

# SENATE BILL REPORT

## SSB 6343

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As Passed Senate, February 18, 2002

**Title:** An act relating to payment of traffic infraction and misdemeanor penalties.

**Brief Description:** Assuring payment of traffic fines.

**Sponsors:** Senate Committee on Judiciary (originally sponsored by Senators Kline, Roach, Poulsen, Sheahan, Regala, Hochstatter and Oke).

**Brief History:**

**Committee Activity:** Judiciary: 1/28/02, 2/7/02 [DPS].

Passed Senate: 2/18/02, 48-0.

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### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** That Substitute Senate Bill No. 6343 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kline, Chair; Kastama, Vice Chair; Costa, Hargrove, Johnson, Long, McCaslin, Poulsen, Roach, Thibaudeau and Zarelli.

**Staff:** Lidia Mori (786-7755)

**Background:** When a person receives a citation for a traffic infraction, he or she is required to pay a monetary penalty. If the person is unable to pay the penalty, the court may grant an extension of the period in which the penalty may be paid. If it is not paid by the time established by the court for payment, the court is required to notify the Department of Licensing and it suspends the person's driver's license until the entire penalty has been paid.

When a person is arrested for any violation of the traffic laws which is punishable as a misdemeanor or by imposition of a fine, the arresting officer may serve upon him or her a traffic citation and notice to appear in court. The arrested person must give his or her written promise to appear in court as required by the citation and notice. If the person violates the written promise to appear in court, the court must give notice of that fact to the Department of Licensing. The department suspends the person's driver's license for failing to appear and for nonpayment of the fine.

Many people are financially unable to make significant payments on traffic fines that they owe. Their driver's licenses are then suspended because the courts handling their traffic infraction or misdemeanor do not offer the option of a payment plan. Proponents of this bill believe the current approach to drivers' license suspension causes a catch-22 situation in many instances. People need to drive to work to make money to pay their fines and collection agency fees in order to get their license back. Since their license is suspended, they can't drive to work to make the money to pay their fine and fees.

**Summary of Bill:** A person who commits a traffic infraction or traffic law violation that is punishable as a misdemeanor is assessed a monetary penalty. If the person is not able to pay the penalty in full, he or she must be allowed to enter into a payment plan with the court. A payment plan is an agreed upon schedule of payments in which the person pays an initial payment of not less than 5 percent of the total owed, followed by reasonable payments set by the court. No required payment may be more than 10 percent of the original amount owed but the person may voluntarily pay any amount at any time in addition to these payments. If a payment is delinquent by 30 days, the court notifies the Department of Licensing of the failure to pay and the department suspends the person's driver's license until the penalty has been paid. If a person who has been assessed a monetary penalty due to a traffic infraction or misdemeanor does not enter into a payment plan with the court and fails to pay the penalty by the time required for payment, the Department of Licensing is notified and must suspend the person's driver's license until the penalty has been paid or the person enters into a payment plan with the court and makes the initial payment. If the person is unable to make reasonable time payments and a community service program for offenders is available within the court's jurisdiction, the court must offer to convert all or part of the monetary penalties to community service.

**Appropriation:** None.

**Fiscal Note:** Requested on January 27, 2002.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** None.

**Testimony Against:** None.

**Testified:** No one.