circumstances and procedures for terminating participation;
- provide recommendations regarding which traffic-based financial obligations should be included or not and whether or not to include obligations arising out of red-light camera, parking, and other nonmoving violations; 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 Department of Licensing 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.

Staff Summary of Public Testimony (Judiciary):

(In support) This bill achieves efficiencies and allows for the collection of as much as possible of the money that is owed without causing job loss or the loss of a license. For those who can afford to pay traffic fines, it is easy to pay and avoid the loss of a license and perhaps, ultimately, the loss of a job. The negative consequences fall disproportionately on minorities. Many persons are financially unable to pay their fines and lose their license as a result, and then continue to drive but are doing so without having any insurance. There is a huge court caseload of Driving While License Suspended in the third degree. While a court does have discretion to provide a payment plan, a court can only do so for that particular court. The organization supports this bill and is submitting a letter to that effect which lists the points in favor of this bill. There are different courts with different policies regarding delinquencies and payment plans. This bill has the support of the Board of Judicial Administration. The AOC has worked with the Attorney General and other stakeholders in drafting this. There is a good chance of developing a plan and a program that can be put in place by next year. It is a complicated task. There were 1 million traffic infractions last year, and there are 300 courts of limited jurisdiction. The bill calls for a small workgroup but retains a role for the bigger group of stakeholders to provide input. A common barrier for persons who have lost their licenses is that they face multi-jurisdictional holds and fines, multiple payment plans, and every jurisdiction has a different procedure. A drivers' license is the first step to self-sufficiency. One woman who was able to stop using drugs through drug court still faced debts due to traffic infractions and had lost her license as a result. Northwest Justice was able to work on her behalf with four different jurisdictions, and ultimately, she got her license back. This will stop the cycle of debt incarceration. Another woman had eight tickets and had her license suspended as a result. After getting clean and sober, and getting a job, she faced difficulties getting to work without a license. Northwest Justice was able to help her get a payment plan that included community service, and she got her license back. This bill is supported for four reasons: (1) jurisdiction – only the state can make this happen; (2) the current system doesn't work, and the evidence says that this will work; (3) this will save money; and (4) it represents the first step in equitable reform.

(Opposed) None.

(Other) The concept has the support of the Association of Washington Cities (AWC), and the AWC is glad to be part of the workgroup, but the AWC was hoping for more time to flesh this out. It is the workgroup that should be developing the plan. Any plan must do more than operate as a cashier. There is a lot of merit in this bill. The Washington Collectors Association has a desire to be part of the process given the expertise of this organization.

Staff Summary of Public Testimony (General Government & Information Technology):

(In support) A lot of people receive traffic infractions in different jurisdictions. House Bill 2659 creates a workgroup to figure out how to consolidate fines across the state and impose a unified payment plan. The plan will help courts collect more fines and assist people who are losing their licenses over something like speeding tickets.

This bill saves local governments money and people from getting entangled in the justice system. Unpaid fines lead people to lose their licenses, which can lead to the loss of employment. Often times, people drive anyway, leading to Driving While License Suspended in the third degree charges. These charges comprise a huge portion of the district and municipal court dockets. This bill is an extension of House Bill 1390 and the legal financial obligations issue, which creates barriers for people.

The Administrative Office of the Courts has worked with the Attorney General's Office (AGO) and other stakeholders to address the complicated work of creating a plan across jurisdictions. This bill starts the planning process, and we hope to have a follow-up bill next year to implement the plan. Just last year there were over 1 million infractions in Washington, which would not all apply under this bill, but that's only one year's worth of infractions. Additionally, the wide case volume spans 300 courts of limited jurisdictions, so applying one court's plan across the state is not simple. We want to create a plan that all courts want to be a part of instead of something we would require them to be a part of within a year. This bill strikes a good balance in creating a workgroup to assess many technical considerations and provide a place for all stakeholders.

(Opposed) None.

(Other) There were good conversations and momentum over the interim, but there are remaining questions and concerns. In this bill, the AGO convenes a work group consisting of many stakeholders that were involved in interim conversations. This workgroup should actually develop the plan so we can continue those conversations. The Senate companion bill was amended to require the work group convened by the AGO to complete the plan.

Persons Testifying (Judiciary): (In support) Representative Jinkins, prime sponsor; Travis Alley, Office of the Attorney General; Sam Meyer, District and Municipal Court Judges Association; Mellani McAleenan, Board for Judicial Administration and Administrative Office of the Courts; Karen Campbell, Northwest Justice Project; Theresa Nisbet; Jessica Jones; and Kelly Thompson, Unitarian Universalist Voices for Justice.

(Other) Jane Wall, Association of Washington Cities; and Chester Baldwin, Washington Collectors Association.

Persons Testifying (General Government & Information Technology): (In support) Travis Alley, Office of the Attorney General; Bob Cooper, Post-Prison Education Program; and Melanie McAleenan, Board for Judicial Administration and Administrative Office of the Courts.

(Other) Jane Wall, Association of Washington Cities.

Persons Signed In To Testify But Not Testifying (Judiciary): None.

Persons Signed In To Testify But Not Testifying (General Government & Information Technology): None.