
SENATE BILL 6344

State of Washington

65th Legislature

2018 Regular Session

By Senators O'Ban, Mullet, Wilson, Takko, Padden, Palumbo, Angel, Darneille, and Hasegawa

Read first time 01/12/18. Referred to Committee on Law & Justice.

1 AN ACT Relating to creating a program for the reinstatement of
2 driving privileges that are suspended because of failure to pay a
3 traffic infraction; amending RCW 46.20.289; adding a new section to
4 chapter 46.20 RCW; creating a new section; and providing an effective
5 date.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that driver's
8 license suspension is a frequent consequence when individuals fail to
9 pay their traffic fines, and that the failure to pay fines is
10 sometimes caused by the inability of an individual to pay all of the
11 fines at once. The legislature desires to provide a mechanism for
12 allowing individuals with driver's license suspensions due to unpaid
13 fines the ability to reinstate their drivers' licenses, while holding
14 the individuals responsible for their unlawful behavior and for
15 payment of the fines imposed, and also while minimizing to the extent
16 possible the impact on taxpayers to fund additional bureaucracies to
17 manage the process.

18 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.20
19 RCW to read as follows:

1 (1) The legislature hereby creates a program to provide a path
2 for the reinstatement of driving privileges that are suspended
3 because of failure to pay a traffic infraction.

4 (2) A person qualifies for entry into the program if:

5 (a) That person provides proof of financial responsibility as
6 defined in RCW 46.29.260;

7 (b) That person's driver's license or driving privilege has been
8 suspended under RCW 46.20.289; and

9 (c) That person has two or more unpaid infractions that are the
10 basis of the suspension referred to one or more collection agencies.

11 (3) The department shall develop an application form and a
12 process for validating them to be used by applicants for the program,
13 and shall consider input from a statewide association representing
14 collection agencies in the development of such an application.

15 (4) Any person qualifying for the program may enter the program
16 by completing the application developed under subsection (3) of this
17 section, submitting the validated application to any one collection
18 agency that has been referred any unpaid infraction under subsection
19 (2)(b) of this section, and making the first payment required under
20 the payment program.

21 (5) Upon receipt of a complete and valid application, the
22 receiving collection agency is the active collection agency for
23 purposes of this section, and shall notify the department, in a
24 format acceptable to the department, within two business days upon
25 receipt of the participant's first regular monthly payment under
26 subsection (6) of this section, of the participant's enrollment in
27 the program and payment of the first monthly payment. The active
28 collection agency may charge a transaction fee for processing a
29 credit card payment that is equal to either the issuing court's
30 processing fee or up to three percent of the payment amount; provided
31 that a no-cost payment option is available to the debtor and the
32 option is disclosed to the debtor at the same time and in the same
33 manner as the debtor's credit card information is taken. Upon such
34 notice, the department shall rescind the suspension of the
35 participant's driver's license or driving privilege under RCW
36 46.20.289.

37 (6) While participating in the program, the participant must make
38 regular monthly payments to the active collection agency. The monthly
39 minimum payment is fifty dollars for balances up to five hundred
40 dollars, one hundred dollars for balances over five hundred dollars

1 but less than one thousand dollars, and one hundred fifty dollars for
2 balances over one thousand dollars, unless an individualized
3 assessment of ability to pay has been performed. For purposes of this
4 subsection, "balances" means the balance of the participant's unpaid
5 infractions, including any fees or costs assessed, held by the active
6 collection agency. If a participant fails to make a payment on or
7 before the scheduled due date as required by this subsection, the
8 participant shall be removed from the program by the active
9 collection agency.

10 (7) While participating in the program, the active collection
11 agency shall suspend all accrued interest on the obligations of the
12 participant.

13 (a) If the participant successfully completes the program under
14 subsection (10) of this section, the active collection agency shall
15 waive all accrued interest on the obligations held by that agency; or

16 (b) If the participant is removed from the program, all interest
17 suspended under this section shall be reinstated.

18 (8) A participant's driver's license or driving privilege must
19 not be suspended under RCW 46.20.289 for any notices from a court,
20 state, or other jurisdiction received prior to the notice from a
21 collection agency referenced in subsection (5) of this section,
22 during such time that the participant remains a participant in the
23 program.

24 (9) Maintain proof of financial responsibility as defined in RCW
25 46.29.260.

