

SENATE BILL REPORT

SSB 6360

As Amended by House, March 3, 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: Senate Committee on Law & Justice (originally sponsored by Senators O'Ban, Carlyle, Lias, Jayapal, Frockt, King, Pearson, Pedersen, Hasegawa and Chase; by request of Attorney General).

Brief History:

Committee Activity: Law & Justice: 2/01/16, 2/03/16 [DPS].

Passed Senate: 2/17/16, 49-0.

Passed House: 3/03/16, 93-2.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 6360 be substituted therefor, and the substitute bill do pass.

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

Staff: Aldo Melchiori (786-7439)

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 a 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 and less than one year has passed since the infraction became due, the court must enter into a payment plan with the person. If the person has previously been granted a payment plan for the same fine, or if the person is in

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noncompliance with any previous or existing payment plan, the court has the discretion to enter into a payment plan. A court may administer the payment plan itself or may contract with an outside entity to do so.

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

Spokane and King county have established 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 Substitute Bill: A work group of stakeholders is convened by the Office of the Attorney General (AGO) to receive input and provide feedback on a plan and the program for the efficient statewide consolidation of an individual's traffic-based financial obligations imposed by courts of limited jurisdiction into a unified and affordable payment plan. The following people must be invited to participate on the work group:

- the administrator for the courts or the administrator's 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 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;
- 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;
- a representative of a statewide association of counties, selected by the association;
- and
- a representative from a statewide association of collection professionals.

The work group convenes as necessary. The work group provides final feedback and recommendations to the AGO no later than September 15, 2017. A final report from the AGO, detailing its recommendations and the plan, must be submitted to the Supreme Court, the Governor, and the appropriate committees by December 1, 2017.

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 Original Bill: PRO: Unpaid traffic fines are a big impediment for some people who are trying to be responsible, insured drivers. It is currently difficult to get multiple jurisdictions to cooperate in forming a payment plan. Since 2008, Spokane County has worked wonders to formulate payment plans that allow people with suspended licenses to become responsible drivers with insurance. This will make our communities safer. Sometimes it takes years to pay off these fines, but it gives people hope that they will be able to get back on track. This will greatly facilitate statewide coordination. Automotive insurance is required as people are participating in the program. Currently, the plan is only available within each jurisdiction and this would facilitate inter-jurisdictional coordination to help resolve these issues. Courts are heavily burdened dealing with people who are driving while their licenses are suspended for failing to pay their fines. This will help alleviate the court load.

OTHER: The Washington Collectors Association would like to be included in the work group.

Persons Testifying on Original Bill: PRO: Senator O'Ban, Prime Sponsor; Justin Bingham, Prosecuting Attorney, City of Spokane; Nancy Iserlis, City Attorney, City of Spokane; Travis Alley, Office of the Attorney General; Jane Wall, Association of Washington Cities; Melanie Stewart, District and Municipal Court Judges Association.

OTHER: Chester Baldwin, Washington Collectors Association

Persons Signed In To Testify But Not Testifying on Original Bill: No one.

House Amendment(s): The consolidation plan must:

- provide for participation by all courts of limited jurisdiction;
- 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 current law; or
- related to altering the original amount of any obligation imposed by any court.