
HOUSE BILL 2707

State of Washington

65th Legislature

2018 Regular Session

By Representatives Blake, Klippert, Kirby, Haler, Shea, Rodne, Hayes, Wilcox, Walsh, Muri, Condotta, Tharinger, and Irwin

Read first time 01/12/18. Referred to Committee on Transportation.

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 when fines from multiple jurisdictions have been
12 imposed and are being collected by multiple collection agencies
13 retained by the jurisdictions. The legislature desires to provide a
14 mechanism for allowing individuals with driver's license suspensions
15 due to unpaid fines the ability to reinstate their drivers' licenses,
16 while holding the individuals responsible for their unlawful behavior
17 and for payment of the fines imposed, and also while minimizing to
18 the extent possible the impact on taxpayers to fund additional
19 bureaucracies to manage the process.

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

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

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

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

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

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

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

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

23 (5) Upon receipt of a complete and valid application, the
24 receiving collection agency is the active collection agency for
25 purposes of this section, and shall notify the department, in a
26 format acceptable to the department, within two business days upon
27 receipt of the participant's first regular monthly payment under
28 subsection (6) of this section, of the participant's enrollment in
29 the program and payment of the first monthly payment. The active
30 collection agency may charge a transaction fee for processing a
31 credit card payment that is equal to either the issuing court's
32 processing fee or up to three percent of the payment amount; provided
33 that a no-cost payment option is available to the debtor and the
34 option is disclosed to the debtor at the same time and in the same
35 manner as the debtor's credit card information is taken. Upon such
36 notice, the department shall rescind the suspension of the
37 participant's driver's license or driving privilege under RCW
38 46.20.289.

39 (6) While participating in the program, the participant must make
40 regular monthly payments to the active collection agency. The monthly

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

12 (7) While the participant is participating in the program, the
13 active collection agency shall suspend unpaid interest on the
14 obligations of the participant that are subject to the program.

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

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

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

27 (9) A participant must maintain proof of financial responsibility
28 as defined in RCW 46.29.260.

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

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

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

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

1 (11) If a person participating in the program created by this
2 section pays in full all obligations held by the active collection
3 agency:

4 (a) The active collection agency shall provide the participant
5 and the department with a statement showing the obligation as paid in
6 full, and the contact information for any other collection agency
7 holding an unpaid infraction that, but for the participant's
8 participation in the program created in this section, would result in
9 suspension of the participant's driver's license or driving privilege
10 under RCW 46.20.289, as disclosed by the participant in his or her
11 application and if known by the active collection agency; and

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

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

34 (13) The department may adopt rules necessary to implement this
35 section.

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

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

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

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

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

4 (15) A program for the reinstatement of driving privileges for
5 any participant created under this section shall not be construed to
6 arise out of a contract or agreement, express or implied, and shall
7 not be subject to RCW 19.16.250, prohibited practices.

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

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

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

--- END ---