

HOUSE BILL REPORT

SSB 6360

As Reported by House Committee On: Judiciary

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: Senate Committee on Law & Justice (originally sponsored by Senators O'Ban, Carlyle, Liias, Jayapal, Frockt, King, Pearson, Pedersen, Hasegawa and Chase; by request of Attorney General).

Brief History:

Committee Activity:

Judiciary: 2/23/16, 2/26/16 [DPA].

Brief Summary of Substitute Bill (As Amended by Committee)

- Tasks the Office of the Attorney General (AGO) with convening a workgroup to provide input and feedback on the development of a plan and program for statewide consolidation of an individual's traffic-based financial obligations into a unified and affordable payment plan.
- Requires the AGO to submit a report, by December 1, 2017, detailing its recommendations and the plan and program.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass as amended. 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).

Background:

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.

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 Amended Bill:

The Office of the Attorney General (AGO) must convene a work group of stakeholders to provide input and feedback on the development of a plan and program for the efficient statewide consolidation of an individual's traffic-based financial obligations into a single, affordable payment plan. The work group shall convene as necessary and shall provide final feedback and recommendations to the AGO no later than September 15, 2017.

The following persons must be invited to participate in the work group:

- the Administrator for the courts or his or her designee;
- the Director of the Department of Licensing or his or her 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 the prosecutor's 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;

- a representative of a statewide association of city governments, selected by the association;
- the Director of the Washington Traffic Safety Commission or the Director's designee;
- a representative of a statewide association of counties, selected by the association; and
- a representative of a statewide association of collection professionals.

The consolidation plan must:

- provide for participation by all courts of limited jurisdiction (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 and whether or not to include obligations arising out of red-light camera violations; and
- provide recommendations regarding how to create and implement the program through Supreme Court rule-making, legislation, or a combination of the two.

The program may include: 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.

The AGO must submit a report detailing its recommendations and the plan and program to the Supreme Court, the Governor, and the appropriate committees of the Legislature no later than December 1, 2017.

The act expires December 31, 2017.

Amended Bill Compared to Substitute Bill:

The amended bill retains the underlying bill and adds sections providing direction with respect to what the plan and program must, may, and must not include.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: 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 concerns civil legal financial obligations. For persons who are poor, it can be difficult to get out of the financial hole that may result from traffic-related financial obligations. Something needs to be done. One benefit of doing this will be to unclog the CLJs. Failure to pay can result in license suspension, and Driving While License Suspended in the third degree is a huge chunk of their dockets.

This could improve people's lives. If a person gets a ticket in only one jurisdiction, he or she can get a payment plan, make payments, and continue to drive and work. The problem comes when a person has multiple fines in multiple jurisdictions. This may require hiring an attorney, and it requires cutting checks to different jurisdictions on different dates. If just one payment is missed, the person loses his or her license which then inhibits his or her life and livelihood. Spokane County and nearby jurisdictions have been allowing consolidation for a decade and have met with success.

It is important that one of the bills moves forward. If stakeholders are more comfortable with the Senate bill, that can be supported. Both bills passed unanimously. The House bill had the AOC in the lead. The Senate bill folded them together. The AGO is comfortable with either approach. The House bill will propel things further and faster, and having the CLJs involved in the planning is a good thing. This may provide a model for more than just traffic fines in the future. The concept has the support of the Association of Washington Cities. The Senate bill, with the AGO in the lead, is preferred.

(Opposed) None.

(Other) The Washington Collectors Association is neutral on this bill and opposes the House bill. There should be funding attached to this.

Persons Testifying: (In support) Representative Jinkins; Bob Cooper, Washington Defender Association and Washington Association of Criminal Defense Lawyers; Michael Althaus, Columbia Legal Services; Travis Alley, Office of the Attorney General; Mellani McAleenan, Board for Judicial Administration and Administrative Office of the Courts; and Jane Wall, Association of Washington Cities.

(Other) Chester Baldwin, Washington Collectors Association.

Persons Signed In To Testify But Not Testifying: None.