
HOUSE BILL 2421

State of Washington

65th Legislature

2018 Regular Session

By Representatives Jenkins, Haler, Kilduff, Valdez, Orwall, Muri, Gregerson, Kirby, Stanford, Kagi, Lytton, Clibborn, Appleton, Pollet, and Ormsby; by request of Attorney General

Read first time 01/09/18. Referred to Committee on Judiciary.

1 AN ACT Relating to creating a program for the consolidation of
2 traffic-based financial obligations; amending RCW 2.56.030 and
3 46.63.110; adding a new section to chapter 2.56 RCW; and creating a
4 new section.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that driver's
7 license suspensions are a frequent consequence when individuals fail
8 to pay their traffic fines, and that such failure to pay is sometimes
9 caused by the inability of an individual to pay all of the fines at
10 once. The legislature desires to provide a mechanism for
11 consolidating a person's traffic-based financial obligations into a
12 single affordable payment plan that facilitates the appropriate
13 reinstatement of driving privileges.

14 **Sec. 2.** RCW 2.56.030 and 2009 c 479 s 2 are each amended to read
15 as follows:

16 The administrator for the courts shall, under the supervision and
17 direction of the chief justice:

18 (1) Examine the administrative methods and systems employed in
19 the offices of the judges, clerks, stenographers, and employees of

1 the courts and make recommendations, through the chief justice, for
2 the improvement of the same;

3 (2) Examine the state of the dockets of the courts and determine
4 the need for assistance by any court;

5 (3) Make recommendations to the chief justice relating to the
6 assignment of judges where courts are in need of assistance and carry
7 out the direction of the chief justice as to the assignments of
8 judges to counties and districts where the courts are in need of
9 assistance;

10 (4) Collect and compile statistical and other data and make
11 reports of the business transacted by the courts and transmit the
12 same to the chief justice to the end that proper action may be taken
13 in respect thereto;

14 (5) Prepare and submit budget estimates of state appropriations
15 necessary for the maintenance and operation of the judicial system
16 and make recommendations in respect thereto;

17 (6) Collect statistical and other data and make reports relating
18 to the expenditure of public moneys, state and local, for the
19 maintenance and operation of the judicial system and the offices
20 connected therewith;

21 (7) Obtain reports from clerks of courts in accordance with law
22 or rules adopted by the supreme court of this state on cases and
23 other judicial business in which action has been delayed beyond
24 periods of time specified by law or rules of court and make report
25 thereof to supreme court of this state;

26 (8) Act as secretary of the judicial conference referred to in
27 RCW 2.56.060;

28 (9) Submit annually, as of February 1st, to the chief justice, a
29 report of the activities of the administrator's office for the
30 preceding calendar year including activities related to courthouse
31 security;

32 (10) Administer programs and standards for the training and
33 education of judicial personnel;

34 (11) Examine the need for new superior court and district court
35 judge positions under an objective workload analysis. The results of
36 the objective workload analysis shall be reviewed by the board for
37 judicial administration which shall make recommendations to the
38 legislature. It is the intent of the legislature that an objective
39 workload analysis become the basis for creating additional district

1 and superior court positions, and recommendations should address that
2 objective;

3 (12) Provide staff to the judicial retirement account plan under
4 chapter 2.14 RCW;

5 (13) Attend to such other matters as may be assigned by the
6 supreme court of this state;

7 (14) Within available funds, develop a curriculum for a general
8 understanding of child development, placement, and treatment
9 resources, as well as specific legal skills and knowledge of relevant
10 statutes including chapters 13.32A, 13.34, and 13.40 RCW, cases,
11 court rules, interviewing skills, and special needs of the abused or
12 neglected child. This curriculum shall be completed and made
13 available to all juvenile court judges, court personnel, and service
14 providers and be updated yearly to reflect changes in statutes, court
15 rules, or case law;

16 (15) Develop, in consultation with the entities set forth in RCW
17 2.56.150(3), a comprehensive statewide curriculum for persons who act
18 as guardians ad litem under Title 13 or 26 RCW. The curriculum shall
19 be made available July 1, 2008, and include specialty sections on
20 child development, child sexual abuse, child physical abuse, child
21 neglect, domestic violence, clinical and forensic investigative and
22 interviewing techniques, family reconciliation and mediation
23 services, and relevant statutory and legal requirements. The
24 curriculum shall be made available to all superior court judges,
25 court personnel, and all persons who act as guardians ad litem;

