
SUBSTITUTE HOUSE BILL 1489

State of Washington

66th Legislature

2019 Regular Session

By House Civil Rights & Judiciary (originally sponsored by Representatives Goodman, Frame, Appleton, Valdez, Walen, and Jinkins; by request of Attorney General)

READ FIRST TIME 02/22/19.

1 AN ACT Relating to creating a program for the consolidation of
2 traffic-based financial obligations to facilitate reinstatement of
3 driving privileges that are suspended because of failure to pay;
4 amending RCW 46.63.110; adding a new section to chapter 46.63 RCW;
5 adding a new section to chapter 46.64 RCW; creating a new section;
6 and providing an effective date.

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

8 NEW SECTION. **Sec. 1.** The legislature finds that suspension of
9 driving privileges is a consequence when a person fails to pay
10 certain civil or criminal traffic fines. The legislature also finds
11 that the failure to pay fines is sometimes caused by a person's
12 inability to pay all outstanding financial obligations at once.
13 Moreover, creating and maintaining an affordable payment plan to
14 satisfy such outstanding obligations can be complicated when a person
15 faces fines from multiple jurisdictions simultaneously, especially if
16 such jurisdictions use different entities for collection services.
17 The legislature desires to establish an efficient and economical
18 means by which persons with suspended driving privileges due to
19 unpaid fines in multiple jurisdictions can consolidate the unpaid
20 fines into a single affordable payment plan, which will allow persons
21 to reinstate their driving privileges while still holding them

1 responsible for their unlawful behavior and accountable for payment
2 of the fines imposed.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.63
4 RCW to read as follows:

5 (1) There is created a program for the consolidation of traffic-
6 based financial obligations from multiple courts of limited
7 jurisdiction into a consolidated payment plan, to provide a path for
8 the reinstatement of driving privileges that are suspended because of
9 failure to comply with the terms of a notice of traffic infraction,
10 criminal complaint, or citation for a moving violation.

11 (a) The administrative office of the courts shall oversee the
12 program created by this section, and shall contract with a private
13 agency or entity to act as program administrator to implement,
14 administer, and service the consolidated payment plans authorized
15 under the program created by this section.

16 (i) For the purposes of this section, the administrative office
17 of the courts shall have authority equivalent to courts of limited
18 jurisdiction as provided in RCW 3.02.045 and 46.63.110 to use one or
19 more attorneys, accounts receivable companies, or collection agencies
20 for purposes of collecting outstanding traffic-based financial
21 obligations or administering payment plans and use credit cards or
22 debit cards for purposes of billing and collecting unpaid traffic-
23 based financial obligations, and, in the case of credit cards, assess
24 as court costs the moneys paid for remuneration for services or
25 charges paid to financial institutions.

26 (ii) Any program administrator that the administrative office of
27 the courts contracts with under this section shall be licensed to
28 operate in the state, and preference in the awarding of any contract
29 shall be given to private agencies or entities with principals who
30 have experience operating on behalf of one or more courts of limited
31 jurisdiction in Washington.

32 (iii) Any program administrator that the administrative office of
33 the courts contracts with under this section shall provide at least
34 one payment option for participants that does not require or involve
35 additional payment processing fees.

36 (b) In consultation with the Washington state district and
37 municipal court judges' association and a statewide association
38 representing collection agencies, the administrative office of the
39 courts shall develop an online and paper application form to be used

1 by applicants for the program created by this section. The
2 application form shall include a section asking a prospective
3 participant to attest, under penalty of perjury, if that person's
4 annual income, after taxes, is one hundred twenty-five percent or
5 less of the current federally established poverty level, or if that
6 person receives one or more of the following types of public
7 assistance: Temporary assistance for needy families; aged, blind, or
8 disabled assistance benefits; medical care services under RCW
9 74.09.035; pregnant women assistance benefits; poverty-related
10 veterans' benefits; food stamps or food stamp benefits transferred
11 electronically; refugee resettlement benefits; medicaid; or
12 supplemental security income.

13 (c) The administrative office of the courts may assess program
14 participants a one-time payment plan establishment fee up to the
15 amount allowed under RCW 46.20.341(2)(e). The fee shall be included
16 in the total to be paid by the program participant. The fee hereby
17 authorized is not subject to chapters 3.50, 3.62, and 35.20 RCW, and
18 shall be used by the administrative office of the courts to support
19 oversight of the program, with five percent of the establishment fee
20 deposited into the state general fund to be transmitted by the state
21 treasurer to the department to support public education about the
22 program and what is required for a person to have that person's
23 driving privileges restored.

