

SENATE BILL REPORT

SHB 2085

As Reported by Senate Committee On:
Law & Justice, March 31, 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: Passed House: 3/09/15, 83-15.

Committee Activity: Law & Justice: 3/24/15, 3/31/15 [DPA].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass as amended.

Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Darneille, Kohl-Welles, Pearson and Roach.

Staff: Tim Ford (786-7423)

Background: Traffic infractions are non-criminal offenses for which imprisonment cannot be imposed as a sanction. The penalty for a traffic infraction is a monetary fine, but may also include sanctions against a person's driver's license or the suspension, revocation, denial, or nonrenewal of vehicle registration. In general, when a person receives a traffic infraction, the options are to:

- pay the monetary penalty;
- contest the infraction;
- request a reduction of the penalty based on mitigation circumstances; or
- request a deferral of the infraction which may lead to dismissal after a period of time.

Traffic infraction forms provide notice of these options, as well as notice that a person may be able to enter into a payment plan. 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.

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.

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 DOL, the person subsequently enters into a payment plan and makes an initial payment, the court must notify DOL and DOL must rescind any suspension of the person's driver's license or driver's privilege based on failure to respond to that infraction.

Indigent Persons. A court determination will find a person to be indigent where the person:

- is receiving certain forms 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.

Summary of Bill (Recommended Amendments): 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 then state minimum wage per hour, that has been approved by the court. A notice of a traffic infraction printed after July 1, 2015, must include a statement that a person who receives a traffic infraction may 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.

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

The court may enter into a community restitution plan for a traffic infraction whenever a court determines, in its discretion, that a person:

- is indigent;
- requests a community restitution plan;
- is otherwise eligible for community restitution; and
- not more than one year has passed since the obligation became due.

The court may, at its discretion, enter into a community restitution plan for a traffic infraction:

- where a person has previously been granted community restitution for the same monetary obligation,
- is in noncompliance with an existing or prior community restitution plan, or
- during a legal proceeding, such as garnishment, for collection of delinquent amounts owed.

If the court has notified DOL that the person failed to pay or comply, and the person subsequently enters into and begins performance of the community restitution plan, the court

must timely notify DOL. DOL must immediately rescind any suspension of the person's driver's license or driver's privilege based on failure to pay or comply.

EFFECT OF CHANGES MADE BY LAW & JUSTICE COMMITTEE (Recommended Amendments): Removes intent language. Traffic infraction forms must include a statement that a person may be able to request community restitution. The court may, upon request, enter a community restitution plan.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Substitute House Bill: PRO: This bill addresses the root cause of the crime of driving while license suspended (DWLS). The crime of DWLS has a large impact on the caseloads of courts. Many people can't pay their traffic tickets which leads to having their licenses suspended. This bill would allow people to do community restitution in lieu of fines and that way their license should not be suspended. Judges retain discretion regarding waiving and reducing fines.

Persons Testifying: PRO: Representative Goodman, prime sponsor.

Persons Signed in to Testify But Not Testifying: No one.