
ENGROSSED HOUSE BILL 2659

State of Washington

64th Legislature

2016 Regular Session

By Representatives Jenkins, Hansen, Magendanz, Kilduff, and Goodman;
by request of Attorney General

Read first time 01/18/16. Referred to Committee on Judiciary.

1 AN ACT Relating to the consolidation of traffic-based financial
2 obligations through a unified payment plan system; creating new
3 sections; and providing an expiration date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature makes the following
6 findings:

7 (1) Monetary sanctions for traffic offenses exist to hold
8 individuals accountable for failing to follow the rules of the road
9 while promoting public safety and welfare on our public roadways.

10 (2) Failure to pay traffic fines results in drivers having their
11 licenses suspended until regular payments are being made thereby
12 allowing the department of licensing to release the license
13 suspension.

14 (3) Individuals who are economically disadvantaged are not always
15 able, due to their financial circumstances, to satisfy the balance of
16 the financial obligations imposed for traffic offenses without
17 entering a payment plan.

18 (4) The lack of a driver's license increases the difficulty of
19 retaining or finding employment.

20 (5) Research indicates that a large portion of drivers with
21 suspended licenses continue to drive, often without valid insurance,

1 which puts persons at greater risk of economic harm should they be
2 involved in an accident.

3 (6) In addition to the financial burden experienced by
4 individuals, judicial and public safety systems are overburdened with
5 cases involving license suspensions solely for the reason of unpaid
6 traffic-based financial obligations, with approximately one-quarter
7 of all misdemeanor prosecutions being cases for driving while license
8 suspended.

9 (7) Jurisdictions that have implemented a system for unified
10 payment plans have demonstrated increased collections rates for
11 traffic-based financial obligations and reduced prosecution costs.

12 (8) A statewide unified system allowing individuals to
13 consolidate their traffic-based financial obligations into one
14 affordable payment plan would enable drivers to meet their financial
15 obligations and restore their driving privileges more expeditiously
16 without compromising public safety.

17 NEW SECTION. **Sec. 2.** It is the intent of the legislature to
18 create a plan for establishing a statewide unified system for
19 instituting consolidated, reasonable payment plans for traffic-based
20 financial obligations from multiple jurisdictions that will
21 facilitate the reinstatement of driving privileges for individuals
22 successfully meeting their payment obligations. This statewide
23 unified system for consolidating payment plans from multiple
24 jurisdictions is not intended to shorten or otherwise affect the
25 terms of any mandatory license suspension or any nonmonetary order
26 imposed by a court or by the department of licensing in accordance
27 with the laws of the state of Washington.

28 NEW SECTION. **Sec. 3.** (1) Subject to the availability of funds
29 appropriated therefor, the administrative office of the courts shall
30 develop a plan to establish a program for the efficient statewide
31 consolidation of an individual's traffic-based financial obligations
32 imposed by courts of limited jurisdiction into a unified and
33 affordable payment plan. The plan must be developed in consultation
34 with the district and municipal court judges' association and the
35 district and municipal court management association.

36 (2) At a minimum, the plan must:

37 (a) Provide for the participation in the statewide system by all
38 courts of limited jurisdiction;

1 (b) Establish proposed uniform procedures and eligibility
2 criteria for participation in the program by individuals, how payment
3 plans will be established, how community restitution in lieu of all
4 or part of a monetary penalty may be incorporated in the payment
5 plans, and the circumstances and procedures for terminating an
6 individual's participation in the program;

7 (c) Provide recommendations regarding which traffic-based
8 financial obligations should be included and whether any should not
9 be included. These recommendations must address whether or not to
10 include obligations arising out of red-light camera, parking, and
11 other nonmoving violations; and

12 (d) Provide recommendations regarding how to create and implement
13 the program through supreme court rule making, legislation, or a
14 combination thereof.