26 (16) Develop a curriculum for a general understanding of crimes
27 of malicious harassment, as well as specific legal skills and
28 knowledge of RCW 9A.36.080, relevant cases, court rules, and the
29 special needs of malicious harassment victims. This curriculum shall
30 be made available to all superior court and court of appeals judges
31 and to all justices of the supreme court;

32 (17) Develop, in consultation with the criminal justice training
33 commission and the commissions established under chapters 43.113,
34 43.115, and 43.117 RCW, a curriculum for a general understanding of
35 ethnic and cultural diversity and its implications for working with
36 youth of color and their families. The curriculum shall be available
37 to all superior court judges and court commissioners assigned to
38 juvenile court, and other court personnel. Ethnic and cultural
39 diversity training shall be provided annually so as to incorporate

1 cultural sensitivity and awareness into the daily operation of
2 juvenile courts statewide;

3 (18) Authorize the use of closed circuit television and other
4 electronic equipment in judicial proceedings. The administrator shall
5 promulgate necessary standards and procedures and shall provide
6 technical assistance to courts as required;

7 (19) Develop a Washington family law handbook in accordance with
8 RCW 2.56.180;

9 (20) Administer state funds for improving the operation of the
10 courts and provide support for court coordinating councils, under the
11 direction of the board for judicial administration;

12 (21) Administer the family and juvenile court improvement grant
13 program;

14 (22)(a) Administer and distribute amounts appropriated under RCW
15 43.08.250(2) for district court judges' and qualifying elected
16 municipal court judges' salary contributions. The administrator for
17 the courts shall develop a distribution formula for these amounts
18 that does not differentiate between district and elected municipal
19 court judges.

20 (b) A city qualifies for state contribution of elected municipal
21 court judges' salaries under (a) of this subsection if:

22 (i) The judge is serving in an elected position;

23 (ii) The city has established by ordinance that a full-time judge
24 is compensated at a rate equivalent to at least ninety-five percent,
25 but not more than one hundred percent, of a district court judge
26 salary or for a part-time judge on a pro rata basis the same
27 equivalent; and

28 (iii) The city has certified to the office of the administrator
29 for the courts that the conditions in (b)(i) and (ii) of this
30 subsection have been met;

31 (23) Subject to the availability of funds specifically
32 appropriated therefor, assist courts in the development and
33 implementation of language assistance plans required under RCW
34 2.43.090;

35 (24) Establish a unified payment plan system for the
36 consolidation of multiple traffic-based financial obligations in
37 accordance with section 3 of this act.

38 NEW SECTION. Sec. 3. A new section is added to chapter 2.56 RCW
39 to read as follows:

1 (1) The administrator for the courts shall create a unified
2 payment plan system to allow for the consolidation of multiple
3 traffic-based financial obligations from courts of limited
4 jurisdiction.

5 (2) For purposes of this section:

6 (a) "Payment plan" has the meaning provided in RCW 46.63.110(6).

7 (b) "Traffic-based financial obligations" means any monetary
8 penalty or monetary obligation imposed when a person is either found
9 to have committed a traffic infraction or found to be guilty of a
10 traffic misdemeanor or gross misdemeanor offense, and includes all
11 associated costs, fees, fines, and pecuniary penalties.

12 (3) The administrator for the courts may use collection agencies
13 to the same extent as courts of limited jurisdiction as provided in
14 RCW 3.02.045.

15 (4) Except as provided in subsection (5) of this section, a
16 person is eligible to participate in the unified payment plan system
17 when he or she has either:

18 (a) More than one order for a license suspension issued pursuant
19 to RCW 46.20.289 on his or her driving abstract in effect at the time
20 of application; or

21 (b) One order for a license suspension issued pursuant to RCW
22 46.20.289 on his or her driving abstract in effect at the time of
23 application and outstanding traffic-based financial obligations
24 totaling more than seven hundred fifty dollars.

25 (5)(a) A person is ineligible to participate in the unified
26 payment plan system if he or she is the subject of any outstanding
27 arrest warrant.

28 (b) A person is temporarily ineligible to participate in the
29 unified payment plan system for a period of two years if he or she
30 had his or her payment plan terminated more than three times in the
31 most recent three-year period.