26 (10) If a participant is removed from the program under
27 subsection (6), (9), or (11)(b) of this section:

28 (a) The active collection agency shall notify the department in a
29 format acceptable to the department;

30 (b) The department shall suspend once again the participant's
31 driver's license or driving privilege under RCW 46.20.289; and

32 (c) The person removed from the program may be reinstated in the
33 program by again submitting the application in subsection (4) of this
34 section, except that no person may be reinstated in the program more
35 than two times in any five-year period.

36 (11) If a person participating in the program created by this
37 section pays in full all obligations held by the active collection
38 agency:

39 (a) The active collection agency shall provide the participant
40 and the department with a statement showing the obligation as paid in

1 full, and the contact information for any other collection agency
2 holding an unpaid infraction that, but for the participant's
3 participation in the program created in this section, would result in
4 suspension of the participant's driver's license or driving privilege
5 under RCW 46.20.289, as disclosed by the participant in his or her
6 application; and

7 (b) If additional collection agencies are identified under (a) of
8 this subsection, the participant must, within thirty days, submit an
9 application developed under subsection (3) of this section to one of
10 the other collection agencies, and must make payments to the
11 collection agency as required under the payment program. The
12 participant may submit a copy of the initial application to fulfill
13 the application requirement. Upon submission of the application, the
14 collection agency contacted becomes the active collection agency for
15 purposes of this section. The collection agency shall notify the
16 department within two business days upon receipt of the participant's
17 first regular monthly payment under subsection (6) of this section.
18 If the department does not receive notice from a collection agency
19 that the participant has established a new payment program with
20 another collection agency within thirty-seven days after the notice
21 provided to the department under subsection (10)(a) of this section,
22 the department shall suspend once again the participant's driver's
23 license or driving privilege under RCW 46.20.289.

24 (12) A participant may remain in the program until such time that
25 all collection agencies holding unpaid infractions that are
26 suspending the participant's driver's license or driving privileges
27 are paid in full, or until the participant is removed from the
28 program under subsection (6) or (11)(b) of this section.

29 (13) The department may adopt rules necessary to implement this
30 section.

31 (14) The definitions in this subsection apply throughout this
32 section unless the context clearly requires otherwise.

33 (a) "Active collection agency" means the collection agency to
34 which a program participant is required to make monthly payments.

35 (b) "Participant" means a person who is enrolled in the program.

36 (c) "Program" means the program created by this section.

37 (d) "Unpaid infraction" means an unpaid monetary penalty, fee,
38 cost, assessment, or other monetary obligation.

39 (15) A program for the reinstatement of driving privileges for
40 any participant created under this section shall not be construed to

1 arise out of a contract or agreement, express or implied, and shall
2 not be subject to RCW 19.16.250, prohibited practices.

3 **Sec. 3.** RCW 46.20.289 and 2016 c 203 s 6 are each amended to
4 read as follows:

5 The department shall suspend all driving privileges of a person
6 when the department receives notice from a court under RCW
7 46.63.070(6), 46.63.110(6), or 46.64.025 that the person has failed
8 to respond to a notice of traffic infraction for a moving violation,
9 failed to appear at a requested hearing for a moving violation,
10 violated a written promise to appear in court for a notice of
11 infraction for a moving violation, or has failed to comply with the
12 terms of a notice of traffic infraction, criminal complaint, or
13 citation for a moving violation, or when the department receives
14 notice from another state under Article IV of the nonresident
15 violator compact under RCW 46.23.010 or from a jurisdiction that has
16 entered into an agreement with the department under RCW 46.23.020,
17 other than for a standing, stopping, or parking violation, provided
18 that the traffic infraction or traffic offense is committed on or
19 after July 1, 2005. A suspension under this section takes effect
20 pursuant to the provisions of RCW 46.20.245, and remains in effect
21 until the department has received a certificate from the court
22 showing that the case has been adjudicated or until the department
23 has received notice as described in section 2(5) of this act, and
24 until the person meets the requirements of RCW 46.20.311. In the case
25 of failure to respond to a traffic infraction issued under RCW
26 46.55.105, the department shall suspend all driving privileges until
27 the person provides evidence from the court that all penalties and
28 restitution have been paid. A suspension under this section does not
29 take effect if, prior to the effective date of the suspension, the
30 department receives a certificate from the court showing that the
31 case has been adjudicated.

32 NEW SECTION. **Sec. 4.** This act takes effect January 1, 2019.

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