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HOUSE BILL 2659

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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, and the circumstances and procedures for  
4 terminating an individual's participation in the program; and

5 (c) Provide recommendations regarding how to create and implement  
6 the program through supreme court rule making, legislation, or a  
7 combination thereof.

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

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

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

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

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

28 (e) Whether to contract with outside entities to administer the  
29 program;

30 (f) What fee, if any, should be assessed to the individual  
31 participating in the program for the administration of such services,  
32 which may be calculated on a periodic, percentage, or other basis,  
33 and the limits on such fees if the program is to be administered by  
34 an outside entity;

35 (g) Appropriate uniform administrative protocols and associated  
36 workflow coordination for the administrative office of the courts and  
37 for courts of limited jurisdiction;

38 (h) Uniform guidelines for establishing reasonable, affordable  
39 payment plans that are based on an individual's income and capacity

1 to pay, as well as policies and procedures for recording the terms of  
2 such plans in a written document provided to program participants;

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

6 (j) Policies and procedures for establishing default for when a  
7 program participant fails to meet the terms of the payment plan, for  
8 other grounds for terminating program participation, and to provide  
9 timely notice to courts.

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

13 (5) The work group of stakeholders may provide input and feedback  
14 on the plan and the program to the administrative office of the  
15 courts, which shall be considered by the administrative office of the  
16 courts, the district and municipal court judges' association, and the  
17 district and municipal court management association.

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

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

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

27 (a) The administrator for the courts or the administrator for the  
28 courts' designee;

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

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

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

35 (e) A public defender, jointly appointed by the Washington  
36 defender association and the Washington association of criminal  
37 defense lawyers;

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

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

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

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

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

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

11 (l) A representative of a statewide association of counties,  
12 selected by the association.

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

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

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

19 (a) Provide for or make recommendations regarding the  
20 reinstatement of driving privileges when the revocation of a person's  
21 driving privileges is made mandatory by the provisions of chapter  
22 46.20 RCW or other law; or

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

26 (2) Nothing herein prohibits local jurisdictions or state  
27 agencies from offering training in how to provide participants with  
28 life skills, driver's education, or budget management classes, or  
29 from offering other resources targeted towards addressing the social  
30 barriers facing participants with chronically suspended driver's  
31 licenses for unpaid traffic fines.

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

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

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