32 (6) The supreme court shall prescribe by rule a policy governing
33 payment plan terms for the unified payment plan system. The
34 legislature respectfully requests the supreme court to review the
35 policy every two years in conjunction with adjusting the schedule of
36 monetary penalties for designated traffic infractions as provided in
37 RCW 46.63.110(3).

38 **Sec. 4.** RCW 46.63.110 and 2012 c 82 s 1 are each amended to read
39 as follows:

1 (1) A person found to have committed a traffic infraction shall
2 be assessed a monetary penalty. No penalty may exceed two hundred and
3 fifty dollars for each offense unless authorized by this chapter or
4 title.

5 (2) The monetary penalty for a violation of (a) RCW 46.55.105(2)
6 is two hundred fifty dollars for each offense; (b) RCW 46.61.210(1)
7 is five hundred dollars for each offense. No penalty assessed under
8 this subsection (2) may be reduced.

9 (3) The supreme court shall prescribe by rule a schedule of
10 monetary penalties for designated traffic infractions. This rule
11 shall also specify the conditions under which local courts may
12 exercise discretion in assessing fines and penalties for traffic
13 infractions. The legislature respectfully requests the supreme court
14 to adjust this schedule every two years for inflation.

15 (4) There shall be a penalty of twenty-five dollars for failure
16 to respond to a notice of traffic infraction except where the
17 infraction relates to parking as defined by local law, ordinance,
18 regulation, or resolution or failure to pay a monetary penalty
19 imposed pursuant to this chapter. A local legislative body may set a
20 monetary penalty not to exceed twenty-five dollars for failure to
21 respond to a notice of traffic infraction relating to parking as
22 defined by local law, ordinance, regulation, or resolution. The local
23 court, whether a municipal, police, or district court, shall impose
24 the monetary penalty set by the local legislative body.

25 (5) Monetary penalties provided for in chapter 46.70 RCW which
26 are civil in nature and penalties which may be assessed for
27 violations of chapter 46.44 RCW relating to size, weight, and load of
28 motor vehicles are not subject to the limitation on the amount of
29 monetary penalties which may be imposed pursuant to this chapter.

30 (6) Whenever a monetary penalty, fee, cost, assessment, or other
31 monetary obligation is imposed by a court under this chapter, it is
32 immediately payable and is enforceable as a civil judgment under
33 Title 6 RCW. If the court determines, in its discretion, that a
34 person is not able to pay a monetary obligation in full, and not more
35 than one year has passed since the later of July 1, 2005, or the date
36 the monetary obligation initially became due and payable, the court
37 shall enter into a payment plan with the person, unless the person
38 has previously been granted a payment plan with respect to the same
39 monetary obligation, or unless the person is in noncompliance of any
40 existing or prior payment plan, in which case the court may, at its

1 discretion, implement a payment plan. If the court has notified the
2 department that the person has failed to pay or comply and the person
3 has subsequently entered into a payment plan and made an initial
4 payment, the court shall notify the department that the infraction
5 has been adjudicated, and the department shall rescind any suspension
6 of the person's driver's license or driver's privilege based on
7 failure to respond to that infraction. "Payment plan," as used in
8 this section, means a plan that requires reasonable payments based on
9 the financial ability of the person to pay. The person may
10 voluntarily pay an amount at any time in addition to the payments
11 required under the payment plan.

12 (a) If a payment required to be made under the payment plan is
13 delinquent or the person fails to complete a community restitution
14 program on or before the time established under the payment plan,
15 unless the court determines good cause therefor and adjusts the
16 payment plan or the community restitution plan accordingly, the court
17 may refer the unpaid monetary penalty, fee, cost, assessment, or
18 other monetary obligation for civil enforcement until all monetary
19 obligations, including those imposed under subsections (3) and (4) of
20 this section, have been paid, and court authorized community
21 restitution has been completed, or until the court has entered into a
22 new time payment or community restitution agreement with the person.
23 For those infractions subject to suspension under RCW 46.20.289, the
24 court shall notify the department of the person's failure to meet the
25 conditions of the plan, and the department shall suspend the person's
26 driver's license or driving privileges.