24 (d) The administrative office of the courts may adopt policies
25 that are necessary or convenient for purposes of administering the
26 program created by this section including, but not limited to,
27 policies governing the creation of the application form, payment plan
28 terms, and other procedural rules or administrative matters within
29 the purview of the judiciary. Prior to issuing any new policy for the
30 program, the administrative office of the courts is encouraged to
31 solicit public comment and consult with stakeholders, including, but
32 not limited to, the Washington state district and municipal court
33 judges' association, civil legal aid organizations, and a statewide
34 association representing collection agencies.

35 (2) A person qualifies for entry into the program created by this
36 section if:

37 (a) That person's driving privileges have been suspended pursuant
38 to RCW 46.20.289 or that person has received a notice as provided in
39 RCW 46.20.245 of a proposed suspension of driving privileges pursuant
40 to RCW 46.20.289; and

1 (b) That person has unpaid traffic-based financial obligations
2 imposed by two or more different courts of limited jurisdiction, each
3 of which could independently serve as a basis for suspension of
4 driving privileges if the person owing does not pay in full or the
5 department does not receive certification from the appropriate court
6 that the case is adjudicated.

7 (3) Even if a person qualifies under subsection (2) of this
8 section, a person is ineligible to participate in the program created
9 by this section if:

10 (a) The person has been removed from the program created by this
11 section more than twice in the thirty-six month period preceding the
12 date of application for failing to comply with the terms of a payment
13 plan; or

14 (b) The unpaid traffic-based financial obligations from different
15 jurisdictions have been referred to the same collecting attorney or
16 collection agency, which is offering payment plan terms equivalent to
17 the payment plan offered under the program created by this section.

18 (4) Any person qualifying for the program created by this section
19 may enter the program by completing the application developed under
20 subsection (1) of this section, submitting the application to the
21 program administrator, entering into a payment plan with the program
22 administrator, and making the first payment as required under said
23 payment plan.

24 (5) Upon a person entering the program as provided in subsection
25 (3) of this section, the program administrator shall promptly notify
26 the relevant courts to which the program participant owes traffic-
27 based financial obligations, as well as the collecting attorneys,
28 accounts receivable companies, or collection agencies utilized by
29 those courts, to inform the courts and their contracted collectors of
30 the participant's entry in the program. Upon receiving notice that a
31 person has entered the program created by this section, the courts
32 shall promptly notify the department that the infraction or case for
33 which the participant owes traffic-based financial obligations has
34 been adjudicated, and the court's contracted collecting attorneys,
35 accounts receivable companies, or collection agencies shall suspend
36 collection efforts to allow the program administrator to administer
37 the consolidated payment plan created by this section.

38 (6) As remuneration for administering the consolidated payment
39 plan, the program administrator shall retain as revenue for itself
40 sixty percent of the unpaid collection fees assessed under RCW

1 19.16.500, minus any court or legal costs paid by the local
2 collecting attorney or collection agency related to a legal
3 proceeding to collect the delinquent traffic-based financial
4 obligations.

5 (7) While participating in the program created by this section, a
6 participant must make regular monthly payments pursuant to the
7 payment plan he or she entered into with the program administrator.

8 (a) The administrative office of the courts shall establish
9 policies governing payment plans offered by the program created by
10 this section.

11 (b) Through December 31, 2024, the standard payment plan terms
12 offered by the program created by this section shall be as follows:

13 (i) For balances of five hundred dollars or less, a monthly
14 payment of twenty-five dollars;

15 (ii) For balances of one thousand dollars or less, but more than
16 five hundred dollars, a monthly payment of thirty-five dollars;

17 (iii) For balances of more than one thousand dollars, a monthly
18 payment of fifty dollars; and

19 (iv) A monthly payment of twenty-five dollars, regardless of the
20 outstanding balance, for participants with incomes at or below one
21 hundred twenty-five percent of the current federally established
22 poverty level, or for participants receiving one or more of the
23 following types of public assistance: Temporary assistance for needy
24 families; aged, blind, or disabled assistance benefits; medical care
25 services under RCW 74.09.035; pregnant women assistance benefits;
26 poverty-related veterans' benefits; food stamps or food stamp
27 benefits transferred electronically; refugee resettlement benefits;
28 medicaid; or supplemental security income.

29 After December 31, 2024, the administrative office of the courts
30 may adopt new standard payment plan terms under the authority
31 provided in this section.

