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**ENGROSSED HOUSE BILL 2659**

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**State of Washington 64th Legislature 2016 Regular Session**

**By** Representatives Jinkins, Hansen, Magendanz, Kilduff, and Goodman; by request of Attorney General

AN ACT Relating to the consolidation of traffic-based financial obligations through a unified payment plan system; creating new sections; and providing an expiration date.

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

NEW SECTION. **Sec.**  The legislature makes the following findings:

(1) Monetary sanctions for traffic offenses exist to hold individuals accountable for failing to follow the rules of the road while promoting public safety and welfare on our public roadways.

(2) Failure to pay traffic fines results in drivers having their licenses suspended until regular payments are being made thereby allowing the department of licensing to release the license suspension.

(3) Individuals who are economically disadvantaged are not always able, due to their financial circumstances, to satisfy the balance of the financial obligations imposed for traffic offenses without entering a payment plan.

(4) The lack of a driver's license increases the difficulty of retaining or finding employment.

(5) Research indicates that a large portion of drivers with suspended licenses continue to drive, often without valid insurance, which puts persons at greater risk of economic harm should they be involved in an accident.

(6) In addition to the financial burden experienced by individuals, judicial and public safety systems are overburdened with cases involving license suspensions solely for the reason of unpaid traffic-based financial obligations, with approximately one-quarter of all misdemeanor prosecutions being cases for driving while license suspended.

(7) Jurisdictions that have implemented a system for unified payment plans have demonstrated increased collections rates for traffic-based financial obligations and reduced prosecution costs.

(8) A statewide unified system allowing individuals to consolidate their traffic-based financial obligations into one affordable payment plan would enable drivers to meet their financial obligations and restore their driving privileges more expeditiously without compromising public safety.

NEW SECTION. **Sec.**  It is the intent of the legislature to create a plan for establishing a statewide unified system for instituting consolidated, reasonable payment plans for traffic-based financial obligations from multiple jurisdictions that will facilitate the reinstatement of driving privileges for individuals successfully meeting their payment obligations. This statewide unified system for consolidating payment plans from multiple jurisdictions is not intended to shorten or otherwise affect the terms of any mandatory license suspension or any nonmonetary order imposed by a court or by the department of licensing in accordance with the laws of the state of Washington.

NEW SECTION. **Sec.**  (1) Subject to the availability of funds appropriated therefor, the administrative office of the courts shall develop a plan to establish a program for the efficient statewide consolidation of an individual's traffic-based financial obligations imposed by courts of limited jurisdiction into a unified and affordable payment plan. The plan must be developed in consultation with the district and municipal court judges' association and the district and municipal court management association.

(2) At a minimum, the plan must:

(a) Provide for the participation in the statewide system by all courts of limited jurisdiction;

(b) Establish proposed uniform procedures and eligibility criteria for participation in the program by individuals, how payment plans will be established, how community restitution in lieu of all or part of a monetary penalty may be incorporated in the payment plans, and the circumstances and procedures for terminating an individual's participation in the program;

(c) Provide recommendations regarding which traffic-based financial obligations should be included and whether any should not be included. These recommendations must address whether or not to include obligations arising out of red-light camera, parking, and other nonmoving violations; and

(d) Provide recommendations regarding how to create and implement the program through supreme court rule making, legislation, or a combination thereof.

(3) Considerations for the program may include, but not be limited to:

(a) Procedures to allow traffic-based financial obligations incurred after establishment of a payment plan to be added to and consolidated with an existing unified payment plan;

(b) Provisions for waiving previously accumulated interest once a person is determined to be eligible for the program, establishes a payment plan, and makes an initial payment in accordance with the terms of such a plan;

(c) Procedures for communicating to the courts of limited jurisdiction when a person enters into a payment plan for traffic-based financial obligations and makes an initial payment thereon, so that the courts of limited jurisdiction can notify the department of licensing and which shall result in the department of licensing releasing any suspension of that person's driver's license or driver's privilege based on failure to respond to or pay those traffic-based financial obligations;

(d) A process for proportionally allocating any moneys collected through a consolidated payment plan between the courts that imposed the financial obligations included in the consolidated plan;

(e) Whether to contract with outside entities to administer the program;

(f) What fee, if any, should be assessed to the individual participating in the program for the administration of such services, which may be calculated on a periodic, percentage, or other basis, and the limits on such fees if the program is to be administered by an outside entity;

(g) Appropriate uniform administrative protocols and associated workflow coordination for the administrative office of the courts and for courts of limited jurisdiction;

(h) Uniform guidelines for establishing reasonable, affordable payment plans that are based on an individual's income and capacity to pay, as well as policies and procedures for recording the terms of such plans in a written document provided to program participants;

(i) Policies and procedures to remit money received on a monthly basis to courts that includes an accounting of the involved case numbers and their remaining balances due; and

(j) Policies and procedures for establishing default for when a program participant fails to meet the terms of the payment plan, for other grounds for terminating program participation, and to provide timely notice to courts.

(4) The administrative office of the courts may provide periodic updates regarding the plan to the work group of stakeholders described in this act.

(5) The work group of stakeholders may provide input and feedback on the plan and the program to the administrative office of the courts, which shall be considered by the administrative office of the courts, the district and municipal court judges' association, and the district and municipal court management association.

(6) The administrative office of the courts shall provide a report to the work group of stakeholders, including a draft final plan, no later than July 1, 2017.

NEW SECTION. **Sec.**  (1) The office of the attorney general shall convene a work group of stakeholders to provide input and feedback on the development of the plan and program to the administrative office of the courts.

(2) At a minimum, the following must be invited to participate in the work group:

(a) The administrator for the courts or the administrator for the courts' designee;

(b) The director of the Washington state department of licensing or the director's designee;

(c) A district or municipal court judge, appointed by the district and municipal court judges' association;

(d) A prosecutor, appointed by the Washington association of prosecuting attorneys, or the prosecutor's designee;

(e) A public defender, jointly appointed by the Washington defender association and the Washington association of criminal defense lawyers;

(f) A district or municipal court administrator or manager, appointed by the district and municipal court management association;

(g) A representative of a civil legal aid organization, appointed by the office of civil legal aid;

(h) The chief of the Washington state patrol, or the chief's designee;

(i) A representative of a statewide association of police chiefs and sheriffs, selected by the association;

(j) The director of the Washington traffic safety commission, or the director's designee;

(k) A representative of a statewide association of city governments, selected by the association; and

(l) A representative of a statewide association of counties, selected by the association.

(3) The work group shall convene as necessary.

(4) The stakeholder work group shall provide final feedback and recommendations to the administrative office of the courts no later than September 15, 2017.

NEW SECTION. **Sec.**  (1) Notwithstanding any other provision in this act, the plan required by this act must not:

(a) Provide for or make recommendations regarding the reinstatement of driving privileges when the revocation of a person's driving privileges is made mandatory by the provisions of chapter 46.20 RCW or other law; or

(b) Include provisions or recommendations related to altering the original amount of any traffic-based financial obligation imposed by any court of limited jurisdiction.

(2) Nothing herein prohibits local jurisdictions or state agencies from offering training in how to provide participants with life skills, driver's education, or budget management classes, or from offering other resources targeted towards addressing the social barriers facing participants with chronically suspended driver's licenses for unpaid traffic fines.

NEW SECTION. **Sec.**  The administrative office of the courts shall submit a report detailing its recommendations and the plan required by this act to the Washington state supreme court, the governor, and appropriate committees of the legislature no later than December 1, 2017.

NEW SECTION. **Sec.**  This act expires December 31, 2017.

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