27 (b) If a person has not entered into a payment plan with the
28 court and has not paid the monetary obligation in full on or before
29 the time established for payment, the court may refer the unpaid
30 monetary penalty, fee, cost, assessment, or other monetary obligation
31 to a collections agency until all monetary obligations have been
32 paid, including those imposed under subsections (3) and (4) of this
33 section, or until the person has entered into a payment plan under
34 this section or has entered into a payment plan through the unified
35 payment plan system authorized under section 3 of this act. For those
36 infractions subject to suspension under RCW 46.20.289, the court
37 shall notify the department of the person's delinquency, and the
38 department shall suspend the person's driver's license or driving
39 privileges.

1 (c) If a person has not entered into a payment plan with the
2 court and has not paid the monetary obligation in full on or before
3 the time established for payment, the person, if eligible, may apply
4 to participate in the unified payment plan system authorized under
5 section 3 of this act.

6 (d) If the payment plan is to be administered by the court or the
7 administrator for the courts, the court or the administrator for the
8 courts may assess the person a reasonable administrative fee ((~~to~~
9 be)). If such fee is assessed by the court, the fee is wholly
10 retained by the city or county with jurisdiction. If such fee is
11 assessed by the administrator for the courts, the fee is wholly
12 retained by the administrator for the courts. The administrative fee
13 shall not exceed ten dollars per infraction or twenty-five dollars
14 per payment plan, whichever is less, except that when the
15 administrative fee is assessed by the administrator for the courts
16 the fee may be equivalent to the amount allowed under RCW
17 46.20.341(2)(e).

18 ((~~d~~)) (e) Nothing in this section precludes a court or the
19 administrator for the courts from contracting with outside entities
20 to administer its payment plan system. When outside entities are used
21 for the administration of a payment plan, the court or the
22 administrator for the courts may assess the person a reasonable fee
23 for such administrative services, which fee may be calculated on a
24 periodic, percentage, or other basis.

25 ((~~e~~)) (f) If a court authorized community restitution program
26 for offenders is available in the jurisdiction, the court may allow
27 conversion of all or part of the monetary obligations due under this
28 section to court authorized community restitution in lieu of time
29 payments if the person is unable to make reasonable time payments.

30 (7) In addition to any other penalties imposed under this section
31 and not subject to the limitation of subsection (1) of this section,
32 a person found to have committed a traffic infraction shall be
33 assessed:

34 (a) A fee of five dollars per infraction. Under no circumstances
35 shall this fee be reduced or waived. Revenue from this fee shall be
36 forwarded to the state treasurer for deposit in the emergency medical
37 services and trauma care system trust account under RCW 70.168.040;

38 (b) A fee of ten dollars per infraction. Under no circumstances
39 shall this fee be reduced or waived. Revenue from this fee shall be

1 forwarded to the state treasurer for deposit in the Washington auto
2 theft prevention authority account; and

3 (c) A fee of two dollars per infraction. Revenue from this fee
4 shall be forwarded to the state treasurer for deposit in the
5 traumatic brain injury account established in RCW 74.31.060.

6 (8)(a) In addition to any other penalties imposed under this
7 section and not subject to the limitation of subsection (1) of this
8 section, a person found to have committed a traffic infraction other
9 than of RCW 46.61.527 or 46.61.212 shall be assessed an additional
10 penalty of twenty dollars. The court may not reduce, waive, or
11 suspend the additional penalty unless the court finds the offender to
12 be indigent. If a court authorized community restitution program for
13 offenders is available in the jurisdiction, the court shall allow
14 offenders to offset all or a part of the penalty due under this
15 subsection (8) by participation in the court authorized community
16 restitution program.

17 (b) Eight dollars and fifty cents of the additional penalty under
18 (a) of this subsection shall be remitted to the state treasurer. The
19 remaining revenue from the additional penalty must be remitted under
20 chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted
21 under this subsection to the state treasurer must be deposited in the
22 state general fund. The balance of the revenue received by the county
23 or city treasurer under this subsection must be deposited into the
24 county or city current expense fund. Moneys retained by the city or
25 county under this subsection shall constitute reimbursement for any
26 liabilities under RCW 43.135.060.

27 (9) If a legal proceeding, such as garnishment, has commenced to
28 collect any delinquent amount owed by the person for any penalty
29 imposed by the court under this section, the court may, at its
30 discretion, enter into a payment plan.

31 (10) The monetary penalty for violating RCW 46.37.395 is: (a) Two
32 hundred fifty dollars for the first violation; (b) five hundred
33 dollars for the second violation; and (c) seven hundred fifty dollars
34 for each violation thereafter.

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