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## Transportation Committee

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### HB 1483

**Brief Description:** Authorizing payment plans for traffic infractions.

**Sponsors:** Representative Pearson.

#### Brief Summary of Bill

- Allows a person who does not contest a notice of a traffic infraction to automatically enter into a payment plan with the court under certain conditions.
- Limits the fee that may be charged by outside entities administering payment plans to the same amount that may be charged by courts administering payment plans.
- Allows the court to have the discretion of whether to notify the Department of Licensing when a person fails to appear at a requested hearing for a traffic infraction or fails to meet the obligations of a payment plan.

**Hearing Date:** 2/7/11

**Staff:** Wendy Malkin (786-7114).

#### Background:

A notice of a traffic infraction is a determination that a person has committed the traffic infraction, and the determination is final unless the person contests the infraction. A person who receives a notice of a traffic infraction may either pay the fine or request a hearing to contest the notice. If the person fails to pay the fine or fails to appear at a requested hearing, the court will enter an order assessing the monetary penalty for the traffic infraction. Monetary penalties imposed by the court for traffic infractions are payable immediately. If payment is still not made within the granted time, the court must notify the Department of Licensing (DOL), and the DOL must suspend the person's driver's license until the penalty is paid.

If a court determines, in its discretion, that a person is unable to pay immediately, the court must enter into a payment plan with the person if less than a year has passed since the infraction became due. If the person has previously been granted a payment plan for the same fine or if the

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person is in noncompliance with any previous or existing payment plan, the court has the discretion to enter into a payment plan with the person. If a court administers a payment plan, the fee for the plan may not be more than the lesser of \$10 per infraction or \$25 per payment plan. A court may contract with outside entities to administer the payment plan.

If a person fails to comply with the payment plan, the court must notify the DOL, and the DOL must suspend the person's driver's license. If a community restitution program is available in the jurisdiction, the court may substitute community restitution for all or part of the amount due for the fine.

**Summary of Bill:**

A person who does not contest a notice of a traffic infraction may automatically enter into a payment plan with the court under certain conditions, and the court does not have the discretion to reject the payment plan.

A person may automatically enter into a payment plan to pay a traffic infraction if the person responds to the notice of infraction by signing the sworn statement on the portion of the notice of infraction that allows for a payment plan and submitting the portion with the greater of 10 percent of the penalty amount or \$10. The sworn statement indicates that paying the full penalty would cause financial hardship for the person. When a court receives a response establishing a payment plan, the court must notify the DOL that a response has been received. The court may assess a set-up fee and costs for entering into the payment plan.

The fee that may be charged by outside entities administering payment plans is limited to the same amount that may be assessed by courts administering payment plans. The limitation is for both automatic plans and plans entered at the discretion of the court.

The court has discretion to notify the DOL when a person fails to appear at a requested hearing for a traffic infraction or fails to meet the obligations of a payment plan.

**Appropriation:** None.

**Fiscal Note:** Preliminary Fiscal Note Available.

**Effective Date:** Section 4 takes effect 90 days after adjournment of the session in which the bill is passed. Sections 1-3 take effect November 1, 2011.