
Judiciary Committee

HB 2421

Title: An act relating to creating a program for the consolidation of traffic-based financial obligations.

Brief Description: Creating a program for the consolidation of traffic-based financial obligations.

Sponsors: Representatives Jenkins, Haler, Kilduff, Valdez, Orwall, Muri, Gregerson, Kirby, Stanford, Kagi, Lytton, Clibborn, Appleton, Pollet and Ormsby; by request of Attorney General.

Brief Summary of Bill

- Directs the Administrative Office of the Courts to establish a unified payment plan system for the consolidation of multiple traffic-based financial obligations from courts of limited jurisdiction, establishes eligibility requirements, and provides that the Supreme Court shall prescribe by rule a policy governing payment plan terms.

Hearing Date: 1/16/18

Staff: Cece Clynych (786-7195).

Background:

Municipal and district courts, as courts of limited jurisdiction, have jurisdiction over civil traffic infractions, misdemeanors, and gross misdemeanors.

A civil notice of 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 civil notice of a traffic infraction may either pay the fine or request a hearing to contest the notice or explain mitigating circumstances. 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. The amount varies depending on the nature of the violation.

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.

The Supreme Court establishes a schedule of monetary penalties by rule for civil traffic infractions. In addition, there are statutory assessments that are added to the base penalty amount. Failure to respond to the notice, pay the fine, or comply with a payment plan, if one is available, can lead to driver's license suspension if the violation was a moving violation.

Some traffic offenses are criminal, and conviction can result in jail time as well as traffic-based financial obligations. Misdemeanor crimes have a maximum sentence of 90 days in jail and a maximum fine of \$1,000; gross misdemeanor crimes have a maximum sentence of 364 days in jail and a \$5,000 maximum fine. Failure to appear at a hearing on a criminal traffic offense or failure to pay following conviction can result in driver's license suspension.

Legislation enacted in 2016, Substitute Senate Bill 6360, tasked the Office of the Attorney General (AGO) with convening a work group of stakeholders to provide input and feedback on the development of a plan and 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 stakeholder work group was directed to provide final feedback and recommendations to the AGO, and the AGO was directed to submit a report detailing its recommendations and the plan and program. In December of 2017, the AGO submitted that report.

According to the AGO report, "Available snapshot data shows that at any point in time, nearly 50,000 individuals may have multiple outstanding failure to respond or pay suspensions issued by more than one court of limited jurisdiction. Based on a sampling of these records, approximately 46% of the individuals have multiple suspension orders from more than one court, and are in circumstances where the various courts involved contract with different collection agencies. For these individuals, there is currently no mechanism for establishing a single payment plan addressing all obligations."

The AGO recommended:

- authorizing the Administrative Office of the Courts to establish a unified payment plan system for the consolidation of multiple traffic-based financial obligations;
- allowing eligible defendants to bring their multiple outstanding obligations into the new payment plan system for ongoing servicing with a single point of contact; and
- allowing those successfully meeting the terms of payment to restore their driving privileges, provided there are no other suspensions or revocations on record, and there is proof of insurance.

Summary of Bill:

The Administrative Office of the Courts (AOC) is directed to establish a unified payment plan system (system) for the consolidation of multiple traffic-based financial obligations from courts of limited jurisdiction. "Traffic-based financial obligations" means any monetary penalty or monetary obligation imposed when a person is either found to have committed a traffic infraction or found to be guilty of a traffic misdemeanor or gross misdemeanor offense, and includes all associated costs, fees, fines, and pecuniary penalties.

A person is eligible to participate in this system if, at the time of application, he or she has:

- more than one order for license suspension; or
- one order for license suspension and outstanding traffic-based financial obligations totaling more than \$750.

If a person is the subject of any outstanding arrest warrant, he or she is ineligible to participate. If the person had a payment plan terminated more than three times in the most recent three-year period, he or she is temporarily ineligible to participate for a period of two years.

The Supreme Court shall prescribe by rule a policy governing payment plan terms for the system. The Legislature requests that the Supreme Court review the policy every two years in conjunction with adjusting the schedule of monetary penalties for civil traffic infractions.

An administrative fee of \$100 may be assessed on payment plans administered by the AOC. If such a fee is assessed, it may be retained in whole by the AOC. The AOC may contract with outside entities to administer the payment plan system, and if outside entities are used the AOC may assess a reasonable fee for such administrative services, which may be calculated on a periodic, percentage, or other basis.

Appropriation: None.

Fiscal Note: Requested on 1/11/18.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.