32 (c) Notwithstanding any other provision in this section, a
33 program participant may at any time elect to pay more than the
34 minimum standard payment amount. In addition, any program participant
35 may petition any court to which the program participant owes traffic-
36 based financial obligations that have been consolidated under the
37 program created by this section, and have that court assess the
38 participant's ability to pay. The court hearing the petition, in its
39 discretion, may order a monthly payment amount lower than the amount
40 of the standard payment plan identified in this section.

1 (d) Provided a participant continues to comply with the terms of
2 the payment plan, the participant may remain in the program created
3 by this section until such time that all traffic-based financial
4 obligations subject to consolidation are paid in full.

5 Payment plan terms shall set out the conditions under which a
6 failure to comply with said terms will result in removal from the
7 program, and shall at a minimum include that removal from the program
8 will result if any payment due becomes more than forty-five days
9 delinquent.

10 (8) While the participant is participating in the program created
11 by this section, all unpaid accrued interest on the participant's
12 traffic-based financial obligations subject to consolidation under
13 the program shall be provisionally suspended.

14 (a) If a participant satisfies a traffic-based financial
15 obligation subject to consolidation under the program by making all
16 required payments and otherwise meeting the terms of the payment
17 plan, all provisionally suspended unpaid accrued interest on the
18 satisfied traffic-based financial obligation shall be waived.

19 (b) If a participant is removed from the program, the
20 provisionally suspended unpaid accrued interest on the unsatisfied
21 traffic-based financial obligations subject to consolidation under
22 the program shall be reinstated.

23 (c) Nothing in this section shall be interpreted to limit a
24 court's ability to independently waive, reduce, or suspend a portion
25 or all of a fine or penalty.

26 (9) If a participant is removed from the program created by this
27 section, the program administrator shall promptly notify the relevant
28 courts to which the program participant still owes traffic-based
29 financial obligations. Upon receiving the notice that the participant
30 was removed from the program, the court shall promptly notify the
31 department of the person's failure to meet the conditions of the
32 payment plan, and the department shall suspend the person's driving
33 privileges.

34 (10) Notwithstanding any other provision in this section, a
35 traffic-based financial obligation shall not be eligible for
36 consolidation under the program if a legal proceeding, such as
37 garnishment, has commenced to collect the delinquent traffic-based
38 financial obligation owed by the person, unless the court, in its
39 discretion, authorizes the traffic-based financial obligation to be

1 included in the consolidated payment plan pursuant to its authority
2 under RCW 46.63.110(9).

3 (11) Payments made to the program administrator for the
4 consolidated payment plans created by this section shall first be
5 applied to the program establishment fee, with the remainder divided
6 equally among the number of courts of limited jurisdiction that
7 originally ordered the traffic-based financial obligations
8 consolidated under the program. Revenue collected under the program
9 created by this section shall be distributed to the appropriate
10 courts of limited jurisdiction, or to the collecting attorneys,
11 accounts receivable companies, or collection agencies that contract
12 with said courts for distribution to the courts based upon the terms
13 of the applicable contract, on a periodic basis not less frequently
14 than monthly.

15 (12) For the purposes of this section:

16 (a) "Participant" means a person who has qualified and entered
17 the program created by this section.

18 (b) "Payment plan" has the same meaning as in RCW 46.63.110(6).

19 (c) "Program" means the program for the consolidation of traffic-
20 based financial obligations created by this section.

21 (d) "Program administrator" means the contracted private agency
22 or entity tasked with implementing, administering, and servicing the
23 consolidated payment plans authorized under the program created by
24 this section.

25 (e) "Traffic-based financial obligation" means any monetary
26 penalty, fee, cost, assessment, or other monetary obligation imposed
27 when a person is either found to have committed a traffic infraction
28 or convicted of a traffic misdemeanor or gross misdemeanor offense.

29 **Sec. 3.** RCW 46.63.110 and 2012 c 82 s 1 are each amended to read
30 as follows:

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

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

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

7 (4) There shall be a penalty of twenty-five dollars for failure
8 to respond to a notice of traffic infraction except where the
9 infraction relates to parking as defined by local law, ordinance,
10 regulation, or resolution or failure to pay a monetary penalty
11 imposed pursuant to this chapter. A local legislative body may set a
12 monetary penalty not to exceed twenty-five dollars for failure to
13 respond to a notice of traffic infraction relating to parking as
14 defined by local law, ordinance, regulation, or resolution. The local
15 court, whether a municipal, police, or district court, shall impose
16 the monetary penalty set by the local legislative body.

