

HOUSE BILL REPORT

E2SSB 6284

As Passed House - Amended:
March 8, 2012

Title: An act relating to reforming Washington's approach to certain nonsafety civil traffic infractions by authorizing a civil collection process for unpaid traffic fines and removing the requirement for law enforcement intervention for the failure to appear and pay a traffic ticket.

Brief Description: Reforming Washington's approach to certain nonsafety civil traffic infractions by authorizing a civil collection process for unpaid traffic fines and removing the requirement for law enforcement intervention for the failure to appear and pay a traffic ticket.

Sponsors: Senate Committee on Transportation (originally sponsored by Senators Kline, Harper, Litzow, Kohl-Welles, Keiser and Hargrove).

Brief History:

Committee Activity:

Transportation: 2/24/12.

Floor Activity:

Passed House - Amended: 3/8/12, 56-42.

**Brief Summary of Engrossed Second Substitute Bill
(As Amended by House)**

- Limits the requirement that the Department of Licensing (DOL) suspend a person's driving privilege for failure to respond to a notice of traffic infraction, failure to appear at a requested hearing, violation of a written promise to appear in court, or failure to comply with the terms of an infraction to traffic infractions for a "moving violation."
- Requires the DOL, in consultation with the Administrative Office of the Courts, to adopt and maintain a rule defining the term "moving violation."

HOUSE COMMITTEE ON TRANSPORTATION

Staff: Alison Hellberg (786-7152).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

There are numerous circumstances, both criminal and noncriminal, under which the Department of Licensing (DOL) is required by statute to suspend or revoke a person's driver's license. Some of the more common reasons are conviction of driving under the influence of alcohol or drugs, failure to pay civil traffic infractions or appear at a requested hearing for an infraction, and failure to comply with or pay criminal traffic citations.

A person who receives a civil traffic infraction must respond within 15 days by paying the monetary penalty or requesting a hearing. If the person fails to pay the infraction or fails to appear at the requested hearing, the court must notify the DOL. If the person appears at the hearing and the court assesses a monetary penalty for the traffic infraction, the monetary penalty is payable immediately. If the person is unable to pay at the time, the court may grant an extension. Courts may also enter payment plans with the person. If the penalty is not paid within the granted time, the court must notify the DOL of the failure to pay.

There is a monetary penalty of \$25 for a failure to respond to a notice of traffic infraction.

Drivers who have had their licenses suspended may qualify for an occupational license for the length of the license suspension. An occupational license may only be used for specific purposes, including work, school, substance abuse treatment, and driving to a healthcare provider. The license restricts the times, areas, and vehicles a person may drive. An applicant for an occupational license whose driver's license is suspended for failure to respond, pay, or comply with a notice of traffic infraction or conviction must enter into a payment plan with the court.

The Nonresident Violator Compact (Compact) is an interstate compact that standardizes how traffic infractions are processed across state borders. Most states, including Washington, are parties to the Compact. Under state law, Washington also has authority to enter into reciprocal agreements with other jurisdictions that are not parties to the Compact. The Compact addresses situations such as non-residents receiving infractions and failing to appear or comply with the infraction. Under the Compact, participating states may notify each other when a resident of another state does not comply with an infraction's terms. When the home state receives notice of a resident's noncompliance, the home state initiates the procedure for license suspension.

Summary of Bill:

The bill treats citations for moving violations and non-moving violations differently.

If a person willfully fails to respond to a notice of traffic infraction for a moving violation, fails to appear at a requested hearing for a moving violation, violates a written promise to appear in court for a notice of a moving violation, or fails to comply with the terms of a moving violation, the court in which the defendant failed to appear must promptly notify the DOL. When the same happens for a non-moving violation, the court in which the defendant failed to appear is no longer required to notify the DOL.

The DOL must suspend the driving privileges of a person when the DOL receives notice that a person has failed to respond to a notice of traffic infraction for a moving violation, fails to appear at a requested hearing for a moving violation, violates a written promise to appear in

court for a notice of a moving violation, or fails to comply with the terms of a moving violation. In addition, the DOL must suspend the driving privilege of a person when the DOL receives notice from another state under the Compact or a jurisdiction with which Washington has a reciprocal agreement.

Once a monetary penalty or other monetary obligation is imposed, it is immediately payable and is enforceable as a civil judgment. If a payment required to be made on a payment plan is delinquent, the court may refer the unpaid monetary penalty or other monetary obligation for civil enforcement until all monetary obligations have been paid. For those infractions (moving violations) subject to suspension by the DOL, the court must notify the DOL of the person's failure to meet the conditions of the plan, and the DOL must suspend the person's driver's license or driving privileges.

In addition to the penalty of \$25 for failure to respond to a notice of traffic infraction, the penalty is added to:

- failure to appear at a hearing;
- violation of written promise to appear in court; or
- failure to comply with the terms of a notice of traffic infraction or citation.

An applicant for an occupational license, whose driver's license is suspended for failure to respond, pay, or comply with a notice of traffic infraction or conviction, is no longer required to enter into a payment plan with the court.

The DOL, in consultation with the Administrative Office of the Courts, must adopt and maintain rules by November 1, 2012, that define a moving violation pursuant to Title 46 RCW. Upon adoption of these rules, the DOL must provide written notice to each of the following:

- affected parties;
- the Chief Clerk of the House of Representatives;
- the Secretary of the Senate;
- the Office of the Code Reviser; and
- others as deemed appropriate by the DOL.

If specific funds for the purposes of these provisions, referencing this act by bill or chapter number, are not provided by June 30, 2012, in the Transportation Appropriations Act, these provisions are null and void.

Appropriation: None.

Fiscal Note: Available.

Effective Date: This bill takes effect June 1, 2013, except for section 4 relating to adopting a definition for "moving violation," which takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill makes a distinction between moving and non-moving violations. The major change is that DOL would no longer suspend licenses for failure to appear for non-moving violations. If one drives with a suspended license, that is a crime currently and continues to be a crime with this bill.

Starting in 2010, the City of Seattle (City) began suspending many of the driving while license suspended prosecutions. After one year the City saw a savings of over \$200,000. The fiscal note projects savings for local governments, up to \$36 million. These funds can be used to help local jurisdictions in tough times and to further other public safety purposes. The bill will also generate revenue for DOL.

This bill is a positive step because it has defenders, prosecutors, and law enforcement working together. It is also evidence-based, reflecting studies and local experiences. A federal study notes that the people that this bill targets are just as safe as those without a suspended license. There is no safety risk. Similar programs have resulted in cost savings, more people having licenses, and a good way to do criminal justice.

(Neutral) This bill represents compromise language that continues to suspend the licenses of those who have chosen to ignore the criminal justice system in a moving violation situation. The data shows that those drivers are less safe and have a higher propensity to crash. This compromise language has got the Washington State Patrol (Patrol) too neutral. The Patrol is neutral and not in support because inherently it is not a good idea to remove sanctions for those who choose to ignore the criminal justice system. However, the data does show that in a non-moving violation situation the drivers are not more likely to be involved in a collision than the rest of us.

(Opposed) None.

Persons Testifying: (In support) Pete Holmes, City of Seattle; and Travis Stearns, Washington Defender Association and Washington Association of Criminal Defense Lawyers.

(Neutral) Jason Berry, Washington State Patrol.

Persons Signed In To Testify But Not Testifying: None.