15 (3) Considerations for the program may include, but not be
16 limited to:

17 (a) Procedures to allow traffic-based financial obligations
18 incurred after establishment of a payment plan to be added to and
19 consolidated with an existing unified payment plan;

20 (b) Provisions for waiving previously accumulated interest once a
21 person is determined to be eligible for the program, establishes a
22 payment plan, and makes an initial payment in accordance with the
23 terms of such a plan;

24 (c) Procedures for communicating to the courts of limited
25 jurisdiction when a person enters into a payment plan for traffic-
26 based financial obligations and makes an initial payment thereon, so
27 that the courts of limited jurisdiction can notify the department of
28 licensing and which shall result in the department of licensing
29 releasing any suspension of that person's driver's license or
30 driver's privilege based on failure to respond to or pay those
31 traffic-based financial obligations;

32 (d) A process for proportionally allocating any moneys collected
33 through a consolidated payment plan between the courts that imposed
34 the financial obligations included in the consolidated plan;

35 (e) Whether to contract with outside entities to administer the
36 program;

37 (f) What fee, if any, should be assessed to the individual
38 participating in the program for the administration of such services,
39 which may be calculated on a periodic, percentage, or other basis,

1 and the limits on such fees if the program is to be administered by
2 an outside entity;

3 (g) Appropriate uniform administrative protocols and associated
4 workflow coordination for the administrative office of the courts and
5 for courts of limited jurisdiction;

6 (h) Uniform guidelines for establishing reasonable, affordable
7 payment plans that are based on an individual's income and capacity
8 to pay, as well as policies and procedures for recording the terms of
9 such plans in a written document provided to program participants;

10 (i) Policies and procedures to remit money received on a monthly
11 basis to courts that includes an accounting of the involved case
12 numbers and their remaining balances due; and

13 (j) Policies and procedures for establishing default for when a
14 program participant fails to meet the terms of the payment plan, for
15 other grounds for terminating program participation, and to provide
16 timely notice to courts.

17 (4) The administrative office of the courts may provide periodic
18 updates regarding the plan to the work group of stakeholders
19 described in this act.

20 (5) The work group of stakeholders may provide input and feedback
21 on the plan and the program to the administrative office of the
22 courts, which shall be considered by the administrative office of the
23 courts, the district and municipal court judges' association, and the
24 district and municipal court management association.

25 (6) The administrative office of the courts shall provide a
26 report to the work group of stakeholders, including a draft final
27 plan, no later than July 1, 2017.

28 NEW SECTION. **Sec. 4.** (1) The office of the attorney general
29 shall convene a work group of stakeholders to provide input and
30 feedback on the development of the plan and program to the
31 administrative office of the courts.

32 (2) At a minimum, the following must be invited to participate in
33 the work group:

34 (a) The administrator for the courts or the administrator for the
35 courts' designee;

36 (b) The director of the Washington state department of licensing
37 or the director's designee;

38 (c) A district or municipal court judge, appointed by the
39 district and municipal court judges' association;

1 (d) A prosecutor, appointed by the Washington association of
2 prosecuting attorneys, or the prosecutor's designee;

3 (e) A public defender, jointly appointed by the Washington
4 defender association and the Washington association of criminal
5 defense lawyers;

6 (f) A district or municipal court administrator or manager,
7 appointed by the district and municipal court management association;

8 (g) A representative of a civil legal aid organization, appointed
9 by the office of civil legal aid;

10 (h) The chief of the Washington state patrol, or the chief's
11 designee;

12 (i) A representative of a statewide association of police chiefs
13 and sheriffs, selected by the association;

14 (j) The director of the Washington traffic safety commission, or
15 the director's designee;

16 (k) A representative of a statewide association of city
17 governments, selected by the association; and

18 (l) A representative of a statewide association of counties,
19 selected by the association.

20 (3) The work group shall convene as necessary.

21 (4) The stakeholder work group shall provide final feedback and
22 recommendations to the administrative office of the courts no later
23 than September 15, 2017.

24 NEW SECTION. **Sec. 5.** (1) Notwithstanding any other provision in
25 this act, the plan required by this act must not:

26 (a) Provide for or make recommendations regarding the
27 reinstatement of driving privileges when the revocation of a person's
28 driving privileges is made mandatory by the provisions of chapter
29 46.20 RCW or other law; or

30 (b) Include provisions or recommendations related to altering the
31 original amount of any traffic-based financial obligation imposed by
32 any court of limited jurisdiction.

33 (2) Nothing herein prohibits local jurisdictions or state
34 agencies from offering training in how to provide participants with
35 life skills, driver's education, or budget management classes, or
36 from offering other resources targeted towards addressing the social
37 barriers facing participants with chronically suspended driver's
38 licenses for unpaid traffic fines.

1 NEW SECTION. **Sec. 6.** The administrative office of the courts
2 shall submit a report detailing its recommendations and the plan
3 required by this act to the Washington state supreme court, the
4 governor, and appropriate committees of the legislature no later than
5 December 1, 2017.

6 NEW SECTION. **Sec. 7.** This act expires December 31, 2017.

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