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

22 (6) Whenever a monetary penalty, fee, cost, assessment, or other
23 monetary obligation is imposed by a court under this chapter, it is
24 immediately payable and is enforceable as a civil judgment under
25 Title 6 RCW. If the court determines, in its discretion, that a
26 person is not able to pay a monetary obligation in full, and not more
27 than one year has passed since the later of July 1, 2005, or the date
28 the monetary obligation initially became due and payable, the court
29 shall enter into a local payment plan with the person, unless the
30 person has previously been granted a local payment plan with respect
31 to the same monetary obligation, or unless the person is in
32 noncompliance of any existing or prior local payment plan, in which
33 case the court may, at its discretion, implement a local payment
34 plan. If the court has notified the department that the person has
35 failed to pay or comply and the person has subsequently entered into
36 a local payment plan and made an initial payment, the court shall
37 notify the department that the infraction has been adjudicated, and
38 the department shall rescind any suspension of the person's driver's
39 license or driver's privilege based on failure to respond to that
40 infraction. "Payment plan," as used in this section, means a plan

1 that requires reasonable payments based on the financial ability of
2 the person to pay. The person may voluntarily pay an amount at any
3 time in addition to the payments required under the payment plan.

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

19 (b) If a person has not entered into a local payment plan with
20 the court and has not paid the monetary obligation in full on or
21 before the time established for payment, the court may refer the
22 unpaid monetary penalty, fee, cost, assessment, or other monetary
23 obligation to a collections agency until all monetary obligations
24 have been paid, including those imposed under subsections (3) and (4)
25 of this section, or until the person has entered into a local payment
26 plan under this section or has entered into a consolidated payment
27 plan as authorized under section 2 of this act. For those infractions
28 subject to suspension under RCW 46.20.289, the court shall notify the
29 department of the person's delinquency, and the department shall
30 suspend the person's driver's license or driving privileges.

31 (c) If the local payment plan is to be administered by the court,
32 the court may assess the person a reasonable administrative fee to be
33 wholly retained by the city or county with jurisdiction. The
34 administrative fee shall not exceed ten dollars per infraction or
35 twenty-five dollars per payment plan, whichever is less.

36 (d) Nothing in this section precludes a court from contracting
37 with outside entities to administer its payment plan system. When
38 outside entities are used for the administration of a payment plan,
39 the court may assess the person a reasonable fee for such

1 administrative services, which fee may be calculated on a periodic,
2 percentage, or other basis.

3 (e) If a court authorized community restitution program for
4 offenders is available in the jurisdiction, the court may allow
5 conversion of all or part of the monetary obligations due under this
6 section to court authorized community restitution in lieu of time
7 payments if the person is unable to make reasonable time payments.

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

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

16 (b) A fee of ten dollars per infraction. Under no circumstances
17 shall this fee be reduced or waived. Revenue from this fee shall be
18 forwarded to the state treasurer for deposit in the Washington auto
19 theft prevention authority account; and

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

23 (8)(a) In addition to any other penalties imposed under this
24 section and not subject to the limitation of subsection (1) of this
25 section, a person found to have committed a traffic infraction other
26 than of RCW 46.61.527 or 46.61.212 shall be assessed an additional
27 penalty of twenty dollars. The court may not reduce, waive, or
28 suspend the additional penalty unless the court finds the offender to
29 be indigent. If a court authorized community restitution program for
30 offenders is available in the jurisdiction, the court shall allow
31 offenders to offset all or a part of the penalty due under this
32 subsection (8) by participation in the court authorized community
33 restitution program.

34 (b) Eight dollars and fifty cents of the additional penalty under
35 (a) of this subsection shall be remitted to the state treasurer. The
36 remaining revenue from the additional penalty must be remitted under
37 chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted
38 under this subsection to the state treasurer must be deposited in the
39 state general fund. The balance of the revenue received by the county
40 or city treasurer under this subsection must be deposited into the

1 county or city current expense fund. Moneys retained by the city or
2 county under this subsection shall constitute reimbursement for any
3 liabilities under RCW 43.135.060.

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

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

12 NEW SECTION. **Sec. 4.** A new section is added to chapter 46.64
13 RCW to read as follows:

14 Whenever a court of limited jurisdiction imposes a monetary
15 penalty, fee, cost, assessment, or other monetary obligation under
16 this chapter for conviction of a violation of this title that is a
17 misdemeanor or gross misdemeanor, the person who owes such
18 obligations, if otherwise eligible, may consolidate the obligations
19 with the program authorized under section 2 of this act.

20 NEW SECTION. **Sec. 5.** The administrator for the courts and the
21 director of the department of licensing may take the necessary steps
22 to ensure that this act is implemented on its effective date.

23 NEW SECTION. **Sec. 6.** Sections 1 through 4 of this act take
24 effect January 1, 2021.

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